Building in Quality
A Study of Development Control
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LONDON: HMSO
This is not the first time that the Audit Commission and its auditors have investigated development control. At its inception in 1983, the Commission inherited a study from the Audit Inspectorate of the Department of the Environment. A report *Local Planning: The Development Control Function* was published and audits were carried out. So the present study is a revisit of a subject previously examined almost ten years ago. It was prompted, in part, by a recommendation in the White Paper, *This Common Inheritance*, published in September 1990.

Undertaking a revisit after such a period brings a number of benefits. It is possible to trace the changing pressures on a service through an economic cycle and to examine the validity of recommendations. As a result a broader view of the service can be developed.

The 1983 report concentrated on the 'efficiency and economy with which resources allocated to development control are used to process planning applications'. It stressed that 'no attempt was made to form specific conclusions with regard to the quality or effectiveness of development control'. The present study tries to fill that gap. Economy and efficiency issues remain important but effectiveness and quality considerations are given equal, if not greater, emphasis. References to specific authorities are used to illustrate examples of good practice found during the study.

The study was undertaken by a team in the Local Government Studies Directorate of the Commission comprised of Nick Crosby, Richard Shore and David John. David John is a member of the Planning Inspectorate on secondment to the Commission for the year's duration of the study and the Commission thanks the Department of the Environment for his availability. The study was aided in its work by an advisory group nominated by local authority associations, the Royal Town Planning Institute (RTPI), the Royal Institute of British Architects (RIBA) and the Royal Institute of Chartered Surveyors (RICS). Their ideas and advice have been invaluable but responsibility for the content of the report remains entirely with the Audit Commission.
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Summary

Development control is the process by which communities, working within a national framework, regulate changes to their environment. Consequently, development control discharges great responsibilities - for applicants, residents, future generations, the local economy and the quality of life.

Entering the 1990s, development control faces pressing challenges. One is the volume of work which must be handled. The number of applications, having hit record levels in 1988, is still 40% higher than ten years ago. And this is at the bottom of the economic cycle. Major legislative changes – national and European – oblige the system to readjust. Think tanks of all political hues have criticised the system. Changes in policy, expressed in government circulars and planning policy guidance, have been unremitting. Public interest and involvement in planning issues have never been higher.

Development control must mediate the conflicts between the different customers of the service. The development industry is well organised and expert. So too, are conservation and amenity groups whose membership has swelled in the 1980s on a 'green' tide. Developers seek consistent, timely and professional development control services. Conservationists seek participation, involvement and information. All applicants, particularly those with little regular contact with a planning authority, seek courteous, unbureaucratic advice. There are also many other facets to development control such as enforcement, appeals, conservation etc.

The development control process at its best can deliver speedy and consistent decisions. But it must go beyond bureaucratic excellence and speedy procedures.

To meet the challenges of the 1990s, planning authorities must balance their priorities between the various parts of development control. There must be much greater focus on the quality of their processes and the quality of the outcome.

Quality of process starts with the setting of objectives for the development control service. Objectives must be driven by the idea of identifying customers and serving them, and should integrate both development objectives, as normally contained in a development plan, with service objectives often set out in a customer's charter. Published guidance, pre-application discussions and notification can improve the quality of the process, if they are well managed. Elected members are critically important in arbitrating between competing arguments, but should ensure that their time is focused on controversial applications, delegating simpler, more predictable applications to officers operating under clear guidelines. Attention must be paid to how the service is delivered – customer care is important. Even small changes, user-friendly standard letters for example, will add value. However, to improve service delivery requires improved service deliverers. There is insufficient emphasis by planners on the acquisition of management and economic skills to complement professional ability. In order to meet rising expectations local authorities and the RTPI must help fill the training gap.
The outcomes of development control are the most important and most neglected part of the service. All is for nothing if a decision is not faithfully implemented. Members have an important role here. They should review their decisions once built as a basis for assessing both the quality of those decisions and the impact on the environment.

Additionally, there should be a systematic check on officers' professional appraisal of applications and their added value; in the first instance by managers, but also by members to ensure that consistent quality is being achieved. Peer review systems could strengthen the process of assuring quality in planning departments.

In a complex and demanding service there are no easy solutions. However, both officers and members must prepare for future demands. With application levels temporarily easing off there is now a timely opportunity for authorities to review their development control services. Nationally, if authorities processed applications with the productivity achieved in 1989 the current volume would require over 2000 fewer staff than are now employed. Planning authorities can therefore either review their establishment or use surplus resources to improve the service. Discretionary activities like enforcement, neglected during the mid-80s boom, can now receive the attention they deserve. Administrative procedures such as validation of applications and despatch of decision notices can be tightened to prepare for the next surge in applications. Most importantly, officers and members can assess their priorities and contribution to the process. They must inform, involve and invite comment from their chargepayers to test the effectiveness of the service. Now is the time to implement quality development control for the future.
Introduction

1. Development control is a process by which society, represented by locally elected councils, regulates changes in the use and appearance of the environment. As such it is of critical importance. Decisions taken in the planning process have long-term consequences and are usually irreversible. Well-considered decisions can enhance and enrich the environment. Poor decisions will be endured long after the decision-takers have died.

2. The work of planners is rarely praised. Individual applicants frequently resent the need to submit plans of their home to scrutiny by the council. Objectors complain that planners fail to accept their concerns and protect their interests. Society at large is often ready to heap the frustrations of modern life on the shoulders of planners – 'they should do something about it'. Popularity is probably an unachievable objective for planners.

3. The planning process is more complex than it looks at first sight. Development control teams do not simply process applications, they undertake a wide range of important ancillary activities (Box A, overleaf). It is difficult to determine accurately the time allocated to these activities. The Audit Commission survey of some 60 local planning authorities (LPAs) in England and Wales showed that less than half of development control staff time is actually spent dealing with planning applications (Exhibit 1). This compares closely with a recent survey by the District Planning Officers1.

Exhibit 1

DEVELOPMENT CONTROL TIME SPENT BY ACTIVITY

Less than half of development control time staff is spent dealing with applications.

Source: Audit Commission fieldwork survey

1 The survey, to be published in 1992, notes a range of 25% to 85% of development control time devoted to deciding applications.
**Box A**

**RANGE OF ACTIVITIES WITHIN DEVELOPMENT CONTROL**

<table>
<thead>
<tr>
<th>Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Pre-application discussion</td>
</tr>
<tr>
<td>• Negotiations with applicants/ objectors</td>
</tr>
<tr>
<td>• Deciding applications</td>
</tr>
<tr>
<td>• Appraising Environmental Impact Assessments</td>
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<tr>
<td>• Determining permitted development</td>
</tr>
<tr>
<td>• Notifying public and statutory consultation</td>
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<tr>
<th>Advisory services</th>
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<tbody>
<tr>
<td>• Providing general planning advice to public</td>
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<tr>
<td>• Holding planning surgeries</td>
</tr>
<tr>
<td>• Publishing planning handbooks, information etc</td>
</tr>
<tr>
<td>• Advising on development plans</td>
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<tr>
<td>• Compiling planning briefs</td>
</tr>
<tr>
<td>• Advising on corporate projects</td>
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<table>
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<tr>
<th>Enforcement</th>
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<tbody>
<tr>
<td>• Investigation of complaints</td>
</tr>
<tr>
<td>• Contraventions</td>
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<tr>
<td>• Enforcement appeals</td>
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</tbody>
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<table>
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<tr>
<th>Conservation</th>
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<tbody>
<tr>
<td>• Listed building applications</td>
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<tr>
<td>• Conservation area consents</td>
</tr>
<tr>
<td>• Tree Preservation Orders</td>
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</tbody>
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<table>
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<tr>
<th>Appeals</th>
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<tr>
<td>• Written representations</td>
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<td>• Public enquiry</td>
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<tr>
<th>Other</th>
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<tr>
<td>• Consultations by Government/County Councils</td>
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<tr>
<td>• Ombudsman inquiries</td>
</tr>
<tr>
<td>• Land charge searches</td>
</tr>
<tr>
<td>• Established use certificates</td>
</tr>
<tr>
<td>• Advertisements</td>
</tr>
</tbody>
</table>

**THE LEGAL FRAMEWORK**

4. Whilst the consequences of planning decisions may be unbounded, the powers of LPAs are constrained by law. These powers are exercised in the public interest by consideration of the relevant issues in each case. The modern planning system came into being in 1947 with the passing of the Town and Country Planning Act. The principles underlying the system have hardly changed since then. The 1947 Act was designed primarily 'to deal with the problems of urban sprawl and congestion and the loss of agricultural land' (Ref. 1). From that date permission to develop had to be sought from a public authority. Since 1948, despite economic and public policy changes, 'the basic definition of development, the basic system for the control of development and the relationship between development plans and development control have remained unaltered'.

**VOLUME AND COST**

5. Dealing with planning applications is the principal activity. In 1990/91, in England local authorities decided 518,000 applications, a fall from the peak year of 1988/89. But the current
Exhibit 2
LEVEL OF APPLICATIONS
The current level of applications still exceeds that of the early 1980s.

Source: DoE planning statistics. English authorities only.

level still exceeds that of the early 1980s despite relaxations in the need for planning permission (Exhibit 2); in Wales about 30,000 applications were decided in 1990/91. Appeals, of which there were over 26,000 in 1990/91, take ten percent of development control time. Eighty eight percent of these are dealt with by the quicker and cheaper method of written representation. The remainder, resolved by inquiries and hearings, require more time for preparation, consultation and presentation. In its 1983 study, the Audit Commission examined 11 district level planning authorities. Their experience in facing the surge in planning applications throughout the 1980s reflects the national experience; and also illustrates variable individual patterns over time. (Exhibit 3).

6. Applicants pay for planning submissions. Fees range from £55 for a domestic extension up to £5,520 for the largest building development. Applications for mineral extraction attract greater fees. Applications involving listed buildings and resubmissions do not attract fees. The recent DPO Society survey indicates that only 82% of applications are fee earning; for one LPA

Exhibit 3
CHANGES IN THE LEVEL OF APPLICATIONS
The eleven study authorities of 1983 reflect the national surge in applications.

Source: Audit Inspectorate study 1983; DoE and WO planning statistics.
this was only 56%. Fees do not cover the full cost of the development control service. The net cost of the development control service in England and Wales in 1990/91 is estimated at £85 million.

THE PLANNING PROCESS

7. A planning decision is the outcome of a sequence of individual stages: it can be characterised as simple administrative tasks combined with complex judgements (Exhibit 4). If there has been no discussion between applicants and the council beforehand, the first stage of the process is the submission of an application. The planning authority validates the contents, registers its receipt, checks the fee and acknowledges the start of the determination process to the applicant. A time period of 8 weeks is set by regulation within which applications should be determined. If delayed, the applicant has the opportunity to treat the lack of decision as a 'deemed refusal' and to lodge an appeal with the Secretary of State for the Environment or for Wales. In practice many applications take longer than 8 weeks, but few applicants appeal on the grounds of non-determination – even in 1989/90 only 9% of appeals were on such grounds. Unless there has been an agreed written extension of time, permissions given after 8 weeks can be invalid. The percentage of applications decided within 8 weeks is the Government's key indicator of authorities' performance; from 1982 till 1990 performance against this criterion deteriorated nationally (Exhibit 5).

Exhibit 4
PROCESSING A PLANNING APPLICATION
Simple administrative tasks combined with complex, professional and political judgements.

