

## PROGRESS REPORT ON REVIEW OF PLANNING SERVICES

### Background

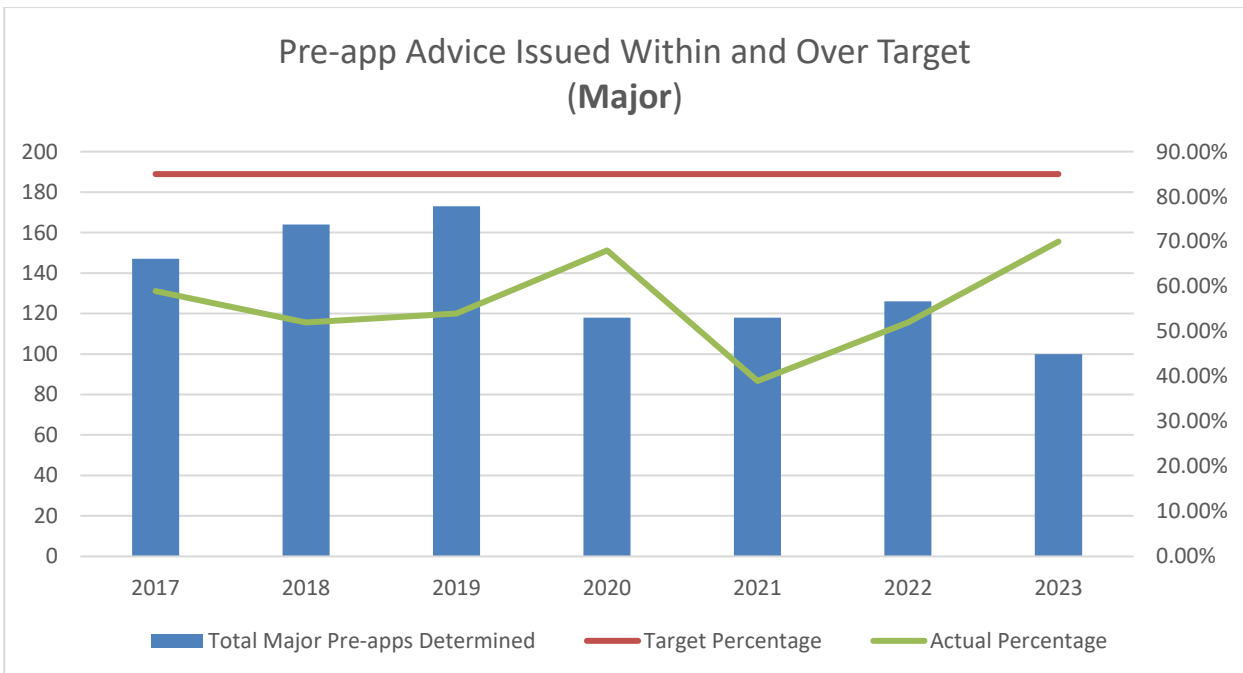
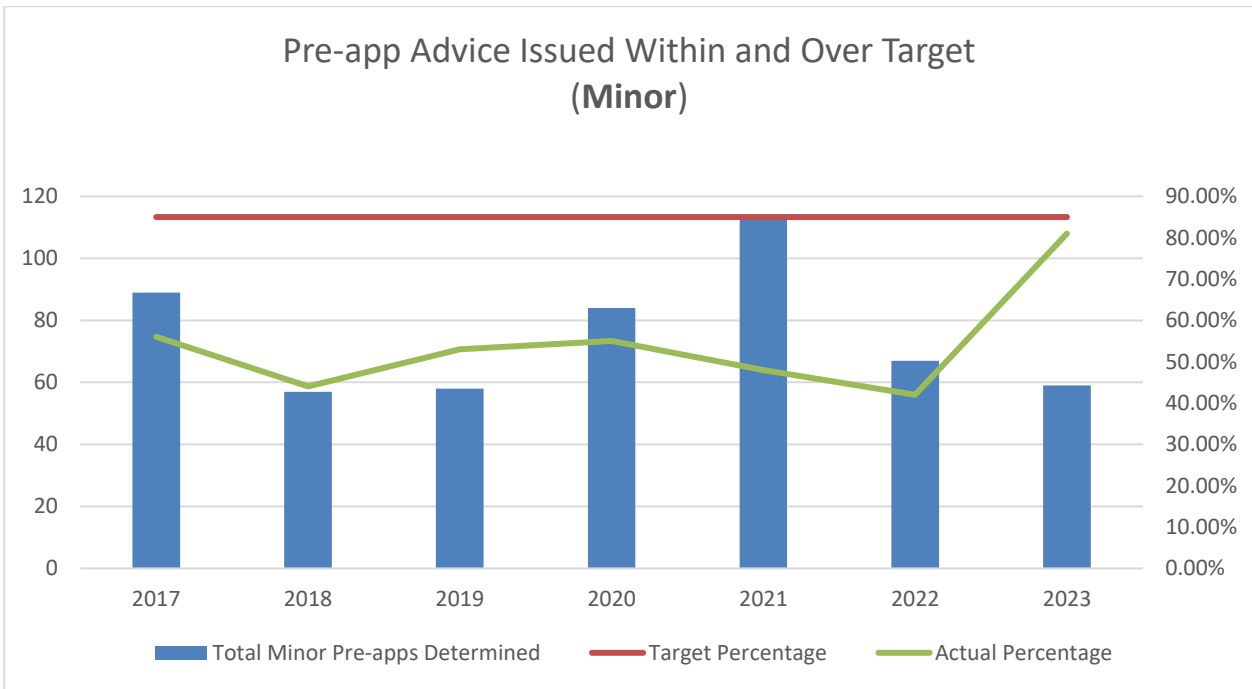
1. A report, prepared at the request of the former Minister for the Environment reviewing Planning Services in Jersey was published in April 2023. The Review contained 18 recommendations, all of which were accepted by the Minister. One of the recommendations related to the drawing up of an Improvement Plan for Planning Services and the Minister requested a review of progress with the recommendations be drawn up within 12 months of publication of the initial Review. That is the purpose of this report.
2. The Progress Report focuses on efficiency and customer service. The first element can be measured in terms of time taken for various elements of the planning process or applications awaiting registration or a decision. The second issue involves making a number of judgements based on discussions, observations and written comments, for example by Inspectors in appeal decisions.

