REVIEW OF THE EFFECTIVENESS OF SURREY COUNTY COUNCIL'S PLANNING AND REGULATORY COMMITTEE PROCESSES AND CONDUCT

REPORT BY LW PLANNING

ON BEHALF OF

THE PLANNING ADVISORY SERVICE

FOR

SURREY COUNTY COUNCIL

JUNE 2023

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INTRODUCTION

1. Surrey County Council commissioned the Planning Advisory Service to review the effectiveness of the Council's Planning and Regulatory Committee ("the planning committee") processes and conduct in order to suggest ways in which the operation of the planning committee might be improved.

2. This work has been prompted by Surrey's performance in the speed of decision making (for County Matter planning applications) and the potential future threat of designation[1] by government[2].

3. This review is based on:
   a. observing the operation of the planning committee via its webcasts (**ANNEXE 3**);
   b. capturing the views and experiences of members of the public who have participated in recent planning committee meetings, elected Members of the planning committee, applicants and officers (**ANNEXE 3** & **ANNEXE 4**);
   c. reviewing the rules and procedures of the planning committee in the light of national best practice;
   d. analysis of key performance (speed of decision making) data related to potential designation in relation to the planning committee decisions to see if that tells us anything about the need to consider changes to planning committee processes;
   e. consideration of the extent to which any potential changes to the operation of the planning committee processes could have a positive bearing on the speed of determining planning applications (related to potential designation)

4. The expected benefit of this review is improved decision making at the Planning and Regulatory Committee, in terms of not only speed to meet government targets but also to making sound, defendable, confident and transparent decisions that contributes to the

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[1] S62A Town and Country Planning Act 1990 ("the 1990 Act")
[2] By the Secretary of State for Levelling Up, Housing and Communities

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Council's ambitions for Surrey as a place[3] and improve public perception of how the planning committee works.

PERFORMANCE CONTEXT – DESIGNATION AND SPEED OF DECISIONS

5. Local planning authorities' performance is assessed on the speed and quality of their decisions on applications for major and non-major development[4]. The speed of decision making (the proportion of applications that are dealt with within the statutory time or an agreed extended period) is measured over a two-year period based on nationally published quarterly returns. The government specifies the criteria (currently 60% for County Matters) and the assessment period (October 2021-September 2023) for designating local authorities as underperforming. Where an authority is designated as underperforming, applicants have had the option of submitting their applications directly to the Planning Inspectorate for determination and the authority is expected to prepare an improvement plan identifying actions that address the areas of weakness that led to the designation.

6. County matter applications can be controversial, unpopular, technically complex, have significant environmental impacts but are often necessary to meet economic demands and social needs. Surrey County Council invests a considerable amount of time and effort in processing these types of planning applications, produce comprehensive assessments and reports to advise the Members of the planning committee on the issues and give clear and robust recommendations for decisions to be made. It is important, therefore, that the effort is rewarded with better outcomes in terms of performance, making defendable and reasoned decisions and providing a positive, inclusive and transparent experience for applicants and citizens that may get involved in the planning process and who are potentially affected by these decisions.

7. This review has been prompted in part by the threat of designation relating to the speed of decision making. Surrey's performance level was 62.8% at the last assessment period point in September

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[3] Surrey's 2050 Place Ambition (link)
[4] Improving planning performance Criteria for designation DLUHC October 2022

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2022 and has improved since to 66.7% (March 2023). There is no immediate threat to designation in the current designation period, but it is important to ensure that performance is maintained and improved if designation is to be avoided in September 2023. Figure 1 below shows Surrey's performance in relation to the threshold criteria and assessment periods.

Surrey County Matters Planning Performace
Two Year Moving Average
Jan 2018 - Sep 2023
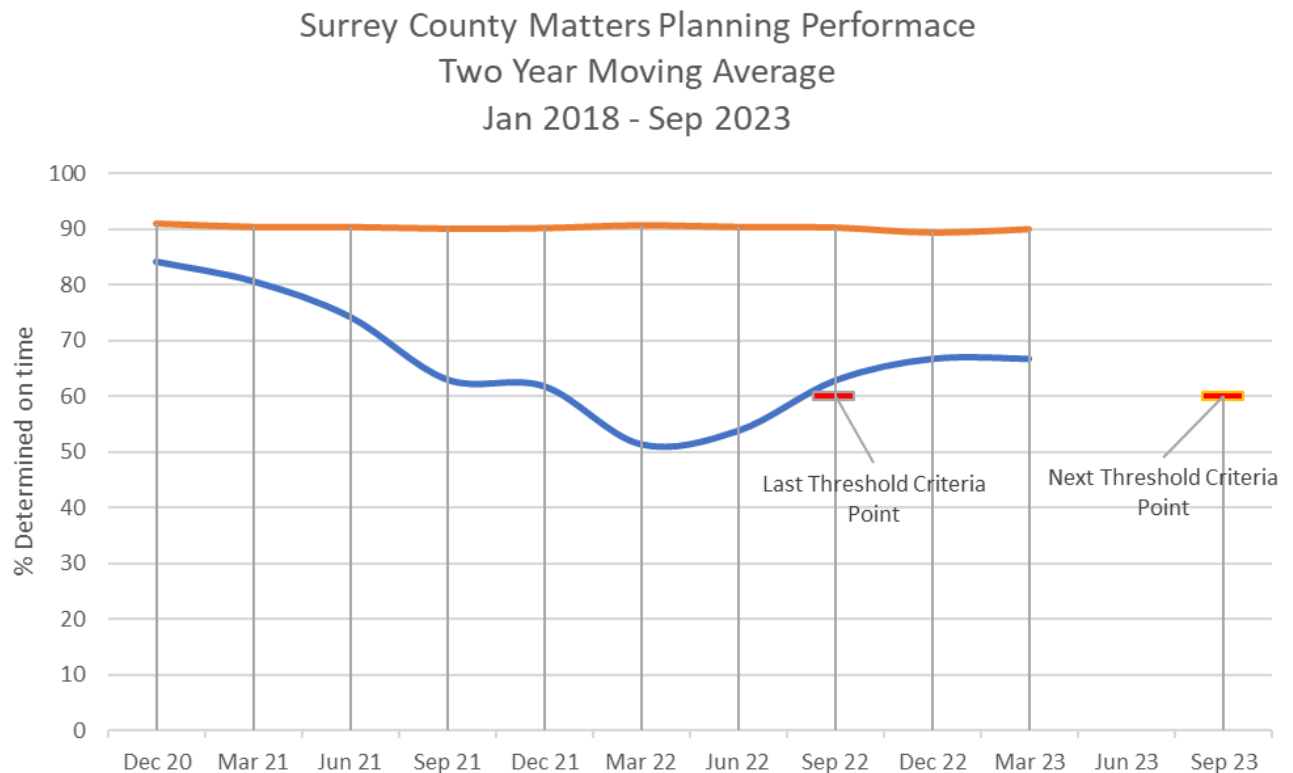
Figure 1. Performance Measures

