

Agenda Item

Executive Board

16 November 2005

KAL/PDG/Staff



The Planning Delivery Grant & Additional Staff for the Planning & Countryside Service

Summary

To seek consent to the use the Planning Delivery Grant funds and anticipated funds to employ additional Development Control and Arboricultural staff to help meet Government targets.

Recommendation

It is recommended that authorisation is given for the following:-

1. Two Senior Officers - Development Control.
2. One Arboricultural Officer – Countryside Team. To be paid for from the PDG fund.

It is recommended that these posts be permanent posts in order to attract suitable candidates.

a) Reasons for Recommendation

The reasons for the above recommendation are twofold. The requirement for the additional Development Control staff at a Senior Grade relates to the need to continue to improve performance in the processing of planning applications. Improved performance is rewarded by increased Planning Delivery Grant funds which in turn can be used to further improve the service. This iterative process has a benefit for the community as a whole both for applicants, potential applicants and members of the public in the delivery of the planning service.

A requirement for the additional Arboricultural Officer lies with the need to review the many out of date Tree Preservation Orders within the District and to commence taking action in relation to the corporate risk associated with the un-managed state of the Council's trees.

b) Alternative Options

The staff be not provided but this would have clear implications for the level of service of the Council in relation to its roll as Planning Authority and to its duty to care for its own trees.

c) Risk Considerations

The risks associated with not taking on these additional staff are explained within the body of the report.

d) Policy and Budgetary Considerations

There are no policy implications related to this proposal and the budgetary considerations have been listed below.

e) Date for Review of Decision

N/A

1.0 Planning Delivery Grant

- 1.1 The winning of PDG has been something of a roller-coaster ride for us over the past three years with £75,000 (the minimum amount offered) given in the first year, £541,000 in the second and £243,631 this financial year (2005/06). The allocation for 2006/07 is to be announced in November in time for the budget setting process of most Councils.
- 1.2 The maximum grant available in the financial year 2005/06 for each authority was £700,000 and as can be seen from our allocation of £243,631, we fell well short of this. The allocations are offered in relation to a number of areas – these are:-
- | | |
|------------------------------------------------------------------|------------------------------|
| 1. High housing growth areas. | 2. Low demand housing areas. |
| 3. Enterprise areas. | 4. Development control. |
| 5. Plan making. | 6. E Planning/Quality. |
| 7. Top slice for National Initiatives. | 8. LDF development. |
| 9. Monies for Greater London Council & Regional Planning Bodies. | |
- 1.3 The fund available for PDG grant in 2006/07 is proposed as £135,000, a reduction of £35,000 over the current year. The emphasis for 2006/07 continues to be on driving performance towards the targets for Development Control and Local Development Frameworks. The ODPM intends that the majority of PDG will reward progress in these areas. There is a possible increase in the element for plan-making from last year and this is represented as a two year package. For Development Control it is proposed a greater emphasis of reward on meeting the targets and introducing an additional high workload category to assist authorities that process the largest number of applications. In the following year i.e. 2007/08 (the last year of PDG) there will be a very strong emphasis on authorities meeting Development Control targets in the PDG allocations.
- 1.4 The ODPM intend to continue the rewards for Enterprise Areas, housing delivery and e planning with some changes and for this year it is considering the possibility of a wider reward for quality in planning – it is possible that this allocation could be based around some of the elements of the planning performance check list (BVPI 205) of which e planning already forms a part.

2.0 Development Control Element of PDG

- 2.1 Development Control awards continue to be allocated for the meeting of targets and for performance improvement. Feedback to the ODPM from authorities has been that there is a lack of potential incentive to deal with the backlog cases because it will result in an inevitable short term dip in performance. The ODPM are currently looking at how best to account for this as part of a wider look at performance management and data systems. 31st March 2007 is the PSA 6 target date for 100% of authorities meeting the best value targets for development control and the ODPM is suggesting that it increases the incentive for authorities to meet targets by setting aside around three quarters of the overall development control allocation for meeting targets and only a quarter for performance improvement as opposed to the 50/50 split of 2005/06. In 2007/08 it intends to sharpen this incentive further and award all of the development control allocation for meeting targets with no performance improvement award.

