

BABERGH DISTRICT COUNCIL and/or MID SUFFOLK DISTRICT COUNCIL

TO:	Joint Overview & Scrutiny Committee	REPORT NUMBER: JOS/22/45
FROM:	Councillor Clive Arthey – BDC Cabinet Member – Planning Councillor David Burn – MSDC – Cabinet Member - Planning	DATE OF MEETING: 20th February 2023
OFFICER:	Philip Isbell – Chief Planning Officer	KEY DECISION REF NO.

ARE PLANNING PRE-APPLICATION CUSTOMERS GETTING A VALUABLE SERVICE?

1. PURPOSE OF REPORT

- 1.1 To review available information about the effect of our pre-application service and how valuable it is perceived to be with our customers, those officers delivering the service and for the Councils as Local Planning Authorities (LPA).
- 1.2 To review the quality of user experience and feedback from Development Management planning officers.
- 1.3 To investigate evidence from witnesses to include professional users of the service.

2. OPTIONS CONSIDERED

- 2.1 Options include discontinuing annual surveys of pre-application customers who have used the service in the previous year. This would reduce the information and feedback available to learn lessons and evolve the service.
- 2.2 Other, wider, options include discontinuing the provision of pre-application advice itself. This would reduce the income stream to the Council (see Table 5. Financial Implications) and would foreseeably lead to greater negotiation and activity within the life of an application at cost to the LPA's. Choosing this option could result in an increase in [a] refused applications, [b] an increase in appeals and [c] an increase in "free go" re-submission applications. Generally, this represents a risk of an increase in officer time and cost to the Councils in dealing with this work. In addition, we would also lose the opportunity to influence applications at a nascent stage, where discussions often focus on important considerations of design and scheme quality. If the LPA's were to stop providing the service, this could potentially lead to a reduction in customer service standards, increase in customer complaints with reputational damage and less predictable workload management and duplication of costs.

3. RECOMMENDATIONS

- 3.1 That the contents of the report be noted by the Joint Overview & Scrutiny Committee.

- 3.2 That officers be requested to change to the frequency of survey of customer experience of the pre-application service to “open” rather than annual.
- 3.3 That officers be requested to undertake an annual survey of Development Management Planning officers of their experience of customer service.
- 3.4 That officers develop a model for regular audit of timeliness, quality and customer service including to assess the effectiveness of the pre-application advice process in the validation of applications and correlation of advice with outcome.
- 3.5 That the Corporate Director for Planning & Building Control and the Chief Planning Officer review the result of the above-mentioned surveys and audit at least bi-annually in consultation with the Cabinet Members for Planning.

REASON FOR DECISION

3.6 The Councils charged pre-application service was introduced in 2017 and has been the subject of annual customer service surveys since 2018. These measures will enable more regular iterative review of the quality of the service provided and the customer and officer experience learning lessons and evolving the service as appropriate.

4. KEY INFORMATION

- 4.1 The “customers” of our pre-application advice service include, but are not limited to, its paying users making enquiries about developments they wish to undertake, related technical stakeholders who may be involved in assessing the merits of an application for development, communities who may be consulted upon applications and who may have to accommodate the development and, in broad terms, the LPA itself seeking to deliver the policies and objectives within the development plan for the District.
- 4.2 The last survey of paying users carried out in June 2022 (see Appendix B) was sent to 767 customers who had used our pre-application service between 01 April 2021 and 31 March 2022. This survey received 44 responses in total (5.7%). This compared to 61 responses being received in the 2021 survey (8.3%). The results of our annual surveys have been reported to our Client Side Panel of professional agents.

