

2019 Planning Officer Society Review of Planning

Recommendations made and Ministerial response

Recommendation	Accept/Reject/Partial	Comments
Strategic issues		
<p>To move the service to being more proactive rather than reactive, and to become development management rather than development control, from pre application through to decision.</p>	Reject	<p>Many islanders interacting with the planning service expect more controls to be placed on inappropriate development and a move towards a more enabling approach would run counter to public opinion.</p> <p>Whilst it could be considered that this is primarily an issue of perception, as the service already permits 85% of all applications submitted, there should be a wider debate in the community as to what the role of the planning system is.</p> <p>Many in the island consider that it is there to protect and control development, whilst users of the system certainly want more proactivity and positivity.</p>
Policy Framework		
<p>1 <i>Paragraph 7.2</i> <i>That the Island Plan Review takes account of the policy conflicts which have had an adverse impact on development control decision making to ensure that policies are realistic and deliverable.</i></p>	Agree	<p>The IPR will, as a matter of course, consider the policy conflicts that have arisen as an integral part of the review of the performance of the current plan.</p> <p>Members of the Development Control Team will be an integral part of the policy review process.</p> <p>The report suggests that the Plan '<i>should have a clear focus</i>' and that '<i>the current policy context does not provide sufficient guidance</i>' but does not suggest in which areas this might be, so it difficult to comment definitively in this respect.</p> <p>Overall it is accepted that new Island Plan policies will be improved and provide less ambiguity.</p>

<p>2 Paragraphs 7.1- 7.3 <i>That there is an ongoing involvement from development control officers in the Island Plan review</i></p>	<p>Agree</p>	<p>Members of the Development Control Team will be an integral part of the policy review process at key stages.</p> <p>It is also relevant to note that the Review Team were also concerned that there was no plan monitoring, reporting and review system. This is, to some extent, acknowledged and accepted.</p> <p>An effective monitoring system is reliant on the availability and provision of data from the Development Control process. More work is required in this area to ensure data flows appropriately.</p>
<p>3 Paragraph 7.5 <i>That the preparation of SPG is prioritised, timetabled and resourced with the necessity of providing up to date guidance on DC decision making as the key criteria</i></p>	<p>Agree</p>	<p>It is acknowledged and accepted that the progression of SPG should be better prioritised and timetabled. This is resource dependent. The adoption of 'agile' working within the Planning Policy and Historic Environment Team should assist with better delivery of SPG.</p> <p>It is, however, recognised that the IPR requires an injection of additional resource, including external support, and this has been secured: this should enable progression of SPG, that is long outstanding, during the IPR process.</p> <p>It must be noted however that 17 SPG notes have been developed or reviewed under the current Plan period, to date, with at least four others under development</p>
<p>4 Paragraph 7.5 <i>That the establishment of practices and procedures to ensure a strong working relationship between DC and Policy is developed and implemented</i></p>	<p>Agree</p>	<p>This is recognised and accepted, and challenges of different locations will need to be positively worked on.</p> <p>It is considered that the organisational restructuring and separation of the two functions presents an opportunity to reset this relationship and to ensure that there is greater integration and more effective working practices.</p> <p>The IPR presents and positive opportunity to engage DC.</p> <p>The Planning Policy and Historic Environment Team would welcome the introduction of a cross department development team approach, involving Policy and Historic</p>