8. Once a valid application has been received a number of processes swing into action. For some types of application, consultation with other bodies is mandatory, but many authorities also carry out discretionary notification to include other interested parties, such as neighbours. The officer dealing with the application will visit the site and assess the proposal. Marshalling the results of consultation and the site visit, the officer assesses the acceptability of the application.
If the development plan has itself been the subject of recent extensive public discussion, giving it local credibility, the planning authority will be well placed to manage the views it receives when consulting on individual applications. This is essentially a balancing process. Officers recommend a decision which may be for permission with or without conditions or for refusal.

9. In practice, many officers negotiate with applicants either to convert an unacceptable application into an acceptable one, or to improve the quality of a mediocre but acceptable application. Under delegated powers, planners may determine certain applications themselves. Otherwise a report is submitted to the appropriate committee which takes the final decision. The applicant is then notified of the decision along with any conditions which are attached. Applicants can appeal refusals and conditional permissions if they think they have adequate grounds.

10. Within a local authority, development control staff are normally located in the same department as the team preparing the development plan and the building control section, although the latter may be located elsewhere. In assessing applications, development control officers frequently require information and skills from other departments. The supply chain may include the services of solicitors, engineers, building control officers, environmental health officers, architects, conservation specialists, ecologists, landscape architects etc. depending on the character of the application. Solicitors assist with appeals or drafting planning agreements. Engineers and architects alert planners to the highway and design implications of developments. Where practicable, building control officers monitor compliance with permissions.

PERFORMANCE

11. Whilst the legal and procedural context for development control is consistent across the country, the operation of the process is highly variable. The Commission's survey illustrates
Exhibit 6

PERCENTAGE OF APPLICATIONS DECIDED WITHIN 8 WEEKS

Few authorities meet the Government’s target of determining 80% of applications within 8 weeks.


the range of procedures and performance. Only a handful of authorities achieve the target of determining 80% of applications within 8 weeks (Exhibit 6) and there is no obvious plateau in the pattern of performance. There is some variation by type of authority with suburban and rural authorities generally achieving faster average turn-round times. But this is not a firm rule as there are more complex urban authorities achieving excellent response times and suburban authorities failing to achieve good performance. The local circumstances in which the planning authority operates is clearly an important influence to be taken into account.

12. The level of resources appears highly variable. The applications workload per budgeted member of staff varies significantly (Exhibit 7). Moreover, professional planners deal with, on average, 156 applications. In some instances the caseload exceeds 250, whilst in other authorities

Exhibit 7

APPLICATIONS PER MEMBER OF DEVELOPMENT CONTROL STAFF

Application workload varies significantly.

Exhibit 8
CASELOAD AND SPEED
High caseloads are not inconsistent with speedy decision making.

Source: Audit Commission fieldwork survey.

fewer than 100 applications per officer are processed. There is no plausible correlation between the number of applications per officer and the overall decision time although such data requires careful assessment since caseload and activity mix can vary, affecting productivity. High caseloads are not inconsistent with speedy decision-making (Exhibit 8). Therefore, whilst adequate resources may be a necessary pre-condition of rapid performance, they by no means assure it.

13. An indicator of the variability in the basket of workload between authorities is illustrated by the percentage of time of the development control team actually applied to the processing of applications (Exhibit 9). Authorities with a rich mix of Tree Preservation Orders (TPOs), listed buildings and conservation areas may be spending only 40% of their time actually

Exhibit 9
TIME PROCESSING APPLICATIONS
Estimated time spent processing applications varies widely between authorities.

Source: Audit Commission fieldwork survey.
processing applications. This variation is also evident in the level of appeals across authorities (Exhibit 10). The surge of appeals has eased, but enforcement appeals have increased substantially over the last three years. Enforcement against contraventions of planning controls absorbs 12% of development control time, and a range of other activities take a further 6%. The growing conservation, listed building, TPO and Sites of Special Scientific Interest (SSSI) elements within development control require special consideration of applications and account for a further 6% of time. The remaining 20% is taken with advisory functions. Development control is a point of reference for searches and by house-purchasers, estate agents, local builders, local interest groups, residents etc. – all seeking advice and reassurance about local development opportunities and issues. Similarly, development control provides advice within the authority on policy-making and its own development.

Exhibit 10

**APPEALS 1988/89–1990/91**

There is significant variation in the level of appeals.

14. The mix of applications has changed over the 1980s. For example, there has been an increase in listed building applications (Exhibit 11). Although only a small percentage of all applications, these usually take much longer than householder or advertisement applications (Exhibit 12). Even for an equal number of applications, an increasing proportion of more time-consuming proposals has placed additional burdens on the service.

15. In the 1983 report the Commission advocated an increase in delegation to officers and sub-committees as a means of facilitating a more rapid public service (Box B, overleaf). The pattern in 1991 is extremely varied (Exhibit 13, overleaf) and the study found some authorities where there is still no delegation to officers. But extensive delegation alone is not sufficient for speedy processing. Some authorities with a substantial degree fail to produce impressive performance: others with limited or no delegation can still be relatively good performers. Delegation in itself does not inevitably lead to more rapid decision-making (Exhibit 14, overleaf). For delegation to realise its potential for quicker decisions it must be managed as rigorously as the committee cycle.
Exhibit 11

MIX OF APPLICATIONS
During the 1980s, there was a proportionate increase in those types of applications, such as listed buildings, which take longer to decide.

Source: Audit Commission fieldwork survey

Exhibit 12

PROCESSING SPEED BY TYPE OF APPLICATION
Major and listed building applications take longer to decide than householder and advertisements.

Source: DoE planning statistics 1979–1991 (England only–Audit Commission sample of authorities)
Exhibit 13
APPLICATIONS DETERMINED BY OFFICERS UNDER DELEGATED POWERS
There is no typical level of delegation.

Source: Audit Commission fieldwork survey.

Exhibit 14
DELEGATION AND SPEED
Delegation in itself does not lead to more rapid decision making.

Source: Audit Commission fieldwork survey.

16. The majority of committee decisions exceed an average processing time of 40 working days but some which have frequent meetings, good reports and a disciplined system, nevertheless perform as well, if not better, than other authorities with extensive delegation (Exhibit 15).

17. Although development control appears at first sight to be a straightforward process, across the country there is substantial variation in functions, workloads, performance and quality. The variability of performance and the absence of simple mechanical relationships with resources, practice and circumstances suggest that further influences are at work. If public understanding
of, and satisfaction with, the development control process is to be achieved, then these factors need to be exposed and analysed. Some are internal to the authority and will be considered in detail in Chapter 3. But all authorities have been subject in varying degrees to a change in the climate within which planning operates. The next chapter will highlight some of the pressures.

**Box B**

**1983 STUDY RECOMMENDATIONS**

- Clear policy and procedure
- Increased delegation to sub-committees and officers
- Reduced committee cycle
- Concise reports
- Streaming applications
- Monitoring and target setting
- Link to development plan
- Review staff mix

**Exhibit 15**

**COMPARATIVE TIME TO DETERMINE APPLICATIONS**

Delegated decisions are quicker than those made by committee but at some authorities committee decisions are still speedier than delegated decisions at others.

*Source: Audit Commission fieldwork survey.*
1. The Changing Climate

PRESSURES AND PROBLEMS IN THE 1980s

18. The principles underlying development control have changed little over the last 40 years, but in the 1980s four forces (Exhibit 16) combined to put development control under fresh pressure:

— economic growth created a need for new development, fuelling an increase in applications
— growing awareness of the environmental costs of development
— increasing concern for quality and accountability within public services generally, and
— new legislation and changes in public policy.

Exhibit 16
PRESSURES ON DEVELOPMENT CONTROL
Four forces combine to put pressure on the system.

19. By 1991 authorities' performance was showing the effect of those influences, some of which will gain further strength in the 1990s. Planning authorities must adapt and cope with these pressures or else they will fail to deliver effective and efficient development control services.

ECONOMIC GROWTH: THE SURGE IN APPLICATIONS AND APPEALS

20. During the late 1980s, planning applications and appeals surged to unprecedented levels on the back of rapid economic expansion and demographic change. Other factors such as
changes in agricultural techniques, releasing redundant farm buildings for alternative use, added to the pressure. The only comparable post war period was the Barber boom in the early 1970s when applications rose to 622,000 in 1973; this record was surpassed in 1988 when around 700,000 applications were submitted to English and Welsh LPAs. Further, the rate of increase was sharp: Welsh authorities were processing 20% more applications in 1988/89 than three years earlier; English authorities processed over 50% more. Many of these were major proposals, which made up 3.5% of applications in England in the mid-1980s, and increased to 4.1% in 1989/90. Thus, the mix of applications has changed through the 1980s with greater numbers of those types of application which by their nature require more attention.

21. Similarly, there was a lagged, but sharp increase in appeals. Between 1985/6 and 1989/90 the number of appeals submitted increased 80% in England and 37% in Wales. The surge in appeals was caused by several factors, in addition to the overall increase in applications. Reasons included the slowness of authorities in determining applications within the statutory 8 weeks and increased pressure for development of marginal sites. The percentage determined in under 8 weeks in England fell from a peak of 70% in 1982/3 to 46% in 1989/90. Some LPAs used such delays to extract concessions from applicants. Additionally, developers, seeking to benefit from a rapidly rising real estate market, particularly in the South-East, offered 'planning gains' and 'twin-tracked' identical applications, negotiating on one of them whilst appealing the other on the grounds of non-determination. This gamesmanship has grown and has been further encouraged by more costs awards in appeals. Whatever the causes, the appeal load further burdened the development control system and deflected officer time from the front-line task of determining applications.

22. Supply and demand factors hampered the ability of LPAs to cope with this level of applications. LPAs have no control over the demand for their services. Nor can they instantly add capacity to adjust to new demands. The supply of planning professionals in the country is inelastic in the face of the economic cycle. National shortages of planners can be felt locally by the loss of experienced staff. Anecdotal evidence from fieldwork suggests that in the mid-80s some of the best public sector planners were lured to private sector planning consultancies or moved between LPAs. This deprived local authorities of key players at a critical time.

23. A survey and discussions with consultants, housebuilders and developers in England and Wales, confirmed that over the past 10 years the development industry has become more organised and professional on planning and property issues. Moreover, the 1980s has witnessed a burgeoning in planning consultancies and in-house professionals – increasing the sophistication, bullishness and articulacy of the players within the development control system.

24. The increase in applications was proportionately more than the increase in development control staff during the boom so unit costs per application fell between 1985 and 1989 (Exhibit 17). Productivity improved to some extent but in some places backlogs built up and there were serious delays in deciding applications. Staff morale declined, and sickness increased, all of which was attributed directly to this pressure; discretionary areas of work, such as enforcement and the preparation of guidance notes, were neglected.

25. By 1990 applications were falling while local authorities recruited and revised establishments to cope with the recently experienced boom (Exhibit 18). But the underlying
Unit costs fell throughout the 1980s.


By 1990 applications were falling, while local authorities were increasing establishments to cope with the past boom.

Source: DoE and WO planning statistics. CIPFA estimates.

trend in applications is still upward. The planning system can expect to face a fresh surge in applications when the economy revives.