### Approach

3. The Progress Report draws on the Quarterly Improvement Plan Updates (most recently January 2024), the most recent performance statistics and discussions with the new Minister for the Environment, Directorate Staff as well as customers of the Service (a meeting was arranged with environmental interests but no-one was able to attend).

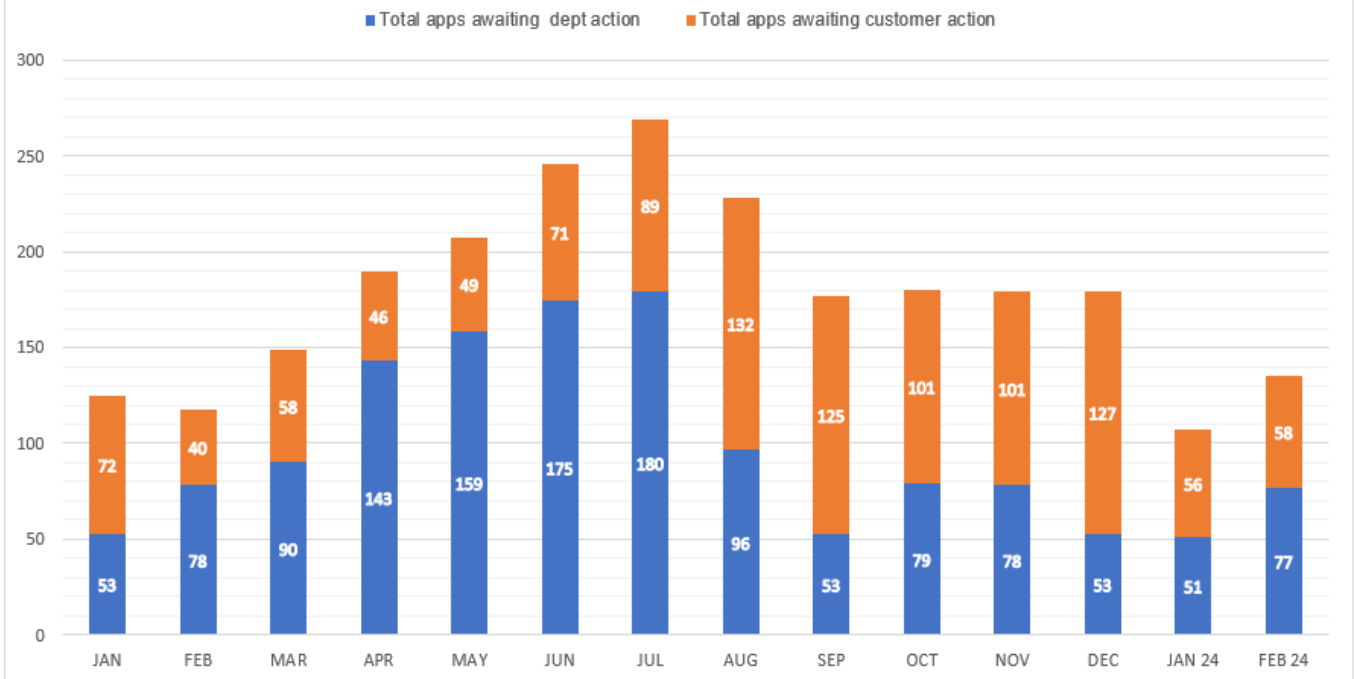
### Performance: The Facts

4. The number of requests for pre-application advice on Minor Applications is at its lowest level since 2018 but the percentage of cases where the advice was provided is close to the target of 85%. The number of major applications on which pre-application advice was sought is also at its lowest level in the last 7 years (147 cases in 2017/100 in 2023). However performance was at the highest level over the period, rising from 59% to 75% against the target indicator.



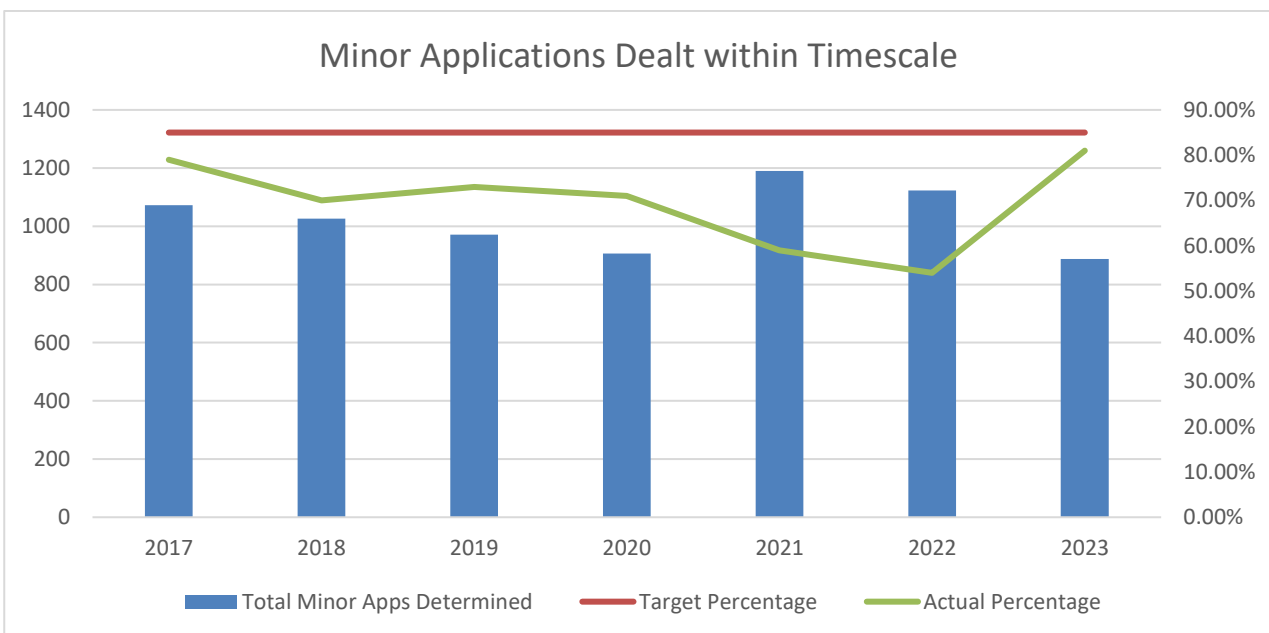
- In January 2023, 125 applications were awaiting registration, with just over 50 requiring action by the applicant. In June 2023, this had risen to 246 applications and the following month it peaked at 369 applications with the majority awaiting action from the department. By January 2024, this had fallen to 107 cases. Although, in the most recent figures (February 2024) this had risen slightly to 115 applications with the majority (77) awaiting departmental action.

