



# Planning

## Peak District National Park Authority

### Internal Audit Report 2016/17

Business Unit: Planning,  
Responsible Officer: Director of Conservation and Planning  
Service Manager: Director of Conservation and Planning  
Date Issued: 4 April 2017  
Status: Final  
Reference: 69145/001

|                              | P1                    | P2       | P3       |
|------------------------------|-----------------------|----------|----------|
| <b>Actions</b>               | <b>0</b>              | <b>1</b> | <b>3</b> |
| <b>Overall Audit Opinion</b> | Substantial Assurance |          |          |



# Summary and Overall Conclusions

## Introduction

The Peak District National Park Authority (PDNPA) is the statutory planning authority for the National Park. The National Park is a special place and planning has an important role in creating a more sustainable future for it. The National Park Authority provides for the needs of local communities whilst safeguarding and where possible enhancing the natural and built environment.

During the last year the PDNPA received approximately 1,000 planning applications.

It is essential that there is a robust planning application process in place to ensure that the risk of penalties incurred is being managed and reduced. In 2015 the PDNPA was required to pay £35,000 in recompense for a diminution in value of a complainant's property as part of concluding a settlement following a finding by the Local Government Ombudsman (LGO) of fault. A Micro Scrutiny Review Panel was set up to consider 'lessons learnt' which produced a set of recommended actions for the Authority.

## Objectives and Scope of the Audit

The audit will focus on the new procedures that have been put in place following the results from the Ombudsman investigation and Micro Scrutiny Review Panel.

The purpose of this audit was to provide assurance to management that procedures and controls within the system ensured that:

- There were established and effective Planning procedures
- Sufficient documentary evidence to support planning decisions was held
- Site notices were being displayed in the best position
- All necessary neighbouring properties were being consulted

## Key Findings

The micro scrutiny review panel made seven recommendations from the LGO investigation. This information has been communicated effectively to the relevant officers. An email was sent to staff outlining the mandatory documents to be read, which included the 6 November Committee Report on the LGO findings and lessons learnt. Officers were also required to confirm read and receipt of the Neighbour Notification Procedure. A log of signatures has been maintained.

The audit found that on the whole there was compliance with the recommendations from the Micro Scrutiny Review Panel. Site notices had been displayed in the best location and consideration had been given to displaying a second site notice if this was seen as beneficial. In all cases tested the necessary neighbours had been notified, and individual judgement was being used to send additional courtesy letters to properties which fell outside the radius.

There are improvements that could be made in terms of the procedures/guidance available to Planning staff to ensure compliance with the recommendations and a consistent approach is maintained.

In the majority of cases Planning Officers are complying with the requirements regarding yellow site notices. However two applications did not have a photograph of the yellow site notice stored on M3. Also no date had been entered on M3 for when the site notice was posted. Therefore the Authority would not be able to check that this had been done if challenged.

Officers are generally taking photographs during site visits to support their assessment. Testing found two cases which had no supporting photographs of the site visit stored on M3.

Overall, testing showed that Officers are making explicit reference to neighbour impact in delegated reports. Comparison across the sample showed some variation in the level of detail given. There were two cases where neighbourhood impact was not considered in the assessment.

A formal compliance review by management of the micro scrutiny recommendations has not been carried out since the investigation as the audit was scheduled to address this. In the short term, the Authority should consider spot checking work until satisfied that procedures and practices have become embedded and are being consistently followed.

## **Overall Conclusions**

It was found that the arrangements for managing risk were good with few weaknesses identified. An effective control environment is in operation, but there is scope for further improvement in the areas identified. Our overall opinion of the controls within the system at the time of the audit was that they provided Substantial Assurance.

# 1 Yellow Site Notices

## Issue/Control Weakness

There were instances where photographic evidence could not be found on the M3 system, and a date posted had not been entered.

## Risk

Financial and reputational risk to the Authority if evidence cannot be produced when challenged.

## Findings

One of the recommendations from the Micro Scrutiny Panel was 'Planning officers to take a photo of the yellow site notice when erected.' Planning Officers are expected to take photographs of the site notice as a record of the time and place. This is now a universal practice for those applications where a site notice is required. The date of placement should be recorded on M3 Planning database.

In the majority of cases tested Planning Officers are complying. However two applications did not have a photograph of the yellow site notice stored on M3. Also no date had been entered on M3 for when the site notice was put in place. Therefore the Authority would not be able to check that this had done if challenged.

## Agreed Action 1.1

The Director of Conservation and Planning will issue guidance written procedure notes for the Planning (Development Management) team covering neighbourhood notification procedures, including an instruction on photographing site notices and entering the date on M3.

**Priority**

2

**Responsible Officer**

Director of  
Conservation and  
Planning

**Timescale**

End of April 2017

## 2 Procedures

### Issue/Control Weakness

An inconsistent approach towards Planning applications. Improvements could be made in terms of clearer written guidelines for Planning staff to ensure compliance with the seven recommendations from the Micro Scrutiny Review Panel.

### Risk

Financial and reputational risk if complaints are escalated to the LGO.