PRE-APPLICATION CUSTOMER SURVEYS – 2018 TO DATE

- 4.3 Starting with the surveys of **pre-application customers** and examining how “valuable” the Development Management and the Heritage service was rated *year on year* yielded the following results:
- 4.3.1 “**Helpfulness**” ratings of our pre-application service were as follows for ratings between 8 and 10 (10 being the highest):
- 2018 – 51.3%
 - 2019 – 52.9%
 - 2020 – 59.7%
 - 2021 – 56.7%
 - 2022 – 54.5%

4.3.2 Looking at the advice being “**Good value for money**” (rated ‘Strongly Agree’ or ‘Agree’ by customers):

- 2018 – 40.3%
- 2019 – 44.3%
- 2020 – 44.4%
- 2021 – 46.7%
- 2022 – 40.9%

4.3.3 Looking at Heritage being “**Good value for money**” (rated ‘Strongly Agree’ or ‘Agree’)

- 2018 – 73.3%
- 2019 – 43.8%
- 2020 – 65.4%
- 2021 – 68.4%
- 2022 – 50.0%

4.3.4 Considering the **overall quality of advice** – for ratings between 8 and 10 (10 being the highest):

- 2018 – 56.7%
- 2019 – 54.3%
- 2020 – 48.6%
- 2021 – 59.9%
- 2022 – 45.5%

4.4 In summary it is clear that from a customer perspective there is room for improvement with some ‘quality’ aspects of our pre-application service, and this will be an important element of service improvement in 2023 and beyond.

INTERNAL BMSDC OFFICER SURVEY – JANUARY 2023

4.5 As stated earlier, a survey had not been carried out in previous years with Council officers delivering the service, so a survey was created accordingly.

4.6 The new **officer** survey (see Appendix C) was sent to all BMSDC planning and heritage officers in January 2023, with 27 responses in total received (73%). The survey was constructed around the following questions:

4.6.1 Does pre-application advice help lead to a better quality of application and if not, what reasoning appears to drive this?

Most officers thought that having pre-application advice **did** lead to a tangible difference in quality of subsequent application. Their thoughts are summarised below:

- *The pre-application stage can assist in identifying issues at an earlier point and can avoid significant delay later due to missing information*
- *It allows for discussion with the applicant/agent to make the proposal much more acceptable*

- *The NPPF is clear that the right information is crucial to making good decisions*
- *It absolutely makes a difference with major proposals because it starts a meaningful dialogue that can result in further paid meetings or even a PPA and is a springboard towards a collaborative approach*
- *You can introduce significant changes prior to an application to enhance quality [and to] encourage the applicant to go further in terms of green elements*

Other officers did raise some other issues relating to the quality of subsequent submissions however:

- *Agents ignore the advice given or the advice given by officers is not strong/accurate enough*
- *Where we give negative advice it often only entrenches the position of the applicant*
- *Often pre-application submissions lack information to allow officers to give detailed advice*

These issues highlight the need for officers to build a dialogue with the applicant or agent rather than just formally assessing the pre-application request against policy without informed comment. Officers can give negative advice however if they work with the applicant to see what may be possible a better outcome can often be achieved for the LPA and the applicant. Good communication is key.

4.6.2 What more could be done within the validation process to improve the response and quality of application?

Officers thought that there should be clear validation guidelines available to the public and getting initial information right first time was vital. Specific comments regarding these points were as follows:

- *Flood risk assessments and Ecology Impact Assessments are often missed at the validation stage*
- *Appropriate internal consultees should be consulted at the time of validation*
- *I am also an agent outside of BMSDC. Striking the balance between submitting enough information to enable officers to understand the proposal and limiting the amount of time (and client money) on preparation of the information is tricky*
- *Lack of understanding from applicants that a lack of information in their submission leads to a more restricted response*
- *It is essential that the validation team is trained and informed, especially concerning dispute resolution*
- *Engaging with the key issues rather than highlighting relevant policies*
- *Being clear on the level of information required to support the proposal*

- *Collate examples of “good” applications in terms of the information provided, which can be offered to applicants when they receive an invalid letter*

When looking at validation of pre-application cases in 2021/22, only 52.7% of pre-apps were valid on receipt. This suggests clear customer guidance and good communication is vital from the start to ensure an application is registered right first time on time. This compares to 52.1% of pre-apps being valid on receipt in 2020/21 and 49.3% in 2019/20. The approach to improve the “validation” content within pre-app advice is currently under review and it is noted that the extent of technical information required (including ecology, land contamination and Sustainable drainage / flood risk) to make an application valid on receipt is increasing.

