

Runnymede Borough CouncilOVERVIEW AND SCRUTINY SELECT COMMITTEE5 April 2018 at 7.30.p.m.

Members of the Committee present: Councillors M J Maddox (Chairman), D A Cotty (Vice-Chairman), Miss E G Bancroft, Mrs E Gill, Mrs L M Gillham, Mrs C S S Manduca and P S Sohi.

Member of the Committee absent: Councillor N M King

Councillors Mrs G M Kingerley and D W Parr also attended.

615 FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

616 NOTIFICATION OF CHANGE TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

<u>Group</u>	<u>Remove From Membership</u>	<u>Appoint Instead</u>
Runnymede Independent Residents'	Councillor J R Ashmore	Councillor Mrs E Gill

The Chief Executive had given effect to this request in accordance with Section 16(2) of the Local Government and Housing Act 1989.

617 MINUTES

The Minutes of the meeting of the Committee held on 7 February 2018 were confirmed and signed as a correct record.

618 DECLARATIONS OF INTERESTS

In connection with the item on the Review of the Council's Planning Service, Councillors D A Cotty, Mrs E Gill and Mrs C S S Manduca asked the Director of Planning and Environmental Services (CDPES) questions and stated that they were Members of the Planning Committee and Councillor Mrs L M Gillham stated that she was a Local Government Association representative on the Planning Advisory Service.

619 REVIEW OF THE COUNCIL'S PLANNING SERVICE

At its last meeting the Committee had agreed Terms of Reference and a timetable for a scrutiny review and a peer group challenge of the Council's Planning Service.

The Overview and Scrutiny Select Committee had agreed at its last meeting that in order to respond to the dissatisfaction of some residents in the borough with the Planning Service in respect of the management of planning applications and the Local Plan consultation it was

appropriate to conduct a scrutiny review of Planning and to arrange for a peer group challenge of Planning to be undertaken.

At its last meeting, the Committee had noted that the Chief Executive was in discussion with the Planning Advisory Service with a view to a peer group challenge of the Planning service taking place in May and that their representative, Mr Stephen Barker, would be advising the Committee on the areas and issues that the challenge would cover. The peer group challenge would be carried out by local authority Members and Officers who were experienced in Planning. It would entail some desk based research and a visit to Planning which would be for a period of 3 days of intensive work followed by the production of a report on the findings.

The Chief Executive introduced this item by stating that it had three main purposes. The first purpose was for the Committee to ask questions of the CDPES on the challenges faced by the Council's Planning Service in order to provide context to the scrutiny review. The second aim was for Mr Stephen Barker of the Planning Advisory Service to outline to the Committee what a peer group challenge could offer and the options available to the Council in commissioning the peer group challenge. The third purpose was for the Committee to consider how to take forward the scrutiny review and the peer group challenge.

Questions By The Committee To The CDPES

The Committee asked the CDPES whether, in his view, Runnymede's Planning Service was meeting the needs of residents and whether he considered that the engagement with the public was satisfactory. The CDPES replied that, in his view, the Planning Business Centre did meet residents' needs. Planning consisted of eight different functions but not all of these had a large public facing element. The Statement of Community Involvement document showed how Planning engaged with the public on the Local Plan and on Planning applications which were two main areas of public engagement.

A Member asked the CDPES what areas of the Planning service, in his view, needed to be strengthened. The CDPES informed the Committee that it would be helpful to have extra resources for specialist urban design Supplementary Planning Document work under which local communities would provide guidance for development, to review the Local Plan which it was anticipated would have to be done in future every five years and also to develop ongoing work on the Council's duty to cooperate obligations and neighbourhood plans as part of the Local Plan process. Regarding planning applications, there were pressures on existing staff created by a constantly changing National Planning Policy Framework (NPPF) and significant annual changes in Government policy on the delivery of housing.

A Member asked the CDPES whether residents understood the Planning process and Government requirements and how those requirements kept changing. The CDPES advised the Committee that in order to assist the public in their understanding of Planning issues, the Council's online planning system had Frequently Asked Questions (FAQ) pages. The Council's Planning Officers, who were Chartered Town Planners, assisted the public with more complex questions. The engagement vehicle for the public on the Local Plan and on Planning applications was the Community Planning Panel. Large local residents associations were members of that Panel. Planning training was essential for those Council Members who sat on the Planning Committee. Very regular updates had been provided online on the Local Plan. The Planning Business Centre was looking at setting up a Planning agents forum. One of the main aims of the forum would be to assist Planning agents in submitting valid Planning applications on behalf of applicants. There were therefore a number of ways in which residents were informed of the Planning process but it was not easy to gauge the level of understanding that the public had.