8. Of the decisions made that achieved the March 2023 performance level, 30 decisions were made under delegated authority and 15 decisions were made by the planning committee. Table 1 below shows the difference in the speed of determination between delegated and committee decisions. Planning committee decisions performance is significantly lower in comparison to delegated and the overall decisions.

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Table 1: County Matters speed of determination, by mode of decision		
2 YEAR PERIOD ENDING MARCH 2023		
Decision Mode	Number	Performance
All	45	66.7%
Committee	15	27.0%
Delegated	30	73.0%

9. Understandably, planning committee only consider those applications that are more complex, controversial or have attracted objections that warrant a planning committee decision (as set out in the Scheme of Delegation[5]). Most (if not all) of the applications had extension of time agreements in place with the applicant (as stated in the planning committee reports).

10. Performance is measured against whether a decision was issued within those agreed timescales. It is noted that some decisions issued after the planning committee resolution failed to meet the agreed deadline. It was not possible within the constraints of the project brief to undertake a detailed analysis of the reasons why this was the case within the overall development management process. However, Surrey County Council is fully aware of the need to review its internal development management processes related to, amongst other things, the speeding up of issuing decisions. It is noted that the County Council has already embarked on this review process. Notwithstanding that, the PAS Development Management Challenge Toolkit may assist in this process[6]

11. Delegated decisions are reported on a monthly basis and published on the County Council's web site under "Planning and Regulatory Committee – Action under Delegation". The reports are for information only and give very brief details.

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[5] Constitution of the Council – Part 3 Responsibility for Functions and Scheme of Delegation - Section 3, Part 3A Specific Delegation to Officers May 2023, page 81
[6] Development Management Challenge Toolkit PAS

12. No performance data on planning application or other related performance measures (such as scheduled of required[7] monitoring visits) is reported to planning committee on a regular basis.

13. Although the County Council's planning service produces an Annual Monitoring Report, the specific details related to the functions of the planning committee would be informative for Members to understand their part in the process and to have an opportunity to debate and comment on the discharge of their responsibilities.

14. **It is recommended that consideration be given to reporting the planning activities and performance to the Planning and Regulatory Committee in line with the AMR so that they can be better informed and understand their role in the process and the wider planning functions that officers undertake on behalf of the Council.**

15. Also, it is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of their decisions, ideally on an annual or more frequent basis. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.

16. **It is recommended that councillors visit a sample of implemented planning permissions on an annual basis to assess the quality of their decisions to help improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help with reviews of planning policy.**

17. In terms of decision making, as is normal practice minutes of committees are confirmed and agreed at the next formal meeting but once a decision has been made on a planning application a planning decision is ready to be issued. Anyone looking at the County Council's Planning and Regulatory Committee web pages will not know what the decision was unless they visit the planning

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[7] The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2017; The Waste (England and Wales) Regulations 2012

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application site and even then, given the delay that sometimes happens in issuing the decision or wait for the minutes at the following meeting.

18. **It is recommended that to assist in openness and transparency and to inform those interested in the outcome of Planning and Regulatory Committee decisions, it would be helpful to publish on the Planning and Regulatory Committee web site a list of decisions (ideally the next day) so that people can see what has been decided quickly and clearly.** This is not a substitute for the formal minutes which will be dealt with in the normal way.

REGULATION 3 PLANNING APPLICATIONS

19. The County Council also has an important duty to determine planning applications for its own development[8]. There is no nationally collated or published performance measure for this type of application. Nevertheless, Regulation 3 applications are determined in the same way as any other planning application except that there is no appeal or enforcement mechanisms as the County Council would be appealing and enforcing against itself. Great care needs to be taken when the County Council is determining its own planning applications to ensure that there is no appearance of or actual bias. There should be no expectation that County Council proposals should get preferential treatment.

20. Performance of Regulation 3 planning applications has averaged at about 60% over the past 5 quarters. None of the Regulation 3 applications considered by the planning committee were determined within the agreed timescales. Part of this stems from 'applicants' within the County Council often do not agree to extensions of time for determination. This is clearly a matter that needs to be considered in terms of internal corporate processes. These corporate processes are outside the remit of this project.

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[8] Regulation 3 Town & Country Planning General Regulations 1992 (as amended)

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21. However, it is understood that Surrey County Council has significant ambitions in its education programme which will require engagement in the planning process. As part of the planning training, it might be prudent to consider some awareness training for those within the County Council charged with developing land for council services to better understand the Regulation 3 process and the delicate and difficult position that Members of the planning committee and planning officers are in when dealing with these matters, particularly when there is public interest and objection. As this is an important aspect corporately and potentially affects significant financial and political issues, it should be endorsed by the Leader and Chief Executive of the Council to ensure it has the appropriate status.