		<p>Environment, for major applications, as recommended in the report at 9.8. It is also considered that this should apply to requests for pre-application advice.</p> <p>In addition to these formal processes, the Planning Policy and HE Team operates an open approach to its work programme where it runs regular open 'showcase' events (currently focussed on the IPR) to which DC are welcome to attend, along with briefings which are specific to DC</p>
<p>5</p> <p>Paragraph 7.7 <i>That the necessary legislation to introduce conservation areas should be put in place as a priority, including provisions that changes to grade 4 listed buildings in conservation areas should be dealt with in respect of their impact on the conservation area.</i></p>	Agree	<p>The proposal to introduce area-based protection for heritage assets, through the designation of Conservation Areas, in Jersey is a longstanding one. It is currently a stated business plan objective for the Planning Policy and HE Team in SP3 to bring this about.</p> <p>Existing legal provisions do not enable the designation of CAs and amendment of the primary law is required to give effect to this. Work to amend the law has been undertaken and is close to finalisation prior to States Assembly debate.</p> <p>It is already acknowledged that the designation of CAs may provide the opportunity to review the site-specific designation of some heritage assets within them</p>
<p>6</p> <p>Paragraphs 7.7 – 7.8 <i>That the Island Plan Review carefully considers what discretion and flexibility there should be in the protection of different grades of listed buildings</i></p>	Agree	<p>The IPR will consider the performance of the existing planning policy regime for designated heritage assets.</p> <p>Changes to protection will be considered as part of the wider review of the General Development Order.</p> <p>The impact of development proposals on the significance of designated heritage assets is already a material consideration</p>
<p>7</p> <p>Paragraph 7.11 <i>That consideration is given to how best to resource masterplans and the preparation of briefs to</i></p>	Agree	<p>The need to better prioritise and appropriately resource the development of SPG is already acknowledged.</p> <p>Resourcing of SPG work will be important in delivering this recommendation.</p>

<i>ensure that they are produced in a more timely fashion.</i>		
Politics		
8 Para 8.4 <i>The Department should proactively seek opportunities for regular meetings with the Minister not only for briefings from officers but also to ensure feedback of discussions that the Minister may have had separately. Such meetings to be formally minuted.</i>	Agree	The Minister has a weekly meeting to discuss matters in his portfolio which are formally minuted. It is suggested that a planning update slot is added to these meetings to cover this recommendation.
9 Para 8.8 <i>The attendance of a Greffe officer to minute all meetings of the independent adviser with the Minister relating to appeal decisions should be reinstated with immediate effect.</i>	Agree	The Planning Policy and HE Team currently provide the Minister with independent impartial advice in relation to appeal decisions. This recommendation is welcomed to ensure the professional integrity of the independent advisor. Action has already been taken to ensure the attendance of a clerk from the Greffe and the minuting of the meetings will be further explored
10 Paras 8.12-8.13 <i>Review the element of the Jersey Law to protect the Minister in the event of a pre-determination situation arising in the</i>	Agree	The substance of the recommendation is accepted and active consideration is already being given to an alternative decision-making process for decision-making under Article 12 of the P&B(J)L

<p><i>future, providing a formal designated fall back position in law. Alternatively, consider and develop an alternative review system for Sites of Island wide significance.</i></p>		
<p>11 Para 8.15 <i>Review the way in which members of the public can access committee papers to provide simple and user-friendly access.</i></p>	<p>Agree</p>	<p>Planning Committee members already access their papers through a digital platform, and so it will be investigated as to how the significant amount of data for committee can be made more accessible to the public, as public access to information is critical to this process.</p>
<p>12 Para 8.19 <i>Review the overall size of the planning committee or the quorum, to ensure that a sufficient number of members are always available to make decisions.</i></p>	<p>Agree</p>	<p>The planning committee technically has enough members to ensure a quorum. However, discussions will take place with the chair to ensure regular attendance from more members.</p>
<p>13 Para 8.20 <i>Agree a maximum number of applications for any Planning Committee agenda to ensure the workload of every meeting remains at an acceptable length</i></p>	<p>Agree</p>	<p>This is accepted, and officers will work with the Chair to discuss this item, and whether the frequency of meetings also needs to be reviewed.</p>
<p>14 Para 8.23</p>	<p>Agree</p>	<p>Whilst this is accepted, it is fundamental to an open and transparent process that members of the public and applicants feel that they have had their say on the application before the</p>