A Member advised the CDPES that residents in the west of the borough considered that their voices were not being heard on some important Planning issues, particularly on transport, infrastructure, and sustainability aspects of Planning applications. That Member considered that dialogue could be improved so that residents' perceptions were better understood and asked for the CDPES's comments on those matters. The CDPES replied by stating that Planning Officers had written to and spoken to many residents about aspects of applications. Planning Committee decisions were based on evidence. In reaching decisions, the Planning Committee had to consider, on the one hand, the need to provide housing, to follow the NPPF and to approve developments provided it was satisfied that they could be delivered in a sustainable way (including without significant adverse impact on the community and with appropriate infrastructure). On the other hand, it had to consider objections made by residents to developments. It had to reach a judgement on whether to approve applications and, if it approved them, what conditions should be attached to them. Requirements regarding roads and transport in respect of Planning applications were explained to the Community Planning Panel. Virginia Water had two representatives on that Panel. Meetings had been held in local areas where the public had been able to ask Planning Officers more detailed questions on specific issues.

The CDPES advised the Committee that while there were transport "hotspots" across the borough, there was only one location where a "critical" transport problem had been identified and that was the A320. A feasibility study had been commissioned regarding the A320 as part of the Local Plan. The CDPES advised the Committee that concerning transport and infrastructure, it was made clear to developers by Runnymede Borough Council (RBC) Planning Officers, that although an application for planning permission was made to RBC, they as developers would need to satisfy Surrey County Council (SCC), the Highway Authority, that they as developers had made adequate arrangements for transport and infrastructure issues in that RBC planning application.

The same Member provided an illustration of residents' concerns about transport by asking why no traffic assessment for Runnymede had been provided for a section 106 agreement for the Longcross North Development even though it was understood that there had been traffic assessments undertaken for areas outside the borough. The CDPES stated that, for this Longcross North development, a detailed assessment of vehicles had been conducted by SCC which had not identified any severe transport implications which warranted a traffic assessment specifically for Runnymede.

The same Member stated that it was the perception of some residents that developers were not providing enough financial contribution to developments through section 106 agreements and that too much of the cost of developments was being met from the Government (i.e. from taxpayers' money) and asked for the CDPES's comments. The CDPES did not accept that contention and advised the Committee that viability assessments (analyses of the amount that it would be reasonable for developers to pay) were undertaken by independent experts in that field which provided an objective measure of the proportion of the cost of developments that developers should pay.

A number of Members of the Committee raised the issue of Planning Enforcement and thought that the Council was not doing enough work on Planning Enforcement, although another Member of the Committee expressed the view that the Council was proactive in following up Planning Enforcement issues and gave these matters a higher priority than in the past. One Member of the Committee expressed the view that there was a public perception that Planning Enforcement breaches were allowed to continue without action being taken – the Chief Executive stated that he could not support that contention and pointed to a couple of instances of successful action, namely a satisfactory outcome achieved in respect of Padd Farm after substantial Officer time and effort over many years and decisive action taken by the Council in respect of Adas Farm. While the Committee noted that other Councils had smaller Planning Enforcement teams than Runnymede, the

Chief Executive stated that the Council would need to consider whether 3 members of staff were sufficient for Runnymede's Planning Enforcement requirements and a report was being prepared for Member consideration proposing more resources for this function. The Chief Executive stated that Planning Enforcement was not the only area where the public wished to see more work done – they were also particularly concerned about street cleaning and flytipping and Members would have to weigh up where Council resources should be expended.

The CDPES reported that on Planning Enforcement, the Council's performance against its Key Performance Indicators was good. Officers worked with residents to identify where enforcement breaches occurred. Where taking action following enforcement breaches, the Council had on occasion to proceed through the Courts which resulted in delays which were caused by the Court process which sometimes could result in the perception from residents that the Council was not taking action. The CDPES advised the Committee that the Enforcement Charter document described the Council's work in the investigation and resolution of breaches of Planning control.

The Committee asked what the next steps would be for Runnymede's Local Plan. The CDPES replied that when the Local Plan was submitted to the Government in July 2018 it would be allocated to an Inspector who would test the soundness of the Plan and would arrange for an Examination in Public to be undertaken which was unlikely to take place before November 2018. The length of the Examination would be approximately a month. Provided that the modifications proposed by the Inspector were not particularly extensive, it was hoped that adoption of the Final Plan might take place during 2019.