‘GREENING’ AND CONCERN FOR THE ENVIRONMENT

26. Just as developers have become more proficient in generating a growing number of applications, so those affected have become more vocal and expert in resisting change. Development pressure has stimulated an equal and opposite reaction with planning caught in the middle. Throughout the 1980s, concern for the environment increased. Green issues are now an important factor in national and local politics. The emphasis on conservation and heritage has
flourished. Although economic growth is taken as fundamental to the well-being of the nation, its compatibility with an acceptable environment and consequent quality of life is increasingly being questioned. The concept of 'sustainable development' is increasingly argued which the Government recognised in This Common Inheritance. Archaeological concerns for the preservation of sites such as the Rose Theatre and conservation and ecological protests over the Winchester by-pass, the Channel rail link, East London River Crossing etc demonstrate a heightened level of interest in the effects of development. Self interest has introduced Nimbyism to the English language.

27. Concern for the environment has a major impact on development control. Discussions at the fieldwork authorities confirmed that in recent years there has been a substantial increase in interest and activity by both individuals and organised groups. Expert bodies have prospered in this situation. The Council for the Protection of Rural England (CPRE) has doubled its membership in ten years and reports a marked rise in its activity. The Civic Trust opened-up membership two years ago – it now has 110 corporate members and in the South East alone over 8000 individual members. The Town and Country Planning Association also increased its membership by 12% from 1982 to 1989.

28. Elected members of local authorities are central to the process of development control. There are few services in local government in which they exercise an equivalent degree of individual and detailed influence. They find themselves pressed to reflect and articulate the concerns of both applicants and pressure groups at individual case level. It is often difficult to balance the benefits of a development, which are frequently enjoyed by a silent and sometimes unidentifiable constituency, against the lobbying of the visible and identifiable groups adversely affected. And the proper and genuine attention which the environment now generates strengthens the hand of those who favour conservation. Decisions consequently may often be unpopular or result in less contentious but compromise designs. This all adds to the time necessary to reconcile conflicts and decide applications.

QUALITY AND ACCOUNTABILITY IN PUBLIC SERVICES

29. Questions of quality and accountability have never been absent from public debate but have risen to the top of the agenda for public services. Quality has become a touchstone for competitive advantage in private sector activities; in the public arena it is seeking clearer definition. Major political parties now espouse some form of quality/citizen's charter; some authorities have already adopted local service charters. The Association of Metropolitan Authorities and National Planning Forum are currently preparing a Charter for Development Control.

30. But planning has been handicapped by an absence of any shared and explicit definition of quality in development control. Some authorities, Leeds for example, have introduced customer-care initiatives to improve service delivery. Its initiative includes target times for response to letters, telephone calls and enquiries; courtesy at reception desks; clear and user-friendly forms; fixed appointments for meetings; and guaranteed turn-around of documents.

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1 Nimbyism – ‘Not in my backyard’
2 This forum (formerly the National Development Control Forum) represents local authority associations and considers major practical problems in town planning
for applicants. Such good practice is still lacking in many authorities, but none would agree that these provisions alone capture the full extent of the definition of quality for development control. The quality of outcomes is more important than the quality of the process because buildings will be seen long after memories of the decision process have lapsed, but it is far harder to assess.

The mechanisms which assure accountability are underpinned by democratic processes. For most authorities the cost of democracy and public involvement in planning has been rising in the 1980s. The rise in home ownership has increased the numbers of property-owners who have a financial interest in decisions on neighbouring properties and who expect to be consulted. Secondly, many authorities have identified the need for more accessible decision-making procedures. In some cases this has led to the creation of community councils as sounding boards for local opinion. Similarly, committees are fully open to the public, and in a few authorities applicants and objectors are permitted to address the members. Thirdly, Access to Information legislation has imposed a duty on authorities to disclose files. The Ombudsman has been a major influence in obliging LPAs to be consistent in the way in which they administer the planning process. Since 1985 the number of planning referrals to the Ombudsman, many concerned with authorities’ procedures, has increased by 150%.

PUBLIC POLICY

32. Central government is aware of these tensions. It has attempted to respond to them, but it has added its own pressures, further increasing conflict in the system. In the prevailing deregulatory atmosphere of the mid-80s, planning controls were viewed as a constraint on economic development. ‘Jobs locked in filing cabinets’, a phrase from a Conservative shadow minister in 1978, was still rankling local authorities in 1991. Planning policy guidance such as ‘Building Businesses not Barriers’ gave weight to the objective of deregulating the system.

33. This led to a progressive relaxation of planning controls and a decline in the relative value of development plans in influencing development control decisions. The latter was summed up in the now withdrawn Circular 14/85, which stated that ‘the development plans are one, but only one, of the material considerations that must be taken into account in dealing with planning applications’. Circular 16/84, also now withdrawn, complemented this by saying that ‘where a developer applies for planning permission which is contrary to the policies of the approved development plans, this does not in itself justify reason for refusal.’ This was exacerbated by the absence of full up-to-date development plan cover and gave little encouragement to its completion. By the end of the 1980s, central government was laying greater emphasis on the need to balance conservation and development. The 1991 Planning and Compensation Act reflected this movement.

34. The Government monitors LPAs’ performance by measuring the time taken to process applications, expressed as the percentage of applications handled in 8 weeks by each authority. Since 1979 the DoE has compiled quarterly returns of applications determined within 8 weeks and in 13 weeks. Initially these were published in the form of national tables ranked by performance, although in more recent years these have been grouped by county. The returns are used by the Government and development/housebuilding pressure groups to quantify and justify criticisms of the system. The DOE accept that 80% achieved within 8 weeks is reasonable and draw attention to those local planning authorities where performance is seen as slow.
35. As a measure of quality of the development control service, the eight week figures have grave weaknesses (Box C). Many planners interviewed during the study claimed that speed conflicted with quality. At the extreme this must be true. But despite the wide variation in time taken to determine applications, no planners admitted that their development control lacked quality. Some argued that with more time, the degree of quality could be improved; but these views did not necessarily come from those authorities with fast eight week performance. The length of time taken to process an application is not of itself the prime measure of quality. Nevertheless, the emphasis on speed alone continued in the 1980s and 1990s, ignoring the mix of applications, the variety of development control functions and quality of outcomes. Furthermore, the time period for deciding applications was set over 40 years ago when the planning system was simpler.

Box C
PROBLEMS WITH 8 WEEKS AS A PERFORMANCE MEASURE

- Too crude. It does not measure the value added to applications through negotiation. Nor does it do justice to the variation in caseload/workload mix.
- Figure fudging. An authority may delay registration on an application if it requests amended plans or further information. The application is deemed withdrawn. A new application is then registered but with work already in hand. Alternatively, the authority can swiftly refuse the application if awaiting amendments. It then approves the amended plans as a second, separate application- achieving 2 determinations within 8 weeks as opposed to one over 8 weeks, boosting performance figures.
- Reliability of figures. The returns are not rigorously checked and there are a growing number of non-returns.
- Economical with dates. Sometimes the date of determination by committee is taken as the cut-off point rather than the date a formal decision notice is issued.
- Planners compete locally. A national comparison of speed of performance was questioned by planners interviewed in fieldwork. They preferred to measure themselves against similar neighbouring districts. Eight weeks has little credibility with planners.
- Discourages negotiation. Some authorities, in seeking to improve performance in the narrow terms of the DOE quarterly returns, are increasingly unwilling to enter into negotiations if this will delay determination beyond 8 weeks. They may also issue more refusals.
- Perversity. There is a clear danger that the 8 week figure builds disincentives into the DC system. It diverts time and resources to satisfying the DOE rather than focusing on service quality.

36. The Government introduced fees in 1981. These are payable for most types of applications. Fees were originally intended to cover half the costs of processing planning applications, but ultimately aim to cover the entire costs of development control. Fees create a more charged atmosphere within which development control takes place. The growing influence of 'planning gains' with associated S.106 agreements since 1983 has been a further factor influencing development control, complicating and delaying decisions, especially for large developments. Additionally, the prevalence of appellants seeking reimbursement of costs at
appeal against unreasonable behaviour has burgeoned. Planning authorities appear more reluctant to apply for costs.

37. The Government has been attentive to the views of interest groups and private sector lobbies. The 1980s witnessed a flurry of studies proposing the reform of development control. The Housebuilders' Federation commissioned a study into the effects of planning delays; the Nuffield Foundation published a major study on the planning system; costs awards and appeals were taken to task by the National Housing and Town Planning Council; think tanks such as the Institute of Economic Affairs and Housing Choice advocated deregulation, choice and the pricing mechanism as solutions to development control delays.

38. It is hardly surprising that a system so crucial to the quality of life has attracted both criticism and would-be reformers. An Audit Commission survey of developers/consultants highlighted common criticisms (Box D). The National Planning Forum produced ‘Guidelines for the handling of planning applications’ in 1988 and later commissioned a management study (Ref. 2). Also a study for the Royal Town Planning Institute, undertaken by Elsworth Sykes (Ref. 3), made a number of recommendations, some of which repeat those of the Audit Commission in 1983.

**Box D**

**COMMON CRITICISMS OF THE PLANNING SYSTEM EXPRESSED BY DEVELOPERS AND CONSULTANTS**

- Variability in standards of service across authorities
- Uncertainty and inconsistency of decisions
- Unhelpful, non-committal advice
- Poor understanding of the financial implications of delay – the economics of development
- Whims/prejudices against developers
- Poor policies often rigidly applied
- Neglect of Government advice
- Poor communication; delays unexplained; failure to respond to letters/phone-calls
- Excessive interference in design matters
- Unreasonable conditions
- Too much weight given to objectors (non-planning arguments)

* * *

ENTERING THE 1990s

39. The response of the Government to these pressures has been to increase advice and guidance on development control, mineral extraction and regional planning. The Planning and Compensation Act 1991 introduces critical policy changes by requiring mandatory unitary development plans (UDP) and district-wide local plans in place of the present fragmented coverage by plans of various ages and quality. This also enhances the importance of development plans as the major consideration in the determination of applications, reversing the earlier policy of deregulation (Box E) – thereby strengthening development control and enforcement, with
more efficient and effective plan-led decisions. New controls are to be exercised over demolition, agricultural buildings, and fish farms. Furthermore the provisions of the Planning (Hazardous Substances) Act 1990 will shortly be brought into force, allowing LPAs to control the presence of noxious substances.

Box E
THE PLANNING AND COMPENSATION ACT 1991

The Planning and Compensation Act 1991 received its final assent in July 1991. It brings in major changes to the planning framework.

Three key areas of change:
1. Development control
2. Enforcement
3. Development plans

The legal powers are strengthened and tidied up. Significant changes:

1. DEVELOPMENT CONTROL
   • New unilateral Planning Obligations
   • Demolition brought under remit of development control
   • Environmental Assessment written into primary legislation
   • Powers to reject repetitive applications if application has been turned down on appeal within two years
   • Summary dismissal of appeals if appellant causes unreasonable delays. Costs may be awarded for cancellation.
   • Provision to include statutory neighbour notification of development

2. ENFORCEMENT
   • Increased fines (up to £20,000)
   • Improves and simplifies procedures
   • New breach of condition notices (with no right of appeal)
   • New certificates of lawful development to determine legality of existing and proposed development
   • Contravention notice introduced (allowing an authority to obtain information about suspected breaches of control)
   • Improved rights of entry

3. DEVELOPMENT PLANS
   • Greater emphasis on plan-making process
   • Mandatory district-wide plans
   • Policies on conservation and amenity
   • Streamlined procedures for adoption

40. A Government consultative paper has also invited views on how to give effect to the commitment in the 1991 Act for compulsory publicity for all applications (Ref. 4). This reflects
the increased expectations of the public and of pressure groups to be involved in the planning process. Additionally, a significant change was added to the appraisal of certain types of major planning applications with the introduction of Environmental Assessment (EA). This originates in European legislation (Directive 85/337/EEC) which came into effect in England and Wales in 1988 (Box F).