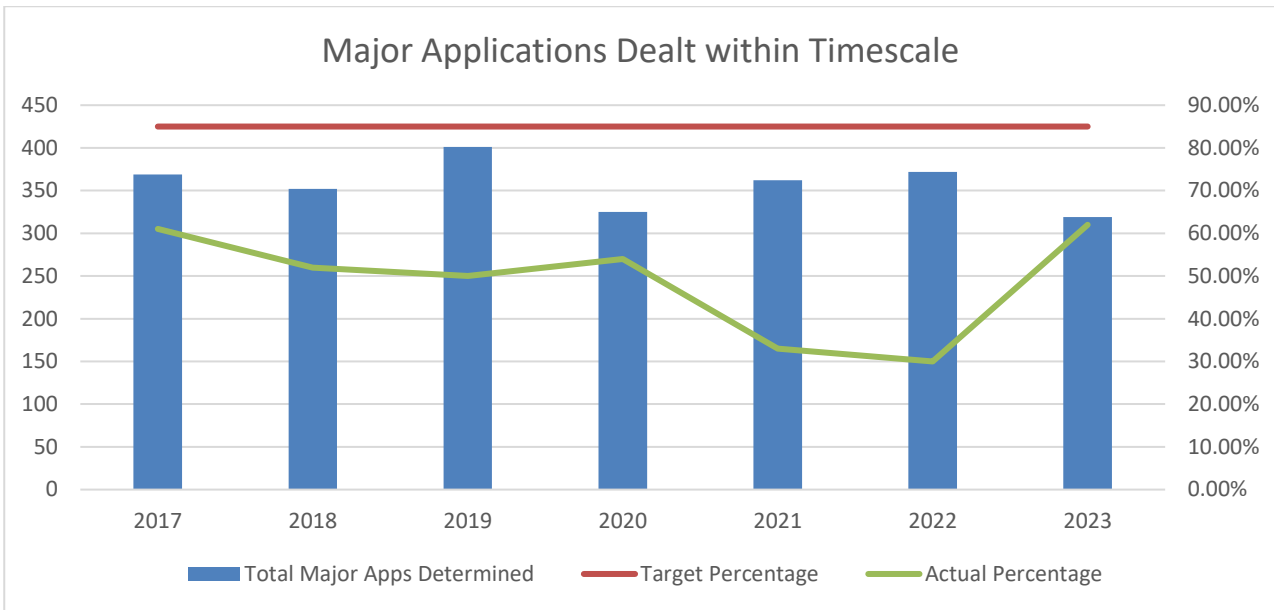
## APPLICATIONS AWAITING REGISTRATION 2023/24



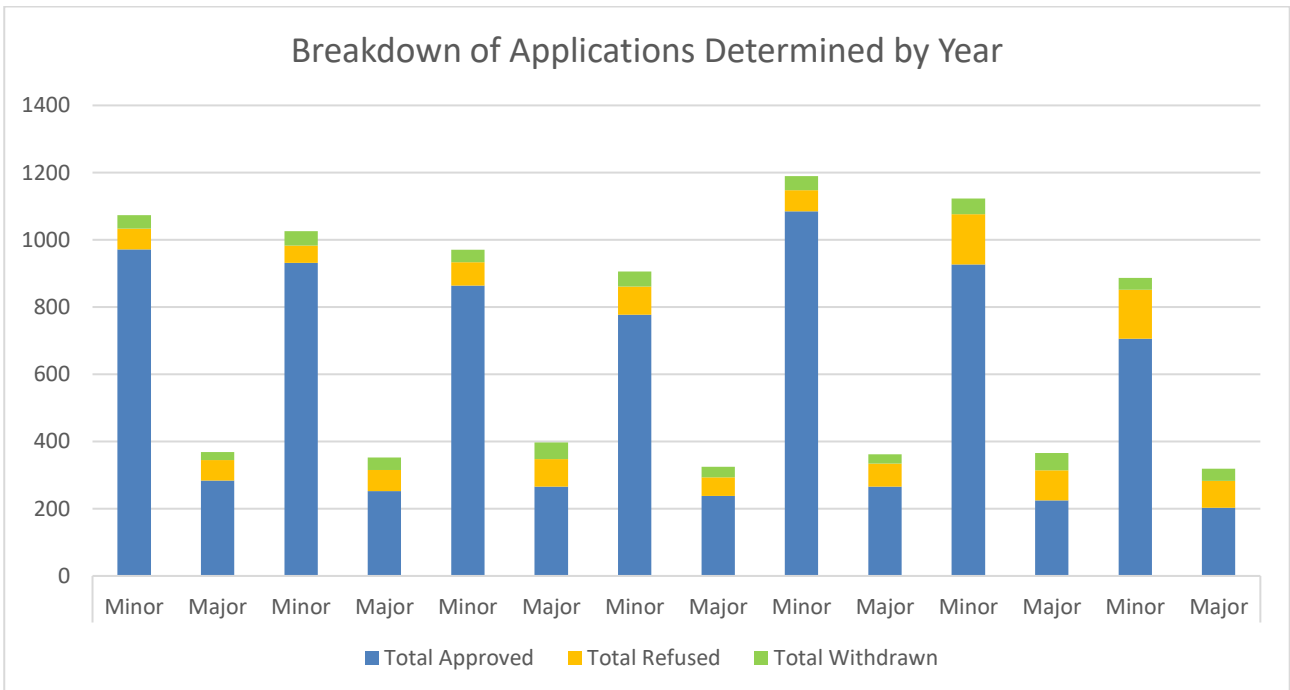
6. In 2023, the number of Minor Applications determined (888) was at its lowest level since 2020, although nearly 90% were decided within 8 weeks. Decisions on Major Applications showed a similar trend. While there was an improvement in performance since the low points of 2021 and 2022, only 62% of Major Applications applications were decided within the 13 week target.

