

REVIEW OF PLANNING FOR THE GOVERNMENT OF JERSEY

Background

1. The Review was carried out at the request of the Government of Jersey's Minister for the Environment. The Review focuses on the development control service, including Technical Support, and covers planning applications, appeals and compliance with planning laws and regulations. There are 2 key elements to the Review: -
 - speed of decision making
 - quality of customer service

The brief also refers to resources within the Planning Service and potential enhancement through digital services. A number of issues, for example the Bridging Island Plan (BIP), the Planning Committee (PC) and potential legislative changes were not to form part of the Review which was conducted in stages from end January to April 2023.

2. Information was collected to establish the extent to which perceptions of delays in issuing decisions were valid. This covered response times to requests for pre application discussion and processing times for Major and Minor applications. The information was assessed primarily in relation to published targets.
3. Understanding the processes in development management provided the basis for meetings/workshops with stakeholders to learn their views on the quality of the planning service. The term "quality" covers not just speed of decision making but also customer experience, for example the ease of contact with planning officers, responses to telephone calls and emails, support and guidance to applicants and agents in navigating the processes, late requests for information, changing case officers and advice on applications, etc. Quality must also cover the robustness of decision making as demonstrated by the outcome of appeal decisions.
4. The first visit to Jersey included an oversight of the planning issues facing the island. An initial discussion was held with the Minister for the Environment followed by meetings with senior staff, the Head of Regulatory Improvement & Licensing, the Technical Support Officers (TSOs), the Compliance Team, and Planners. Meetings were also held with several key consultees, including Regulation Standards (Housing and Nuisance), Transport, Regeneration and Strategic Housing, Natural Environment, Historic Environment and Waste. The Planning Committee on 26 January was attended as an observer.
5. More focused online discussions were held in February with the Principal Planner, TSOs, Trainee Planners, Planning Officers, and Senior Planners.
6. The second visit to the island in early March had to be cancelled for personal reasons. As a result, face to face meetings had to be rescheduled for online discussions later in the month and early April. These included discussions with Ministers, Deputies, the Chief Executive Officer, and members of the Planning Committee. Online meetings were held with customers of the Planning Service, such as developers, agents, community, and environmental interests, including the Jersey Architectural Commission (JAC). A number of submissions were also received from individuals/groups; most were concerned with

specific cases or requests for policy and legislative change; relevant issues raised in written comments were picked up during the stakeholder discussions.

7. There have been several reviews of Planning, most recently in 2019. The present Review has considered not only internal practice and procedures but, in contrast with previous Reviews, more emphasis has been placed on the customer experience.

Government of Jersey

8. The States Assembly is the parliament of Jersey. It is formed of 37 Deputies and 12 Constables who represent the island's parishes. Elections to the States Assembly take place every 4 years. Executive powers are exercised by a Chief Minister and 11 Ministers, elected from among the members of the Assembly, and known collectively as the Council of Ministers. Ministers are accountable to the Assembly for the conduct of their departments.
9. The Environment Minister is responsible for planning legislation and policy, most significantly the BIP (adopted by the States Assembly in 2022), but with a limited role in the development control process, mostly around taking decisions on appeals (First and Third Party). The Minister can exercise the power to call in planning applications, but this is rarely used.
10. The States Assembly also elects the Planning Committee. The Committee takes decisions on non-delegated planning applications, essentially larger applications and proposals which have attracted 6 or more objections. The Committee also acts as a review body for First Parties i.e., applicants whose applications have been refused under delegated powers.
11. The Planning Service is part of the Regulation Directorate which, in turn forms part of a wider Infrastructure, Housing and Environment Department, recently renamed as Infrastructure and Environment. The Head of Planning and Land (who has recently left the Government and a selection process is underway for a replacement) oversees 3 Sections: Planning Applications, Compliance and Building Standards (the latter is not part of this Review). The TSOs fall within the Regulatory Improvement and Licensing Section. The Planning Applications Manager has 14 Senior Planners/Planning Officers/Trainee Planners reporting to her; one Senior Planner post is dedicated to handling appeals; 4 posts are currently vacant, and 2 planners are also employed on short term contracts. The above figures are broadly correct, but the staffing situation is fluid.
12. The Compliance Team comprises 4 officers. The manager post in this section was unfilled but a permanent appointment has now been made and due to take up post shortly; a temporary manager is in place. There are 5 in the TSO team, including a supervisor. Although TSOs and Planners are managed separately, they share the same general office space and ultimately report to the Group Director of Regulation.
13. While most services are the responsibility of the Government of Jersey, Parishes are responsible for services such as minor roads, local policing, vehicle licensing, burials, and bin collection.

Policy and Corporate Context

14. The Common Strategic Policy (CSP) 2023 to 2026 sets out the Government's priorities, a number of which rely on the Planning Service for delivery. For example, planning approval is on the critical path for increasing the supply of affordable housing, achieving greater energy security, and building a new general hospital.
15. The Minister for the Environment's Plan refers to "ensuring the planning system is responsive to key priorities". The accompanying Delivery Plan states that "the IHE department will take part in the independent review of the Planning Service, responding to requests for information and assisting where necessary. On publication, IHE will engage fully with any recommendations, looking to adopt all necessary improvements". This is to be done by 2026.

Planning Application Process

Pre-Application

16. The BIP (Policy GD2) sets out a requirement for community participation in large scale development proposals (10 or more homes or 400 square metres floorspace) before a planning application is submitted. A community participation plan must then be submitted as part of a planning application; this sets out how consultation was carried out and how feedback was taken in to account in the submitted proposals.
17. Pre application advice is available free of charge for both Major and Minor applications. Major applications include proposals for a single house and above, changes of use and other applications of wider significance. Minor applications mainly comprise proposals to extend/alter houses.
18. Unlike the UK where there are systems of neighbour notification, site notices are posted after an application has been registered to alert neighbours to the proposals. All applications are advertised weekly in 1 newspaper. Material changes to applications require the application to be re-advertised as well as an updated site notice to be posted.

