

# Review of the Planning Service – Powys County Council

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This document is also available in Welsh.

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# Summary report

## Summary

### What we reviewed and why

- 1 We undertook this review as part of our 2021-22 Powys County Council Audit Plan. The review sought to provide assurance and insight as to whether the Council's planning service is effectively and sustainably meeting its objectives and contributing towards the achievement of the Council's corporate priorities. In our work we also had regard to the economy, efficiency and effectiveness of the planning service and the extent to which the Council is acting in accordance with the sustainable development principle in delivering the service. This work includes a review of the performance of the planning service.
- 2 Council planning services are strategically important enablers underpinning many major and important developments, including new school builds, developing care homes, building shopping centres and tourist accommodation. These developments can help councils achieve their corporate objectives and ambitions.
- 3 Powys County Council, as a Local Planning Authority (LPA) has an essential role to play in identifying development needs, determining what areas need protection or enhancement, and assessing whether a proposed development is in line with local and national policies.
- 4 In common with other Welsh local authorities, the Council is currently facing financial constraints and is having to take difficult decisions on how it funds public services. The Council's planning service has not been protected from these financial pressures and it is having to deliver more for less.
- 5 With the resource pressures in mind, it is crucial that each Council service maximises its contribution to help achieve the Council's Corporate Objectives and operates economically, efficiently, effectively and sustainably.
- 6 As part of our review, we held interviews with planning service staff and spoke with a number of planning statutory consultees and some Council members.
- 7 To understand the performance of the service, we analysed performance data and reviewed multiple documents relevant to the service.
- 8 To clarify, this review did not look at the accuracy and quality of the Council's planning and enforcement decisions. Going forward, the Council could approach Planning and Environment Decisions Wales (PEDW) for advice on decisions.
- 9 We delivered this review in two stages: May 2022 and between October to December 2022.

### What we found

- 10 Overall, we found that: We have concerns about the fundamental strategic, operational and cultural weaknesses of the Council's Planning Service. These

weaknesses hinder its ability to consistently and sustainably support staff and Members to deliver an effective service that helps the Council achieve its corporate objectives.

- 11 We reached this conclusion because:
- the performance data that the Council submits to Welsh Government shows that the time it takes to determine major planning applications and enforcement continues to be poor, but it has recently improved the timeliness in determining planning applications. But we have concerns about the accuracy of the Planning Service's data, its data integrity and quality assurance arrangements, and whether it is reporting accurate information to Welsh Government, Members and the public.
  - the roles, responsibilities and governance arrangements within the planning service are not clear. This undermines the professionalism of officers, leading to a fractured service and inconsistent working practices.
  - the planning service's workforce is unstable. It has a high staff turnover, disjointed team meetings, poor flow of communication and a lack of formal learning and development opportunities which are negatively impacting the service.
  - the planning service is not providing clarity, effective monitoring or accountability for how it supports the Council to achieve its corporate objectives and ambitions.
- 12 It is clear there are significant cultural, strategic and operational challenges in the planning service. These include its performance, governance arrangements, workforce development, and strategic and corporate alignment. It is therefore surprising and concerning that the Council was corporately unaware of the scale and detail of these challenges, of how they are impacting the effectiveness, efficiency, performance, and staff, and that the challenges had not been brought to its attention to address them sustainably.
- 13 This raises concerns about the Council's control and oversight of the effectiveness of its planning service.

## Recommendations

- 14 In addressing the fundamental weaknesses of the Council's **planning service**, we **strongly advise that the Council prioritises addressing this recommendation. We will follow up the Council's progress in improving its planning service within the next 12 months.**