## Minor Applications Dealt within Timescale

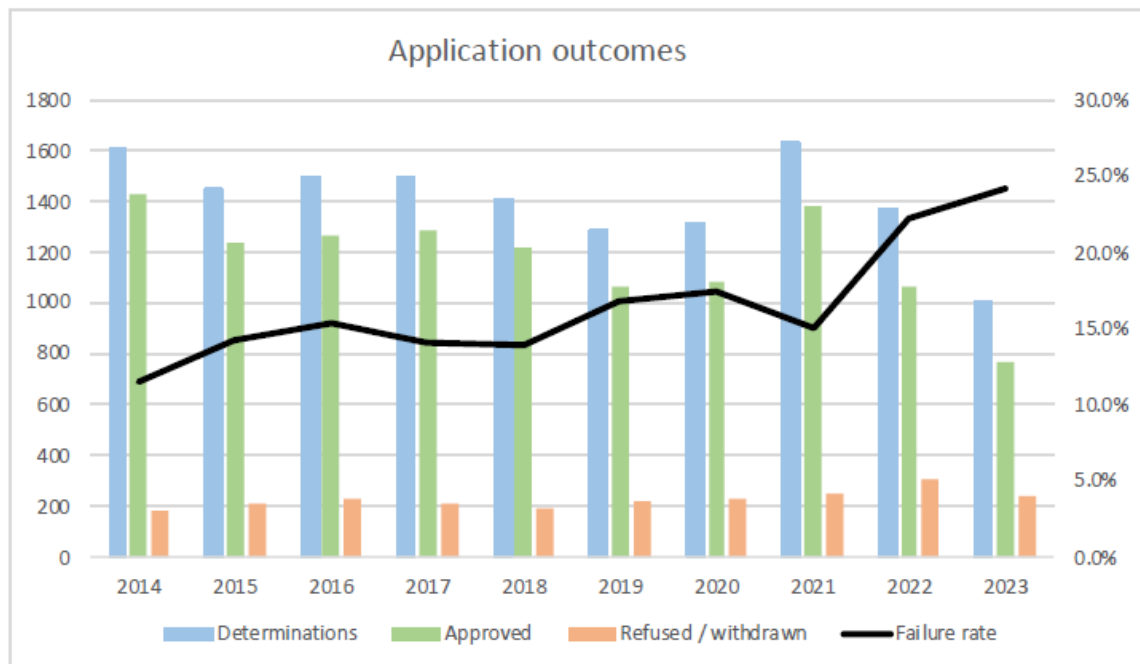




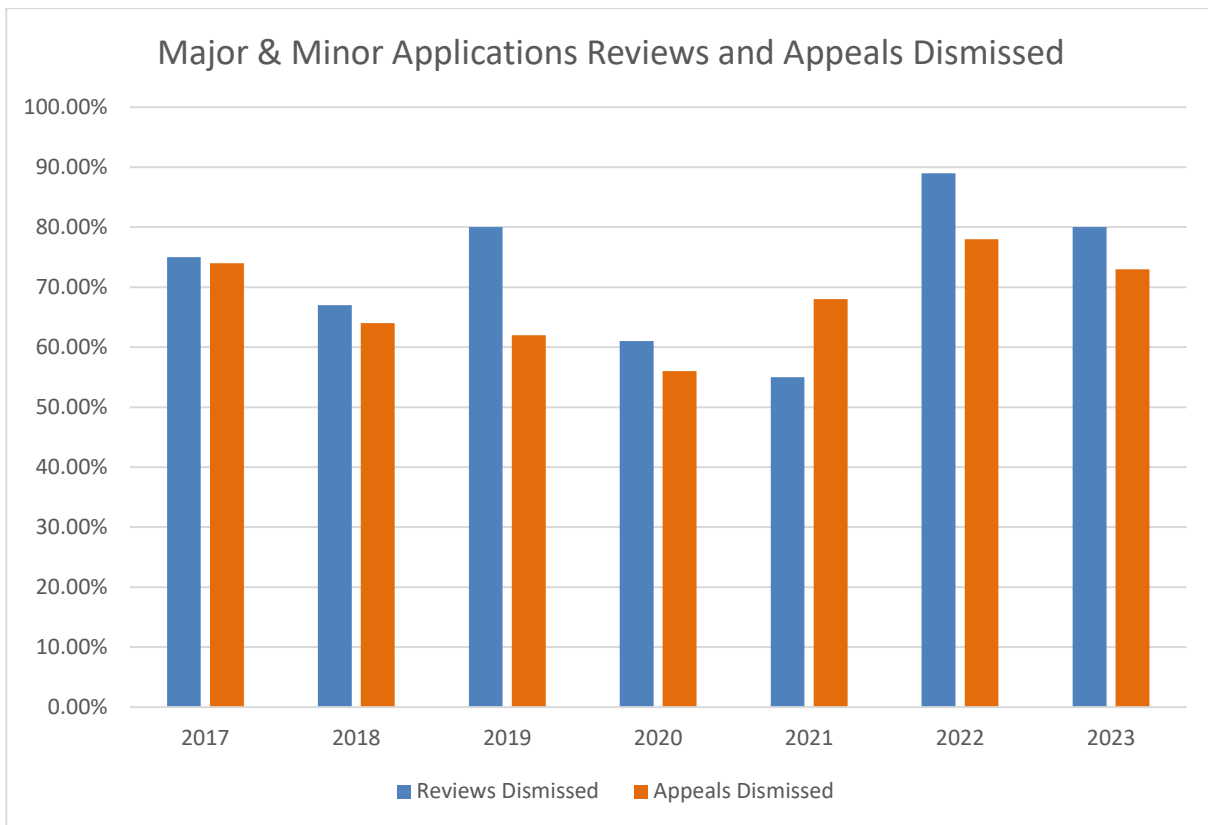
7. In 2017, 90% of Minor Applications were approved; in 2022 and 2023 the percentage had reduced to just over 80%. For Major Applications 76% were approved in 2017, but this fell to 61% in 2022 and 64% in 2023. The number of Minor Applications withdrawn has remained fairly steady. For Major Applications the figures are more volatile ranging from 24 in 2017 to 52 in 2022 before reducing to 36 withdrawn in 2023.