The Committee asked whether the Council had any discretion over what it included in the Local Plan or whether it was entirely directed by the Government. The CDPES advised that since 2011/12, the Government had been continually amending the Planning process and each year since then the Government had introduced new changes. Runnymede's Local Plan had to be consistent with the NPPF. Additional requirements which had been introduced by the Government included extra technical matters, standardised national methodologies which removed the capacity for local discretion and new expanded definitions of permitted development and permission in principle. These expanded definitions were intended to result in more applications being approved more quickly. The Government's overriding priority was to deliver housing. The local authority had little choice about what developments were to be delivered but it did have discretion over where in the Borough they were located and, in some cases, when they were delivered.

Peer Group Challenge

Mr Stephen Barker of the Planning Advisory Service (PAS) outlined to the Committee what a peer group challenge could offer and the options available to the Council in commissioning the peer group challenge.

Mr Barker informed the Committee that the Planning Advisory Service was part of the Local Government Association. PAS had been in existence since 2004. Its main aim was to assist local authorities in striving to improve their Planning service. It was funded by grant from central Government. Each PAS peer group challenge would have a Planning peer review manager. Each PAS peer group challenge would consist of a team of Planning Officers and elected Members who specialised in Planning at other local authorities. These Officers and Members would have experience of Planning issues over a long period which would inform the review that they would undertake. They would conduct a series of interviews over three days where they would collect evidence. They would produce an immediate verbal response followed by a written report. PAS challenges were in great demand by local authorities – over 100 challenges (which were also known as reviews) had been undertaken and some local authorities had had more than one review.

As the PAS review team were experts in Planning, they were well placed to advise local authorities on how they could keep pace with the regular Government changes being introduced and as there were a number of new changes going currently through Parliament, this year would be a good time to have a PAS review. Each PAS review would consist of at least one Councillor and at least two Officers. As the Councillors and Officers concerned were busy people, PAS reviews would take at least 3 months to organise. Forthcoming local elections meant the availability of Councillors was limited at the moment. It was anticipated that Parliament in July might pass legislation making changes to the law on developer contributions and on the provisions of the NPPF. It would make sense for the PAS review to take place after that legislation had been passed if possible. Delivery of housing had become the key element of Planning policy, accompanied by an up to date Local Plan that set out how that housing development would be delivered. Finalisation of the Local Plan should therefore be a very high priority for every local authority. 5 year reviews of the Local Plans were likely to become compulsory.

The Government wanted to speed up Planning decision making, to require local Planning authorities to have closer working relations with their neighbours and to introduce a stringent housing delivery test with a punitive outcome for those local authorities that did not deliver the required housing and was currently processing legislation to bring these changes into effect.

Planning was a complex matter and engagement with the public was challenging. PAS would put together an interview schedule for the PAS review after discussion with the local authority. On a typical visit, PAS would interview Planning managers, Planning Officers, Members of that local authority, Ward Councillors, and Officers of the local authority working in Planning policy and Development Management. PAS would look at how the local Planning authority interacted with the rest of the local authority. PAS would also interview users of the Planning Service which would include developers and members of the local community. PAS would visit the Planning Committee to see it in operation. While the Officers on the PAS review would give their time freely, the Members in the PAS review would be remunerated for the time that they had given up to be a part of the review.

The Committee noted that it was a matter for Runnymede to decide on composition of the peer group challenge/review panel (i.e. how many Members and Officers it would have) and to decide what issues it would like the peer group challenge/review panel to examine. It was suggested at the meeting that the PAS peer group challenge/review panel might consist of two Members of two different local authorities representing two different political parties, along with two Officers from two different Planning authorities.

Next Steps

The Committee agreed that, in view of the advice given by Mr Barker, it was appropriate for the Planning peer group challenge/review to take place later in the year than May and that the target for commencement of the Planning peer group challenge/review and the scrutiny review would now be during the Autumn.

The Committee agreed that the Chief Executive would set up a group of Members to consider the composition of the Planning Advisory Service peer group challenge/review panel and the approach to be taken by the panel so that PAS could be advised of the Council's requirements for the peer group challenge/review. It was also agreed that the Chief Executive and the Legal Services Manager would compile a proposed list of organisations to be invited to speak, or if they preferred, make written submissions to the Overview and Scrutiny Select Committee regarding the scrutiny review and seek Member approval of that list. The list of organisations to be invited to participate in the scrutiny review would include residents associations and might include Planning agents and developers submitting Planning applications. Members would be asked if they considered

that the list that was drawn up constituted a representative sample that was appropriate for the scrutiny review. The Committee noted that the Chief Executive would report to the Corporate Management Committee to seek approval for the resource implications of the peer group challenge/review when known.

Chairman

(The meeting ended at 8.54. p.m.)