## Exhibit 1: recommendations

### Recommendations

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1. The Council needs to assure itself that fundamental foundations are in place to enable it to sustainably deliver an effective service. This includes but is not limited to:
  - a) review the political and strategic intent for its planning enforcement responsibilities, clearly communicate this, and align resources to deliver the Council's chosen intent.
  - b) develop a Planning Services Business Plan which underpins the Property, Planning and Public Protection Integrated Business Plan. It should clarify the planning service's links between the planning service and the Council's Corporate objectives, to focus the service's action on improvement, and set out effective service monitoring arrangements, performance targets, workforce development and risk management arrangements.
  - c) safeguard the planning service's officers, senior managers and elected members by developing clear arrangements and protocols which set out how they engage directly with planning agents and applicants to ensure integrity, trust and confidence in the service.
  - d) establish regular and effective team meeting arrangements to improve communication within the planning service and provide a structured and consistent opportunity for officers to discuss planning and enforcement cases.
  - e) put transparent and consistent arrangements in place for the service to act cohesively as a team to discuss officers' differences of opinion on planning applications, to ensure all officers are professionally satisfied with the final planning decisions.
  - f) establish service standards and protocols and effectively communicate these to all officers to ensure consistent approaches e.g., how to deal with applications with missing information.
  - g) put in place formal staff learning opportunities to ensure a consistent, structured and proactive approach to support new officers in the role, and provide continuous development opportunities for existing staff.
  - h) assure that the Planning Service has robust data quality arrangements to ensure that it reports accurate performance data so that staff, Members, Welsh Government and the public can place reliance on its integrity to make accurate and informed decisions.
  - i) identify and learn from good practice from other Local Planning Authorities when implementing service improvements.

# Detailed report

We have concerns about the fundamental strategic, operational and cultural weaknesses of the Council's Planning Service. These weaknesses hinder its ability to consistently and sustainably support staff and Members to deliver an effective service that helps the Council achieve its corporate objectives

**The performance data that the Council submits to Welsh Government shows that the time it takes to determine major planning applications and enforcement continues to be poor, but it has recently improved the timeliness in determining planning applications. But we have concerns about the accuracy of the Planning Service's data, its data integrity and quality assurance arrangements, and whether it is reporting accurate information to Welsh Government, Members and the public**

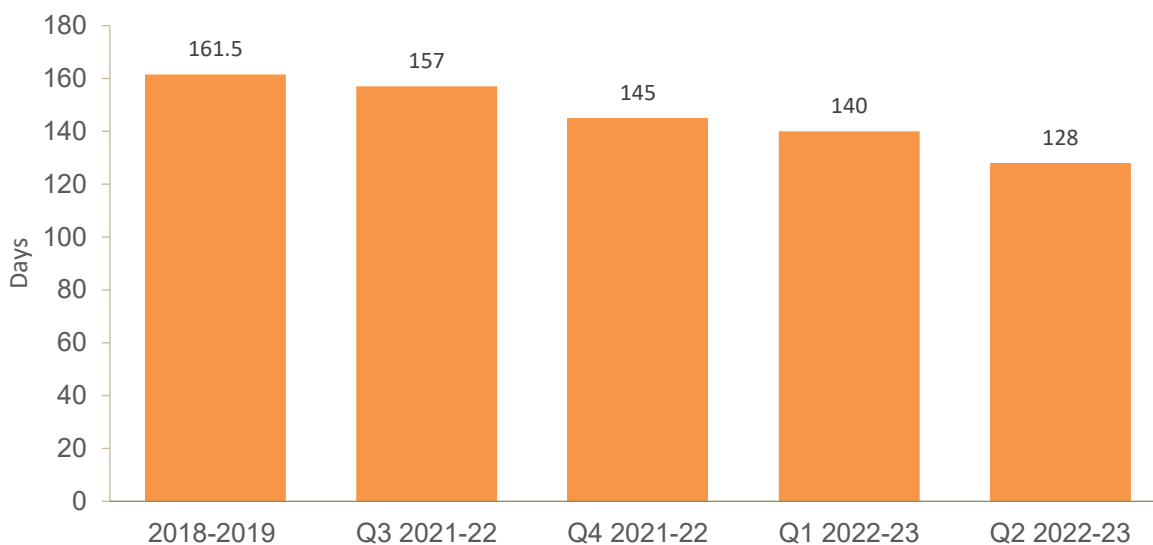
- 15 The performance of a planning service is important to both the Council and the wider public. Performance data is useful to understand the performance of the planning service. Such data can provide insight into challenges relating to specific types of planning applications and planning enforcement. For example, delays to major applications may impact a Council's wider economic regeneration ambitions. Delays to minor applications means the public may experience difficulties making changes to their properties and businesses. Issues with planning enforcement performance may indicate unlawful development is taking place. Performance data alone does not give a comprehensive view of the performance of a service. By analysing planning performance data, councils can anticipate future challenges and backlogs and attempt to address root causes and target available resources.
- 16 The Welsh Government's All Wales Annual Planning 2018-19 report<sup>1</sup> is the latest published annual performance data available to compare the performance of the 25 LPAs in Wales. However, the LPAs' do submit quarterly performance returns to the Welsh Government.
- 17 The Council's planning service sent us their quarterly returns for the period October 2021 to Sept 2022 (Q2 2021-22 to Q2 2022-23). Set out below is the