8. A Planning Consultant has provided a graph which, although there are some minor differences in the figures from the Directorate, demonstrates the sustained increase in the percentage of applications refused.



9. It was also suggested that the Planning Committee was increasingly likely to refuse applications and less likely to take a decision in accordance with planning officials' advice. At a recent meeting of the Committee, 4 out of 9 decisions on Applications and 3 of the 5 decisions on Reviews were made contrary to recommendations.
10. In February 2023, the number of applications awaiting determination stood at 317. In February 2024, this figure had risen to 384, an increase of over 20%.
11. 75% of Reviews were dismissed in 2017 before falling to 55% in 2021 but increasing to 80% in 2023. The position with appeals varies year on year but 73% were dismissed in 2023, in other words the decision was upheld.



12. Since July 2023, 141 planning compliance cases have been opened and 115 closed. As at January 2024, 263 compliance cases were open compared with 241 in April 2023.

### Staffing

13. The situation with regard to staffing numbers and turnover among senior planners remains challenging, arguably more so compared with the period when last year's Review was conducted. A Head of Planning and Land took up post in September 2023, a very welcome appointment. The experienced Principal Planner left the Government and, although a temporary appointment was made, a recruitment exercise is underway for a permanent replacement.

14. A Senior Planner with a reservoir of knowledge on the planning process also resigned and an on island selection process is underway to recruit a replacement. The recruitment of a qualified landscape architect is a welcome addition to the skills within the Service. Additional trainee planners should be in post shortly which is very welcome. However, trainees require ongoing support and guidance from more experienced staff, something the Planning Service does

well. This does mean that experienced staff resources are diverted from the handling of Major Applications.

15. The Technical Support Officer team has been expanded with permanent and contract staff. Particularly significant has been the appointment of a Senior Regulatory Improvement Officer who manages a number of teams, including the Technical Support Officers. The number of contract staff is reducing but a further permanent member of the team will shortly take up post.
16. Four contract Compliance Officers were employed in the course of 2023 but they are no longer part of the staff complement. Demands on the Compliance Team are increasing with more enforcement notices being served plus new responsibilities (not yet fully introduced) in relation to the Protection of Agricultural Land and Wildlife Law. A Permanent Senior Compliance Officer has been recruited and an advertisement has been placed for an Appeals and Compliance Manager.
17. A post to co-ordinate the work on the Improvement Plan was created but there has been a number of changes in the individuals holding that post.

#### IT Systems

18. The RIDA Project which commenced in 2019 is regarded as a vital update and consolidation of the Regulation Directorate's critical software applications. These applications are generally obsolete and failing. The Project marks a significant investment to support a stable, efficient and effective platform for improvements to the Planning Service. In addition to providing key information on housing units and land use, RIDA will be an important tool for reporting performance statistics which are one indicator for measuring the extent to which service improvements are being realised. There have been delays with the the project and inflation has added to the costs. An upgrade to the document management system is scheduled to go live in March 2024.

19. A meeting with the new Minister for the Environment was arranged primarily to provide him with an early indication of what the Review was likely to conclude and recommend. The Minister emphasised his support for the Review and his strong commitment to deliver demonstrable and sustainable improvements to the Service. The discussion also covered the role the Minister intended to play in leading the necessary reforms.
  
20. Formal meetings were held with the I&E Director General, Group Director of Regulation, the Head of Development and Land, Head of Regulatory Improvement and Improvement, the Senior Planner who acted up as Principal Planner and the Senior Regulatory Improvement Officer (Licensing). Essentially all recognised that while progress is being made there are still challenges ahead to deliver a high performing and respected Planning Service. Staff turnover and filling vacancies continue to be highly problematic while the improved computer systems is behind schedule and requiring additional financial resources. Developing the improved system should bring benefits but requires a sustained input from Planning and Technical Support Staff.
  
21. The Head of Development and Land is keen to streamline the development management systems, including excising actions or interventions that provide little or no value; using conditions rather than requesting additional studies, particularly where these might only be possible at certain times of the year; and introducing much briefer reports for development proposals that are consistent with policy, have generated no objections, etc.
  