22. **It is recommended that Members and officers of Surrey County Council that are responsible for applying for planning permission be offered planning awareness training to better understand planning performance matters and the role of the Planning and Regulatory Committee and the officers that support it. Any such training should be endorsed by the leadership of the Council.**

DELEGATION SCHEME

23. In common with most local planning authorities, Surrey County Council operates a Scheme of Delegation[9] for dealing with planning decisions. The scheme is up to date (March 2023) and appears to function well. Some questions were raised during the interviews about whether the threshold of 5 objections is too low, leading to a greater number of applications being considered by the planning committee than is necessary.

24. Table 2 below shows that nearly 80% of County Matters and almost 90% of Regulation 3 applications were determined under delegated authority. Surrey County Council determines nearly 80% of its County Matters through delegation compared to the national average of just over 67%. This would indicate that the

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[9] Constitution of the Council – Part 3 Responsibility for Functions and Scheme of Delegation - Section 3, Part 3A Specific Delegation to Officers May 2023, page 81

delegation scheme is working effectively. The effectiveness is also demonstrated through the frequency of planning committee meetings which is governed by the scale and nature of business requiring decisions. The schedule in **ANNEXE 2** illustrates this. It shows that 22 planning committee meetings were scheduled between April 2021 and March 2023, but only 15 actually took place (i.e. 7 were cancelled or postponed).

Table 2. SCC speed of determination - Committee Vs Delegated Decisions			
Period April 2021 – March 2023	**County Matters[10]**	**Regulation 3**	**Total**
No. considered at committee	23	10	43
% considered at committee	20.5%	11.2%	16.4%
No. delegated decisions	89	79	168
% delegated decisions	79.5%	88.8%	83.6%
TOTAL	112	89	201
England			
% delegated decisions	67.2%	-	-
Source: Surrey County Council data; DLUHC Planning Statistics - Reference Table 3 CPS1 England totals April 2021 – March 2023			

25. Notwithstanding this, there may be scope to better define the nature of the 5 objections received. Surrey's current Scheme of Delegation does not define the nature of objections, and this could be something that may help clarify which proposals should be considered by the planning committee. Local authorities have different schemes of delegation to decide which decisions need the scrutiny of Members and need to be held in public. The Scheme of Delegation needs to be clear, transparent and unambiguous. Many local authorities define the nature of representations contrary to the officer recommendations to ensure planning applications are

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[10] Includes all county matter applications excluded from the performance measures statistics (e.g. minor matters such as non-material amendments) as defined by government CPS1/2 Guidance Notes

dealt with in the most appropriate and efficient way. For example, representations must relate to material planning considerations, or be irresolvable by amendment to the scheme or imposition of planning conditions or proposals need to be of a certain size or nature.

26. **It is recommended that the delegation threshold criteria of 5 objections within the Council's Scheme of Delegation should include an explicit definition of the nature of the objections so that there is greater clarity about when the matters need to be considered by the Planning and Regulatory Committee.**

PUBLIC SPEAKING AT COMMITTEE

27. Allowing objectors to and supporters of a planning proposal to address the planning committee is a well-established practice for most local authorities. Surrey County Council has a well established and clear process for objectors / supports to attend and speak to the planning committee. Everyone that was interviewed agreed that public speaking was a good thing and should continue. From the perspective of objectors that took part in this process, the experience was mixed. There was some confusion with the process and understanding of what was going. There was particular concern about the onus being on the objectors/supporters to find out when the item was to be considered, the short notice of planning committee date at which the item was to be considered, the meeting being held in school holidays, the time the meeting (i.e. during the working day), and the ability to absorb late addendum items, all added to the feeling of it being difficult for working people to make sufficient arrangements to attend.

28. There was also frustration and apparent lack of understanding about the time limits on speaking and the balance between objectors and supporters, and some annoyance at the one minute "bell" warning, which some say was difficult to hear.

29. With regard to the content of what speakers can say, the current procedure (as set on the County Council's web site[11]but not reflected in the Standing Orders[12]) specifies that those speaking should only talk about what is in their written submission. Some applicants were concerned that they did not know who the objectors were until very often on the day of planning committee which they said made it extremely difficult to respond to objectors' comments, particularly if objectors raised issues not in their submissions. Comments were also expressed that 5 speakers objecting / supporting is quite high (i.e. this means up to 10 speakers).

30. There does not appear to be any mechanism in place to monitor the content of what the speakers say in relation to their written submission. Also, applicants would like to be able to address the planning committee even if there are no other speakers, such as if the recommendation was for a refusal. It was also pointed out that representations received by the County Council were not published on the County Council's planning application file pages but instead are passed to the district council to hold on their web pages. This is confusing and unhelpful for anyone looking at the application files for that proposal if information is not in one place. The County Council should consider how this can be improved or rectified to improve ease of access to information.

31. Some speakers did say that they had a more positive experience, understood the process and thought the planning committee handled proposals in a fair and balanced way.

32. It was clear from the interviews that speakers held strong views about the particular development they had an interest in and this understandably influenced their experience. Despite the comments made, Surrey County Council has clear procedures about public speaking at planning committee. As mentioned above, public speaking at planning committees at most councils is now a normal practice. Councils do vary in how they do this. Sometimes Members are allowed to ask questions of the speakers and at other committees speakers are simply allowed to speak for

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[11] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure
[12] Standing Oder 86.1-86.11 – Part 4 Standing Orders December 2022

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a set time (normally 3 - 5 minutes) and then cannot take any further part in the debate. Whichever option is chosen, it is important that this is clear and transparent.