4.6.3 What could be done in terms of the planning advice provided to improve the submission?

Key themes from officers were as follows:

- *Opening a conversation with other departments to make it easier for consultees when the submission comes in*
- *Signposting good and bad examples of submissions (and explaining the risks of a poor submission)*
- *Ensuring that the officer that dealt with the pre-app deals with the subsequent submission*
- *Having a clear list of what should be submitted with a pre-application enquiry and a checklist for the applicant/agent to check off*
- *The response should be better geared to the applicant i.e., knowing your audience and explaining any technical terminology in a clear and concise way*
- *Further training for all officers involved in the process. Poor pre-application officer reports tend to just provide a screen of policy references without context whereas better officer reports provide a detailed analysis of the strengths and weaknesses of the proposal, written in plain English, then going on to offer alternative solutions to mitigate adverse impacts. Be constructive in feedback given.*

4.6.4 Do officers think the customer listens to the advice given and if not, what could be done to improve that communication?

88% of officers thought that customers did listen to advice given. Suggestions for improving that communication were as follows:

- *Being totally honest with the customer*
- *Every pre-app should include some form of verbal discussion like a short phone call prior to sending a written only response*
- *Clients listen if the advice is well considered and comprehensive and includes constructive feedback on the way forward*
- *Advising customers that once they receive their pre-application response, they do not have to then submit a formal application; they can come back later for further advice.*

4.6.5 Where pre-application advice has been provided do officers believe this helps to reduce the need for negotiation or post-submission amendments?

On the whole officers thought that pre-app advice generally reduces the need for amendments and negotiation, but this depended on the level of advice provided. Officers commented:

- *If limited advice is given (due to lack of information) then it's likely there may be amendments required when considering the detail of the application*
- *Sometimes a proposal is not progressed far enough at pre-application stage before the full application is submitted*
- *In terms of resources, there is frustration that more officer time is spent on straightforward proposals than is needed whereas proposals that need the time and energy putting into them are not given the attention they need*

4.6.6 Where post-submission amendments are needed, were these foreseeable when pre-application advice was given?

Officers felt that amendments were not always foreseeable due to the following:

- *Objections from Consultees can often come late in the process or include elements which have not been considered*
- *Problems occur when the proposal changes between pre-app and formal submission because of advice provided not being adhered to*
- *Often applicants may try to add in tweaks to the new proposal to see if someone else does not pick up on it and lets it through, or if we do not argue the detail when assessing the case*
- *Post submission amendments are likely to stem from public consultations which may introduce unknown elements*

In our view, having a multi-disciplinary based approach will reduce the risk of above events from happening, so making sure the right stakeholders and consultees are involved from the start is crucial.

4.6.7 Does providing pre-application advice help officers to do their jobs more effectively or efficiently?

73.1% of officers strongly agreed or agreed that providing pre-app helped them do their job more effectively or efficiently. They went on to comment:

- *It definitely helps when assessing the site as there will be an assessment from the preceding pre-app*
- *Providing pre-app allows for a more informal discussion-based approach to a proposal, hopefully securing amendments upfront. This in turn will save time during the determination period for the formal application.*

- *The most difficult cases are often those where there was no pre-app, and it really needed it, or they did not go far enough with the pre-app, because once the full application is in, there is much less room for informal negotiation*
- *A subsequent case is not always allocated to the Officer who dealt with pre-app, for various reasons. Officers should probably speak to each other*
- *It gives a good background to a complicated application. It also opens a dialogue between the Council and applicant which builds good relationships. Honesty and goodwill is key to getting a satisfactory application through the system and this really does start with pre-application advice*

