



## STRATEGIC PLANNING COMMITTEE

Thursday, 4 June 2020

### HOW THE PLANNING SERVICE HAS ADAPTED DURING THE COVID 19 EMERGENCY

#### EXECUTIVE SUMMARY

1. This report provides details, for information, of the measures enacted to ensure the functions of the Planning Service have been delivered during this period, to ensure the safety and wellbeing of staff and customers, whilst maintaining as best as possible, business continuity.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer:	Philip Ridley Head of Planning and Coastal Management 01394 444432 <a href="mailto:Philip.ridley@eastsoffolk.gov.uk">Philip.ridley@eastsoffolk.gov.uk</a>

## **1 INTRODUCTION**

- 1.1 The Prime Minister announced on the 23<sup>rd</sup> March that due to the serious and significant risks of the Covid 19 virus people had to stay at home. East Suffolk Council had to quickly adapt to these necessary changes and this report sets out some of the immediate impacts this has had on the delivery of the Planning Service and identifies some of the changes put in place to ensure as best as possible we could maintain business as usual. This lockdown obviously led to the cancellation of all council meetings including those of the Planning Committees.
- 1.2 All staff in the service (as well as in the rest of the Council) have responded brilliantly and all are working from home with good IT connectivity. IT connectivity was one concern that many had at the start of the lockdown but it has been on most occasions excellent including good access to the Planning and Building Control Software, Uniform. This has enabled staff, as well as customers, to be able to access planning application details. All staff have embraced Skype, Zoom and other communication options both for contacting customers but also each other in their teams to discuss work but as importantly to ensure their continued wellbeing.
- 1.3 Understandably staff stopped undertaking site visits, except in an emergency, but as we are currently moving in to the next stage of this emergency, and some relaxations are being put in place, visits are now taking place with the necessary Risk Assessment protocols in place. This is especially the case for the Building Control Team who need to work with the construction industry to ensure safe developments are being built. It should also be noted that the government have made some legislative changes to planning processes to enable application, and other work, to proceed.
- 1.4 The government issued some further changes to procedures for Site Notices and other matters on the 13<sup>th</sup> May. As a result, the council will not be required to put up a Site Notice on any site. To ensure that there is the maximum publicity for an application the teams are ensuring wider neighbour consultation takes place. It does not appear to date that there has been a drop in the number of responses to applications and it is also good to see that many parishes are embracing technology to be able to respond.
- 1.5 The direction for the Planning Service has been led by the Leader of the Council and Chief Executive with the clear steer that the council needs to manage the current crisis but also to be ready for the recovery stage. It is at this stage that the work of the Planning Service will come to the fore in supporting our communities and our economy recover. Most staff have continued in their main job but some staff in Building Control volunteered to support the allocation of business grants as well as support work on the Lowestoft Flood Risk Management Project.
- 1.6 Following the agreement of the Local Plan Inspector, the Council commenced the consultation of the proposed Main Modifications of the Suffolk Coastal Local Plan, with the aim to potentially have the Local Plan adopted by Full Council in September 2020. This is seen as important in supporting the economy and communities in that when adopted the district has full, up to date, local plan coverage.

- 1.7 The service has also been proactive in looking at ways of delivering the service, or making changes, to support outcomes in this emergency. This has, for example, included looking at deferring CIL payments to support local businesses. This, along with some other work has attracted the attention of the MHCLG. As a result, the Head of Planning and Coastal Management and colleagues have been in direct discussions with their officials looking at ways of improving the planning functions during this time to deliver lawful outcomes. They have also been involved in various webinars promoting best practice and the work we have done on CIL is cited in the recently published Royal Town Planning Institute Research Paper “The Planning Professions Response to the Covid 19.”
- 1.8 In addition to all the changes and adaptations coming forward the service has sent out two detailed newsletters to Members, Town and Parish Councils and our agents/developers, keeping them informed of how we are operating and that we are still open for business and delivering the service. From the feedback received these have been welcomed.
- 1.9 As set out above the teams have done a brilliant job at maintaining the service we provide and are primed to move forward. Workload levels ( and therefore fee income too) are being carefully monitored and whilst it is too early to make any detailed assumptions regarding the next few months, nor the remainder of 2020/21, it is expected that application numbers will decline for the foreseeable future. Recent submission numbers in both planning and building control are down but there have been many and on going pre-application discussions and using this opportunity to be ready for the coming months.
- 1.10 This introduction has provided a brief overview of what has occurred in the service in recent weeks but, in particular, this report will highlight to the Strategic Planning Committee how the council amended its procedures for determining planning applications that would ordinarily be determined by the relevant Planning Committee.