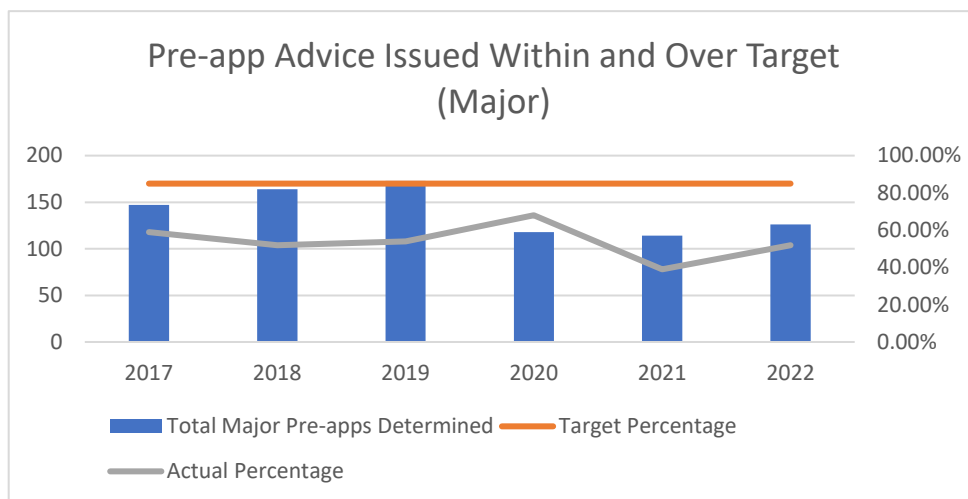
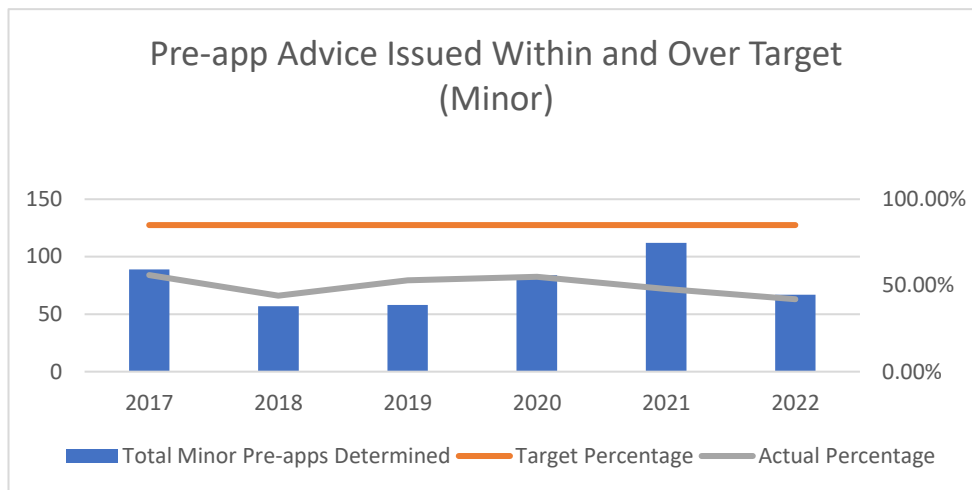
The Planning Application

19. Most applications are submitted online although a significant number are still submitted in hard copy which must be scanned and uploaded on to the portal. There is no front/public office for the Planning Service in the Parade. Hard copy applications are received by Customer and Local Services whose offices are located within Saint Helier but in a different building from the Planning Applications Team. Applications are then taken by internal mail to the TSOs for Validation and Registration.
20. Validation and registration include checking whether planning permission is required, the description of a proposal, reviewing that the necessary plans and supporting documentation have been submitted. The TSOs agree a description of the proposal with the applicant/agent. A Duty Planning Officer is on hand from 9.00 to 11.00 if further assistance or guidance is required, for example to give advice on the description of a development.
21. Once the application is deemed to be valid, the applicant/agent is asked to provide a fee. On receipt of the correct fee the application is registered. The TSOs issue the notice to be erected on site, arrange press advertisements and initiate consultations.