4.6.8 Does Pre-App lead to an improved outcome in planning terms compared to cases without pre-app?

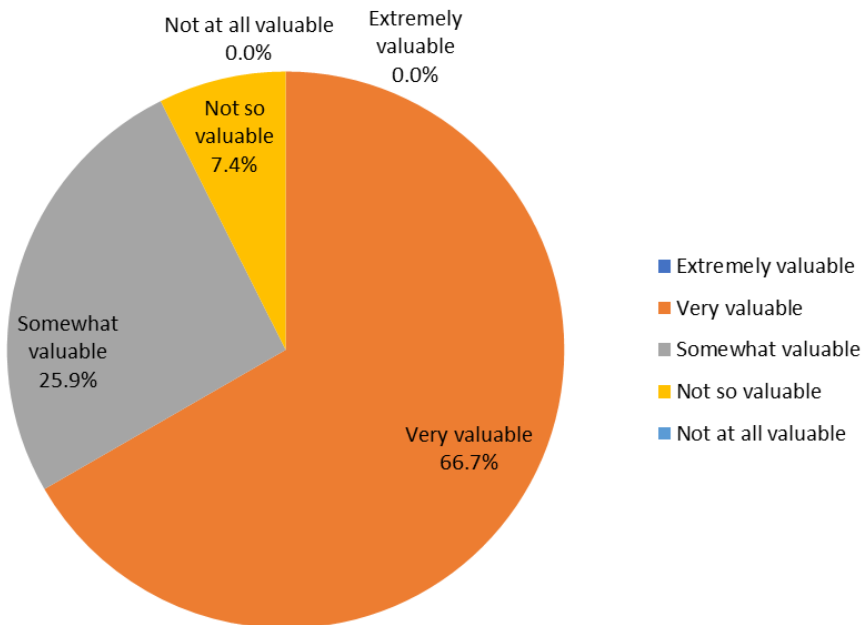
74% of officers said that pre-app did lead to an improved outcome, commenting:

- *A trust bond can be built between the two parties and future relationships built*
- *In terms of larger schemes, components such as Heritage is a straightforward process but from observing contributions from others there must be clear gains in terms of the completeness of the application package, and how near it is to an approvable scheme. There may also be cases where a negative response prevents a pointless application - surely a win-win, and preferable to a less harmful but still doomed application?*
- *There are times when agents still expect a dialogue and the opportunity to make changes even though no pre-app was sought*
- *Issues can become apparent when a different officer has dealt with the pre-app and cannot deal with the formal application (due to them having left, or workload pressures etc). Officers can sometimes disagree with the initial advice given and this can cause problems when assessing the formal application*

4.6.9 Is the pre-application service valuable for [a] customers and [b] the Councils?

- [a] Valuable to customers – 92.6% of officers thought that pre-app was very valuable or somewhat valuable:

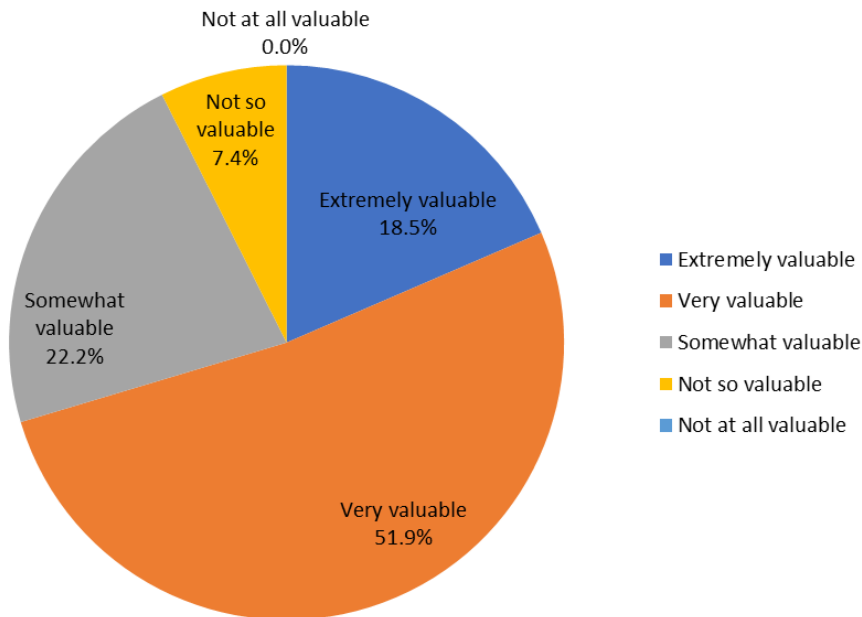
Do you believe that our pre-app service is a valuable service for our customers?