Box F
ENVIRONMENTAL ASSESSMENT

The Process of EA

Environmental Assessment is the process of appraising the environmental impact of certain major developments. Applicants whose proposed development is subject to EA must submit to a planning authority an Environmental Statement (ES). This is a formal document setting out the results of the environmental assessment.

EA is an added procedural step under the 1988 Town and Country Regulations. It builds in most of the European Community directives. The Community directive, however, requires a wider statement of likely environmental impact than the British law. This has already caused a disagreement between the European Commission and the British Government.

It is not clear when an ES is required in law, but DoE and Government regulations set out the main requirements. LPAs have 16 weeks to determine an application subject to an ES.

ES are useful for applicants and LPAs since both have wide rights to information and consultation.

Over 600 ESs submitted since 1988; more than anticipated by the DoE. But 65% of ESs judged unsatisfactory by a consultant to the European Commission.

The Importance of EA

Demonstrates green pressures from a European level – and EA's scope may spread

Reveals that developers perceive a need to respond voluntarily to environmental concerns. (Since some EA is being provided where it may not be strictly required by law)

Poses challenges for all players in the system to provide a high standard of assessment. The scope of an ES is ill-defined and LPAs will not easily be able to determine how thorough is the ES without significant resource commitments. And the law requires clarification in key areas.

Increases the possibility for public involvement.

41. The encouragement of economic growth, 'greening', the demands for quality and accountable public services, and public policy and legislation create formidable challenges for the development control service. It is vulnerable to criticisms from some inevitably dissatisfied customers. Some see LPAs as negative, rather than supportive, hurdles not helpers of development and investment. Others criticise them for allowing anything.

42. Planners must produce solutions. If they are to demonstrate quality in the delivery of the service, and in its outcomes, they must be prepared to be receptive, innovative, and positive to achieve good practice. The next chapter will discuss best practice for development control in the changing climate.
2. The Way Forward

43. Development control is a balancing process. Each authority must strike a balance for itself bearing in mind the views of its customers and the weight to be attached to them. Their approach should be clearly stated, based on local conditions and the development plan. For some local authority services, identifying the customer is simple. For example with domestic refuse collection it is the individual household. Each customer is a direct recipient of the service provided. For other services the answer is less straightforward. In development control, there are many potential customers of the process.

WHO ARE THE CUSTOMERS?

44. The applicant or the applicant’s agent is clearly a key customer. He or she will receive or be refused permission for a proposal based on its quality and the prevailing planning considerations which will include both national and local policies and plans. But most developments also affect others. A house extension is likely to affect only the immediate neighbours but a new factory or super-store can have a more far-reaching impact with consequences for the environment and economic development. The residents and businesses of the district and further afield are also customers of the local authority planning service, since major decisions can indirectly affect their environment and quality of life. Members often see themselves as customers on behalf of the community they represent. An even broader view is to see future generations of the area as customers as they will be affected by decisions made today.

45. A critical task in managing a development control service is to make explicit, according to local perceptions, who the customers are, and to set out clear policies and statements of procedure which inform customers of their role in the process. Planners must provide their customers with some extra benefits or reduced harms which they otherwise would not have received. Planners can add value both in the way they process applications; and in the quality of the outcomes of those processes. If there is no need to improve a proposal, or no way to overcome fundamental objections, then speed and certainty are the key expression of quality, and rapid decision-taking itself adds value. When authorities add value to the process of development control, they relieve many of the tensions on the system and deliver a quality service to their many customers.

THE QUALITY OF THE PROCESS

46. Authorities must scrutinise their decision-making process. They should be able to demonstrate quality at each stage. There are eight key stages which should be examined (Exhibit 19, overleaf)

OBJECTIVES FOR THE SERVICE

47. Authorities can add value before applications are submitted by publishing clear advice and by undertaking pre-application discussions. Individual applicants are usually unclear about the expectations of their local authority and of the planning processes which their application will trigger. Many authorities have development plans, policies for design, guidance notes on
EIGHT KEY STAGES
Authorities must demonstrate quality at each stage of the decision-making process

Task:
- Objectives
- Pre-application discussion and advice
- Initial administration
- Consultation and notification
- Assessment and negotiation
- Documentation
- Decision taking and committees
- Decision notification

Quality tests:
- Clear advice integrated
- Planning corporate and service objectives
- Reasonable expectations for customers
- Clear guides and handbook
- Customer care at service desks, telephones
- Well-managed pre-application meeting
- Maximum 2 days from receipt to caseworker
- Early screening and allocation of cases
- Flow-chart work; assigned administration responsibility
- Monitor processing
- Effective use of IT
- Clear limits to scope and reply times for consultation/notification
- User friendly correspondence
- Demonstrate improvement of scheme to fit LPA’s objectives
- User friendly correspondence
- Consistent appraisals across area teams
- Appropriate report style and length
- % delegated to officers
- DC sub committee cycle 3-4 weeks
- Clear explanation of consultee’s role
- Effective chairing
- Pre-printed decision notices
- 2 days minimum to dispatch
house extensions etc. Some have service charters. But few encountered in this study have an explicit and integrated set of stated objectives that combine aims, methods and implications for the whole of the development control process. Unless authorities are clear about their objectives for development control – the relative weight they attach locally to the environment, speed, economic development, participation – assessment of performance and inter-authority comparisons on effectiveness will be frustrated. Most LPAs want to improve the quality of the end-products, but have to interpret their local circumstances and judge any ‘demonstrable harm to interests of acknowledged importance’ in each case.

48. Local plans and unitary development plans set out planning objectives for development control within the bounds of planning law. Currently these plans are variable in quality and coverage, affecting their value to guide development control. The new plans should provide definitive guidance. However, they do not necessarily set out a corporate approach to such aspects as the involvement of third parties, attitudes to conservation groups and customer-care. It is essential that an authority declare such objectives (Exhibit 20, overleaf). Such clarity helps to solve some of the key problems facing the service:-

— First, it recognises the pressures within the system and tells applicants and third parties where they stand.

— Second, it contributes to increased accountability for the service – disclosing to the public the, often implicit, operating assumptions of decision-makers.

— Third, it improves value for money and the assessment of effectiveness since authorities can be measured against clear-cut aims.

PRE-APPLICATION DISCUSSIONS AND ADVICE

49. Most people do not have regular contact with the local authority planning department. For the individual making an enquiry many authorities have a development or planning handbook which summarises the main features of the planning system and outlines procedures to be followed. These handbooks often have a common format. Other authorities produce leaflets which serve a similar function while there are also Department of the Environment publications which most LPAs make available to the public. This general literature is often supplemented by detailed design guides and guidance leaflets on particular topics which inform prospective applicants or interested parties on what may or may not be acceptable. They may include development control policy statements. Examples include extensions to dwellings, satellite dishes, barn conversions etc.

50. The quality of guides varies, but good examples, such as those in Aylesbury Vale and North Norfolk, are well illustrated, informative and easy to read, while Leeds provides guides in thirteen languages. The production and use of handbooks and design guides are by no means universal or cover all topics. Sceptics view them as patronising, but good design guides and information lead to the submission of better quality applications, i.e. properly completed with proposals closer to the authority’s policies and plans. This can also reduce the need for subsequent negotiation and increases the likelihood of an approval within a shorter period.
51. Advisory written material will rarely be enough; applicants will often need to discuss their proposals. Effective counter services improve the provision of general advice to prospective applicants. Good practice follows straightforward, but often neglected, standards: prompt, courteous and informed service at the counter backed up by training in customer care. Leeds for example, provides customer care seminars, publishes a guide to help staff handle problem customers and trains staff to handle angry telephone callers.

52. Most queries and access to registers and basic records can be handled by competent trained administrative/technical staff. It is common for access to professional planning staff to be limited to certain times and/or by appointment. This reduces interruptions to the casework on planning applications and maximises the role and job satisfaction of support staff. If these practices are followed, participants in the planning system may not be completely satisfied with
By courtesy of Leeds City Council

the decision, but at least will acknowledge that they have experienced a quality process characterised by professional practices.

53. In managing their resources to best effect, authorities may screen calls or limit meeting times. Quality of service need not automatically suffer, provided development control managers clearly establish and explain to customers what procedures will be used. These may include:

— hours to call

— appointment times

— whom to contact

— availability of officers

— alternative action (e.g. send a letter, leave a message on an answering machine etc)

Managers should then monitor the services provided and whether target times for replies are achieved.

54. Most local authorities encourage pre-application discussion to anticipate serious conflicts of interest, to avoid problems and to influence the quality of submissions at the earliest, and most formative, stage. The study uncovered some divergence of view, even within planning departments, as to whether the system existed to approve applications that were adequate or whether an objective was the improvement of quality even for acceptable applications. Local attitudes on this issue should be made explicit. Discussion and advice are significant activities – currently absorbing about 20% of a development control section's time (Exhibit 1, page 3). The Government, the RTPI and the National Planning Forum see 'such meetings (as) an essential part of the development control process'.

29
55. The new development plans will underpin advice. Officers can also suggest that applicants discuss potential problems with neighbours. With large sites planning briefs are beneficial and could be used more often. Pre-application discussions can help speed the overall process by establishing an understanding between applicant and planning officer on the acceptability of an application. With large projects these should encompass principles of any ‘planning gain’, and should involve major consultees. If an authority is clear why it undertakes these discretionary activities and performs them well, it will ease any subsequent tensions between speed and the information and involvement sought by customers.

56. Pre-application work is discretionary, but if undertaken successfully will contribute to the quality of the process and shorten the time needed for formal consideration. It should be encouraged. Authorities must examine critically the effectiveness of pre-application discussions, especially the criticism that initial advice is over-turned later. This obliges authorities to be confident that they add value. Planners should ask seven key questions when undertaking these activities:

   — Why do it?
   — What does it cost?
   — Should they target particular types of application?
   — Who benefits?
   — How do they benefit?
   — How satisfied are potential applicants?
   — Will the final decision be consistent with the preliminary advice?

INITIAL ADMINISTRATION

57. Efficient administrative systems are a component of quality public services. In processing a planning application, there are key stages where speed equals quality. The administrative stage of development control is one of them. If authorities follow good practice here, they will square the demands for a quick and quality decision, maximising the time for professional attention to the application by minimising the administrative time.

58. After receipt comes the validation stage. This includes the checking of forms, fees and plans. The register of applications must be updated and a file created including, where appropriate, a computer record. An acknowledgement should also be sent once the application is registered. Many authorities at this stage notify statutory consultees while some also inform other potentially affected parties, e.g. near neighbours. Also schedules of applications will normally be compiled for press advertising and/or circulation to members, parish councils and other information points such as local libraries. Standard consultation and notification letters and/or site notices should be sent as early as possible, so that delays consequent on consultation are minimised.

59. The prime function of the administrative operation is to get a valid application to a case officer as quickly as possible. Good practice is said to be a maximum of three days\(^1\) for an

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\(^1\) *National Development Control Forum Handbook 1988* suggests three days
application to be received and validated. This is frequently exceeded, thereby ensuring that the
authority's professional staff are immediately handicapped in achieving a reasonable overall
turn-round time. But the evidence of this study is that two days is achieved by many authorities
and could be achieved by all (Exhibit 21). Unlike later stages in the process, when decisions
await the response of third parties, this initial stage is fully under the control of an authority.