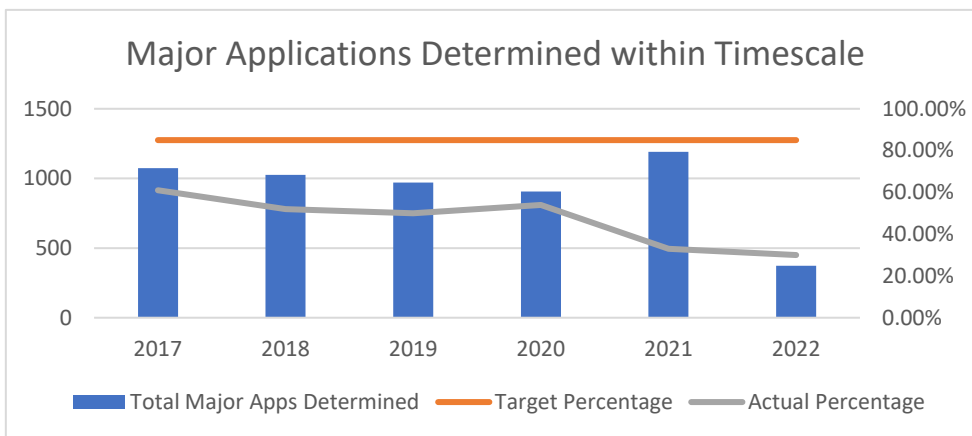
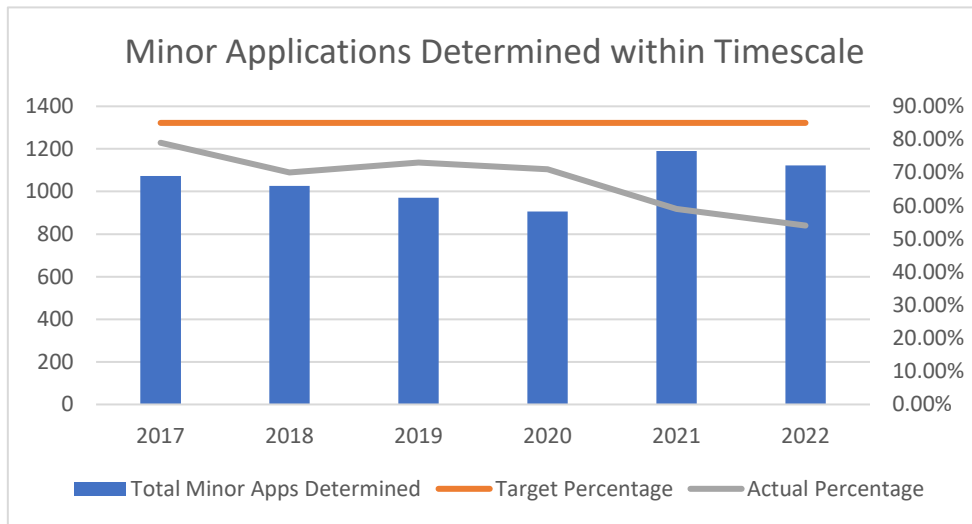
22. Where additional information is sought to enable an application to be registered and it is not received within 28 days, it will be assumed that the applicant does not wish to pursue the proposal and the application will become inactive. The applicant may reapply but with full submission of plans and supporting documents.
23. Applications are allocated by the managers in the Minor and Major Teams to individual officers based on complexity of proposal, officer experience and case load.
24. While TSOs begin the process of consultation the case officer may identify the need for additional consultations. Most consultations are with other parts of the Jersey Government, for example, Transport, Drainage, Natural and Built Environment, Solid Waste, Housing and Nuisance. Parishes are consulted on proposals which affect minor roads in their areas.
25. There is a scheme of delegation of decision making to officers. Where 6 representations or more have been received on a proposal or the application is deemed to be of wider significance to the island the decision is taken by the Planning Committee.
26. There are different report templates for Major and Minor applications.
27. The aim is to issue decision notices within 24 hours of a decision whether that is delegated or taken by Committee. An exception is where a Planning Obligation Agreement must be concluded.
28. Where a delegated decision to refuse planning permission has been made, the applicant can, within 28 days, seek to have the decision reviewed by the PC.
29. A decision to refuse planning permission (either on delegated powers or on review by the Planning Committee) can be appealed to the Greffe. Third party appeals can also be lodged with the Greffe against a proposed development where individuals opposed to a development reside within 50 metres of the application site.
30. The Greffe allocates appeals to a panel of officials from the Planning Inspectorate with experience of the Jersey system to consider the appeal and make recommendations directly to the Minister for the Environment. Where the Minister is minded to disagree with an Inspector's recommendation guidance would be sought from the BIP Team.
31. The development control process is underpinned by two IT systems: Information at Work (I@W) and ILAP. The systems are over 20 years old.

Planning Process: Some Facts

32. There is no single source of information on the performance of the Planning Applications Team. Information on compliance was provided promptly on case load and outcomes.
33. The number of pre application enquiries has remained consistent at between 200 and 230 per annum from 2017 – 2021. The performance target is for 85% of enquiries to be dealt with within 6 weeks of receipt. The target has not been met at any time since 2015 – see graphs below. There was a slight improvement in response times for advice on Major applications but performance on Minors has continued to decline.



34. The Regulation Directorate's End of Year Review (EYR) 2022 indicates that the general backlog of planning applications, which had arisen as a result of the suspension of the PC) was reduced by 27% in 2022. The Committee backlog was eliminated through 3 extra meetings. The EYR states that the Team is keeping pace with the number of applications received and the number of "out of time" applications has reduced from 250 to 70.
35. The number of applications dealt with between 2017 to 2021 has ranged from just under 1100 to over 1500. Over the past 5 years between 350 and 400 applications were classed as Major; between 900 and just under 1200 were Minor Applications. Excluding withdrawn applications, on average Minor applications constitute around 75% of the proposals determined.
36. Performance against targets for Major and Minor Applications continues to be well below published targets and the graphs below demonstrate that the situation is deteriorating. The number of Major applications was at its lowest over the last 6 years, yet performance was at its lowest level over the same period.



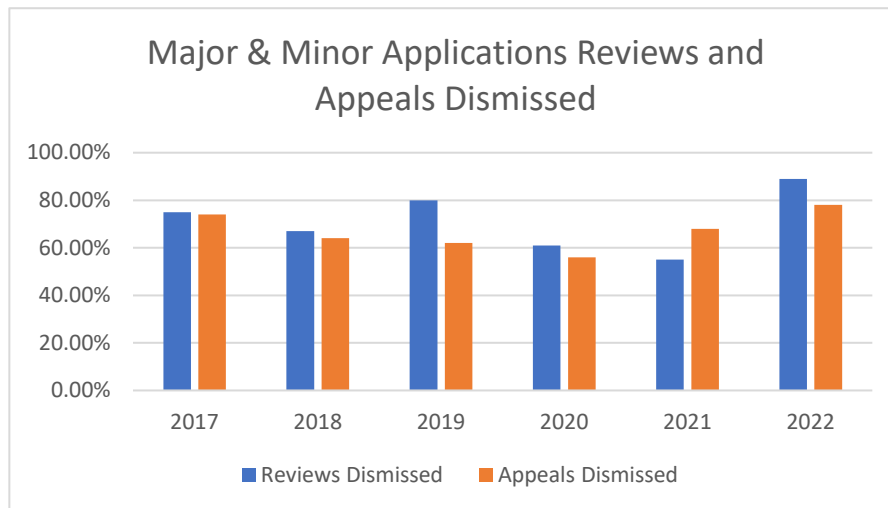
37. Around 10% of applications are determined by the Committee, the remaining 90% are delegated to officers.