<sup>1</sup> [planning-services-annual-performance-report-2018-to-2019\\_0.pdf \(gov.wales\)](#)

Council's planning performance data that informed our review, both for decision making and enforcement.

## Decision Making

**Exhibit 2: average time to determine all planning applications in days**

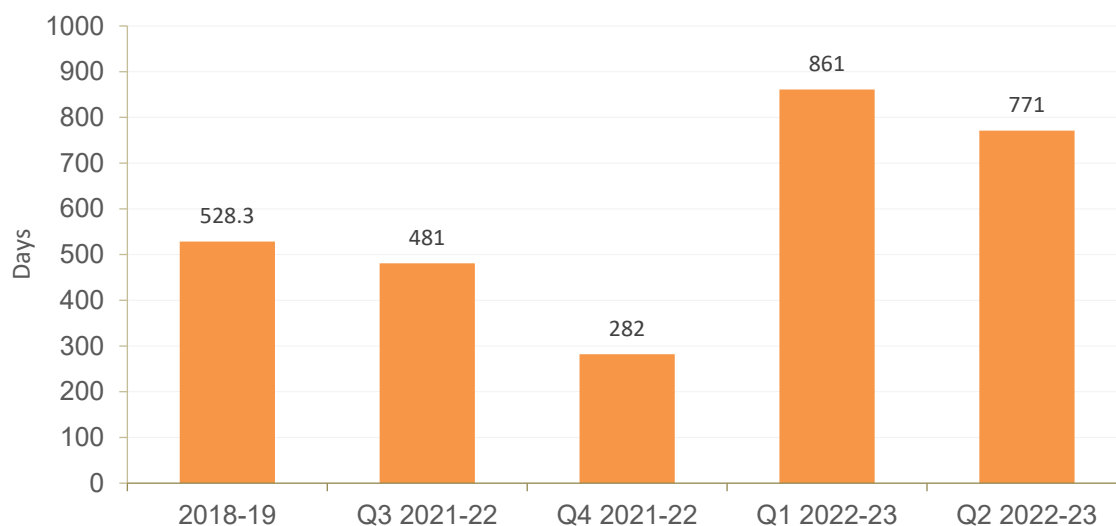


Source: Welsh Government Planning Services annual report 2018-19 and Powys County Council's Development Management Quarterly returns to Welsh Government.

- 18 As shown in **Exhibit 2**, the Council's performance relating to the average number of days in determining all planning applications is an improving picture.
- 19 In 2018-2019, the Council's performance was 161.5 days, significantly worse than the Welsh average of 80.7 days and a significant outlier ranked 25<sup>th</sup> out of 25 LPAs. From Q3 2021-22 to Q2 2022-23 the Council reduced the average time it takes to determine all applications to 128 days in Q2 2022-23.
- 20 There is no comparable data available from Welsh Government, so we are unable to determine how the Council has improved in comparison to other LPAs.



### Exhibit 3: average time to determine major planning applications in days



Source: Welsh Government Planning Services annual report 2018-19 and Powys Council's Development Management Quarterly returns to Welsh Government.