Exhibit 21

**DAYS TO REGISTER AN APPLICATION**

Over half the study authorities took more than two days to register an application

<table>
<thead>
<tr>
<th>Days to Register an Application</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>One day or less</td>
<td>12%</td>
</tr>
<tr>
<td>Two days</td>
<td>31%</td>
</tr>
<tr>
<td>Three days</td>
<td>28%</td>
</tr>
<tr>
<td>Four days</td>
<td>10%</td>
</tr>
<tr>
<td>Five days or over</td>
<td>21%</td>
</tr>
</tbody>
</table>

*Source: Audit Commission fieldwork survey.*

60. To speed these initial processes, Fenland uses a flow chart of tasks from receipt to case
officer to monitor the process. Validation of applications and all initial consultations should be
devolved to experienced and trained administrative staff and technicians. To assist them and to
aid staff replacements, a succinct manual should be developed and kept up to date. The use of
information technology in this part of the process is helpful and its role should be reviewed to
maximise its potential. Managers must ensure that the administrative and professional stages are
efficiently integrated. Good practice is to allow tasks to be performed at the lowest possible level
compatible with effectiveness.

61. The early and speedy screening of applications by an experienced planner can
anticipate problems and channel them according to their character and complexity (Exhibit 22,
overleaf). This should ensure more speedy evaluation consistent with complexity and potential
controversy. Managers' first responsibility must be to ensure that an effective administration
supports the professional team. They should then monitor progress using regular management
information.

62. Efficient administration underpins good customer care. Target dates for each
application should be set, even if sometimes these are missed. It is essential that the team leader
or development control head is aware of such cases, using for example tight management systems
which analyse reasons for delays. Long-standing applications should be scheduled and regularly
reported to committee with an explanation. In Montgomeryshire all applications over three
weeks old are reported to committee – this informs members and applicants of progress and provides a simple means of monitoring those applications which are delayed for whatever reason. It is particularly important that the applicants are told of the position, and chased if the delay is their fault. Additionally, all committee reports on applications should advise members of the date the application was received so that they can question the efficiency of the service in processing the application as well as considering its intrinsic planning merits.

CONSULTATION AND NOTIFICATION

63. In practice, two activities occur: statutory consultation with outside bodies and notification of the public. Both can add significant value to the process. Consultation provides other professional insight for planners’ overall assessment and judgement; notification provides information to the public and creates an opportunity for them to contribute information and to register opinions. Properly handled, publicity will address the demand for information and involvement with planning issues.

64. The present planning system provides the means and powers for local authorities to publicise and consult on certain types of planning applications, e.g. conservation areas, bad neighbour development etc. However, over three-quarters of authorities, according to the 1991 RTPI report (Ref.3), also undertake discretionary publicity and notification of planning applications. Study authorities argued that the scope of consultation was a measure of the quality of the planning process. Some pressure groups argued that overall quality in the development control process was measured by the degree to which decisions conformed with the public views expressed during consultation.

65. Many authorities undertake discretionary notification without clear objectives or even basic knowledge of the scale, cost or outcome of their notification procedures and their consequences. Eighty six percent of authorities in the Audit Commission survey did not record...
the number of letters sent per year. The scale can be substantial: for example, one authority in London sends over 50,000 letters per year. To be effective, authorities must be clear with whom to consult, why, and by what method, and must assess the benefits. They should be able to demonstrate that the effort, cost and delay of notification is proportionate to the influence it has over the planning decision. In many authorities consultation is an effort to be seen to be fair and has more to do with public relations than with adding value to the process of the consideration. This is defensible providing that its purposes are specified and do not raise false expectations for consultees (Box G). Representations must be valid in planning law to be effective.

Box G
GOOD PRACTICE IN NEIGHBOUR NOTIFICATION WOULD FEATURE:

| • Clear objectives for notification. Authorities must be specific about why they are doing it. |
| • Consistent criteria for deciding whom to notify. One study authority decided by reference to the character of each application; another set a specific circle for inclusion. |
| • Targeted mailing. If no clear objectives and practices are set for notification and the authority fears allegations of maladministration, there is a tendency to over-notify by letter, wasting time and resources. |
| • Accessible site notices. Notices may be vandalised, destroyed by weather or incorrectly sited and thereby missed by the public. Standards should be set for the manner in which notices should be posted. |
| • Realistic expectations. The information in the consultation letter should provide basic information on the process by which views will be taken into account. |
| • Relevant replies. If an authority believes in involving residents, it risks receiving replies that contain arguments of no sustainable planning merit. (ie fear of economic competition, loss of capital value on a property). Preliminary guidance on the relevance of particular types of response helps. |
| • Cost effective management. Most authorities could not state accurately how many letters had been sent nor the costs of the process. |

66. Notification is an important safeguard of the quality of the process, but a regular review of the criteria is vital. The planning consultation process is likely to attract public comment on a wide range of issues unrelated to the planning merits of a particular application. Sometimes this notification is the only opportunity for members of the public to express their views to the council. Good communication over the quality of service delivery is laudable, but it has the potential to burden development control with complaints across the range of local authority services. Authorities should make clear their objectives, criteria and the legal constraints in informing residents. If they are in favour of extensive communication with their chargepayers, they should consider carefully whether it would be more sensible to establish other mechanisms for public debate about local services, detached from the more specific considerations pertinent to planning matters.

67. Notification and consultation must be managed sensitively. As these activities depend on co-operation from outside parties, some authorities feel they have little control over them. Good practice suggests, however, that an authority should set clear time limits for the response of outside parties to letters, requests for information, etc. If delay does occur due to a consultee's
tardiness, this should be explained to the applicant. Applicants themselves can help by replying quickly when additional information or amendments are sought.

68. Authorities and developers complain about the speed with which central government departments, and some national bodies, sometimes reply to consultation, particularly the Department of Transport. If planning authorities are to respond to the Citizen's Charter and offer applicants a greater degree of confidence about the time which applications will take, they must be supported by a supply chain of participants who observe timescales consistent with good public service at the point of delivery. The Government should monitor its role as a contributor to decisions by assuring speedy responses to local authorities.

69. Neighbour notification normally takes the form of a letter outlining the proposal, the availability of the plans for inspection and explaining what action may be taken. It will specifically invite comment within a prescribed period. The distribution of notification varies widely. Some councils contact only adjoining neighbours, others set distance limits and others will identify consultees as a result of the site visit.

70. The most common alternative is the site notice. This tends to be displayed by the applicant on a voluntary basis. East Devon estimate that about half of its applicants display site notices under such an arrangement. Sutton has a hybrid system based on site notices with selective neighbour notification but applicants are informed that failure to display the site notice will mean the application cannot be processed under delegated powers and consequently may take longer. Another authority posts its own site notice for all applications. Lastly, there are some authorities whose publicity activities are limited to the press, parishes and local offices etc. In the district of Montgomeryshire, community councils are used to notify and collate local views for reference to the Planning Committee.

71. There is now a broad consensus, including the Government, favouring rationalisation and improvements to the present system for notifying and publicising planning applications. In May 1991 the Government accepted the principle that all planning applications in England and Wales should receive some publicity as is already the case in Scotland. Recent legislation provides for the making of a development order to prescribe publicity arrangements (Ref.5). Since mandatory publicity is now imminent, LPAs will have to compare their current practice with the new regulations, and should assess the effectiveness and consistency of any discretionary notification above and beyond the proposed statutory arrangements.

72. In order for authorities to maximise the benefits from consultation and notification, they need to ask six questions:-

— What are the objectives for the notification process?
— Who is the target of the notification?
— What methods will achieve the objectives?
— When can plans be inspected?
— What problems are raised by notification?
— Is the balance right between costs/delays and benefits?
73. The basis of the assessment and evaluation of each application is the development plan's policies and proposals, together with all 'material considerations'. The Planning and Compensation Act 1991 gives an increased weight to development plans in the determination of applications. From an initial appraisal of each proposal, professional expertise will assess its merits and any need for amendment before permission can be recommended.

74. Most local authorities then negotiate with applicants to improve the development, if necessary. They see this as a major positive role, as the cutting edge of a planner's job. Negotiations complement the consultation/appraisal/site visit stage. Clearly some planning applications are routine and require few, if any, alterations. In others, reduction, amendment or enhancement of a proposal by a professional planner can achieve both the authority's and the applicant's objectives as well as providing a development more acceptable to the public at large. Often the applicant is unaware of environmental sensitivity. Time, skill, persuasion and determination are required before the goal of a good decision is achieved. But development control is not prescriptive and LPAs should be flexible and receptive to encourage good quality development. Within the authority, development control officers may require the supporting skills of other professionals. It is critical that this supply chain is managed to deliver timely and constructive advice into the negotiations.

75. This adding of value by a development control service should be guided by the local authority's overall objectives. If the primary objective is to stimulate economic development, it may trade-off less serious environmental concerns if it detects that persistent negotiation might jeopardise the development. In contrast, in areas under heavy development pressure or in rural areas, environmental, traffic or ecological considerations may be paramount. In Wales the impact of development on the Welsh language can be a consideration. Negotiations frequently address concerns over the scale and appearance of the proposal in order to protect the character of the local environment. In Newport a full-time architect is available to advise. In Sutton there is a separate design team within the planning division which can be called upon by the development control planners to supplement their views and ideas on the problems and improvements a development may need. This approach is common in areas where proposals are in conservation areas, and a specialist conservation officer, in-house, from the county, or an advisory panel, need to be consulted. In authorities where this quality input is confined to the non-specialist or unqualified development control officer, limited expertise or too much interference in design may have an adverse effect on the quality of development.

76. The value added by this professional activity to finely balanced cases is hard to assess. In terms of objectives, an authority must be rigorous in setting standards for trading-off the benefits of an improved scheme with the time taken. Potential appeals, planning gains and obligations with their attendant legal agreements play a part in the negotiations. On the one hand the applicant is concerned with the potential delay in going to appeal, while the LPA suffers a loss of control if an appeal is lodged. Most planners and many applicants see a negotiated approval after say 11-12 weeks as preferable to a refusal and/or appeal within 8 weeks. Indeed many developers argue that although they value speed, they value certainty, consistency and quality even more. But the simple assertion that negotiation adds value is not enough; planners must be
able to demonstrate the achievements gained from this process in terms of value for money,
including applicants' concerns about delays and increased costs.

DOCUMENTATION

77. A key stage in the application process is the case officer's report which should set out
the facts and arguments to decide an application. In routine cases a summary will normally suffice.
But for complex applications a formal and fuller report is needed. This can be time-consuming
in terms of drafting, checking, printing, distributing and reading. A sense of proportion is needed.
Reports should be fit for their purpose but do not need to be voluminous masterpieces.

78. The style and length of report is often a product of the degree of delegation and the
local culture. There is a wide range of practice with respect to committee reports, with some
councils minimising the number of substantial case reports and relying on verbal reports by
officers against a schedule of applications containing only the basic details. In others, full detailed
reports are favoured as members are keen to have as much information as possible in advance of
the meeting. Applicants and objectors also favour comprehensive written coverage of their
arguments. Schedules are more likely to be favoured by members where delegation is low and
the committee determines a large proportion of cases. Compliance with the Access to
Information Act must also be ensured.