3.0 Plan Making Element of PDG

- 3.1 The ODPM proposes to award the preparation of sound plans and robust and up to date programme management and also to reward delivery of outcomes as a result of good quality plan preparation. Any award for plan making will cover new style documents as well as completion of old style and save transitional plans – this latter element having been inserted following our discussion with the Government Office regarding our Local Plan nearing the end of its procedure towards adoption. Awards will be made largely on the basis of LPA self assessment using the annual monitoring report. This is an incremental process so in the first year i.e. 2006/07 authorities will be assessed on whether they have submitted the report by the 31st December.

4.0 Housing - High and Low Demand

- 4.1 The allocation for housing high demand is based wholly and solely in the south east and does not appear to apply to the south west. The growth areas deal with delivery of housing growth and as we have not yet progressed the New Community to such a position, we will not qualify under this until possibly the last year of PDG. It is not going to form part of our next year's allocation.

5.0 E Planning and Quality Element

- 5.1 Following the introduction of an award for e planning last year based on the 21 Pendleton criteria, it is proposed to continue to use the Pendleton data as the basis of assessment but to alter the distribution of funding to reward LPAs who have developed their websites beyond simply trying to fulfil the minimum requirements. We have invested in this part of the PDG allocation with the intention of taking ourselves to Level 3 in Pendleton which is the top level, earning the most rewards, through a project set up by the Head of ICT. It is unlikely that this will recoup the outlay in the first year, but should provide dividends in the financial year 2007/08.

6.0 Other Allocations of PDG

- 6.1 The reduced sum of money that will be available for the next PDG also has to be shared with to the Regional Planning Bodies, the Greater London Authority and the Planning Inspectorate together with some post graduate planning bursaries.

7.0 The Allocations for 2006/07

- 7.1 There will be a maximum limit on allocations again of £700,000 for individual authorities to encourage optimum distribution of PDG although this will not include allocations for housing delivery (high and low demand) or for plan making which will be announced following the main announcement in November 2005. There will again be no minimum allocation.
- 7.2 Where a BV109 return is qualified by the auditor – this is the speed of processing planning applications performance target, the ODPM will again hold back a proportion of the allocation until it has been investigated. There will also be abatement where performance on appeals is poor. Where the number of appeals upheld against an LPA's decision to refuse is 40% greater than the national average, 10% of PDG for development control will be abated. Where the figure is 50% higher than the national average, 20% will be abated. To date we have not been affected by this, as our appeal success rate is well above the national average.

8.0 The Planning Delivery Grant and Staff Resources

- 8.1 The ability to win PDG grant is dependent in significant part on the development control team being able to process applications within the targets set. It was hoped in the last annual budget round to secure two extra Senior DC Officers and a further Major Projects Officer to deal with the ever increasing work load that the development control team is experiencing. However, through the budgetary planning process this bid did not succeed but it has again become necessary for me to raise the issue because of where we are on our performance statistics. Significantly the staff, by dint of working extremely hard during the last quarter i.e. from the 1 April to 30 June 2005, managed to hit the Government targets for all three categories of planning application. The target for applications is 60% for majors, 65% for minors and for others 80%. We reached 64% for majors, 72% for minors and 81% for others.
- 8.2 However, when this is reviewed back over the previous three quarters i.e. the period that the ODPM intends to use for allocating the next financial year's Planning Delivery Grant, we have managed 53% for majors, 67% for minors and 75% for others. Therefore we have only reached the target in one category (minors) although we were outside the catchment for going 'on watch' for any of the other categories.
- 8.3 Whilst we have reached the targets in the last quarter it is unlikely we will be able to sustain this rate of performance long term. The staff made a particular effort working overtime to try and raise the three quarter statistics. When you look at our ratings for the previous quarter