38. The most recent data indicates that over 80% of delegated applications were approved and just under 20% refused. The figures for the PC are not dissimilar with just under 80% approved and just over 20% refused. 55% of applications which were the subject of Review by the PC were dismissed.

39. Consultees were asked to provide information on response times to planning consultations. From 2017 to 2022 Historic Environment (HE) views were sought on an average of 600 cases annually. HE aims to respond within 3 weeks in 97% of the cases. This was achieved in 2020 but has fallen to under 80% in the last 2 years. Transport received over 600 and 500 consultations in 2021 and 2022 respectively; 93% were returned within 21 days in 2021, 98% in 2022. Other consultees were unable to provide information on response times.

40. The annual number of Planning Obligation Agreements (POAs) rose to a peak of over 20 in 2018 and 2019 but declined significantly in 2020 (presumably pandemic related) but has increased in 2021 and 2022 albeit not to the levels in 2018 and 2019.

41. Over the past 5 years 70% of First Party Appeals were dismissed. In the same period 65% of Third-Party Appeals were dismissed.



42. Over the past 4 years the Compliance Team opened 849 new cases and closed 701. Just under 70% of cases did not require formal action, 26% are pending and less than 5% resulted in formal action. As of April 2023, 241 cases remain open.

Planning Applications Processes: Observations

43. The processes and procedures in determining planning applications are analogous to the UK, albeit that procedures between the constituent administrations are increasingly diverging. The review of officer decisions by the PC in Jersey is similar to the system in Scotland with elected members having powers to review delegated decisions to refuse planning permission. Holding site visits on applications or reviews coming before the PC in advance of the meeting is a real strength of the Jersey approach.

44. Response times to requests for pre-application advice are falling well below target. However, the examples of advice provided to the Review contained, with appropriate caveats, clear guidance on the likely outcome of a proposal.

45. Although the issue did not feature in the 2019 Review, the procedures for registering and validating applications are of major concern. A commitment to validate applications within 5 working days has fallen by the wayside, indeed several mentions were made of validation taking weeks/months. On several occasions Inspectors dealing with appeals, have drawn attention to the endemic failings of validation and in a recent decision one commented: -

The way the application was processed was unsatisfactory, but appears to have become normal practice in Jersey, with requirements for supporting information or documents being met in instalments over a period of time, disregarding whether public consultation had already been carried out.

46. On receipt of the correct fee the application is registered; this is normally done on the day the correct fee is received.

47. The BIP has significantly raised the bar for the information required to accompany an application and an updated validation matrix (Annex 1) has been prepared but remains an internal document; it requires to be printed on an A3 sheet. The Review was not

made aware of plans to actively promote or publicise the validation matrix.

48. A Policy Screening Matrix (Annex 2) is at an advanced stage of preparation as a guide to policies in the BIP which could be potentially relevant in reaching a decision.
49. Decision times on applications (Major and Minor) are well below targets and performance is deteriorating. To some extent this can be explained by progress on issuing decisions on the backlog of applications; as a result, the average time to reach a decision increases.
50. Late consultation responses did not emerge as a significant source of delay. On the whole relationships with consultees seems to work well with differences generally resolved through discussion. It is understood though that arranging meetings with Drainage colleagues is problematic. Where a consultee maintains an objection and planners disagree, they can attend the PC to present their case. This is not a common occurrence.
51. Reports for Minor and Major applications have different templates. The examples provided to the Review were fit for purpose in terms of length, addressing representations and clarifying the basis of a recommendation/decision. The use of conditions is not excessive but there is little/no proactive monitoring of these conditions. Informatives are used occasionally but no more than that.
52. Decision letters are issued promptly, although delays are inevitable where a POA has to be concluded. These do not necessarily occur as result of inaction or lack of priority from the Greffe; indeed, an applicant's lawyers may hold up the conclusion of an agreement.
53. The approach to appeals, which is the responsibility of a dedicated senior planner, seems to work well and relieves some of the pressures on officers processing planning applications. The balance between the % of appeals which are upheld/dismissed is in line with what might be expected.
54. Rather than serving as an aide to the efficient handling of planning applications the IT systems are a significant barrier at all stages of the process from validation through to issuing a decision notice. A new system - the Regulatory Improvement of Digital Assets (RIDA) - is under development.
55. The Compliance Team seems to function well within available resources. However, the process is generally reactive i.e., investigating complaints rather than proactive monitoring of compliance with planning conditions.

Staff Views (Planners and TSOs)

56. It was acknowledged the public image of the Planning Service was not positive and staff were very supportive of the Review if the recommendations would result in actions leading to service improvements. More experienced staff pointed out that they knew what a good service looked like and the gap between the current service and one that met staff and customer expectations was increasingly widening, much to their embarrassment.
57. Efficient and effective development control relies heavily on bureaucratic processes which operate smoothly; the importance of this must not be underestimated and is most certainly not the case of "just admin". There was a strong consensus among TSOs and

planners that they should be part of the same team.