79. The discipline of preparing a written report ensures that professional officers clearly
substantiate their conclusions, reducing the likelihood of missing important points in the
application. For committee reports, most LPAs use a standard format covering key aspects and
standard conditions. Good practice also includes the support of location plans with reports, and
the display of complex or controversial plans at the meetings. Councils should have a stated
policy covering the rights of participants to see files – it helps if there is a file to be seen. This
does not require a lengthy analysis of each application, but good practice suggests a list of key
issues on each file. Members should also be helped to recognise the key planning issues in each
case, to appreciate the limitations imposed by law and government advice, and to realise the costs
if decisions are delayed.

80. Planning jargon has a tendency to invade otherwise straightforward reports and letters.
Fieldwork has revealed a wide range of quality in the standard correspondence used by authorities.
One chief planning officer commented that this may be due to the professional, as opposed to
managerial, emphasis in planners' training. One officer claimed that acknowledgement of a
planning application had to follow the wording of the General Development Order (GDO)–
which made it an unfriendly legal letter (Ref.6). This is not so. Provided a standard letter covers
the salient points of legislation, the authority may choose its own format.

81. For those authorities which place great emphasis on neighbour notification by
letter it is vital that correspondence is clear and precise. Otherwise, well intentioned
letters become incomprehensible, irritating junk mail. Not all authorities have reviewed
in recent years the style of their standard letters. They should do so. Possible approaches
would include seeking an assessment of standard letters by an expert third party such as
Plain English, and asking applicants and consultees what they thought of the council's
correspondence. Good correspondence will include a named officer and telephone
numbers and the times when contact can be made. Very importantly, it will set out clearly the role of the addressee in the planning process and the expected date of reply if views are to be influential. Adherence to such guidelines will help break down the barrier between professional planner and public – adding value to the development control process.

DECISION-TAKING AND COMMITTEES

82. Development control operates with the close involvement of elected members. Their role and participation vary widely and the committee structure and responsibilities reflect this.

83. In shire district councils it is not unusual for all members to be on the planning committee or at least an area sub-committee. Planning is a high profile service; members are conscious that development control involves a steady flow of individual decisions of which residents and businesses are likely to be aware. By contrast, in unitary authorities other high profile services such as education and social services compete for members' interest and time. Planning committees may not assume the relative importance they have in the shire districts.

84. A common model is a main planning and development committee meeting on a cyclical basis (normally 6 weeks) but with one or two development control sub-committees, possibly area based, meeting every three/six weeks and dealing exclusively with planning applications. Major or contentious applications such as departures from local plan, are dealt with by the full committee or even the council. The size of sub-committees varies; some favour a small body aimed at concentrated consideration of applications, others prefer a large sub-committee ensuring comprehensive representation of views. There is no model committee structure. Large committees might be thought to take longer over decisions compared with small sub-committees, but this is not evident in comparisons of authority performance. More important is the size and balance of agendas, the appropriate use of visual aids and the degree to which decisions are delegated to officers. The frequency of committee meetings should be set so that the consideration of applications is not delayed by the absence of a suitable committee date, and extra ones should be convened if necessary.

85. Some LPAs have extensive site visiting arrangements for the committee, whilst others expect individual councillors to make their own visits. Site visits can be extremely valuable, and popular, for contentious applications, but are cumbersome and an additional complication for most applications. Authorities must be confident that the value added by such visits justifies the delay they can cause. A subject of criticism by applicants is a decision deferred for a site visit from one meeting to the next leading to unanticipated and costly delay.

86. All meetings are open to the public and large attendances are common reflecting general and particular interest. Some authorities have taken public accessibility further, allowing applicants and objectors to address the committee. But the majority of officers and members contacted during the fieldwork viewed this approach with extreme scepticism, seeing the potential for long acrimonious meetings, with little benefit to the quality of the decision.

87. Delegation to a sub-committee from the council or a parent committee is almost universal. The proportion of decisions made under delegated powers to officers has steadily increased but to nowhere near the levels envisaged in 1983. Some authorities have introduced delegation to officers only in the last few years and there is a wide range of levels of delegation.
Many members see planning decisions as their responsibility and are reluctant to delegate them, especially as public sensitivity grows. However, as development control decisions become more plan-led, there will be greater opportunities to delegate decisions in accordance with local policies.

88. Delegation schemes examined during the study vary widely in detail. Some councils permit their officers to deal with particular categories of application, regardless of the submission of an objection, relying on the officer's judgement to refer issues to the committee on those occasions where they go beyond the officer's normal remit. Many will not allow a delegated decision, however minor, where there is an objection or adverse comment. Clearly objections are important considerations but in the case of minor matters where an objection is made without any legitimate planning basis, a delegated decision should be accepted. Often neighbours will object to an extension simply because they think it will devalue their own property. That is not a valid planning consideration. In many authorities all recommendations to refuse must go to committee no matter how straightforward the decision. That is difficult to defend, as the implications of a refusal are minor, carrying a right of appeal, compared to the implications of an approval.

89. There is potential for more delegation of decisions which should mean quicker determinations. This will allow members to concentrate on the major or more contentious decisions where they can add particular value to the process through balancing the conflicting pressures of difficult proposals. Southwark, for example, have achieved 75% delegation and reduced committee agendas to 12-15 applications which allows for full discussion and public representations without unduly extending the duration of meetings.

90. Although speed is not the only feature of a quality decision-making process it is one of the major considerations. Members in particular need to recognise that every application they consider in committee is likely to take longer than those which are delegated. Increased effective delegation is therefore vital to deliver speedier decisions. Further, it reduces the burden and costs of preparing committee reports.

DECISION NOTIFICATION

91. Once a decision has been taken it is essential that it is conveyed to the applicant as soon as possible. As with registration, speed and accuracy of administration equals quality of service at this stage.

92. Sending decision notices determined under delegated powers should present no great problem. But with committee cases there is potential for delay. It is usually practical, with a computer system, to preprint decision notices with a view to dispatch the day following the committee. For those cases where the decision has been changed or conditions added, a new or amended decision notice will be necessary but such cases rarely exceed 20% of an agenda. Authorities should aim to issue decision notices within 2 days of the decision whether taken in committee or under delegated powers. The time taken to issue a notice of a delegated decision in some authorities exceeded the time taken to issue a committee decision in other authorities (Exhibit 23). Such unwarranted delay undermines the benefits of delegation and should be eliminated.
ISSUING DECISION NOTICES

Some authorities issue notices of decisions taken by committee quicker than other authorities issue notices of decisions under delegated powers.

93. The practice of informing those notified earlier about the decision finally taken varies widely. Most do notify but some authorities do not advise at all; others advise of a refusal or permission, but do not convey the conditions which have been attached to the approval. Representations frequently generate conditions and consultees can be dissatisfied if kept in the dark. They will be constrained in their ability to monitor compliance with the decision if they are ignorant of its details. To complete the process satisfactorily, all consultees should be sent a copy of the decision notice.

OTHER DC FUNCTIONS

94. Appeals, conservation, established use certificates, advice, input to development plans and other development control functions need to be recognised, quantified and monitored. They absorb a large proportion of development control time and effort, which will need to be balanced with the resources devoted to the processing of applications. These aspects are becoming more time consuming. For example, there are now over half a million listed buildings and over 7000 conservation areas, which together with trees subject to TPOs, SSSIs, etc represent a growing demand on the time of development control teams.

95. Although appeals have declined from a peak of 32,000 in 1988/89 to 26,000 in 1990/91, there will always be a significant number. It will vary between different parts of the country, reflecting development pressures, but also the state of development plans and attitudes towards development proposals by LPAs. The volume of and trend in appeals, the propensity to appeal, and compliance with the DOE timetables all need to be analysed and kept under review, as do success rates. These will indicate if an LPA is unduly negative in its approach to decisions.

96. With the enhanced status of development plans in the consideration of applications, appeals should decrease once these plans are adopted, but that may take some years. The new breach of condition notices may evoke more appeals against conditions when they are imposed.
Contravention notices should reduce the need for some enforcement notices and appeals, but any decrease may be more than offset by enforcement appeals resulting from increased LPA activity and priority on contraventions and implementation. The volume and complexity of appeals will need to be carefully monitored over the next few years.

97. The increased prevalence of costs awarded on appeals is another factor in appeal work. Apart from the obvious financial effects of an adverse award, awareness of appeals and costs have become an increasingly important consideration in some committees' deliberations, and should ensure responsible decision-making. There is a marked difference in the numbers of applications for costs made by appellants and by LPAs. With the growing number of such applications, LPAs need to ensure that their decisions:

— reflect the merits of each case
— are reasonable in law
— are in accordance with Government policies and advice
— can be supported by evidence at inquiry.

THE QUALITY OF OUTCOMES

IMPLEMENTATION

98. Important as the process of making the decision is, more important is the decision's effect on the environment and on the quality of life. However considered the judgements made in arriving at a decision, for the system to be effective and credible, there must be processes to ensure that decisions are correctly implemented. Lessons should be learned for future decisions, and fed back to monitor and review the development plan and guidelines.

99. In practice most authorities lack systems to ensure that their decisions are faithfully implemented. They rely on the integrity of applicants to build according to approved plans. If development control is about preserving and improving the quality of the environment, one would expect that the process of controlling development would be subordinate to that objective. However most planning departments, having given attention to the decision-making process, do little to monitor and thereby demonstrate the success of developments and their achievements in the quality of the outcomes. This should be a fundamental objective. There is scope for improvement in most planning departments in this respect.

ENFORCEMENT

100. Development control has traditionally been viewed as the poor relation within the planning profession. This view, however, has been breaking down in the 1980s due to the growing concern for environmental protection. And within development control, enforcement has itself been seen as the even poorer relation. Again, this is changing and must change to enhance the overall effectiveness of the service.

101. During the late 1980s enforcement started to rise on the agenda of concerns of planning departments. Efforts in examining applications, negotiating and agreeing conditions are wasted if once permission is granted, the successful applicant varies or ignores it, to say nothing
of the individual who avoids the planning framework completely. Local authorities have become much more sensitive to blatant evasion of the development control process. Central government has also recognised the problem of protracted procedures and the need to improve effectiveness. The Carnwath Report and recent legislation place greater emphasis on this role by strengthening enforcement powers and expediting procedures. Additionally, the creation of a Planning Executives’ Association within the RTPI should improve the status of enforcement officers.

102. If development is undertaken without permission or outside the conditions of a permission, the local planning authority has the statutory responsibility to consider whether it is expedient in each case to pursue compliance with planning requirements. They generally act in a reactive rather than pro-active manner i.e. waiting for complaints rather than anticipating problems. Specific enforcement officers are usually employed, but their role is essentially reactive. Enforcement is often seen as a difficult, unattractive aspect of planning which most planners have tended to avoid, leaving this sensitive area to officers from other backgrounds.

103. The study found that, in general, members support greater emphasis on enforcement and are increasingly making more resources available. They need to decide whether to adopt a pro-active approach. There are examples of a movement in that direction. In 1990, Sutton appointed an enforcement officer with a brief to include visits to developments under construction to ensure there was evidence of progress on areas where conditions have been set. Once a developer or builder has left a site, enforcement of conditions becomes much more difficult. Mansfield has an enforcement officer but also allocate a small number of enforcement cases to individual development control planners, while Horsham has one development control planner with a major involvement in liaison with the enforcement function. But no authority was found which had undertaken a progressive survey of even a part of its area to examine comprehensively the extent of compliance with planning decisions. This would be worthwhile for many authorities as a means of discovering whether compliance is a general problem requiring a wholesale review or whether non-compliance requires a more selective initiative.