33. From the analysis, it would seem that Surrey County Council's public speaking process is generally well aligned to current best practice (with the exception of the running order – see later). The main issues that the Council may want to consider are:

    a. The County Council informs those making representations of the availability of speaking at the planning committee in the acknowledgement letter. There is a link address to the County Council's relevant web page within the body of the letter which should be made clearer and more prominent (e.g. perhaps by a sub-heading or bold font).

    b. If speakers are to be limited to speaking on matters that they have previously raised in writing then this should be reflected in Standing Orders[13]. However, the difficulty of monitoring and enforcing speakers comments to relate to their written representations opens the Council to some risk of potential challenge. The web page advice is flexibly worded except for the last sentence in paragraph 7 which states: *"You should not make new points when addressing the committee."* A more flexible wording reflecting what actually happens would be more appropriate.

    c. The web page on the public speaking[14] process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to *"the first five registered being entitled to speak."* 86.6 implies 5 of each but is not explicit).

    d. Also, the Standing Orders (86.7) refer to the applicant being able to speak only if there are objectors speaking. This maybe something that Surrey County Council may wish to

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[13] Standing Oder 86.1-86.11 – Part 4 Standing Orders December 2022
[14] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure

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reconsider. It would seem appropriate to allow the applicant to address the planning committee. An officer recommendation to refuse permission may be a clear case for allowing the applicant to speak but as it is open to the planning committee to make a decision as they see fit, there is a case to allow the applicant to speak if they so wish in any event.

e. There is no hard and fast rule about how many speakers there should be. Many authorities have fewer speakers than Surrey currently allow (sometimes only one for and one against). This is a matter of judgement for Surrey to decide whether having potentially 10 speakers for 30 minutes is a reasonable level of participation in the light of experience.

f. There is nothing on the council's web page for public speaking[15] that explains the role of the local Member who is not a member of the planning committee. This is part of the County Council's Constitution and Planning Code of Best Practice[16] and should be reflected in the public guide for speaking at planning committee.

g. Consideration should be given to practical and effective ways of being able to access the representations made on a planning application being determined by the County Council on their planning application web site.

34. **It is recommended that the following be addressed (as set out in paragraph 33 above):**

a. **Reference to the County Council's public speaking process should be made more prominent in the acknowledgement letter sent to those making representations on planning applications;**

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[15] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure
[16] The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

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b. **The guidance about what speakers can talk about should be clarified and couched in more advisory terms and should be reflected in Standing Orders[17].**

c. **The web page on the public speaking[18] process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to *"the first five registered being entitled to speak."* 86.6 implies 5 of each but is not explicit).**

d. **Applicant to be allowed to speak regardless of whether there are objectors/supporters (which will need to be reflected in Standing Orders [86.7])**

e. **Consider whether 10 speakers for 30 minutes as a maximum is the appropriate number to allow in the light of experience.**

f. **Insert an explanation on the County Council's web page for public speaking[19] of the role of the Local Member at the Planning and Regulatory Committee (as set out in the County Council's Constitution and Planning Code of Best Practice[20]).**

g.   **Consider how representations made on a planning application being determined by the County Council are made more accessible on their planning application web site**

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[17] Standing Oder 86.1-86.11 – Part 4 Standing Orders December 2022
[18] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure
[19] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure
[20] The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

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RUNNING ORDER OF PLANNING APPLICATION ITEMS

35. The planning committee agenda is very similar to many planning authorities around the country and is executed effectively. However, the current running order in relation to planning applications has been raised in the interviews as a matter for review. Each agenda item the subject of a planning application is accompanied by a detailed and comprehensive officer report, available in advance for everyone to read. The working assumption is that Members of the planning committee and others interested in it have read the report. Nevertheless, it is common good practice that the planning officer introduces the item at its start in summary form, including any updates, so that everyone participating in the meeting is made familiar with the proposal and the issues it raises from a planning point of view.

36. From the interviews conducted and observation, the majority of respondents agreed that the current running order was not logical and that public speakers should follow the planning officer's introduction as it would set the scene for Members of the planning committee and members of the public observing and following the proceedings. Also, the current running order does not reflect best practice. The table in **ANNEXE 1** sets out the current and suggested new running order. In essence, the new order is suggested as follows:

   a. The chair announces the item;

   b. The Chair invites the planning officer to summarise the proposal, key issues, updates and set out the recommendation;

   c. The Chair invites public speakers to speak, with objectors first, followed by supporters / applicants and then divisional Member[21];

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[21] The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

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d. The Chair invites Members of the planning committee to seek points of clarification from the speakers, if necessary, on what they have said – but not to cross-examine speakers, engage in debate, or challenge point of view put forward;

e. The Chair invites the planning officer (and/or legal officer) to comment on anything that has been said in order to correct any factual errors or issues of policy, law or other relevant planning matters that need clarification;

f. The Chair invites the planning committee to ask questions, debate and vote on the item in the normal way.

37. One of the advantages of allowing points of clarification is that it not only allows Members of the planning committee to better understand the views of those wishing to speak but it also addresses the point that public speakers did not feel sufficiently engaged in the process.

38. **It is recommended that the running order of the Planning and Regulatory Committee follows the proposed order as set out in ANNEXE 1 of the report, namely:**

a. **Chairman introduces the item**
b. **Introduction of item by officer(s)**
c. **Representations by objector(s)**
d. **Points of clarification from Members**
e. **Representations by supporter(s)**
f. **Points of clarification from Members**
g. **Representations by applicant or agent**
h. **Points of clarification from Members**
i. **Representation by local Member(s)**
j. **Points of clarification from Members**
k. **Consideration of application by committee**

SITE VISITS

39. The planning committee is scheduled to meet on a 4-5 week monthly cycle, normally on a Wednesday. Members of the

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planning committee have site visits reserved in the diary on the Friday before the planning committee meeting on the following Wednesday should they be needed. This is good practice and helps the smooth operation of processing planning applications and pre-empts deferring items for a site visit at the planning committee meeting.

40. Surrey's current practice[22] is that the need for a site visit will be determined by the Planning Manager in consultation with the Chair of the planning committee in advance of the application being considered by the planning committee. Site visits are not part of the formal consideration of the planning application. Most people who were interviewed about this aspect considered it a very important part of understanding the proposal under consideration. Some considered that all planning application sites under consideration should be visited by all members of the planning committee, whilst others took a more pragmatic view that only those that were necessary to visit because some aspect could only be appreciated on site.