<p><i>Review the protocol for public speaking to ensure that the provisions and the practice are consistent</i></p>		<p>committee, and so there is always a balance to be struck in this area. The Chair will continue to ensure equity is given to all who wish to speak and highlight issues to the Committee.</p>
<p>Case Work</p>		
<p>15 <i>Paras 9.5-9.7 The Pre-application process should be re-defined, with clear criteria, requirements and performance standards, and consideration should be given to charging</i></p>	<p>Agree</p>	<p>This is accepted as the current system is not well used by prospective applicants. Work will take place within 2020 to deliver this.</p>
<p>16 <i>Para 9.8 Consideration to be given to introducing a cross department development team approach for the largest major applications</i></p>	<p>Agree</p>	<p>This is accepted, and for significant applications, teams will be created to cover all relevant consultees and inputs into the application process. Criteria will be developed for the operation of any such approach. It will also be appropriate to extend this approach to the consideration of pre-application advice for the same.</p>
<p>17 <i>Paras 9.9-9.13 Explore the possibility of introducing Planning Performance Agreements for complex major applications</i></p>	<p>Agree</p>	<p>This is accepted, and will form part of both the pre application, development team and performance management approach.</p>
<p>18 <i>Para 9.16 Move the TSOs towards a “nose to tail” approach with individual members of staff being responsible for an entire application from</i></p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally.</p>

<i>receipt to handover to a case officer.</i>		
19 Para 9.18 <i>Support TSO team through change in working with a structured and well resourced training programme involving some case officers to advise in areas where the most difficulties have arisen</i>	Agree	This is accepted and work is already underway to redesign the functioning of the team internally
20 Para 9.22 <i>Review PAS good practice guidance on redaction when published and for a group of TSOs, case officers and States Data Protection team to agree future best practice constraints for the planning portal/website.</i>	Agree	This is accepted and work is already underway to redesign the functioning of the team internally
21 Para 9.32 <i>Clarify responsibility for monitoring POAs with a view to setting up a robust monitoring system</i>	Agree	This is accepted and work is already underway to redesign the functioning of the team internally
22 Para 9.35 <i>Identify the need for policy and guidance on viability in the review of the Island Plan.</i>	Agree	It is already explicitly acknowledged that the viability of the revised Island Plan will need to be the subject of external assessment and appraisal.

<p>23 Para 9.36-9.37 Reconsider the introduction of a Jersey infrastructure levy</p>	<p>Agree</p>	<p>The implications upon viability of increasing the delivery of planning gain, whether through POAs or some form of planning levy or charge through the planning process, is recognised and understood. The report fails to acknowledge the considerable work that has already been undertaken to assess and understand this in Jersey (see https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=2932).</p> <p>In seeking to better deliver planning gain in the island, there is acute awareness of seeking to avoid the pitfalls experienced in the UK and efforts will be made to ensure that viability assessments are dealt with outwith the assessment of individual planning applications, if at all possible, through the introduction of some form of planning charge or levy. The proposed introduction of a revised form of levy is a current issue as part of the IPR.</p>
<p>24 Paras 9.38-9.42 That consideration is given to the transfer of the role of Heritage advice to development control into the Development Control Department</p>	<p>Disagree</p>	<p>It is considered that it is more appropriate for reasons of probity, to ensure that consultees to the planning application process (in this case the heritage officer) are kept outside of the team distilling consultee responses and making recommendations on planning applications. This is consistent to all other consultees such as highways, natural environment etc.</p>
<p>25 Paras 9.38-9.42 That attendance of the Heritage Officer at the Planning Committee should be at the discretion of the Director of Planning.</p>	<p>Agree</p>	<p>It is important that the planning committee can always call upon the relevant and necessary advice in making decisions.</p> <p>It is acknowledged that the Heritage officer should only attend for those items where the Director (in consultation with the Chair) feels that the Committee is likely to need specific additional advice, over and above the written advice that would have already been submitted from the heritage officer.</p>
<p>26 Paras 9.44-9.45 Instigate a comprehensive review of the GPDO</p>	<p>Agree</p>	<p>This is accepted and will form part of the Regulatory Improvement work within the Regulation directorate.</p>
<p>27 Paras 9.46-9.47</p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally</p>