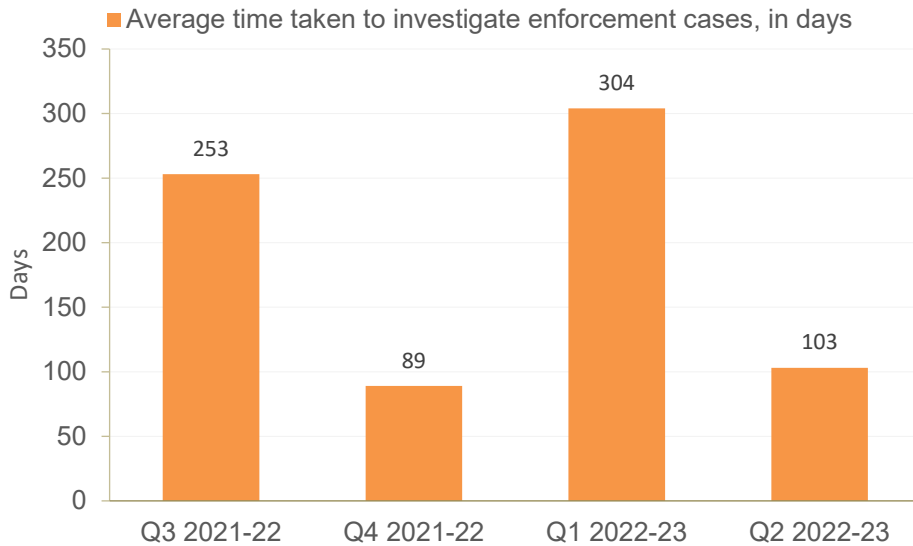
- 21 As shown in **Exhibit 3**, the Council's performance relating to the average time in determining major applications in days remains poor.
- 22 The last full year of comparable Welsh Government data from 2018-19 showed the service was 24<sup>th</sup> out of 25 LPAs. The average number of days for the Council to determine major applications in 2018-19 was 528.3 days which was already significantly longer than the Wales average at 231.8 days. In Q4 2021-22, the Council managed to reduce the average time taken to determine major applications to 282 days. The impact of this means potential delays to strategically important developments which could contribute to the corporate ambitions.
- 23 We recognise the challenges and complexities involved in determining major applications, such as ecological issues and phosphates. These will undoubtedly add delays to decision making. However, the Council's delays in determining major applications are longstanding.

#### **Decision Making - member decisions against officer advice**

- 24 In 2018-19, the Council's percentage of member (planning committee) decisions contrary to officer professional advice was 2.7%, better than the Wales average of 9.2%.
- 25 Between Q3 2021-22 and Q2 2022-23, members did not make any decisions contrary to officer advice.

## Enforcement

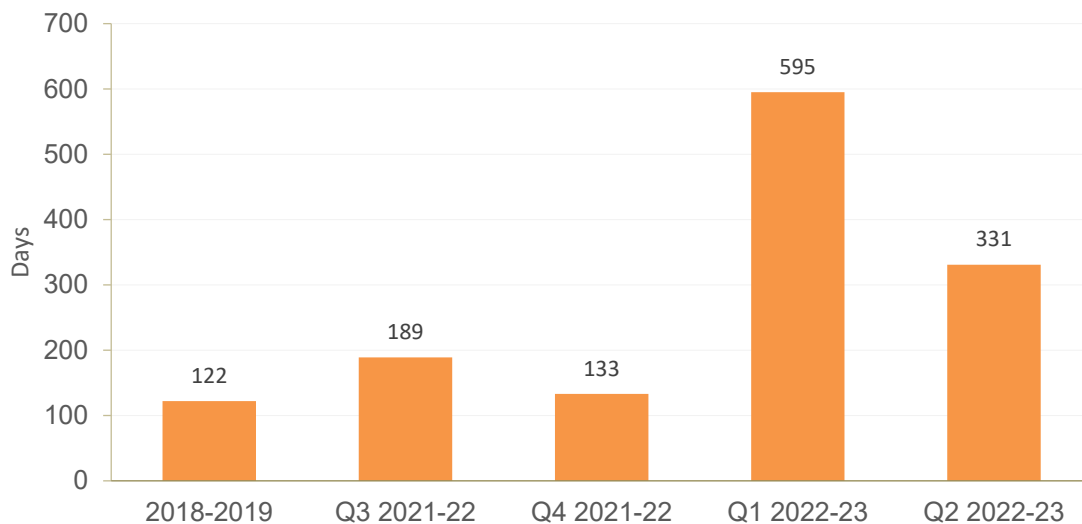
Exhibit 4: average time taken to investigate enforcement cases, in days