22. Informal discussions were held with a range of staff across the Directorate. Many felt that senior management were not appreciative of the pressures on staff or sufficiently engaged in actually managing the challenges facing the Service. It was also suggested that there were mixed messages on engaging with applicants during the handling of applications. They also highlighted the complexity of the policy framework within which they operate and the particular challenges of working in Jersey. Moreover, proposals were too often below the standard expected with agents unwilling to address concerns and present inaccurate accounts of reasons for inaction or delay to Deputies and the media.



23. It was recognised that some steps had been taken to improve relationships and the industry's firm desire was to see an efficient and respected service. However, there were still "some wounds to heal". Those wounds became increasingly visible as the discussion continued and the depth of frustration with the Service was clear. The Key points included:-

- Validation and Registration has speeded up but remains below reasonable expectations
- The Validation Matrix, which was introduced without consultation, does not support the smooth operation of the system
- Concerns about contacting and getting replies from some planners, either by phone or email continue
- Lack of experienced staff
- Application and interpretation of policies in the Bridging Island Plan a barrier to development on Jersey
- Supplementary Planning Guidance adds to the complexity
- Level of planning fees which are very high compared with the constituent parts of the UK but not reflected in the quality of service
- Delays in, costs of and uncertainties with the planning process is deterring inward investment
- Planning Service managers focused on speed of turn around
- Developers willing to offer training on the economics of the development process, in particular the impact of delays and uncertainties on project viability
- Rising number of decisions taken by Committee against professional advice be it from the Island's Planners or Inspectors
- Perception that Planners focus on process and box ticking at the expense of outcomes.

24. There was a feeling that Senior Management in the Service had adopted a smoke and mirrors approach to disguise the fundamental problems facing the service, including low morale, and a firm hope that a further Review in 2025 would be commissioned.

## Discussion - Architects

25. Architects, although less forceful in their comments, had concerns on similar lines. In Jersey, personal contacts matter but there appears to be no published staff list which aggravates the problems of contacting planners by email or phone. There was a feeling that the Planning Service lacked leadership and the organisational split between planning policy and decision making was not helpful. Moreover, the location of the Planning Service within the "Regulation Directorate" conveyed a negative message about the role of planning on the island.
26. Inconsistent and inflexible interpretation of policies in the Bridging Island Plan was problematic while the lack of experienced staff with the confidence to engage positively and constructively with formulating development proposals was frustrating. One architect commented that planners no longer plan; they react, seek more information/further studies and fail to challenge the views of consultees. The process of loading documents and plans on to the Portal was extremely cumbersome. Unlike Building Standards where it was possible to make a phone call to an officer who would endeavour to resolve an issue, that type of relationship was not possible with planning officers.

### Improvement Plan: Progress

27. Following the publication of the Review of Planning in April 2023, an Improvement Plan was drawn up and updated quarterly. This report focuses on progress with implementing the recommendations as recorded in the 4th Quarter Update (January 2024).

*Top priority is to introduce efficient, effective and sustainable processes for validating and registering planning applications*

28. There have been significant improvements in validation and registration, particularly since the arrival of the Senior Regulatory Improvement Officer. The graph in Para 5 demonstrates this.

*New processes must be supported by robust IT systems, intensive staff training and clear communication with stakeholders*

29. The problems with the IT system persist – the term "wobbly" was used - but the Technical Support Officers are developing a sound understanding of information requirements to support planning applications. There is also a common understanding about the purpose of RIDA.

*Developing new processes must reflect a rigorous evaluation of the information requirements in the draft validation matrix*

30. The validation matrix is essentially a distillation of the policies in the Bridging Island Plan but it remains a daunting set of requirements, particularly for applicants unfamiliar with the planning process. Notwithstanding that the matrix does not contain new information and is designed to be helpful it was launched without any consultation with the industry. The February Planning Newsletter indicated that a revised version of the matrix is due for publication in March 2024.

*An integrated set of data to monitor the performance of the planning service should be introduced*

31. A set of Planning Performance figures (January – December 2023) was included in the 4th Quarter Update and Key Performance Indicators are to be published at the end of the 1st Quarter 2024.

*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*

32. A Duty Officer service (appointments based) has been introduced at Customer and Local Services. This is essentially aimed at householders and small businesses. For formal pre-application advice requests, written pre-application advice can be provided and in-person meetings with a Planning Officer is also an option.

*Planning Processing Agreements should be introduced for all applications falling within Policy GD2 of the Bridging Island Plan and other applications which contribute to the Common Strategic Policy 2023 to 2026, with particular priority given to proposals which will address the housing needs of Jersey*

33. Following research in to best practice, Planning Processing Agreements was published on the Jersey Government website in January 2024. To date one Agreement – relating to an affordable housing - has been signed and discussions are underway on a number of others.

*Consideration should be given to drawing up a concordat with the development industry to support sustainable economic development on the island*

34. A draft concordat has been prepared using feedback from a development industry engagement event held in November 2023. The draft concordat will be reviewed by the Development Industry Partnership Board although the 4th Quarter Report did refer to this being published in February 2024.

*A Customer Service Charter should be introduced to include, inter alia, performance targets for validating and registering planning applications and responding to inquiries, for example returning phone calls*

35. Publication of the Charter was scheduled for January 2024 but has been delayed to ensure consistency with the more general Charter and Policy for the Regulation Directorate. The Planning Charter gives a clearer indication of what is expected of staff and what customers should expect from the Service.

*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*

36. A Duty Officer Service is now operating from La Motte Street (Monday to Friday between 10.00 and 14.00) and will be located in the new Government HQ later in 2024

*A system of customer feedback should be introduced to obtain balanced feedback on customer service*

37. The number of compliments for Regulation staff has increased from 19 in 2022 to 28 in 2023. Over the same period complaints have increased from 23 to 26. Training on customer feedback has been introduced for staff and the results will be reported at the Industry Forums. Further training is scheduled in 2024.