nationally we are rated at 263rd out of 362 authorities in the Country. That means that we remain below half way. We are however a 134th out of the 200 or so improving authorities. Our difficulty lays that in many authorities are now using the Government targets at the lowest level of performance and setting their own targets above this. Indeed the PDG for last year acknowledged those authorities who have gone beyond the targets and paid more PDG to those authorities than those who simply met the targets. It is important that this Council invests in meeting the targets and by increasing the number of staff we should be able to achieve this. We are now also two Senior Officers down on our existing establishment and therefore we are unlikely to continue to perform as well as we have done. Additional staff will help us to improve and the investment should be returned by the grant. We will also be able to provide a better customer service which as you may be aware has deteriorated somewhat as we have been driven by our target performances. We no longer have so much time to negotiate and provide added value to the process. We have simply become arbiters in many situations and that does not provide for good relationships with the Planning Agents of the area.

- 8.4 Further, the Officers are carrying extreme heavy workloads which puts pressure them and leads to levels of stress which at times become unacceptable to them and to me as their Manager. The Government expectation is that Planning Officers will carry 150 planning application cases per year whilst our Officers, with 14.5 FTEs carrying 3,400 applications per year are dealing with 234 applications per year so there is clearly quite a discrepancy here. The intention is that the two Team Leaders should be able to reduce their case load by half in order to enable them to manage their teams and to reduce the cases per Officer to at least 220 cases although this is clearly well above the annual expected workload. To reach the Government target of 150 cases per officer we would need 22.5 FTE staff, if the number of applications remain steady at its current figure.

9.0 Planning Delivery Grant for 2005/06

- 9.1 At present the PDG pot stands as follows:-

2004/05 Residue	£ 87,000	
2005/06 Allocation	£ 9,593	(uplift for 2004/05)
	£180,038	Development Control progress
	£ 54,000	LDF progress

	£243,631	
	£147,000	Removed to fund base budget for development control

	£ 96,631	
+	£ 87,000	From 2004/05 residue

	£183,631	Available Planning Delivery Grant funds at present.

- 9.2 Of this I propose that £50,000 goes to pay for Local Development Framework activity i.e. by the use of consultants to take the process forward whilst the Policy Team continue to complete the Local Plan to adoption. It is proposed to allocate the Building Control Team a sum of £4,000 to be used for a Quality Assurance Scheme to allow it to bid for the work in the New Community. The absence of the Quality Assurance Mark will effectively discount it from even bidding.

- 9.3 That leaves £129,631 for development control and, I am proposing, for an additional member of the Countryside Team. I have attached a sheet of calculations which shows that in order to appoint two Senior Development Control Officers and one Senior Tree Officer (see below for justification) for the remainder of this financial year together with their removal costs, will cost the Council in the first year approximately £80,000 to be deducted against the £129,000 that

we have. If we then assume that we continue to earn PDG at no less than we earned this year, and that we do not increase the £147,000 we put into the base budget for development control and taking into account 3% increases in salaries, we should be able to support these staff for a further two years from the PDG funds. At the end of that period it would become necessary for the Council to bear the burden although with the increase in the planning fees that we are experiencing it should be possible to cover this. However, if we do not, then any post falling vacant will have to be considered seriously for freezing if we are unable to finance it. I do not recommend that we seek fixed term contract staff as we have previously experienced no interest in this type of post, given the existing shortage of planning officers.

10.0 Enforcement Service

- 10.1 The Environment Think Tank is currently considering the issue of Enforcement Officers and a Section 106 Officer, the current team being under-resourced which is building up a major back-log of complaints. However, this does not form part of this report and will be proposed separately once the Think Tank has made a recommendation.