41. Generally, Surrey's site visit arrangements work well and the process is clear. Site visits are limited to Members and officers only, and the land owner if access to the site is required. This is common practice across local authorities.

42. A concern raised by many of those interviewed was about poor Member attendance at site visits. Attendance by Members has been patchy, with occasions when only 4 or 5 Members were able to attend. This is a concern for the quality of decision making and also for the reputation of Council. When Members of the Planning Committee do attend site visits, they reflect how beneficial such visits are.

43. The key issue for Surrey is how to encourage better attendance at a site visit where they are deemed to be necessary. Whilst there are slots in Members diaries to attend a site visit there are often competing demands on Councillors time, and for experienced and long serving Councillors, it may be a site that they are already familiar with. Unless site visits are a formal part of the decision-making process, it is not normal for local authorities to prevent

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[22] The Surrey Code of Best Practice in Planning Procedures – April 2013

Members from voting on an item if they do not attend a site visit. Surrey County Council's site visits are not part of the formal decision making process nor is it recommended that it should be.

44. However, Surrey's site visit protocol would benefit from being updated and enhanced with some explicit inclusion of the importance and benefits of site visits (backed up in training) and also some description of what the conduct on site should look like, i.e. the chair to run proceedings, explanation of the purpose, the officer explanation, questions from Members, what can be asked of the applicant if they are present, etc.. Some authorities do allow members of the public to attend the site visit and sometimes it is difficult to prevent members of the public being there, but it should be so arranged that at no time during the site visit will the applicant, their agent, any objector or any other member of the public be allowed to debate the merits of the proposal with Members.

45. It may be useful for a short report of the site visit to be prepared as an addendum paper for the planning committee, explaining who was present, what aspects Members looked and in particular to record any questions and answers that arose at the site visit for the benefit of whole planning committee. This would create a transparent public record. Such a report is not, and should not be seen as, a substitution for Members visiting the site.

46. **It is recommended that:**

   a. **the County Council's guidance on site visits should contain a section that emphasises the importance of attending site visits;**

   b. **a procedure protocol be agreed as how site visits be conducted such as:**

      i. **the Chair will oversee the conduct of site visits and will formally open and close the organised site visit;**

ii. **planning officer will describe the proposals and indicate matters of fact in relation to the proposal and surrounding land;**

iii. **Members may ask the planning officer for factual clarification of any planning matter relating to the proposal or surrounding land;**

iv. **Members will not debate or comment on the planning merits or otherwise of a proposal;**

v. **In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the chair and the planning officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.**

c. **A report of the site visit will be added as an addendum to the Planning and Regulatory Committee papers. Such a report would include who attended, what particular things were pointed out to Members, questions raised, and answers given.**

OFFICER REPORTS

47. Officer reports are a critical part of the decision-making process. They can also be difficult to write, as officers have to grapple with complex and technical information[23]. Conclusions and recommendations can be finely balanced.

48. County matter applications are very often technical in nature and require specialist expertise. The presentation of this information in the report is important – along with the availability of any background papers. Officer reports can be fertile ground for judicial review challenges so reports need to be carefully crafted

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[23] Probity in planning - Advice for councillors and officers making planning decisions – LGA/PAS December 2019

and checked. The Courts are generally reluctant to interfere in the exercise of planning judgement, but the risk of challenge may be increased where decision makers have relied on some inadvertent flaw in the officers' report.

49. Surrey County Council's reports are very comprehensive, thorough, and supported by relevant documentation. They are drafted carefully, quality checked by senior planning officers/managers and reviewed by the Council's legal team. During the interviews, there was a mixed view on the length of the reports both from the perspective of the ability of Members having the time to read and absorb them but also from the perspective of the considerable task of writing them. Some concerns were raised that the length of time it takes to write major reports impacts on how quickly a particular planning application can be dealt with.

50. There is no doubt that the officer reports can be very long. The average page length of reports[24] is about 69 pages, ranging in length between 13 and 165 pages. This has an impact on the overall planning committee agenda if there are several items to consider. On occasions the overall agenda has exceeded 480 pages but is more typically in the region of 150 to 250 pages. Members of the planning committee have therefore an unenviable task to find time in their busy schedules to get to grips with such a large amount of information. Having said that, there was a general view that reports need to be proportionate to the task in hand and this is evidenced by the wide range of length of reports. From the discussions no obviously apparent solution emerged as to where and in what way reports could be shortened, if indeed that was necessary.

51. The County Council operates a draft agenda briefing with the Chair and Vice Chair (about 2 weeks before the formal planning committee meeting) to help in agenda setting and forward workload planning. Officers are asked to supply draft reports for this meeting. Some concerns were raised about the impact of this lengthening lead time. Having such informal meetings is helpful to manage planning committee business. These meetings are an opportunity to gather feedback from Members thoughts on officer reports and for officers to explain why they are the way they are.

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[24] Measured of meetings held between April 2021 and March 2023

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If necessary, future training may consider focussing on the officer reports.

52. One of the key elements of the reports which to some degree offsets the concern about report length is the inclusion of a summary at its beginning. This is very helpful. A short summary of what is proposed, where and who by, the key issues, level of objection and a clear recommendation are all key components. A minor suggestion would be to embolden the recommendation in the summary so that it stood out more clearly. The downside of a clear summary is the risk that is all that will be read but on balance the summary is an excellent introduction to the overall report and helpful to all readers.

53. **It is recommended that:**

   a. **The Chair's agenda briefing should be used to get feedback on Members thoughts about officer reports as an ongoing learning process;**

   b. **Use Member training to review the officer reports so that Members can better understand why reports are the way they are and why information is included and Members can give their feedback;**

   c. **Encourage Members of Planning and Regulatory Committee to ask questions of officers in advance of the Planning and Regulatory Committee meeting;**

   d. **Minor formatting to embolden the recommendation in the summary part of the report.**

OFFICER PRESENTATION AT COMMITTEE

54. From observation and interview feedback, officer presentation at the planning committee summarising the proposal and the issues is seen as not only very helpful but essential in setting the scene for the planning committee and others present at the meeting. Some of the commentary focussed on the consistency of approach.