### Findings

The micro scrutiny panel made seven recommendations from the LGO investigation. This information has been communicated effectively to the relevant officers. An email was sent to staff outlining the mandatory documents to be read, which included the 6 November Committee Report which detailed the LGO findings and lessons learnt. Officers were also required to confirm read and receipt of the Neighbour Notification Procedure. A log of signatures has been maintained.

Although there is some guidance available to staff, improvements could be made in terms of clearer written procedures/guidelines that address the seven recommendations from the Micro Scrutiny Review Panel. This would ensure successful embedding of the recommendations and a consistent approach between staff members. The following would be useful for staff:

- Formal written procedure notes in place for the Planning team for workflow and day-to-day tasks which would particularly be useful for new staff
- Guidance on the level of detail required to cover neighbourhood notification and impact when writing the Delegated report
- A checklist of supporting documents that should be uploaded to M3 and the relevant boxes that should be filled out as a reminder to staff for file completion
- Guidance on selecting the 'best location' for site notices

### Agreed Action 2.1

The Director of Conservation and Planning will issue guidance written procedure notes for the Planning (Development Management) team for workflow and day-to-day tasks, covering neighbourhood notification procedures, including guidance on selecting the best location for site notices.

**Priority**

3

**Responsible Officer**

Director of Conservation and Planning

**Timescale**

End April 2017

### 3 Log of site visits

#### Issue/Control Weakness

Site visit photographs for Planning applications were missing. An inconsistent approach between staff members with regard to keeping a log of site visits.

#### Risk

Financial and reputational risk to the Authority if evidence cannot be produced when challenged.

#### Findings

It was recommended that: 'Planning officers to make a written log of all site visits and include photos'. These photographs are uploaded to M3/the "Hub" and notes are usually made on the front cover of the file or in electronic file notes – the latter would be done once the application has been determined, so any significant notes need to be made and stored electronically.

Testing found two cases which had no supporting photographs of the site visit stored on M3 as a log of the site visit. We would advise that if no photographs were taken the reason for this should be recorded.

#### Agreed Action 3.1

The Director of Conservation and Planning will include guidance on making a log of site visits and photographs, and on the storage of these on M3, in the guidance on neighbour notification.

#### Priority

3

#### Responsible Officer

Director of Conservation and Planning

#### Timescale

End of April 2017

## 4 Neighbourhood notification and impact assessment in Delegated reports

### Issue/Control Weakness

Inconsistency in the way that Delegated reports address neighbour notification and impact. In some cases this was not explicitly referenced.

### Risk

Complaints may be escalated to the LGO. Financial and reputational risk.

### Findings

A recommendation from the Micro Scrutiny Review Panel is that 'Planning officers reports on applications (delegated and Planning Committee) need to be clear and concise with regard to neighbour notification and impact on neighbouring properties'.

The sample showed that there is inconsistency between reports. For example some reports list the specific addresses of the neighbours that have been consulted; others just comment that neighbours were consulted.

During testing, two reports did not explicitly make reference to the issue of potential impact on neighbouring properties. For one application, from reading the report without the context given from M3 and consultation with the Planning Assistant (which those reading committee/delegated reports might not have), the location of the property was not clear. Furthermore no photographs of the site had been uploaded to M3, so there was no indication that this property was in isolation. Although there were no neighbours nearby that needed to be notified, the report should have stated this fact, as per the recommendation of the micro scrutiny panel.

As suggested in finding 1, it might be useful to have some guidance on delegated report writing, in particular when referencing and assessing neighbourhood impact, to ensure a consistent approach. For example, what is actually required of the Officer to assure themselves that they have directly addressed neighbour notification and impact on neighbouring properties, as outlined in the recommendation.

### Agreed Action 4.1

The Director of Conservation and Planning will issue guidance on report writing which will include clear guidance on the need to explicitly refer to, and deal with as appropriate, the potential impact of development on neighbouring properties.

**Priority**

3

**Responsible Officer**

Director of Conservation and Planning

**Timescale**

End of April 2017

## Audit Opinions and Priorities for Actions

| Audit Opinions   |   |
|--|---|
| <p>Audit work is based on sampling transactions to test the operation of systems. It cannot guarantee the elimination of fraud or error. Our opinion is based on the risks we identify at the time of the audit.</p> <p>Our overall audit opinion is based on 5 grades of opinion, as set out below.</p> |   |
| Opinion  | Assessment of internal control  |
| High Assurance   | Overall, very good management of risk. An effective control environment appears to be in operation.   |
| Substantial Assurance  | Overall, good management of risk with few weaknesses identified. An effective control environment is in operation but there is scope for further improvement in the areas identified.             |
| Reasonable Assurance   | Overall, satisfactory management of risk with a number of weaknesses identified. An acceptable control environment is in operation but there are a number of improvements that could be made.     |
| Limited Assurance  | Overall, poor management of risk with significant control weaknesses in key areas and major improvements required before an effective control environment will be in operation.                   |
| No Assurance   | Overall, there is a fundamental failure in control and risks are not being effectively managed. A number of key areas require substantial improvement to protect the system from error and abuse. |

| Priorities for Actions |  |
|------------------------|--|
| Priority 1             | A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.        |
| Priority 2             | A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management. |
| Priority 3             | The system objectives are not exposed to significant risk, but the issue merits attention by management.                                     |



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