Review the use of conditions		
28 Para 9.50 <i>Re-introduce regular meetings between case officers and the Natural Environment team to resolve inconsistencies in approach to environment issues, such as habitats, etc.</i>	Agree	This is accepted and will form part of wider development team working
29 Para 9.51 <i>Development control managers to regularly review case decisions to pro-actively monitor inconsistencies in approach to decisions across teams.</i>	Agree	These recommendations are accepted. Any conversations will need to involve the Planning Policy Team to highlight areas of concern in using policies from a development control perspective, and to allow internal discussion on how policies should be applied.
30 Para 9.52 <i>Instigate regular internal discussion and guidance sessions on how policies should be applied to ensure consistency of approach</i>	Agree	These recommendations are accepted. Any conversations will need to involve the Planning Policy Team to highlight areas of concern in using policies from a development control perspective, and to allow internal discussion on how policies should be applied.
31 Para 9.56 <i>Disseminate results of appeals decisions on a wider basis through a formal regular report (perhaps quarterly) to the Planning Committee.</i>	Agree	The regular and formal reporting of appeal outcomes, and findings, is welcomed and endorsed. It is essential that these are also reported to the Planning Policy Team as an integral part of plan monitoring and performance. The Minister is similarly concerned to ensure the development of guidance to ensure the better reporting and monitoring of minor and major departures from the Island Plan (see Minister's response to comment 5.1 https://statesassembly.gov.je/assemblyreports/2019/r.37-2019res.pdf). This is similarly

		essential for Island Plan monitoring and performance and the Planning Policy team would welcome the introduction of DC guidance to give effect to this.
Performance		
32 Para 10.1 Confirm role and importance of Business Plan Performance Targets	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020.
33 Para 10.6 Ensure that monthly performance statistics are available to all staff in Development Control	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020
34 Para 10.8 Monthly performance monitoring should be a priority item for Development Control Management Meetings	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020
35 Para 10.8 Responsibility for managing performance should clarified	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020
36 Para 10.8 Regular (at least quarterly) reports on performance should be available to Departmental Management, the Corporate Centre,	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020

Planning Committee and the Minister.		
37 Para 10.10 <i>Consider options for introducing a quality performance measure, such as comparative success of applications which have gone through the pre-application process.</i>	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020
DC Management and Structure		
38 Para 11.02 <i>The current roles of Director of Planning and Principal Planning Officer should be clearly defined as managers without a caseload (subject to any changes proposed in the new Regulation Structure)</i>	Agree	The new operating model for the Regulation directorate will be consulted upon with staff and delivered in 2020. This will cover this recommendation.
39 Para 11.06 <i>The Development Control Team and the Technical Support should be brought together under the Director of Planning</i>	Agree	The new operating model for the Regulation directorate will be consulted upon with staff and delivered in 2020. This will cover this recommendation.
40 Para 11.11 <i>Options for the structure of the planning casework team</i>	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020

<i>should be reviewed, to meet clear criteria including improving performance and more effective line management.</i>		
Compliance		
41 Paras 12.16 and 12.19 <i>Remove remaining planning cases from the Senior Planner – Compliance as soon as possible</i>	Agree	The new operating model for the Regulation directorate will be consulted upon with staff and delivered in 2020. This will cover this recommendation.
42 Paras 12.16 and 12.19 <i>Make all efforts to reduce the outstanding caseload so that the published targets can be achieved within a six-month period</i>	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020
43 Para 12.18 <i>Encourage the development of skills required for compliance team members through appropriate training provision and external opportunities similar to the work with the States Employment Board referred to in para 12.5 above.</i>	Agree	This is accepted, and work is already underway across the Regulation directorate to ensure consistency and delivery of core training for compliance staff
Appeals		
44 Para 13.12	Agree	This is accepted and the service will work with the States Greffe to further assess the working of the appeals system

<p><i>The Review Team suggest that the use of written representations should be encouraged and that the Law regarding qualification for written reps may need to be reviewed along the lines referred to in para 13.22 above</i></p>		
<p>45 Para 13.23 <i>Rather than a wholesale review of the appeals system consider more modest changes where either, the Minister could indicate when the appeal is lodged that the final decision is delegated to the Inspector, or that all cases should be delegated to the inspectors, except when the Minister “recovers” the case for the final decision.</i></p>	Disagree	This will need to be carefully assessed to ensure democratic responsibility for decisions remain within the Island.
<p>Customer experience</p>		
<p>46 Para 14.11 <i>Re-enforce any corporate targets on responding to telephone calls and actively embrace the response elements of the new DiPP system (see paras 15.4-15.5 below)</i></p>	Agree	This is accepted. A new approach to targets and performance management will be developed and delivered in 2020