## **2 THE PLANNING ADVISORY PANEL**

- 2.1 As set out above, following the announcement on the 23<sup>rd</sup> March by the Prime Minister all Planning Committee meetings were subsequently cancelled by the Council. It was unclear, for obvious reasons, as to how long this would be for, and therefore there was legitimate concern that the decision-making functions for determining the planning applications that were needed to be determined by the relevant Planning Committee could be undertaken.
- 2.2 Following the announcement on the 23<sup>rd</sup> March the governments Chief Planner issued his March 2020 newsletter which contained the following advice:-

### **COVID-19 Advice Decision Making**

**We understand that some councils are concerned about the implications of COVID19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.**

**We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate. The Government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.**

**We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions.**

- 2.3 Having assessed the issues, and possible ways forward, the Head of Planning and Coastal Management discussed options with the Head of Legal and Democratic Services in consultation with the Council Leader, Planning Committee Chairs and the Cabinet Member for Planning and Coastal Management as to how we could introduce a mechanism for determining those applications which would be ordinarily determined by a planning committee before any new legislative provisions be introduced to allow remote/virtual meetings.
- 2.4 On the 26<sup>th</sup> March, the Head of Legal and Democratic Services, as Monitoring Officer, mindful of the current emergency, the Chief Planning Officer's advice, and the need for us to be able to respond and determine planning applications without gathering Councillors together for a meeting, in person, made a change to the Council's Constitution. The amendment made was a temporary one, lasting for the period of the current restrictions until such time as the legislative changes were in place to allow for virtual meetings.
- 2.5 This temporary change to the Constitution was made to Section E, Appendix 1, Register of Specific Officer Functions, entitled "Head of Planning and Coastal Management", on page 45 of the Constitution (Scheme of Delegation to Officers). It specifically deleted all of the wording on that page, under the heading "Head of Planning and Coastal Management, and replaced it with the following:

**"Due to the emergency restrictions announced by the Prime Minister on Monday 23 March 2020, because of the CoronaVirus/Covid19, and inability to have meetings of the Planning Committees at the present time, all planning application decisions including those which require an Environmental Impact Assessment (EIA) or an Habitat Impact Assessments (HRA) are temporarily delegated to the Head of Planning and Coastal Management (HPCM) to make.**

**During the period of emergency restrictions, the HPCM will make these decisions in consultation with an Advisory Panel (AP) of Members. There will be two APs, one for planning applications that would have gone to the Planning Committee North (PCN) (the Advisory Panel North (APN)) and one for the planning applications that would have gone to the Planning Committee South (PCS) (the Advisory Panel South (APS)).**

**The APN will consist of up to five Members, being the Chairmen and Vice-Chairmen of the PCN and PCS, and Cllr Elliott.**

**The APS will consist of up to five Members, being the Chairmen and Vice-Chairmen of the PCN and PCS, and Cllr Deacon.**

**The HPCM will consult with the APN or the APS via SKYPE or telephone conference call, on scheduled dates to be arranged by him. The dates of these consultative meetings will be published, as will the relevant reports prepared by the Planning Officers, at least five working days before the consultation takes place, via the Council's CMIS system.**

**Ward Members will be alerted to any applications which relate to their ward, that are due to be determined by the HPCM, in consultation with the relevant AP, so that they can make their comments.**

**If there are not a minimum of three councillors available for each AP, the consultation will not take place.**

**All consultations with the APs will be recorded.**

**If the HPCM is not available for any reason, or he has a personal, private interest in any application, he will delegate this authority in writing to another senior planning officer, who will likewise act in accordance with these consultative arrangements, in exercising this delegation.**

**As and when the emergency restrictions are lifted, or regulations are made by Government to allow for meetings of the PCN or the PCS to be held remotely, this emergency delegation to the HPCM will be reviewed and withdrawn".**

- 2.6 These emergency measures were reported by e-mail to all Members of the Council, Towns and Parishes and our agents/developers on our database. The Planning Advisory Panels met through April and early May until the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came in to force to make provision for remote attendance at, and remote access to, Council meetings held on or before 7 May 2021.
- 2.7 The Advisory Panels met on Tuesday mornings in accordance with the principles set out in the Constitution with all the information available to participants, and the public, on the CMIS system hosted on the Council's website. For all the meetings there was a full complement of Members. Additionally, Cllr Cooper as Deputy Cabinet Member observed some of the meetings. Meetings were undertaken using Skype and were recorded and then a Decision Record for each meeting was placed on CMIS. The Advisory Panel was presented with a written report, a PowerPoint Presentation and an update sheet of additional information received following advising the relevant Ward Member and Parish Council that an item was to be presented.
- 2.8 The Advisory Panels considered 37 cases and of these the Head of Planning and Coastal Management determined 33 cases in accordance with the recommendation in the report, having first considered the views of the Members on the Advisory Panel, 1 case contrary to the recommendation ( the application was refused in accordance with the Advisory Panels view) , 1 application was Withdrawn before the Panel met, and 2 were deferred, by the HoPCM, to be considered at a subsequent meeting of the North Planning Committee.

### **3.0 CONCLUSIONS**

- 3.1 As the Cabinet Member for Planning and Coastal Management I considered it was necessary to provide this update for the Strategic Planning Committee to outline the measures the officers have put in place and delivered, on our behalf, during this Covid 19 emergency. These measures have been proportionate, to enable the continuation of the work of the teams. It is not known what , if any, other changes may need to be considered but we can be assured of the professional support of the officer team to ensure we can provide the outcomes the council wants to deliver to support our communities and economy especially at this time.

### **4 REASON FOR RECOMMENDATION**

- 4.1 This report is for information only.

#### **RECOMMENDATION**

That the contents of the report are noted.