*A step change in the quality of engagement with the development industry is required to ensure planners are better known*

38. A newsletter has been developed and issued monthly, most recently on 29 February. An Industry Partnership Board is being established. External nominations were sought; 8 were received and the first board meeting will be held shortly.

*Regular short forums with the industry, involving consultees where appropriate, for explaining and receiving feedback on key issues and planned changes, should be introduced*

39. The first forum took place in December 2023 with over 40 participants. There was positive feedback from the event and the second forum was held on 8 February. The Development Industry Partnership Board will be asked to agree the format, frequency and content of future meetings.

*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*

40. A series of "lunch and learn" sessions have been introduced with specific job related seminars, for example on drainage and Supplementary Planning Guidance, as well as providing information on relevant wider issues such as the work of the Cabinet Office. In addition less experienced planners have been given the opportunity to sit in on meetings dealing with applications of strategic significance for Jersey.

*A system of Planning Awards should be introduced to celebrate successes, for example in pre-application discussion, design statements and place making*

41. Planners conducted a "design tour" of the island to consider what lessons could be learnt from the layout and design of recent developments. In addition, dialogue has opened with the Jersey Architectural Commission on the introduction of a new awards scheme. The call for entries will commence in March.

*An Enforcement/Compliance Strategy should be drawn up to explain the approach to compliance.*

42. This has been drafted and covers not just Planning but a number of other regulatory regimes. This is currently undergoing final checks before being submitted for Ministerial approval.

*A potential role for Building Control in the early stages of construction should be explored.*

43. The Head of Development and Land has reviewed working practices; Lunch and Learn sessions provide opportunities to identify the scope for further information sharing and collaborative working.

## Progress

44. In a media interview with the former Minister for the Environment in January 2024 he indicated that there had been progress in some areas but more still needs to be done. That is a fair summary but there is more to be done than had been expected almost a year on from the publication of the original Review.

45. The publication of Quaterly Improvement Plans is very welcome. In summary the improvements are:-

- Appointing a Head of Development and Land
- Filling the post of Senior Regulatory Improvement Officer

- Reducing the number of applications awaiting registration which does not appear unrelated to the appointment above
- Introducing a Duty Officer service at La Motte Street
- Reducing the timescale for pre-application discussion
- Increasing the speed of decision making albeit with fewer applications
- Progressing industry liaison albeit later in the year than expected
- Publishing a monthly newsletter
- Introducing lunch and learn sessions

46. However significant, arguably more intractable, issues need to be addressed:-

- Perceived lack of leadership
- Increase of 20% in applications awaiting determination in the last 12 months
- Failure to consult the customers on the introduction of the Validation Matrix
- Continuing difficulties on contacting Planners either by email or phone with particular concerns over late/no response
- Challenges over the application and interpretation of policies in the Bridging Island Plan

47. So what makes the issues more intractable. First of all, the staffing situation, particularly with respect to the number of experienced staff, remains extremely difficult to resolve. Secondly, while there is a better understanding of what the revamped IT system could achieve, staff continue to work with the endemic deficiencies and frustrations of the existing platforms which were all too evident in 2023. Moreover, the resource required for the vital stages of user testing, means that staff are pulled away from what might be termed the "day job". Finally, there are attitudes and behaviours what are often referred to as the culture of planning although this extends beyond planning staff.

48. In summary, there have been some encouraging signs in the past year but progress on increasing the speed of decision making has some way to go and moving towards a more responsive service is considerably behind expectations.

## Discussion

49. The role of Leadership is critical. The previous Minister for the Environment attached considerable importance to sustained improvements in the Planning Service and his successor has signalled a similar commitment. For a variety of reasons there were concerns over the optics around the first industry engagement session in November 2023. The new Minister has already met Planning and Regulation staff and it is his intention to continue with this which serves as a very practical demonstration of his commitment as well as providing a boost to staff morale. It is also important that other Ministers within the Jersey Government, particularly those responsible for the Economy and Infrastructure are aware of the contribution their officials can make to a more efficient Planning Service particularly around the timing, volume and proportionality of requests for information and studies. The Minister should also have a more visible and regular presence at industry events.
50. The appointment of a Head of Development and Land is a critical appointment and very welcome. It is expected he will become increasingly influential in moving the Service forward. He needs to develop and implement his ideas – with the involvement of his teams - around streamlining the approach to determining planning applications, a number of which sounded very promising. Moreover, in his leadership and management style he has to demonstrate the behaviours he wants his teams to develop, particularly in terms of customer engagement. Planning is a public service.
51. The second element is the need to develop a stronger performance management culture within the organisation. If RIDA delivers what is expected, it should make data collection and performance reporting more straightforward. Performance management extends speed of decision making. It also involves reporting on trends in decision making, for example the apparent rise in the rate of refusals and decisions being taken against recommendations of officials whether the Government's planners or Inspectors. There is nothing untoward in recommendations being overturned by politicians, it's called democracy. However, if too many decisions, particularly those of strategic significance to Jersey, are perceived as lacking rigour or even capricious in nature it does not



convey the right messages around the predictability and certainty of the planning process.