58. The BIP had raised the bar for the amount of supporting information to support a planning application, it is arguable whether some of the information being sought in the draft validation matrix is relevant to reaching a planning decision.
59. A related issue – and this is an observation, not a criticism - is whether the planners have the knowledge to understand all information that is being presented to them. For example, Policy GD5 of the BIP relates to the demolition and replacement of buildings and, inter alia, seeks to ensure the carbon impact of such proposals are addressed. While this is important it is complex, and sustainability reports generally require specialist knowledge to understand. Another example is market viability assessments where no expertise exists within Planning and external advice must be sought.
60. The IT systems came in for universal criticism. The IT systems were described as unstable, unwieldy, and not fit for purpose; the term "profoundly broken" captures the staff view of the system. The Review was provided with an example (Annex 3) of the deficiencies in the current system and how it impacts on efficiency or more accurately, inefficiency. As one experienced planner put it – in summary, the IT software is terrible and the way it is deployed is even worse as staff seek to work round obstacles and frustrations in different ways. Moreover, planners felt that individuals and community groups seeking to access information on the progress of an application may well find the systems well-nigh impenetrable.
61. There was little/no faith among Directorate staff that the system under development would be a significant improvement, particularly among planners who had positive experience of IT systems in development control which operated smoothly. TSOs and planners did not feel sufficiently involved in the development of the new system. The review found it difficult to get a written explanation in plain English about what RIDA is trying to achieve although it became clearer that the first phase of the project was designed to stabilise the system so that it did not, for want of a better term, implode.
62. A recent initiative required all staff within Directorate of Regulation to undertake a course in Resilience Management. The decision to run the course stemmed from senior management concerns that staff needed support to help them manage the demands of a pressurised service. Some staff were very sceptical about the value of the course, particularly the time commitment. At the same time there was a real desire for training opportunities to help planners understand issues with which they were not familiar, flood protection and embedded carbon being given as examples.
63. The Compliance Team came across as well organised and focused. Conversations between the team members which were overheard during the Review were very much concerned how best to address potential breaches of planning control. Understandable concerns of the team related to the additional workload arising from new legislation on trees and the potential complaints that might arise.

Stakeholder Views

64. Issues (within the scope of the Review) raised by built and natural environment interests included: -
- Recommendations of the 2019 Review not having been acted on.

- Supporting documents not always available or difficult to access.
- Limited opportunities to influence design at an early stage.
- Variable quality of design statements.
- Validation and registration arrangements deficient and defective.
- Surprise at the TSOs and planners being in separate teams.
- Perception that there was a presumption in favour of development.
- Too much development of poor/mediocre quality with emphasis on buildings at the expense of context.
- Questions around design skills in the planning team.
- Increasingly difficult to get to know planners through lack of a front office and post pandemic working arrangements.
- Need for closer working with Building Standards on compliance issues.
- There should be an annual report on the Planning Service to cover performance, actions to improve efficiency and customer service, including progress in implementing the BIP, appeals and compliance.

65. Meetings with the development industry, including business organisations, business groups and agents/architects raised the following issues/concerns: -

- Past reviews have not led to changes in practices or approaches.
- Value of pre-application discussion was questioned with some finding this process helpful, others not.
- Mixed views on charging for pre-application advice.
- Support for informal meetings with a senior experienced officer to give a steer (not a guarantee) on the prospects for proposals rather than wait weeks/months for advice.
- Need for more regular meetings with business groups, developers, agents, and design professionals to hear frustrations and how to resolve them.
- Accessibility of officers – or more accurately lack of accessibility – a major concern.
- Difficulties and Validation and registration a major source of concern – described as akin to "roulette" by one contributor.
- Perception that planners more concerned with process rather than outcomes
- Implications of requirements in BIP for planning applications - in terms of volume of information and cost of providing this - not fully appreciated.
- High fees for large scale development not matched by quality of service.
- Differing interpretations of BIP policy problematic
- Concerns that issues raised in ancillary or supplementary reports/studies frustrating proposals that were consistent with BIP policies.
- Frustrations over perceived increase in barriers to support strategic development objectives, in particular housing delivery.
- Historic Environment Team perceived as inflexible.
- Natural Environment Team tend to seek more information, for example on presence/absence of protected species and reluctant to offer solutions to address issues of concern.
- Support for Concordat with Business to ensure a shared understanding of how the planning system can support the delivery of sustainable economic growth.
- Issues over the way the Planning Committee operates but some views contradictory.

66. Key points emerging from the discussion with the Planning Committee: -

- Recognition that procedures for validation and registration had deteriorated.
- Staff numbers stretched to deal with workload, along with challenges in recruitment.
- Removal of front desk/reception a significant and serious retrograde step.
- Number of issues specific to the Committee including volume of information to consider, late submissions, conduct of site visits and repeat applications (discussed with Principal Planner).
- Levels of compliance with planning laws and permissions frequently raised by constituents, particularly with Constables, and lack of effective action to deal with breaches of control.

Key Findings

67. There is no comprehensive data on the performance of the Planning Applications Team in Jersey. The deficiencies in the IT systems are largely at the root of this. From the information that is available it is, however, clear that targets for dealing with pre-application advice, validation and determination of applications are not being met and by an increasing margin.
68. Many of the representations (oral and written) were case specific while others, on closer examination, proved to be based on misunderstandings, partially true or even inaccurate. For example, the role of the consultee is to put forward their perspective on an application not to balance all material considerations in coming to a recommendation or decision. Despite claims to the contrary, representations on planning applications are addressed and reasons for decisions are provided. In addition, some matters of concern were out with the scope of the Review, for example Compulsory Purchase Orders and criteria for a Third-Party Appeal.
69. A common theme from stakeholder sessions related to the difficulties in contacting planners with some less accessible and more reluctant to engage than others. There is no statement of the quality of customer service that applicants, agents and those wishing to make representations should expect to receive. The target to validate applications within a specified period has been shelved. There are major concerns about the quality of customer service but, other than a footnote to emails, there is no framework to assess the experience of individuals and groups who have interacted with the service.
70. The lack of a manned reception desk for the Planning Service was a major surprise and came in for strong criticism. The Parade building is not suited to having a reception/front desk, but the absence of a welcoming presence reinforces the sense of detachment of the Planning Service and exacerbates the difficulties in contacting planners, for example to have an informal discussion about a planning application or a potential breach of planning controls. It was also claimed that meeting planners on site had become, if not the exception, then with less regularity than was the case pre-pandemic. During the Review it became clear that there were difficulties in contacting planners by mobile phones; calls either failed (the Review had direct experience of this) or inquiries went unanswered.
71. There is no Business Plan for the Planning Service with a clear indication of what must be done, by whom and by when. It was explained there is a corporate context to this but for clarifying priorities and responsibilities it is an essential management tool.
72. The simple arithmetic of applications handled per planning officer does not suggest an

overwhelming workload, but planners (and the TSOs) have severely dysfunctional IT systems to contend as well as other duties and responsibilities ranging from supervising and mentoring Trainees (which was most impressive) to assisting with legislative development or drawing up Supplementary Planning Guidance. There are however significant differences in the output of TSOs in relation to applications validated/registered and planners in respect of applications handled.