Source: Powys County Council's Development Management Quarterly returns to Welsh Government

- 26 As shown in **Exhibit 4**, there was improvement in the average time the Council took to investigate enforcement cases in Q2 2022-23. However, over the 12-month period, the Council's performance has been erratic. The high average times in Q3 2021-22 and Q1 2022-23 are followed by improved performance in the subsequent quarters. This suggests that the Council is reacting to poor performance rather than putting in place a sustainable action plan to prevent poor performance and ensure continuous improvement. It appears that the data is driving the Council's reactions, and that the Council is not effectively managing the enforcement workload. The impact of a lack of planning enforcement means unlawful and sometimes dangerous developments may occur in the County.
- 27 However, in responding to our draft report, the Council sent us different data for the average time it takes to investigate enforcement cases, in days. The Council realised the original data it submitted to Welsh Government was incorrect. As a result, we now have concerns as to the accuracy of the planning service's performance data, its data integrity and quality assurance arrangements, and whether it is reporting accurate information to Welsh Government, Members and the public.

**Exhibit 5: average time taken to take Positive enforcement action, in days**



Source: Welsh Government Planning Services annual report 2018-19 and Powys Council's Development Management Quarterly returns to Welsh Government.

- 28 As shown in **Exhibit 5**, in 2018-2019 the Council's performance in taking positive enforcement action (122 days) was better than the Wales average of 184.6 days, and the Council ranked 10<sup>th</sup> out of 25 LPAs. However, between Q3 2021-22 and Q2 2022-23, the Council took longer to take positive enforcement action as shown by its worse performance in each quarter than its 2018-2019 level. As previously stated, there is no comparable data available, so we are unable to determine how the Council has performed compared to other LPAs.
- 29 The Council has combined the Development Management (Planning) and Enforcement roles. This means in practice that officers must choose between prioritising development management cases and enforcement cases. The service acknowledges that development management cases take priority, which therefore negatively impacts on its enforcement performance.

The following sections of this report highlight some of the key challenges facing the Council's Planning Service. It provides wider insight and analysis into factors that hinder the effectiveness of the service.

## **The roles, responsibilities and governance arrangements within the planning service are not clear. This undermines the professionalism of officers, leading to a fractured service and inconsistent working practices**

- 30 At the time of our fieldwork, the Council's planning officers had large caseloads of both development management (planning) cases and enforcement cases.
- 31 One of the ongoing frustrations of the service, and a contributor to large caseloads, is the issue of missing essential information in planning applications. Applications with missing information is a long-standing issue for the Council which senior managers have not successfully addressed. Whilst the content and quality of submitted planning applications is not within the control of the planning service, the service can manage how officers should respond to these applications.
- 32 The Council had no service level guidance in place directing and supporting planning officers on how to respond in these circumstances. Some officers engage in lengthy dialogue to acquire missing information, which increases the length of time in determining planning applications. This also increases the length of time an applicant waits to have an application determined, impacts performance figures, increases caseloads, and places pressure on officers.
- 33 Other planning officers were trying to introduce a formalised response to missing information by giving planning agents and applicants one opportunity to provide missing information before the application is asked to be withdrawn or refused. Several officers told us they were confused and frustrated by this inconsistency in practice. Not having a clear directive is also counterproductive to providing an efficient and effective service. This points to a fractured planning service with no consistent 'one team' approach to issues.
- 34 During our review, we were told the way the planning service responded to contact from applicants and agents was inconsistent. Council planning services must consider planning applicants consistently, in accordance with planning policy. Partiality should not be shown to any applicant. It is therefore vital for the planning service's integrity and for public trust in the Council, that the service not only operates in this impartial way, it must also be seen to do so.
- 35 Some applicants and agents liaised with the relevant planning officers, and some contacted senior managers directly. As a result, senior managers were involved in a small number of applications and decisions which were minor in nature, which planning officers would normally deal with. This has led to some difference in planning officer opinions in relation to some planning application decisions.
- 36 Interpretation of planning policy is to a degree subjective. It is therefore not unusual for officers to have differing views on a decision. When this happens, there should be robust planning evidence and trail to support any change, and support given to planning officers to understand the reasons for any variation. As part of our review we were told that this dialogue is not routinely taking place in the Council's

planning service. We were told that this has left those officers feeling undermined and professionally compromised.