52. To describe staff turnover, in particular the loss of experienced planners, as challenging does not describe how difficult the situation continues to be. Delays in backfilling posts add to the pressures on planning staff and are a contributory factor to low morale. Experience with contract staff has been mixed but where a recruit has demonstrated competence and efficiency, efforts should be made to retain their services. It is understood that other parts of the Government have suitably qualified staff who could well have a role to play – either part time or for a fixed period - in helping reduce the pressures on the planning service. Secondments from industry could also be explored as this might foster a better understanding of the work of the Government's planning team.
53. The latest newsletter indicates that modifications are being sought to the Validation Matrix and seeks views on improvements. It is felt that, to significantly refine the Matrix in to a less intimidating and more user friendly guide, a more direct and interactive approach, for example workshop sessions, is required with customers of the service. Where some agents continue to submit applications which are consistently deficient, targeted training should be offered, indeed insisted on.
54. The content of the Matrix stems directly from the Bridging Island Plan. The Inspector in at least one recent appeal decision made it clear that the policies in the Plan were not to be interpreted as requirements; instead they are there to guide development. Impressive as the Plan is in terms of its comprehensive policy coverage there is a strong and widespread feeling in the development community (and beyond) that economic factors are not being given sufficient weight and recognition in planning decisions. As a result economic, environmental and social objectives do not appear sufficiently well aligned.
55. The economic content of the Plan is generally expressed in broad and aspirational terms but the policies themselves are arguably not as sufficiently well formed, except perhaps for those relating to employment land and tourism. In contrast the environmental policies have been developed more fully and are more tightly worded. This can feed through in to requests for information or

further studies or the wording of conditions which may go some way to explaining the perception that economic considerations are not given sufficient weight in decisions.

56. In the longer term the priority must be a more succinct plan but, more immediately, there needs to be clear guidance as to how the suite of policies in the Bridging Island Plan are to be used to guide development in Jersey in a way that achieves the alignment referred to in paragraph 54.
57. The origins of planning lie in the public health movement and the importance of separating land use with for example avoiding polluting industries next to residential areas. Today the challenge is the integration of land use. In a densely built up area like St Helier, proposals for redevelopment might require a more flexible approach to the application of policy or use of standards compared with what might be the case on edge of settlement locations. For example, whereas single aspect buildings are unlikely to be acceptable, single aspect housing units as part of a development may well be. That does not mean development at any cost; indeed many designers have the skills to address the complex challenges to achieve diverse and vibrant neighbourhoods.
58. In Jersey, personal contacts and relationships matter; it's the Jersey way. That should not be interpreted as a critical or pejorative comment. More and more organisations operate in a way whereby systems and processes take precedence over speaking to people at a front desk, over the phone or on site. It can be quite a challenge, not least in the age of social media, to secure effective inter personal working relationships as these might be interpreted by some as improper or lacking impartiality. It is, however, this personal approach that has to be fostered in Jersey and the professionalism of staff can be relied on to achieve this.
59. The Customer Service Charter will be important in developing a more personal and responsive service. Managers must impress on staff that the Charter is not something to which lip service is paid. On the contrary it is fundamental to driving the culture change which is needed and often involves what might be regarded as good manners, for example keeping applicants informed of progress with their applications.

60. Culture change is not just for planning staff, many of whom have had to develop pretty thick skins. Comments which are unnecessarily shrill, often borne of frustration or simply untrue, must be avoided. Examples were given where despite the lack of response to requests for information or improved plans, no action was forthcoming yet accusations of delay were levelled at Planning staff. Acting in a manner or making comments that are at very least disingenuous are not just demoralising they create a level of distrust which can be difficult to repair. The Concordat should be important in restoring better working relationships to secure improved respect and mutual understanding.

61. The intention, in association with the Jersey Architectural Commission, to press ahead with an awards scheme is very welcome. Hopefully, this will mark the start of a more general drive to improve the quality of development on the island. This is less about the design of individual buildings – important though that is – it is more about the creation of neighbourhoods which could be the St Aubin of tomorrow.

#### Next Steps

62. There are specific milestones that should be reached in the next 3 months:-

- Ensuring elements of RIDA come on stream
- Pursuing an innovative approach to filling staff vacancies, particularly at senior levels
- Publishing Quarterly Performance Statistics along with progress on initiatives
- Holding the first of regular meetings of the Industry Partnership Board
- Concluding discussions with agents/designers on a more user friendly Validation Matrix
- Publishing the Compliance Strategy and Customer Service Charter
- Producing guidance on the role of the Bridging Island Plan in reaching planning decisions
- Securing agreement from the development industry to contribute to training sessions on development economics

63. Publications and meetings that will not in themselves result in demonstrable improvements to the Planning Service. This requires a sustained commitment to continuous service improvements through behaviours and actions. These include:-

- Supporting the Political Leadership to which the Minister is committed
- Developing the Head of Development and Land's Leadership role
- Continuing to reduce the time taken to validate and register applications
- Reducing the number of applications awaiting decision
- Reaching decisions in accordance with the timetables in Planning Processing Agreements.
- Monitoring the extent to which the investment in RIDA is bringing the intended benefits
- Reporting Quarterly on Performance and Service Improvements
- Taking action where problems or issues arise
- Ensuring adherence to the commitments in the Customer Service Charter
- Development industry recognising their role in service improvement
- Embedding the Duty Officer in the new Government offices
- Maintaining and supporting the work of the Industry Partnership Board – these meetings are a means to an end with action resulting from issues identified for improvement
- Raising the profile of higher design standards in new development and redevelopment proposals

64. There remain significant challenges in delivering the Planning Service that politicians, officials and interest groups wish to see. This will take time, arguably longer than was envisaged in the 2023 report, but hopefully this Review provides a route map to progress which will lead to a more efficient and outcome focused service.

65. What might be portrayed as inconsistent application of policy by some could well be seen as a welcome flexibility in approach by others. Outcomes will also continue to be contentious. One individual's or group's carbuncle, monstrous or

otherwise, might be regarded by others as innovative, even stunning, design by others. An opinion piece in the Jersey Evening Post put this more succinctly - damned if you do, damned if you don't. That is not what this Review seeks to achieve.

66. Rather, it sets out a series of actions and initiatives which the planning community in Jersey are perfectly capable of achieving, to achieve a Planning Service that is respected for its responsiveness to managing effectively the economic, social and environmental pressures that make Jersey a very special place. This will require energy, commitment, a degree of pragmatism as well as the creation of a culture of mutual trust and understanding. Undoubtedly that will be challenging and will not be achieved overnight but it is most certainly doable.