73. There may be perfectly understandable reasons for the differences. In the TSO Team qualified staff have moved on and the expectations of their replacements, inexperienced and untrained, being required to carry out complex tasks is unreasonable. In the case of the PAT, the limited number of applications dealt with by an officer could be as a consequence of dealing with large and complex applications with multiple issues to address; in other cases, the reason behind the level of productivity is less clear. It is understood that some action has been taken on this front, but the issue needs to be kept under review.
74. It is widely accepted that the Planning Service is underperforming and the need for significant improvements is recognised. There is a shared aspiration that the recommendations of this Review will offer the potential to deliver aspirations for an efficient and effective service; but only if they are acted on. Staff and stakeholders placed a strong emphasis on the need to implement recommendations in whole or in part as the outputs of previous reviews have all too often remained dormant. To an extent this is because there were too many recommendations, some of which would be complex to implement without discernible or tangible benefits to staff and customers. Also, following the 2019 Review, priorities within the Jersey Government changed as they dealt with the consequences of the pandemic.
75. The process for validating and registering applications is totally unfit for purpose and is a major cause of dissatisfaction with the way that planning applications are determined. Far too much is expected of young and inexperienced staff lacking the technical knowledge to carry out work effectively, although sometimes there are obvious deficiencies with an application, for example missing plans which could and should have been picked up. Changing line management arrangements so that the TSO and Planning Teams are brought together will not, in itself, reduce to any great extent the lack of functionality in the current arrangements. Where systems function seamlessly, planners have the space in which to make judgements on the planning merits of proposals.
76. Instead of applications moving into the system in a matter of days it appears this regularly takes weeks and, in some cases, months; even then the applications can be incomplete or deficient. At mid-April there were over 170 applications in the process of validation and 130 applications waiting for details to be placed on the portal. An Inspector who has been consistently critical of validation in Jersey recommended "that a review of government practice be implemented to consider requiring applications for planning permission to be complete before they are validated".
77. At present applications are submitted with a checklist that does not reflect the information requirements required by the BIP. While the principle of a checklist is welcome, the draft validation matrix is daunting and not in a form suitable for accompanying a planning application. Some of the requirements seem at best to be tangential to planning while others require a level of expertise that is not available within the Planning Service and possibly not within the Jersey Government. There is also some confusion about what to

do with the draft and the Review was not made aware of plans to publicise and promote the validation matrix.

78. The recommendation in the 2006 Review about moving towards a lighter touch approach to development control does not seem to have resulted in a more pragmatic approach; if anything, the processes, and procedures have become ever more complex and, as a result, intimidating to an occasional user and frustrating to more frequent stakeholders.
79. An issue raised by developers, architects and agents was that Built and Natural Environment consultees tended to raise issues and/or seek further information or studies. The approach the development industry would like to see was solutions based on how best to address issues. Without examining specific cases it is difficult to establish whether consultations with the environment teams could be more outcome oriented. However, the Law Officers' Department have indicated a willingness run a workshop explaining the relationship between natural environment legislation and the planning process.
80. Planning Processing Agreements are not used in Jersey despite most departments which contribute to the planning process being part of the Government. Such agreements should provide give greater certainty on the timescale – **but not a guarantee of planning permission** - within which proposals for larger scale/strategically significant developments will be determined. The aim is to ensure that the process of applying for planning permission is front loaded and risks of late requests for information is minimised. To minimise delays after a decision has been reached, making the Law Officers' Department aware of a potential POA when the Processing Agreement is being concluded is advisable.
81. Validation and registration excepted, the basics of the system are sound and generally fit for purpose. No issues were raised with delegation protocols, on the whole consultation works smoothly, reports are fit for purpose, the use of conditions was not found to be excessive (although it is of concern that compliance is not proactively monitored). This issue is by no means unique to Jersey.
82. The IT systems are a significant impediment to an efficient and transparent planning service. The Review found it difficult to establish what precisely was involved with the current work on the IT systems. Moreover, there was confusion amongst staff about what RIDA is seeking to achieve but it does seem the current phase of the project is less about achieving greater functionality and more about ensuring the systems do not implode. The jury is out on whether it will enhance the functionality of digital assets (see para 1) but however the project is taken forward planners and TSOs must be at its heart.
83. The approach of the Compliance Team - namely persuasive compliance before pursuing more formal action – is fully supported by the Review. One particular area of concern related to buildings being erected in a different location or size than what had received planning permission. Closer working with Building Control was seen as a way forward although that section of the Directorate has lost key staff. While concerns were expressed about the impact of new controls over trees the Minister for the Environment has confirmed that he is alert to the potential implications and, in the implementation of the new controls, he will seek to minimise the impact on the planning system.
84. There is a clear demand from staff for training courses that will enable them to understand complex issues arising from existing and proposed requirements for

information to support planning applications. From discussions with consultees, it was clear that they would be willing to offer training to planning staff and agents on a range of issues such as drainage, flood risk and design statements.

85. There are clearly difficulties in recruiting planners to the island with the competition to replace the recently departed Head of Planning and Land not resulting in a suitable appointment. The challenges facing the TSO team problem will be seriously and significantly exacerbated by the experienced supervisor moving to a different post within Planning and the additional requirements for supporting information to support planning applications. Proactive monitoring of planning conditions aside, the Compliance Team appear to be focused and well organised while the appointment of a manager should add to their capacity.