- 37 To safeguard all staff in the planning service, the service needs to assure itself it has robust protocols which clearly set out the circumstances in which it is appropriate for senior managers to engage directly with planning agents and applicants. It also needs to act cohesively as a team when there are differences of opinion on planning decisions, to ensure everybody is professionally satisfied with the final planning decision.

**The planning service's workforce is unstable. It has a high staff turnover, disjointed team meetings, poor flow of communication and a lack of formal learning and development opportunities which are negatively impacting the service**

- 38 The Council's planning service completed a review of itself in 2021, having previously undertaken a staff restructuring exercise between 2019 and 2020. However, the restructure and review failed to tackle the fundamental issues in governance and workforce to sustainably improve its performance.
- 39 To make financial savings the planning service restructure merged the two Professional Leads for Planning Policy and Development Management into one role; 'Professional Lead for Planning'. As a consequence, the Professional Lead role now covers a multitude of responsibilities including the development management function (both planning and enforcement), Planning Policy including the replacement Local Development Plan, and acts as the external link on planning issues such as phosphates and Mid Wales Growth Deal. This role is also the internal link for early engagement and discussions for any Council driven asset development. The Council should assure itself that the breadth of responsibilities within this role is practical and sustainable, especially considering the impending workload of the replacement Local Development Plan (LDP). The decision to combine the Professional Lead roles has created a single point of dependency within the service.
- 40 The planning service restructure retained the role of Principal Planning Officers and created a new position of Senior Planning Officer and a new position of Planner.
- 41 We were told that a number of experienced planning officers left the service as an impact of the restructure. Many of the new Planners that joined the service at that time have also subsequently left. The Council is missing vital insights as it does not have a consistent or robust approach to exit interviews to fully understand the reasons why officers leave. The planning service is experiencing a high turnover of staff which creates instability and increased workloads for the remaining officers.

- 42 The main reasons for the restructure, as set out in the Council's planning services review, were to address savings targets and to help aid the development of planning officers. One aspect of achieving savings targets which needs to be considered of any restructure is the cost of recruiting back into roles when people leave.
- 43 The planning service's team meetings and internal communication is underdeveloped. At the time of our initial fieldwork in May 2022, the service had held just one full team meeting with all planning officers and planning policy officers. As part of our initial fieldwork in May 2022, we explored the poor communication channels within the planning service. As a consequence, the service developed plans to introduce regular team meetings. However, we identified limited progress on this during our continued fieldwork in Autumn 2022 to improve teamworking and knowledge sharing.
- 44 The planning service's current meeting arrangements are siloed. The Lead Professional for Planning meets with the Principal Planning officers. The Principal Planning officers meet with their Senior Planning officers who, in turn, will meet with the Planners. Planning Policy officers meet separately. The impact of this means the whole team are not sighted of and discussing challenges facing the service.
- 45 Since 2022, any application determined by a Planner or Senior Planning Officer as a refusal is reviewed by one of the two Principal Planning Officers. There are differing opinions in the service over the need for this arrangement as it would not be typical, it increases workload at Principal Planning Officer level, and it impacts the trust and confidence in other decision makers within the team. This also hinders the professional development and confidence of new planning officers when it comes to decision making.
- 46 We have been told that a possible reason for Senior Managers occasionally changing planning officer decisions is due to the inexperience of some officers, and their incorrect interpretation of planning policies. If this were to be the case, it is concerning that the service does not already have regular team meetings that incorporate learning and the sharing of planning knowledge. This would mitigate against the need to change officers' planning decisions.
- 47 It is the responsibility of the planning service to have effective and ongoing training and support for its officers to avoid the need to change decisions and for officers, particularly new officers, to feel supported in undertaking their roles.
- 48 Other LPAs hold formal planning surgeries to discuss applications which are deemed subjective. The purpose of these is to gather professional planning officer views, discuss relevant policies and come to an agreed planning decision. The Council could benefit from contacting other LPAs in Wales to learn from practice elsewhere.
- 49 Several officers started their employment in the service at the early stages of the Covid-19 pandemic. While inducting and training staff remotely during lockdown was challenging, it is not impossible. At that time, the service lacked a formal,