104. Enforcement is very much a coaxing and cajoling role combining firm diplomacy with basic planning knowledge. Local planning authorities tend to avoid issuing enforcement notices where permission would have been granted or solutions achieved by other means. The new legislation will give rise to more flexible and quicker procedures which will support the growing emphasis on this aspect of development control. A practical strategy is to shift some resources from application appraisal to enforcement when application workloads fall – and vice versa when there is an upsurge in applications. The recent increase in enforcement appeals indicates that some authorities have made that adjustment. Enforcement however can expand to consume resources. Most authorities need to enhance this activity, but all authorities need to keep it under review in the light of the changing pressures faced by the planning service.

105. As well as giving planning permission for development, authorities have responsibility through their building control service to oversee the construction of building where self-certification does not occur. Building control should, where practicable, help to validate how far buildings comply with permissions. There is need for a close working relationship between development control and building control, as in Chester and Stoke, to ensure that the details of construction comply with the planning permission. Otherwise, LPAs will suffer the
embarrassment, and sometimes worse, of supervising the construction of buildings which lack permission.

MANAGING FOR QUALITY OUTCOMES

106. This chapter has reviewed the development control system by searching for indications of quality, including speed, in both the process by which decisions are taken and in terms of the outcomes of the process. The process involves a number of stages and quality assurance of the outcome adds further stages linking back to a regular monitoring of policies and the local plan or UDP. These stages need to be managed in a coherent fashion, with a range of qualitative and quantitative performance indicators to give a comprehensive picture. This should ensure that they mesh one with another to produce an overall service which can be seen to be effective.

107. An earlier section set out expectations of quality in each of the key stages of a planning decision. But if there is no overall integration of those steps, individual manifestations of quality at each stage in the process will be frustrated by a lack of coherence and feedback. The study encountered various examples of good practice in development control, the effect of which on the overall quality of the system was confounded because of delays, confusion and poor quality at other stages. Good management is fundamental to success. Chief planning officers should question whether they regard their main role as the premier professional or as the manager facilitating professional achievement by others. They can be both but should principally be the second. Frequently promotion to senior posts is achieved through professional excellence, rather than managerial competence, and peers often apply similar standards in assessing their colleagues. Training courses for planners pay little attention to the skills of management and focus predominantly on professional skill building. Instead managerial skills should be accepted as an intrinsic element of professional practice.

QUALITY ASSURANCE

108. In the fieldwork, the question was asked ‘How good is your development control?’; without exception, respondents considered it was good. But there were few clear demonstrations of how they knew. A number of chief planning officers affirmed that they handled some planning applications personally, usually those which were controversial. But frequently there was no obvious mechanism by which the chief officer’s standards permeated to the development control team. Benefits will not flow to subordinate staff unless the chief officer and head of development control are aware of routine work. An examination of the detailed work in the form of an internal quality audit would be more effective in many cases. Chief officers could take the lead in regularly sampling a number of items of current and recent work, leading discussions in the team about the appraisal of applications. Consistency of approach and standards will benefit from such procedures. It should not only be the more interesting and exciting applications which are reviewed. Such applications have probably already enjoyed considerable professional airing in the department. Rather, consideration should be given to routine applications, so that the comparative lack of importance is not disguising variable standards.

109. At least one authority, Mansfield, is seeking accreditation under BS5750 for its development control systems. Such accreditation affirms that the department has managerial
processes in place which assure the achievement of its standard of service. It is a means of ensuring consistency of service. They will need to demonstrate a clearly defined system with standards of delivery including speed, established for each element and with procedures which reflect customer-care and possible complaints. Some authorities have embraced the notion of customer contracts, setting out clearly for the public what levels of service can be expected.

110. LPAs should show increasing regard to their image in the eyes of their consumers. Periodic customer surveys may reveal reassuring messages for the department, but they could also uncover latent dissatisfaction with some of the procedures. Planning departments could establish a system of feedback from applicants and consultees. A cheap method would be the attachment of reply-paid questionnaires to decision notices and notification letters. These could alert management of issues which may require attention. There should also be means by which members of the public can lodge complaints, which should be monitored and satisfied by means which are credible and enjoy public confidence. Kensington and Chelsea and Brent have recently surveyed regular customers and third parties to test satisfaction with the service.

111. A principal management concern of senior officers should be the integration of the work of the professional staff with their direct administrative support. In some departments a significant physical or functional gulf was evident between the administrative and professional staff. On occasions this could even be acrimonious. But if the public are to enjoy a quality service delivered in a speedy fashion, it is essential that all staff share common goals, enjoying mutual respect and support.

COSTS

112. The functional split within development control is rarely measured or costed. Few planners encountered in the study had a clear appreciation of the cost structure of their departments, let alone the costs of dealing with applications. At the root of this situation are two problems. The first is the global allocation of central overheads and departmental recharges to the planning service. Authorities should have financial systems which are clear and explicit, enabling chief officers responsible for budgets to understand the basis of payments for the services which they use, especially if those services are provided by other departments. This subject is worthy of a study in its own right, and the Commission intends to publish further views in forthcoming papers.

113. The second problem in developing measures of cost performance is the absence in most departments of any time recording system. There is no greater anathema to public sector professionals than recording the use of their time. But such disciplines are normal in the private sector. They are also the only basis upon which performance indicators of the cost-effectiveness of the team can be derived. Some such as Southwark, Mansfield and Horsham are able to monitor the use of time between different tasks e.g. dealing with fresh applications as against preparing for an appeal. But very few authorities are able to identify the professional and administrative time spent on the various functions, let alone that spent on an individual application. While there are overlaps between functions within development control, there is clearly considerable scope for development and refinement in this area.
PERFORMANCE MEASUREMENT

114. Departments which have rigorous systems for capturing consumer views and complaints will be well placed to develop a more comprehensive set of performance indicators. Typically, departments monitor their performance only against the 8 and 13 week criteria. They should monitor their performance against other indicators which assess not only the speed and cost-effectiveness of the service, but also the quality of the process and the quality of the outcomes.

A range of quantitative and qualitative indicators are needed for LPAs to assess and demonstrate their overall performance (Exhibit 24). These should be reported regularly to committee.

*Exhibit 24*

**PERFORMANCE INDICATORS**

A range of suggested measures balanced to assess overall performance and achievements

<table>
<thead>
<tr>
<th>Quantitative</th>
<th>Volume</th>
<th>No of applications – by type</th>
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<tr>
<td></td>
<td></td>
<td>% DC time on applications</td>
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<td>Targets</td>
<td>committee – by type</td>
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<td>delegated – by type</td>
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<td></td>
<td>Speed</td>
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<td>time to register – % in 2 days</td>
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<td>time for decision-notice – % in 2 days</td>
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<td>staff-time per application</td>
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<td>cost per application</td>
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<td>notifications to objectors</td>
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<td>Qualitative</td>
<td>Added value</td>
<td>compliance with policies/guidelines</td>
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<td>Achievements</td>
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<td>local design awards</td>
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<td>annual development audit</td>
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<td>compliance with local plan</td>
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<td>% solution of contraventions</td>
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<td>peer group review</td>
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<td></td>
<td>Service-delivery</td>
<td>numbers/types of complaints</td>
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<td>customer surveys</td>
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115. For the reasons set out in this report, the assessment of performance in development control is not easy but this is no excuse for inactivity. The Audit Commission is charged by the Local Government Act 1992 with the task of defining appropriate performance indicators for all council services. Its choice of indicators will be informed by consultation with relevant bodies and it will take account of reactions to the present paper in selecting a small number of performance indicators for development control.

116. By measuring costs, times and applications by type and size, departments can assemble substantial quantitative data bases of performance information, from which selective indicators can be monitored to assess the department. These can build on present DOE returns. These indicators need to be balanced by a range of qualitative measures. Complaints and consumer feedback if analysed in a structured way will be an important supplement. Compliance with the LPA’s policies and standards is a further aspect. Development control is the executive arm of the planning process. It gives effect to the planning objectives of the development plan. The quality of the outcome is critically dependent on the quality of the development plan and the extent to which individual planning decisions are consistent with it. That consistency, for example in terms of employment floor-space or homes permitted, is an important indicator of the quality of development control. The improved quality and status of the emerging local plans and UDPs will enhance the value of this measure.

117. A systematic internal quality audit will contribute insights into the department’s performance, building on regular team meetings. On the key quality question of added value, a simple rating of the degree of improvement/enhancement for each negotiated case could be introduced. This could be assessed by the case-officer, and confirmed by the team leader. External professional peer group review of decisions and developments is also helpful. For the last ten years, Vale of White Horse has successfully organised a biannual design award scheme with an independent panel of judges, including nominees from the RTPI, RIBA, RICS and the Landscape Institute. Other authorities who have organised such schemes in association with local groups and professionals include Burnley, Stoke and Montgomeryshire. Decisions on planning appeals also provide useful feedback on the quality of the service, as do Ombudsman referrals and reports.

118. Audits of the quality of the built environment conducted progressively from year to year also help the service to measure the impact of its performance, and to identify future development opportunities. These tools are not easy to inter-relate with quantitative information, but the two banks of data must go together if the department is to learn from its own performance. It is not enough for LPAs to assert that the quality of their work is good while at the same time ignoring quantitative data on the grounds that it neglects quality considerations. If planners are to justify the assertion that quality is their touchstone, then they must demonstrate its achievement through rigorous review and must defend its value in comparison with its costs. There is considerable scope for improvement in most departments through the development of a selection of quality indicators. Initial costs to set up these systems should be offset by building on existing informal systems and by the resulting tighter management controls over the use of resources. For implementation and enforcement authorities should monitor numbers and types of contravention, response times and times taken to resolve the contravention.
119. This process will be reinforced if members become involved. As well as visiting new application sites or prestigious developments, members should visit a sample of previous decisions, since constructed, taking the opportunity of examining the quality of their earlier decisions and conditions. This may lead to revisions of policy and practice to assure better decisions in the future.

120. Rapid decision-taking is a key expectation of the government and applicants. It is emphasised in the 8 week criterion. This performance measure is the only one generally applied to development control. It carries little credibility with many in local government. They argue that, with few exceptions, such a general criterion fails to recognise the variation in the types of application making up local authority workloads, and the resources allocated to other functions. All acknowledge that, with few exceptions, complex major applications take more time to process than simple, minor applications. Authorities with many listed buildings, conservation areas, corporate headquarters or complex industrial sites can be disadvantaged against the 8 week overall criterion, compared with authorities which deal with a majority of conventional suburban developments.

121. A more subtle system in which authorities are monitored against time criteria related to the type of application and the need to negotiate could command greater credibility and therefore be a better spur to efficiency. Eight weeks is generous for some simple householder applications; it is absurd for major developments, whose ramifications necessitate wide consultation. The process of negotiation and mediation is subject to delay and unforeseen events, but these should not detract from the need for an explicit time profile.

122. Authorities should screen applications at an early stage to expedite progress. For more difficult applications, they should establish a profile for their consideration and discuss with applicants and consultees. Critically the planning service will have a reasoned schedule against which to monitor performance and identify variations. There should be an agreed extension of time with the applicant, and decisions within the extended prescribed period should be achieved, and recognised and accepted by DOE as falling within acceptable time limits. Any legal agreements should be completed within this period.
3. Opportunities and Challenges

123. Elected members and officers usually affirm their dedication to the pursuit of quality. But their ability to articulate and measure it is hampered by the absence of a generally accepted definition of quality in a service characterised by so many subjective elements. The preceding sections propose ideas and approaches to meet this problem. It is now timely for authorities to do so.