Recommendations

86. The focus in the brief is on speed of decision making and quality of customer service. The most significant contribution to improved efficiency relates to radical improvements to the processes of validation and registration which were not highlighted as problematic in the 2019 Review but are now **seriously** dysfunctional. Customer service is not at the level or quality it should be; arguably having planners being more accessible and more proactive in their relationships with stakeholders will address the majority of these concerns.

87. Many recommendations from previous Reviews have not been implemented in whole or in part. However, the impression from this Review is that too many and too complex recommendations were made, few of which would have contributed to efficiency or the quality of customer service. It is also recognised that the TSOs and Planning Application Teams have experienced a significant turnover of staff. To put forward recommendations, in terms of numbers or complexity, that might be achieved in an ideal world would be counterproductive, potentially demoralising and raise false hopes of a step change in terms of the quality of the service.

88. In addition, there is a wider, more generic issue, where the operational implications of legislative and policy objectives have not been thought through. For example, while some of the policies in the BIP or the new legislation are admirable in terms of what they are seeking to achieve, the Directorate is not resourced in terms of staff numbers and skills to deal with the workload consequences.

89. As a result of these issues the focus of the recommendations is on measures and actions that could and should be implemented over the short to medium term and in phases. Some draw on approaches that have been developed in other jurisdictions that could be adapted to Jersey.

90. The additional information requirements to support assessment of a planning application will almost certainly add to the challenges of introducing a more efficient system of validation and registration. **A new efficient, pragmatic, and sustainable approach to validation and registration should be in place as a matter of urgency, ideally within 3 months from the receipt of this Review.** The new arrangements must be supported by robust IT systems, intensive staff training and clear communication with stakeholders.

91. It is not within the scope of the Review to recommend how staff should be brigaded but an experienced planner(s) must have oversight and responsibility for major

improvements to the processes for validation/registration.

92. All those with an interest in the efficient handling of planning applications (which includes TSOs, planners and consultees) need to be fully aware of the draft validation matrix. In addition, there needs to be raised awareness of the matrix among stakeholders and, where agents regularly submit deficient applications, more targeted action to support improvement in the quality of applications should be undertaken.
93. A key element for measuring progress is to assemble a set of key performance indicators. Obvious elements for inclusion in the report include timescales for responding to pre-application advice, targets for validating and registering applications, levels of delegation, speed of decision making, number of Planning Obligation Agreements and the outcome of appeals. In due course information should be assembled on the use of Planning Processing Agreements and, while information should be published on the outcome of applications, the rationale for setting a target % for approvals is unclear and is arguably unhelpful. There are other ways in which the false perception about refusal rates can be addressed and publicised.
94. While concerns over the speed of issuing pre application advice are demonstrably justified the Review did not find the substance of the advice, with appropriate caveats, unhelpful. Consideration should be given to offering pre-application advice through a meeting(s) with a senior staff member; there must, however, be a record of the advice given, ideally agreed with the applicant.
95. Planning Processing Agreements should be offered for all applications covered by Policy GD2 of the BIP where there is a statutory requirement for pre application discussion. In addition, other developments which are important in supporting the objectives of the CSP, particularly proposals which will address the chronic need for affordable housing on the island should also be considered for these agreements.
96. Several stakeholders felt that economic benefit was not being given sufficient weight in planning decisions; others felt that environmental policy and the impact of development on built and natural heritage were not sufficiently factored in. There is no clear and succinct statement from the Jersey Government about the role of the Planning Applications Team in shaping the future of the island other than they should be responsive. Nowhere is there a single compelling narrative about what the Service is seeking to achieve and how this can be achieved through priorities, performance management and reporting. The business community were unanimous in seeking a more responsive planning service and recognised that they had a role to play in achieving this. There was support for a concordat with business in Jersey and an example from Edinburgh that sought to align business, community and planning interests could be a model on which to draw.

<https://www.edinburgh.gov.uk/downloads/file/23151/edinburgh-planning-concordat>

97. As part of making the Planning Service more accessible and customer focused, the new office building under construction must include a front office and reception area with planners on hand to deal with inquiries, offer advice, etc. A succinct Customer Service Charter should be drawn up. This would cover general principles to which the Service is committed for example around communication, accessibility, accuracy, etc as well as specific commitments around availability of planners for pre-application advice, site visits, validation of applications, returning phone calls and replying to emails.

98. A more systematic approach should be introduced to get feedback on how applications have been handled. After the process of improvement has got underway customer feedback should identify not just where the service is seen to be falling short but also where it is performing well. An example of how this has been approached can be accessed using the following link.

<https://www.causewaycoastandqlens.gov.uk/live/planning/planning-customer-survey>

99. Degrees in planning do not generally produce graduates who understand the development management process and have the knowledge/skills ready to meet its significant complexities and challenges. Moreover, many planners enter the profession through degrees in other subjects such as ecology or environmental management. Ensuring a sound understanding of development control is essentially for the employer and it was clear that the current training programme does not fill knowledge gaps that will enable planners, even experienced staff, to discharge their responsibilities with greater confidence. Job related training should be improved and a programme should be drawn up which addresses subjects in which planners feel their understanding is lacking. Consultees have expressed a willingness to provide on island training on their specialist subjects and this should be taken up.

100. The Review saw much to be admired in the exhibition of buildings (new, extended/restored) curated by the JAC on display at the Jersey Museum. The scope of Planning extends beyond recognising new and restored/repurposed buildings and embraces the wider concept of place. Consideration should therefore be given to a Planning Awards scheme, possibly run in association with the JAC, which celebrates the creation of places through new build and regeneration which enthuse and inspire. Such an Awards scheme might also embrace effective public consultation, exemplar design statements and innovative landscape design.