Surrey's practice is to encourage the case officer to introduce the report to the planning committee. This is to be welcomed as a means of professional development, upskilling of staff and enhancing Member/officer relations. As a consequence, the relative experience and skill of any particular planning officer has a bearing on how the presentation is delivered and received. Case officers are supported by senior planners / managers and the Planning Group Manager at the committee so Members of the planning committee should have confidence in the quality of advice available to them in decision making.

55. Staff themselves recognise that there is a skill to presenting information in a succinct, clear, and understandable way. One of the key attributes of good professionals is the ability to convey technical and complex matters in a straight forward and easily understood way. The use of clear and relevant illustrative material in a judicious way is vital to understanding development proposals. It might be helpful for managers to consider some staff development in this area.

56. From a technical point of view, a minor point is that the webcast does not broadcast the illustrative slide material coincidentally with the narrative of the speaker unless the slide tab is clicked. Some clearer explanation of how this can be accessed by the viewer would be helpful. Also, it would be useful if the presenter had direct control of the presentation through a remote controller.

57. **It is recommended that:**

   a. **Officers' presentation skills be developed and enhanced through appropriate training focussing on consistency and confidence in conveying complex information clearly and succinctly (e.g. such as PAS planning committee officer training);**

   b. **Review the webcast system explanatory guide to make it clearer how to see the presentation slides at the same time as the speaker and consider enabling direct slide presentation control to the presenter.**

OFFICER RESPONSE TO MEMBER QUESTIONS

58. An important role of officers at the planning committee is to assist the Chair in answering questions from Members about the proposal or other matters. The 4 key areas are planning, legal, committee administration and any technical specialist matters (e.g. highways). The role of the planning officer is key to guiding Members in their deliberations and so it is important that the planning officer is able to answer questions and advice members with confidence, supported by legal and other officers.

59. Generally, officers are well respected by the Members of the planning committee, applicants and other participants. Descriptions of officers and their reports were couched in terms of "good", "excellent", "outstanding", "amazing".   Most of those interviewed thought officers were on top of the case information and responded well to questions. The planning officers that were interviewed expressed that they enjoy that interactive part of the planning committee process most but on occasions some questions were difficult to understand or answer.

60. They also expressed that there is very little interaction with Members in advance of the planning committee meeting, particularly if there were detailed technical or complex questions that needed addressing. If these questions are raised for the first time at the planning committee it may not always be possible to give as full and comprehensive answers as might have been the case. It is good practice that Members be encouraged to raise any concerns in advance of the planning committee meeting so that officers can provide the Members with the advice they need to make sound decisions.

61. Overall, officers perform well but could benefit from some greater opportunities to interact with Members, perhaps at joint training events.

TRAINING

62. It is a mandatory requirement that Members of the planning committee have appropriate training in planning. Surrey County Council provides this training annually and to new Members as well taking the opportunity to do ad hoc training on topical or gap issues. Interviewees when asked thought that the Members conduct displayed a knowledgeable approach to decision making that was transparent and fair. The general perception was that the Members of the planning committee seemed to know what they were doing. Having said that, Members interviewed acknowledged that there was always room for improved learning and more training.

63. Many Members of the planning committee are experienced in this area and will understand probity and conduct issues, which also forms part of their training. Members will also appreciate the role that officers play and that they have their own professional standards of integrity and behaviour.

64. Planning officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct[25], breaches of which may be subject to disciplinary action by the Institute. The RTPI provides advice for planning professionals on matters of probity aimed at supporting planners in exercising their independent professional judgement and promoting public confidence in the planning system. In addition, officers must always act impartially and in a politically neutral manner. RTPI members must exercise fearlessly and impartially their independent professional judgement to the best of their skill and understanding and this is something that needs to be clearly understood by Members of the planning committee, particularly if Members want to make decisions contrary to their advice. Whilst this is normally covered in general Member planning training, it is an area that would benefit from further exploration in future Member and officer training in order to cement the trust and mutual respect between officers and Members.

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[25] Code of Professional Conduct – Royal Town Planning Institute, February 2023

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65. **It is recommended that a programme of Planning and Regulatory Committee Member training is delivered between the annual mandatory training. Such training should be agile, short, frequent and focused on relevant issues that develop key themes from the annual mandatory training such as technical issues, important case law, material considerations, conduct and probity.**

CHAIRING THE PLANNING COMMITTEE

66. The general consensus from those interviewed and from the webcasts is that the planning committee is generally well chaired. Views were expressed as to what constituted a good chair of planning. The attributes included the need for a clear sense of direction, be skilful at active listening, an ability to be firm and assertive but fair and diplomatic, understand planning and the difference between planning and non-planning matters, give space for Members to have their say, focus Members on the need to make a decision, be inclusive and encourage engagement of public if they are speaking, seek appropriate advice from officers when required. As new Chair has been appointed for this Council year it is important that he is well supported by officers and the new Vice Chair.

CONCLUSIONS AND LIST OF RECOMMENDATIONS

67. In general terms Surrey County Council's Planning and Regulatory Committee is well run and functions effectively with experienced and knowledgeable Councillors. The planning committee is supported by professional officers who have been highly praised.

68. Much of the practices undertaken are in line with best practice in other local authorities. As a county planning authority, the planning committee deals with complex, technical, controversial county matter planning applications (i.e. for mineral and waste development). It also deals with planning applications for its own development (Regulation 3) which can also be controversial but that need to be and have been determined on planning merits despite potential internal conflicts of the council being both developer and planning authority.

69. Surrey County Council's Planning and Regulatory Committee are generally doing well. As a consequence, the recommendations in this report are relatively modest and are based on sharpening up processes, improving performance, developing and enhancing awareness of planning roles and functions and strengthening training.