Officers commented that:

- *Customer expectation is key. Emphasis should be placed on the customer at validation stage to submit sufficient and quality details*
- *Any reassurance provided by the officer should be valuable to a paying customer. In most cases we can get to talk or at least write to them in a situation where it is perceived to be less “adversarial”*
- *Our pre-app fee for a site visit and written response from Heritage for example may seem expensive to a homeowner, but is cheap when compared to private sector costs*
- *I see some outstanding pre-app advice and some that is of little or no value. Clearly there is a range of development types and as such not every response needs to be as detailed depending on size and scale, but it should always give the enquirer a useful guide as to the way forward*
- [b] Valuable to the Councils – 92.6% of officers thought that pre-app was extremely valuable, very valuable or somewhat valuable:

Do you believe that our pre-app service is valuable for the Councils?



Officers commented that:

- *It is a great revenue stream, and it also gives a good indication of what is likely to come in, especially with the major developments. This enables staff to be ready with the validation so that the application can be processed quickly upon submission*
- *I think it creates a better relationship with customers, reducing complaints, and makes the subsequent parts of the process easier for us*
- *Generates income but is equally time-consuming for officers, sometimes it takes a lot longer to produce a pre-app response than it is to process an application*
- *If done well it presents a good face for the public. Meetings on site can be particularly useful to introduce officers to the public*

4.6.10 Would removing pre-app give you (officers) more time to do other tasks?

Whilst 70.4% of officers agreed that removing pre-app would in simple terms provide more time to do other tasks, all appreciated that having no pre-app would impact them and their caseload negatively.

Officers thought that having no pre-app would:

- *Potentially result in more refusals and appeals of formal applications*
- *Slow down the process as a large amount of research and assessment of the site potentially already been done*
- *In the short term this would free up time however it is acknowledged that this would lead to a build-up of issues down the line*

- *Remove the informal relationship that should have been built during initial pre-app discussions*
- *Hinder the management of customers' expectations*

4.6.11 What improvements to our pre-application advice service could be made?

- *Better support for junior officers and improved engagement between administration and officers.*
- *A focus on design and quality of a scheme at an early stage. We shouldn't be afraid to state that we want quality developments within our two districts*
- *Require more at initial validation of pre-app e.g., proposed layout plans, contact phone numbers and clear description of development*
- *There should be at least a short conversation with all pre-app applicants and agents prior to forwarding a final officer report. Building on this, we could improve communication both ways and build a dialogue throughout the whole pre-app process*
- *Make applicants aware that the quality of advice is dependent on the quality of their submission*
- *An increase in fees to account for the significant time spent on drafting advice. Some officers have stated that they spend more time on a difficult pre-app than other formal submissions and the work they put in is not covered by the fee requested*
- *Sharing best practice with other similar authorities and find out what works for them.*

INTERNAL AUDIT OF PRE-APP QUALITY

- 4.7 In 2022 we commenced a more structured approach to auditing the quality of our pre-application advice. This is undertaken as follows. A report detailing all completed pre-applications over the last quarter is generated. Sample cases are randomly selected for review by the Business Practice Manager and Professional Lead – Performance and Digital Transformation. Each case is checked for timeliness of response, clarity of advice (including direction of travel), compliance with current local and national policies and validation requirements.
- 4.8 In addition, an audit of those cases where a planning application has been submitted following pre-application advice is conducted each quarter. The details provided by the applicant/agent at the pre-application stage are compared with those received with the formal application. The audit will check for consistency, if the application was valid on receipt (i.e., all relevant documents were provided), any negotiation was required during the process and if the final decision matched the original advice.

CONCLUSIONS

- 4.9 To conclude, the question of what is “a valuable service” for our customers should not be confined to surveyed users but should be alive to the value of the service to our communities more generally.

- 4.10 With this in mind our pre-application service provides “value”, in very broad terms, to our communities if it provides advice which is [a] accurate and enables the efficient and timely processing of applications ; [b] consistent and credible thereby reducing avoidable risk of challenge or appeal and [c] enables the LPA to deliver on the objectives and policies of its development plan whilst mitigating some of the costs of providing pre-application advice.
- 4.11 We believe that, whilst there are improvements to the quality of service which need to be made, any opportunity to open a dialogue with customers/applicants is positive and efficient for the Councils overall planning service. Taken in the round and accepting that quality is a matter for ongoing monitoring to safeguard high standards, it is considered that there is material value to customers and the Councils in providing a charged pre-application advice service.