101. A Strategy might usefully be drawn up which sets out the approach to Enforcement/Compliance on the island. This may help address some of the concerns over how actual/potential breaches of planning law and policy will be handled by the Jersey Government. A link to an Enforcement Strategy is attached. In addition, the scope for selective use of Building Control staff in ensuring compliance in the early stages of a built development (not monitoring issues such as occupancy conditions, materials, etc) should be explored while the staffing consequences of new controls over trees must be addressed to ensure these operate as intended.

https://www.eastlothian.gov.uk/downloads/download/12865/planning_enforcement_charter

102. An Implementation Plan (IP) for the Planning Service needs to be drawn up as a matter of urgency once the Minister has arrived at conclusions on the recommendations of this Review which can be accepted in whole or in part or rejected. The list of recommendations is neither exhaustive or exclusive and does not preclude other ideas to deliver service improvements. The IP needs to reflect other pressures on the PAT, for example drawing up Supplementary Planning Guidance on Drainage which is a major challenge facing Jersey.

103. Doing nothing and continuing with the present service trajectory are not options as the current levels of dissatisfaction will continue and even intensify. The process of drawing up the IP should be collaborative as there was some evidence that

communication with staff was patchy – the 2019 Review described departmental communications as “poor”. The IP should specify the actions to be undertaken by when and by whom. The aim should be for actions which are ambitious but also realistic, achievable within the available resources and sustainable. The IP is not a once and for all publication; it should be a living document, updated on a quarterly basis.

104. Stakeholders should be aware and kept informed of progress on the actions to progress the improvement of the Planning Service. The IP should therefore be supported by an ongoing Communications Strategy to report on performance and initiatives to improve customer service.

105. A Summary of the Recommendations is at Annex 4.

Next Steps

106. The need for and importance of improving the Planning Service is widely shared. There is also a high degree of consensus among staff and stakeholders about what needs to be done to restore the performance and perceptions of Planning on the island.

107. The Review has not set out a large number of recommendations which the Service does not have the capacity to absorb and implement. Instead, the focus of the Review has been on setting out a limited number of significant but achievable measures which should improve staff, stakeholder, and customer confidence in Planning.

108. In summary the following needs to happen: -

- The Environment Minister sets out his views on the recommendations of the Review.
- The Minister publishes an Implementation Plan setting how and when the recommendations he accepts – with or without modification – are to be taken forward.
- The IP should also set out arrangements to monitor implementation of the recommendations.

109. Through flexible, agile, and responsive development control practices the Planning Service has the undoubted potential to shape Jersey as an outstanding place to live and work. Significant challenges lie ahead but with strong leadership and commitment from politicians and civil servants it can be achieved.

DRAFT VALIDATION MATRIX

ANNEX 1

See attached document labelled “Draft Validation Matrix – Annex 1”.

DRAFT POLICY SCREENING MATRIX

ANNEX 2

See attached document labelled “Draft Policy Screening Matrix – Annex 2”.

AN EXAMPLE OF IT EXPERIENCE

ANNEX 3

I am presently preparing for committee next week. A time-consuming part of that process is that as a case officer we must put all the relevant documents into a “committee folder” (this collates all of the papers for PC and one of our technician colleagues then takes all of the files loaded into these folders, and then puts them into yet another folder to which the PC members have access.

So, for each one of those, I must drag across the relevant documents. For example, for consultee responses, I highlight them in Information at Work and put them here in the consultee folder, not forgetting to change the file format, as I click and export. The process in this case with around 40 docs to export takes over half an hour – just to transfer across.

So, they have now landed in the consultee folder, however the file names are gibberish.

Consequently, for each file in this folder, I must open the file and then re-save it so that the committee members know what they are looking at.

I must repeat that process for each folder, and for this particular application there are around 50 different plans to place in that folder and 53 neighbour letters. Also, if you try to move more than a few files at a time – the system crashes when the files are too large – but you can’t see how large each file is, so you don’t know until it crashes.

Thus, in response to your question to us as to what we were doing with our time as we didn’t deal with appeals or enforcement, the above gives you a flavour. It has taken me all afternoon for the two (albeit major) applications.

ANNEX 4

SUMMARY OF RECOMMENDATIONS

- Top priority is to introduce efficient, effective, and sustainable processes for validating and registering planning applications.
- The new process must be supported by robust IT systems, intensive staff training and clear communication with stakeholders.
- Developing new processes must reflect a rigorous evaluation of the information requirements in the draft validation matrix.
- An integrated set of data to monitor the performance of the planning service should be introduced.
- For a trial period the Planning Applications Team should offer pre-application advice in the form of a meeting(s) with senior staff as an alternative to written advice.
- Planning Processing Agreements should be offered for all applications falling within Policy GD2 of the BIP and other applications which contribute to the Common Strategic Policy 2023 to 2026 with particular priority to proposals which will address the housing needs of Jersey.
- Consideration should be given to drawing up a concordat with the development industry to support sustainable economic development on the island.
- A Customer Service Charter should be introduced to include, inter alia, performance targets for registering and validating planning applications and responding to inquiries, for example returning phone calls.
- An important element of making the Planning Service more visible, accessible and customer focused should include the re-opening of a front office and reception area.
- A system of customer feedback should be introduced to obtain balanced feedback on customer service.
- A step change in the quality of engagement with the development industry is required to ensure planners are better known.
- Regular short forums with the industry, involving consultees where appropriate, for explaining and receiving feedback on key issues and planned changes should be introduced.
- There should be a more focused training programme with priority given to subjects which will provide planners with the knowledge and skills to discharge their duties

and responsibilities more effectively. Consultees have indicated their willingness to assist with delivering an on-island training programme.

- A system of Planning Awards should be introduced to celebrate successes, for example in pre-application discussion, design statements and place making.
- An Enforcement/Compliance Strategy should be drawn up to explain the approach to compliance.
- A potential role for Building Control in the early stages of construction should be explored.
- An ambitious but deliverable Improvement Plan - supported by a Communications Strategy - should be drawn up based on the Minister for the Environment's conclusions on the Recommendations of the Review.