11.0 Second Arboricultural Officer for Countryside Team

- 11.1 The Arboricultural Service transferred to the Planning & Countryside Service in August 2002 from the Direct Service Organisation and its primary function was the provision of Arboricultural advice to the Council and dealing with statutory obligations relating to trees. This service was originally operated by one Arboricultural Officer with assistance from consultants, further assistance subsequently being provided by the appointment of a Tree Preservation Order Officer on a temporary contract. Despite additional demands on the service available resources have been reduced and one Arboricultural Officer is now dealing with all tree related matters. Part of the increase in workloads that this Officer has had to cope with relates to the fulfilment of the statutory functions with the number of tree work applications and notices being dealt with more than doubling over the past 10 years. The number of planning applications has also increased, many of which require Arboricultural advice having gone from 2,900 in 2002 to 3,400 last year.
- 11.2 Changes in the legislation and Government guidance has brought new responsibilities and a review of the Council's Arboricultural Services revealed several short-comings. New E Service Delivery Standards are being set which will have implications for the Arboricultural Service. The Council will be expected to support on line processing of tree work applications and have information on the protection status of trees available on the website.
- 11.3 It recently came to light the Council does not have evidence of confirmation of almost a third of its total stock of nearly 900 Tree Preservation Orders. Although these are now being confirmed as an emergency measure, it is incumbent on the Council to review these Orders as soon as possible to bring them up to date. Government advice also indicates that local authorities should review all Tree Preservation Orders with area classification and others which have certain deficiencies.
- 11.4 There is now strong legal precedent indicating that local authorities must have an appropriate system in place to inspect their own trees on a regular basis to ensure that they are maintained in an acceptably safe condition. This is a basic duty of care and local authorities who ignore their responsibilities in this regard are likely to receive little sympathy from the Courts. Recent court cases have established that local authorities must exercise this proper duty of care. In the high profile case of the 'Birmingham Ash' in 1999, when a large Ash tree failed next to a busy road and killed three people, Birmingham City Council was found guilty of negligence and not having adequate systems in place for inspection of Council owned trees. The Council narrowly escaped a charge of corporate manslaughter and was fined £150,000. In Surrey in January 2003 an eight year old school girl was killed by a falling tree within the grounds of a school in the ownership of the County Council. Although the Authority escaped prosecution it was served with an Improvement Notice by the Health & Safety Executive requiring that it reviews its own tree management programme and in particular the surveying of trees for safety. East Devon District Council currently has no system in place for the systematic inspection of its own trees and for maintaining appropriate records. This is an untenable situation and needs addressing as a matter of priority. It is an issue that has been recorded on the corporate risk part of the Risk Register.

- 11.5 The implementation of the new legislation on high hedges (Part 8 of the Anti Social Behaviour Act 2003) has also implications for the Arboricultural Service. Although the development control team are taking the lead in processing the applications advice is required from the Arboricultural Officer with respect to works to a hedge that is judged to be a nuisance.
- 11.6 If the Council does not determine applications and notices with relation to trees within the prescribed time frame this may lead to extensive and time consuming appeals. It may also lead to important trees being placed under threat, particularly where the determination of Conservation Area Notices is concerned. Failure to make and confirm Tree Preservation Orders promptly may also lead to the loss of important trees and to complaints to the Local Government Ombudsman. Failure to deal effectively with other areas of work will lead to public dissatisfaction and complaints which will in themselves take time to resolve. It is recommended therefore that a second Arboricultural Officer on a permanent contract be appointed also to be paid for out of the Planning Delivery Grant for what is left of this financial year and for the two following financial years. After this period it will be for the Council to bear the cost of such an Officer but given the public interest in trees and the consequences of not dealing with them properly, as evidenced by two cases over recent years, e.g. Elvestone at Budleigh Salterton and Pinewood at West Hill, the need for such a post is an imperative.

12.0 Recommendations

- 12.1 It is recommended that authorisation is given for the following:-
1. Two Senior Officers - Development Control.
 2. One Arboricultural Officer – Countryside Team. To be paid for from the PDG fund.
- 12.2 It is also recommended that the Major Project Officers post is made permanent.

Legal Implications

The comments in section 11 of the report on the Council's duties and the need for extra resources are supported wholeheartedly: The Case Law precedents quoted by the Head of Planning serve to underline the importance of adequate staffing in this area.

There are no further specific legal implications.

Financial Implications

Financial implications are all stated within this report.

Consultation on Reports to the Executive

Background Papers

Kate Little - Head of Planning & Countryside Services

Executive Board – 16 November 2005