<p>47</p> <p>Para 14.13</p> <p><i>Team managers to ensure no there are no unreasonable delays to responses to applicants which result in missed deadlines or unacceptable delays to the determining of applications.</i></p>	<p>Agree</p>	<p>This is accepted. A new approach to targets and performance management will be developed and delivered in 2020</p>
<p>48</p> <p>Para 14.15</p> <p><i>Consideration should once again be given to setting up an annual developer/agent forum or similar customer focus group to provide a regular feedback on the service being provided by the department and which could also serve as a way to disseminate departmental updates on changes to the system, technology and guidance.</i></p>	<p>Agree</p>	<p>This is accepted and will also include representation from the Planning Policy and Historic Environment Team from the SPPP department.</p>
<p>IT and Digitisation</p>		
<p>49</p> <p>Para 15.8</p> <p><i>Continue to positively involve case officers directly in discussions about design of system, even if first attempts fail</i></p>	<p>Agree</p>	<p>This is accepted and work will also take place to ensure that the Planning Policy and Historic Environment Team are also engaged in the design or changes to the planning IT system to ensure that the requirements of plan performance monitoring can be met, and made as efficient as possible, and also to ensure that consultees can access and input the necessary information</p>

<p>50 Para 15.9 <i>Re-inforce the resiliency of the DiPP project by providing some dedicated back up resource to the TSO team to assist</i></p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally</p>
<p>51 Para 15.10 <i>Make arrangements to second a full-time project leader to the introduction of DiPP for at least 6 months from the time of going live, together with a user group in place.</i></p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally</p>
<p>52 Para 15.12 <i>Ensure that the Island model software is regularly updated to keep in step with developments in new technology</i></p>	<p>Agree</p>	<p>The 3D model will continue to be developed and maintained.</p>
<p>53 Para 15.14 <i>Review the decision to halt work on the back-scanning project with a more detailed business case for the savings that will be made over a number of years.</i></p>	<p>Agree</p>	<p>This is accepted and the Group Director will take this issue forward</p>
<p>54 Para 15.15</p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally</p>

<p><i>Ensure all case officers have direct access to information concerning updates to the current planning application system and processes, rather than relying on a cascade notification system</i></p>		
<p>Resources and Staffing</p>		
<p>55 Para 16.4 <i>Ensure adequate resources are in place (either to provide the service or backfill elsewhere) before any paid for pre-application service is introduced.</i></p>	<p>Agree</p>	<p>This is accepted and will form part of the work to design a new pre application service.</p>
<p>56 Paras 16.5-16.6 <i>Urgently review the need for additional TSO resource in both the short term to cover the DiPP transition and longer term to provide additional capacity and resilience.</i></p>	<p>Agree</p>	<p>This is accepted, and work is already underway to redesign the functioning of the team internally</p>
<p>57 Para 16.9 <i>Consider the introduction of a “grow your own” recruitment programme</i></p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally. There has already been significant success in recruiting locally to trainee roles.</p>
<p>58 Para 16.11 <i>Invest in management training for staff to allow</i></p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally</p>

<p><i>them to gain the experience and expertise to fill managerial roles in the future.</i></p>		
<p>59 Para 16.14 <i>Programme regular training refreshers for the planning application software</i></p>	<p>Agree</p>	<p>This is accepted and work is already underway to redesign the functioning of the team internally</p>
<p>60 Para 16.15 <i>Programme regular training refreshers for subjects such as viability appraisals, the use and detail of POAs, etc.</i></p>	<p>Agree</p>	<p>The introduction of new supplementary guidance, or similar, is always the subject of training sessions with the Development Control Team.</p> <p>Similarly, the Planning Policy and Historic Environment Team is happy to, and has, provided training refreshers as a matter or course or to deal specifically with emergent issues around the use and/or implementation of policy and/ or guidance.</p>
<p>61 Para 16.16 <i>Programme regular monthly updates with the Policy Team</i></p>	<p>Agree</p>	<p>Following the implementation of the new Government structure, there is already a scheduled monthly meeting between the Group Director (Regulation); and the Directors of Development Control and Planning Policy to ensure regular update and communication.</p> <p>In addition, as stated above, the Planning Policy Team are holding open 'showcase' events specific to its work programme for colleagues generally but also specifically for the Development Control Team.</p>