A WINDOW OF OPPORTUNITY

124. There remain wide variations in the speed of performance of LPAs but they currently enjoy a golden opportunity to address this question. Only in London is there a shortfall between staff levels and establishments (Exhibit 25). The ratio of applications to staff is at its lowest level for ten years (Exhibit 26, overleaf). The combination of falling levels of applications with rising levels of staff has increased the net cost per application for 1990/91 (See Exhibits, page 17). Because of the absence of objective measures of quality it is not possible to demonstrate that the current availability of resources is creating an improvement in the quality of decisions, but it is clear that the speed with which applications are processed has been slow to improve with the available staff resources. Processing times are improving slowly over those at the height of the boom in applications. But they are still slower than the years which preceded the surge in applications in the late 80s. It appears that a reduced level of expectation has been established by the pressures of the boom years and, despite the easing of these pressures, slow processing times have persisted.

Exhibit 25
DEVELOPMENT CONTROL STAFF
Only in London is there a shortfall between actual staffing and establishment.

Source: Audit Commission fieldwork survey.
125. However, this oversimplifies the actual position. Staff may already be improving the quality of decisions, formulating new policies including work on development plans, concentrating on neglected areas such as enforcement and developing new work in the area of environmental assessment.

126. Until this picture is clarified and quantified, the cost effectiveness of development control services will remain obscure, and open to criticism. In identifying the actual mix of work, LPAs should concentrate on the following areas:

— Where a planning authority is processing applications more slowly than in, say 1983, or markedly out of step with other authorities of a similar type, it should give specific attention to improving its performance. The current favourable balance between staff resources and the volume of applications creates opportunity for improvement.

— Where a planning authority detects that the quality of the process by which it evaluates applications is inadequate to meet today’s requirements, the current downturn should enable it to put in place improvements which will help it cope with the next surge in applications. This report, and the forthcoming audit of planning authorities, should indicate areas where improvements are possible, and how these should be assessed.

— Key tools in determining individual applications are an up to date development plan, policy statements and more detailed guide-lines on the planning authority’s requirements for particular neighbourhoods or types of application. The redeployment of staff from dealing with applications to the preparation of contextual guidance should be a good investment in advance of the next surge of applications. When that surge arrives, staff could be re-directed to the front line.

— There is a profound mismatch between the degree of attention given by authorities to planning decisions and the degree of attention given to ensuring that those decisions are properly implemented. The current lull in application pressure creates an opportunity for authorities to divert staff to audit the quality of the local environment, to review whether
decisions previously taken have been faithfully implemented and, in some cases, to undertake pro-active enforcement work. Since the ultimate objective of planning is to secure and improve the quality of the environment – physical, social and economic – then maintaining the quality of the implementation of planning decisions must be given greater prominence.

127. Whilst some authorities may have cut their planning establishment in the face of financial pressures, available evidence suggests that most are in a position to invest staff time in the improvement of quality and on neglected functions. For example, nationally, if authorities processed applications with the productivity achieved in 1989, the current volume of applications would require over 2,000 fewer staff than are employed. A similar conclusion is reached if one estimates the number of staff needed nationally, if all departments were as productive as those at the entry point of the fourth quartile (See Exhibit 7, page 8). These are gross calculations which do not take account of several relevant factors such as changes in the mix of applications and activities. But they do highlight the need for each LPA to assess its particular position and priorities and to take explicit decisions either to review its establishment or to use surplus resources in improving the quality and scope of its service.

128. But LPAs do not have sole responsibility for keeping the planning system in good repair. It is shared substantially by central government and also by the RTPI as the relevant professional body.

CONFLICTING SIGNALS

129. A clear set of objectives allied to an up-to-date development plan is essential if planners are to secure good quality decisions. They are not helped by a system which compounds those tensions rather than seeks to reconcile them. The legislative framework, along with supplementary guidance emanating from central government, sends conflicting signals.

130. The Government wishes the system to return to a plan-led basis. This is an inclination towards the zoning and exceptions system typical of Western Europe and North America. It is a response to the pressures for greater clarity and certainty in the process. Simultaneously the Government is to make mandatory the publicising of planning applications. Notification is one of the means by which quality can be enhanced both in the process of dealing with an application, and in its outcome. But this implies that the consultees have influence over the decision; it raises expectations.

131. Planners are presented with two messages which are difficult to resolve. On the one hand developers and residents are to be offered greater certainty of decisions by virtue of a plan-led system. On the other hand, consultees are to have their rights to influence the decision formalised and emphasised. Planners, and more particularly members, will be faced with greater public expectations in a system in which their room for manoeuvre in the face of public views is to be further restricted. And consultation to a degree which is out of proportion with the contribution it can make to the final decision will not assist in the quality of planning decisions. Not only is this tension inimical to efficient planning and the encouragement of economic development, but it runs the risk of bringing the planning process into greater public disrepute. The Government should indicate clearly how planning authorities are to balance these apparently conflicting messages.
FEE STRUCTURE

132. The fee structure merits further consideration. The study has demonstrated that the basis upon which fees are set is not robust. Planning authorities include both different costs and different functions under the heading of development control in their CIPFA returns, and yet these returns have a critical influence over the Government's deliberations on fees. The current fee levels probably meet the essential costs of processing planning applications but do not meet the costs of the substantial, non-fee earning ancillary processes which fall within the development control function. There is probably some cross subsidy in the present structure as fee levels rarely equate with the costs of dealing with the smallest and largest applications.

133. Moreover, authorities in different parts of the country benefit to differing degrees from the present fee structure – with London authorities having a particularly low fee:gross expenditure ratio (Exhibit 27). As the SSA logic does not take into account the extent to which development control is funded by fees, authorities with low levels of fee income in comparison to costs, survive only by underspending elsewhere or by increasing the community charge. Of even more interest is the absence of any efficiency criteria in the fee structure. Currently its sole objective seems to be the meeting of costs. But it could be revised to provide authorities with the spur to efficiency.

Exhibit 27

FEE INCOME AS PERCENTAGE OF DC GROSS EXPENDITURE

The proportion of DC expenditure met by fees, varies widely.


134. For example, if particular types of applications were given related time targets with larger, more complex applications enjoying greater time allowances, it would be possible to argue that the principle of the Citizen's Charter of refunds for poor performance should apply. Authorities which fail to determine an application within the agreed prescribed period must refund the fee. This would be a powerful disincentive against poor performance. But it might create fresh problems. Within the complex gamesmanship of the planning process, such a system could encourage counter-productive behaviour on the part of applicants and councils.
It is not the task of this study to invent a new financial recipe for development control, but the Government may wish to explore the scope for a reform of the fee system to encourage efficiency.

THE QUALITY OF PLANNERS

135. The previous section advocated a number of processes by which planning authorities could assure themselves of the quality of their decisions. But to a great extent quality is sustained by the competence, training and enthusiasm of professional planners. Much of planning requires subjective judgements and therefore the calibre of staff, in offering professional guidance, and of members in applying that advice, is critical. Planners are not alone in operating in a field where subjective skills are essential. Other services overseen by the Commission have similar problems, e.g. how does one assess the competence of teachers or of surgeons? Planners lack any system for reviewing the quality of the contributions made by professionals. Unlike education, police, or social services, there is no national inspectorate which examines the processes used by the profession in arriving at its decisions. The Planning Inspectorate provides an indirect system for reviewing the quality of a small proportion of the outcomes of the planning process but does not intrude into the operation of planning departments. Unlike higher education or surgery, there is no peer group review system whereby fellow professionals undertaking similar tasks, inspect a planning department and offer constructive criticism.

136. Auditors can undertake aspects of this task but are not competent to review professional decisions. Obligatory Continuing Professional Development is only now to be set up by the RTPI. In the absence of these processes, planning authorities are at risk of professional isolation and local complacency. In practice, this risk is moderated by the movement of staff between councils and by internal quality reviews. But more is possible and, in some departments, is necessary. There is no need for the establishment of a national professional inspectorate, providing the profession puts its house into order. The scope for peer group review between planning departments is evident. The RTPI or the National Planning Forum could take a lead in arranging such reviews, for example, perhaps on a regional basis, with the cooperation of LPAs. It is likely that participants would find such professional inspections undertaken at a local level within departments a powerful adjunct to the conventional exchange of experiences evident in professional journals and conferences.

CONCLUSION

137. The function of determining proposals to change the environment has never been easy; but in future it will become markedly more complex and sensitive. Local authorities should use the present lull in application pressure to establish mechanisms and systems to assure quality, both in process and outcomes. Only then will they be judged by quality as well as speed – in service delivery and end-products – to justify their belief that the 'quality' is more important than the 'width'.
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<tr>
<th>FUNCTION</th>
<th>RECOMMENDATION (Paragraph number)</th>
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<tr>
<td>General/Objectives</td>
<td>Use current opportunity to review priorities, resources, functions, quality and achievements within DC (18, 43, 98, 99, 112, 115, 116, 127)</td>
<td>LPA</td>
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<tr>
<td></td>
<td>Set out clear aims and objectives for DC (43, 46, 47, 48, 129, 131,)</td>
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<td></td>
<td>Analyse factors behind variations in performance (17, 126)</td>
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<td>Define the quality considerations for DC (75, 108, 135,)</td>
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<td></td>
<td>Be positive, receptive and innovative (42, 74)</td>
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<td>Assess overall quality of current performance (114)</td>
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<td></td>
<td>Finalise development plans as soon as possible, and prepare comprehensive guidance notes (47, 48, 49, 116, 128)</td>
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<td></td>
<td>Publish guidance on balance between obligatory notification and quality and speed of plan-led decisions (134)</td>
<td>DOE</td>
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<td>Management</td>
<td>Identify, quantify and monitor all the functions within DC, and set and adjust priorities to meet changing workloads (95, 96, 97, 114, 115)</td>
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<td>Chief officers should establish key management role (107)</td>
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<td></td>
<td>Integrate the work of DC planners and administrative staff (60, 61, 111, 126, 127)</td>
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<td>Introduce time-sheets – cost-centre monitoring (113)</td>
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<td>Formalise initial screening of applications (61, 122)</td>
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<td>Ensure all decisions are reasonable and supportable, if necessary, on appeal (97)</td>
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<td>Decisions</td>
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<td><strong>Speed</strong></td>
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<td></td>
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<td>Indicators</td>
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<td></td>
<td>Build up progressively to a selective range to establish a complete picture of DC quality (117, 118)</td>
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<td>Initiate customers' surveys (110)</td>
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<tr>
<td>Training</td>
<td>Review training needs, to cover management, negotiation, design, economics of development, environmental assessment, and European initiatives (107, 125, 130, 135, 136)</td>
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AUTHORITIES VISITED
The following authorities were visited during the study:

Bradford City Council
Burnley Borough Council
Chester City Council
Devon County Council
East Devon District Council
Fenland District Council
Hackney Borough Council
Hillingdon Borough Council
Islington Borough Council
Kennet District Council
Kensington and Chelsea Royal Borough Council
Lake District Special Planning Board
Leeds City Council
Leicestershire County Council
Luton Borough Council
Mansfield District Council
Merseyside Development Corporation
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South Glamorgan County Council
South Tyneside Borough Council
Southwark Borough Council
Stoke-on-Trent City Council
Sutton Borough Council
Vale of Glamorgan Borough Council
Wolverhampton Borough Council
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