5. FINANCIAL IMPLICATIONS

Revenue/Capital/ Expenditure/Income Item	Total *(£)	2017/18	2018/19	2019/20	2020/21	2021/22
Pre-application advice – Development Management (BDC)	-263,465	-69,712	-55,497	-47,264	-40,684	-50,308
Pre- application advice – Heritage (BDC)	-95,150	-11,617	-16,593	-19,465	-21,145	-26,330
Pre-application advice – Development Management (MSDC)	-260,020	-82,481	-73,989	-30,053	-35,241	-38,256
Pre- application advice – Heritage (MSDC)	-74,395	-6,620	-14,690	-15,810	-18,995	-18,280
Net Effect (both Councils)	-693,030	-170,430	-160,769	-112,592	-116,065	-133,174

*Since service introduced 2017 and excluding Planning Performance Agreements (PPAs)

- 5.1 The above table details the gross pre-application fee income to the service area net of external stakeholder costs charged to users. Charges are set based on Planning Advisory Service advice regarding recoverable time and are intended to achieve “cost recovery”. Charges are reviewed annually.

6. LEGAL IMPLICATIONS

- 6.1 The provision of an effective pre-application advice service provides some mitigation of the risk of legal challenge to subsequent decisions on applications by [a] reducing the risk of judicial review and [b] reducing the risk of appeal with associated

differences of opinion on the relevant planning considerations including policy and the weight to be attached to them.

7. RISK MANAGEMENT

7.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Usage of the charged pre-application service declines substantially.	2. Unlikely	1. Minimal	The process has been designed to provide added-value to customers and remains under operational review to ensure that the quality and timeliness of advice provided is beneficial to the customer.	Operational Risk Register For Development Management (Philip Isbell) 22-23 Ref. 13
The advice given fails to take account of or accurately assess potentially relevant considerations.	2. Unlikely	2. Noticeable	Officers giving advice will follow a template for the advice response. Draft advice will be mentored and screened by more senior officers throughout the process. Training for the team at the inception of the service will be given and the importance of addressing all relevant considerations highlighted. Refresher training will also be programmed.	Operational Risk Register For Development Management (Philip Isbell) 22-23 Ref. 12
The advice given is not consistent with the outcome of the application by reason of case officer differences of opinion with officer exercising delegated authority.	3. Probable	2. Noticeable	The Development Management leadership team including Area Planning and Strategic Planning Managers and Principal Planning Officers oversee and monitor consistency of advice and identify potential areas of professional difference over the interpretation of policy and weight to be	Operational Risk Register For Development Management (Philip Isbell) 22-23 Ref. 8

<p>This may lead to an increased volume of refusals and appeals together with an increase in foreseeable complaints about service quality and value.</p>			<p>attached to considerations.</p> <p>Improvement system reports will be generated to highlight any discrepancies or issues with specific cases/officers.</p> <p>Training for the team is ongoing and the importance of consistency and reporting potential differences highlighted.</p>	
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**Name of risk register where risk is currently documented and being actively managed and its reference number*

8. CONSULTATIONS

- 8.1 Consultation with paying customers of the pre-application advice service and with officers providing the service are detailed at 4.3 and 4.6 above.

9. EQUALITY ANALYSIS

Equality Impact Assessment (EIA) not required.

10. ENVIRONMENTAL IMPLICATIONS

- 10.1 The provision of a planning pre-application service can ensure that, in general terms, the environmental objectives and safeguards in the LPAs development plan are achieved. To that extent the pre-application service should mitigate unacceptable environmental impacts by highlighting those risks and case specific mitigations. The effectiveness of the advice given and the extent to which it is taken account of by paying users may vary the extent to which the risk of environmental implications will arise on a case-by-case basis.

11. APPENDICES

Title	Location
(a) Review of the implementation of charged pre-application fees for planning advice	Attached
(b) Pre-App Customer Survey Presentation 2021-22	Attached
(c) Pre-App Officer Survey – January 2023	Attached

12. REPORT AUTHORS *(Name and title of report authors, such as CM and Professional Leads, who has undertaken work on the report)*

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Philip Isbell – Chief Planning Officer