70. The recommendations are listed below. The relevant paragraph number relating to the report above is shown in parenthesis after the recommendation for ease of reference.

1. **RECOMMENDATION 1: REPORTING PERFORMANCE. It is recommended that consideration be given to reporting the planning activities and performance to the Planning and Regulatory Committee in line with the AMR so that they can be better informed and understand their role in the process and the wider planning functions that officers undertake on behalf of the Council. (14)**

2. **RECOMMENDATION 2: ANNUAL PLANNING COMMITTEE MONITORING VISIT. It is recommended that councillors visit a sample of implemented planning permissions on an annual basis to assess the quality of their decisions to help**

improve the quality and consistency of decision making, strengthen public confidence in the planning system, and help with reviews of planning policy. (16)

3. RECOMMENDATION 3: PUBLISH PLANNING COMMITTEE DECISIONS. I t is recommended that to assist in openness and transparency and to inform those interested in the outcome of Planning and Regulatory Committee decisions, it would be helpful to publish on the Planning and Regulatory Committee web site a list of decisions (ideally the next day) so that people can see what has been decided quickly and clearly. (18)

4. RECOMMENDATION 4: REGULATION 3 PLANNING APPLICATIONS. It is recommended that Members and officers of Surrey County Council that are responsible for applying for planning permission be offered planning awareness training to better understand planning performance matters and the role of the Planning and Regulatory Committee and the officers that support it. Any such training should be endorsed by the leadership of the Council. (22)

5. RECOMMENDATION 5: REVIEW DELEGATION DEFINITION. It is recommended that the delegation threshold criteria of 5 objections within the Council's Scheme of Delegation should include an explicit definition of the nature of the objections so that there is greater clarity about when the matters need to be considered by the Planning and Regulatory Committee. (26)

6. RECOMMENDATION 6: SPEAKING AT COMMITTEE PROCESS. It is recommended that the following be addressed (as set out in paragraph 33 in the report):

   6.1. Reference to the County Council's public speaking process should be made more prominent in the acknowledgement letter sent to those making representations on planning applications;

6.2. **The guidance about what speakers can talk about should be clarified and couched in more advisory terms and should be reflected in Standing Orders[26];**

6.3. **The web page on the public speaking[27] process should include a clearer explanation of how the total time is divided between objectors and supporters and whether applicants are included as part of the supporters. This will also need to be better reflected in, and aligned with, the Standing Orders (e.g. 86.5 refers to *"the first five registered being entitled to speak."* 86.6 implies 5 of each but is not explicit);**

6.4. **Applicant to be allowed to speak regardless of whether there are objectors/supporters (which will need to be reflected in Standing Orders [86.7]);**

6.5. **Consider whether 10 speakers for 30 minutes as a maximum is the appropriate number to allow in the light of experience;**

6.6. **Insert an explanation on the County Council's web page for public speaking[28] of the role of the Local Member at the Planning and Regulatory Committee (as set out in the County Council's Constitution and Planning Code of Best Practice[29]).**

6.7. **Consider how representations made on a planning application being determined by the County Council are made more accessible on their planning application web site. (34)**

7. RECOMMENDATION 7: RUNNING ORDER AT PLANNING COMMITTEE. It is recommended that the running order of

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[26] Standing Oder 86.1-86.11 – Part 4 Standing Orders December 2022
[27] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure
[28] Have Your Say - Speaking at the Planning and Regulatory Committee Procedure
[29] The Surrey Code of Best Practice in Planning Procedures – April 2013; and Article 2.03(b)(ii) of Surrey County Council's Constitution

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the Planning and Regulatory Committee follows the proposed order as set out in ANNEXE 1 of the report, namely:

7.1. **Chairman introduces the item**
7.2. **Introduction of item by officer(s)**
7.3. **Representations by objector(s)**
7.4. **Points of clarification from Members**
7.5. **Representations by supporter(s)**
7.6. **Points of clarification from Members**
7.7. **Representations by applicant or agent**
7.8. **Points of clarification from Members**
7.9. **Representation by local Member(s)**
7.10. **Points of clarification from Members**
7.11. **Consideration of application by committee (38)**

8. **RECOMMENDATION 8: SITE VISIT CONDUCT AND REPORTING. It is recommended that:**

8.1. **the County Council's guidance on site visits should contain a section that emphasises the importance of attending site visits;**

8.2. **a procedure protocol be agreed as how site visits be conducted such as:**

8.2.1. **the Chair will oversee the conduct of site visits and will formally open and close the organised site visit;**

8.2.2. **planning officer will describe the proposals and indicate matters of fact in relation to the proposal and surrounding land;**

8.2.3. **Members may ask the planning officer for factual clarification of any planning matter relating to the proposal or surrounding land;**

8.2.4. **Members will not debate or comment on the planning merits or otherwise of a proposal;**

8.2.5. In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the Chair and the planning officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.

8.3. A report of the site visit will be added as an addendum to the Planning and Regulatory Committee papers. Such a report would include who attended, what particular things were pointed out to Members, questions raised, and answers given. (46)

9. **RECOMMENDATION 9: OFFICER REPORTS – It is recommended that:**

   9.1. The Chair's agenda briefing should be used to get feedback on Members thoughts about officer reports as an ongoing learning process;

   9.2. Use Member training to review the officer reports so that Members can better understand why reports are the way they are and why information is included and Members can give their feedback;

   9.3. Encourage Members of Planning and Regulatory Committee to ask questions of officers in advance of the Planning and Regulatory Committee meeting;

   9.4. Minor formatting to embolden the recommendation in the summary part of the report. (53)

10. **RECOMMENDATION 10: OFFICER PRESENTATIONS – It is recommended that:**

    10.1. Officers' presentation skills be developed and enhanced through appropriate training focussing on consistency and confidence in conveying complex information clearly and succinctly (e.g. such as **PAS planning committee officer training**);