structured and well-organised learning, development and training package for new starters. This was of particular importance to the new Planners as this new role does not require a professional planning qualification.

- 50 The new Planners were assigned a Senior Planning Officer for support and guidance. Senior Planning Officers are committed to providing support, but this is a new area of responsibility requiring dedicated time against a backdrop of trying to reduce their caseloads. These informal relationships and support were in lieu of a formal structure which could also inadvertently lead to inconsistencies in support. This ‘buddy’ approach to formal learning is also not a substitute for well-developed planning service training.
- 51 The Council’s Planning Officers are not provided with adequate training in enforcement. In addition, having enforcement as part of their role increases caseloads and creates extra pressures. This inconsistent approach to enforcement is reflected in the service’s inconsistent enforcement performance.
- 52 Enforcement is not seen by the Council’s planning service as an equal service priority to development management (planning). It is also evident that it is not seen as strategically important. The Council has not purposefully considered the political and strategic intent for its planning enforcement.

### **The planning service is not providing clarity, effective monitoring or accountability for how it supports the Council to achieve its corporate objectives and ambitions**

- 53 An effective planning service is a transactional service, determining planning applications and dealing with enforcement cases, and a corporate enabler to the delivery of the Council’s strategic objectives and ambitions. To achieve this, a planning service needs to have a clear, articulated understanding of what the Council needs from it to help deliver on those ambitions.
- 54 Powys County Council’s Property, Planning and Public Protection service has an Integrated Business Plan 2022 – 2025 which includes an objective to ‘deliver an efficient and cost-effective planning function which strives for continuous improvement’. This Business Plan conveys the role the Planning Policy Team has in driving the strategic direction of the Council from a development management perspective. The Planning Policy Team are currently working on a replacement Local Development Plan (LDP) which is driven by the impending end date of the current LDP which is March 2026. This is a positive and significant piece of work which will shape the future development of the County and the Council.
- 55 However, the role of planning (development management) in supporting the Council’s corporate ambitions is less clear in the Property, Planning and Public Protection Integrated Business Plan 2022-2025. The one action in the Business Plan for the planning service is the ‘implementation of a Planning Services Working group’. This group is responsible for improving the transactional aspects of the service as well as supporting the Council’s Vision 2025 and transformation

projects. While it is understandable that the Business Plan does not contain the detail of the Planning Services Working Group, neither is this detail widely known throughout the service.

- 56 The latest self-assessment of the Council's Corporate Plan Performance for April 2021 – March 2022 includes performance data for the Welsh Government's Public Accountability Measures which relate to planning applications and planning appeals. This information is noted in the Council's Corporate Plan Performance as 'not available'. Reference to the planning service is made only in relation to an objective to provide an increased range of affordable housing. There are references to the high turnover of staff and a team with limited experience which is listed as a 'threat' to the service.
- 57 The Council has opportunities to combine the actions of the Planning Services Working Group and the Integrated Business Plan into a detailed action plan which shows how the service contributes towards supporting the achievement of the Council's corporate objectives and ambitions.
- 58 The development of a detailed action plan would also allow for improved communication within the service and recognition of how individual officers support the wider team, and the Council's corporate objectives. It would focus the service's action on achieving sustainable improvement and outcomes.







Audit Wales

1 Capital Quarter  
Cardiff CF10 4BZ

Tel: 029 2032 0500

Fax: 029 2032 0600

Textphone: 029 2032 0660

E-mail: [info@audit.wales](mailto:info@audit.wales)

Website: [www.audit.wales](http://www.audit.wales)

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