10.2. Review the webcast system explanatory guide to make it clearer how to see presentation slides at the same time as the speaker and consider enabling direct slide presentation control to the presenter. **(57)**

11. **RECOMMENDATION 11 – TRAINING. It is recommended that a programme of Planning and Regulatory Committee Member training is delivered between the annual mandatory training. Such training should be agile, short, frequent and focused on relevant issues that develop key themes from the annual mandatory training such as technical issues, important case law, material considerations, conduct and probity. (65)**

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RUNNING ORDER OF PLANNING APPLICATION ITEMS AT PLANNING AND REGULATORY COMMITTEE

Current running order	Proposed running order
Chairman introduces the item	Chairman introduces the item
	Introduction of item by officer(s)
Representations by objector(s)	Representations by objector(s)
	Chair invites points of clarification of objector(s) from Members
Representations by supporter(s)	Representations by supporter(s)
	Chair invites points of clarification of supporter(s) from Members
Representations by applicant or agent	
	Chair invites points of clarification of applicant or agent from Members
Representation by local Member(s)	Representation by local Member(s)
	Chair invites points of clarification of local Member(s) from Members
Introduction of item by officer(s)	
	Chair invites officers to respond to matters raised
Committee debate and decision	Committee debate and decision

FREQUENCY OF PLANNING AND REGULATORY COMMITTEE MEETINGS

YEAR	DATE	MONTH	COMMENTS	Number of items		
				Reg 3	CM	Other
2023	7	JUNE		3	2	0
		MAY	*NO MEETING SCHEDULED*			
	26	APRIL	CANCELLED			
	29	MARCH		1	4	0
	22	FEBRUARY		1	0	1
	25	JANUARY		1	0	0
2022	7	DECEMBER		2	0	0
	16	NOVEMBER	CANCELLED			
	26	OCTOBER		0	5	1
	14	SEPTEMBER	POSTPONED			
		AUGUST	*NO MEETING SCHEDULED*			
	27	JULY		1	0	0
	27	JUNE		0	0	1
	25	MAY		0	2	0
	27	APRIL		0	1	1
	23	MARCH		0	2	0
	23	FEBRUARY		1	1	1
	26	JANUARY		2	1	0
2021	8	DECEMBER	CANCELLED			
	17	NOVEMBER	CANCELLED			
	13	OCTOBER		0	4	0
	8	SEPTEMBER		1	0	1
	4	AUGUST	CANCELLED			
	7	JULY	CANCELLED			
	16	JUNE		0	3	0
		MAY	*NO MEETING SCHEDULED*			
	14	APRIL	CANCELLED			
	25	MARCH		2	1	0
	17	FEBRUARY	CANCELLED			
	22	JANUARY	CANCELLED			

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WEBCASTS & INTERVIEWS WITH RELEVANT PARTICIPANTS ENGAGED IN THE PLANNING & REGULATORY COMMITTEE

Webcasts

The Planning and Regulatory Committee is webcast and 2 meeting were watched as part of this study. These were the meetings held on 29 March 2023 and 25 January 2023.

Interviews

Surrey County Council provided a suggested list people who have experienced attending the Planning and Regulatory Committee in 2023. In total 20 people were interviewed by telephone between 6 June 2023 and 14 June 2023. They included:

3 Councillors - Members of the Planning & Regulatory Committee

4 Objectors – members of the public

4 Applicants

4 Planning Officers

2 Legal Officers

1 Committee Officer

1 Technical Officer

1 Highway Officer

The interviews were based on a questionnaire (**ANNEXE 4**) which was used as a guideline to structure the interview.

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GUIDELINE QUESTIONS FOR INTERVIEWS

Conducting the meetings

1. What is your view on how the Committee is run?

2. What do like to see in a Chair of a planning committee?

3. Do you believe that the Planning Committee considers each proposal fairly on its planning merits?

    a. (Is it perceived that way?)

APPLICANTS

    b. How do you think the committee handled your proposal?

    c. Do you feel you had a fair hearing and understood the reasons for the decision taken?

    d. Did you feel you had a fair opportunity to address the committee directly?

REPORTS

4. What is your view about the officer reports? (helpful, clear, comprehensive, too long, short, etc..)

    a. *For officers: report writing process – who comments and signs off and when?*

5. Do you think it is helpful to have the planning officer summarise the proposals at meeting?

    a. How do you think the officers present and summarise the development proposals upon which the committee had to make a decision on?

    b. How easy was it to follow the officer presentation in relation to the plans, drawings and maps that were used? (helpful for public, etc..)

6. How did you think the officers' answered questions from the committee?

PUBLIC SPEAKING

7. What do you think of the public speaking element of the committee?

8. Do you think the public speaking process works well or should it be done differently? If so how?

TRAINING

9. Do you think that the councillors on the planning committee have sufficient training to enable them to make informed and reasonable decisions?

COUNCILLORS

    a. What sort of training in planning training do you get?

    b. Does it equip you sufficiently to able to participate in the meeting?

10. What do you expect from your officers at the committee? (*relationships/trust)*

GENERAL

11. What aspect of the planning committee work do you enjoy the most / least?

12. Is there any aspect of how the planning committee is run that you would have like to see done differently? If so, what and why? (e.g. the running order?)

SITE VISITS

13. What circumstances dictate that the committee should conduct a visit prior to making a decision?

14. Do you think committee site visits are helpful?

15. If a site visit is deemed necessary, do think all members of the planning committee should attend? (affect on decision making)

16. How are they be conducted and who attends? (e.g. public, developer, protocol, discussion)

OFFICERS

17.   What do you think your role is at the committee?

18.   Do you think that members of the planning committee trust and respect your role and what you say?

19.   If members disagree with your report / advice, how do you think you should respond?

OBJECTORS/SUPPORTERS

20.   Did you understand the process and what was going on?

21.   Did you get enough support from the Council in helping you to get your message across to members of the committee?

22.   Did you feel that you had a fair hearing of the points that you wanted to make?

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