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Supplementary Information for 12th January 2010 Scrutiny Board (City Development)

Item 7 Terms of Reference - Session 1 Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place

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Scrutiny Board (City Development)

Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place

Terms of Reference

1.0 Introduction

- 1.1 At the meeting in June 2009 Members agreed to carry out an inquiry to review the current practices by which planning applications are publicised and the way in which people are involved in the planning process.
- 1.2 In particular Members were keen to strengthen the methods by which all parties concerned or affected by a planning application feel engaged in the process but particularly those of individual residents.
- 1.3 Members also wished to identify the circumstances in which substantial additional publicity and consultation is justified for specific planning applications and how it is applied at the pre and post application stages.
- 1.4 The context of and drivers for the inquiry are that:
 - Strict limits and timescales within which planning authorities operate
 - The legal framework within which the planning system operates which prescribes how the process should work and how applications are dealt with. The government is committed to an ambitious planning reform agenda, which aims to speed up the planning system and increase the predictability of planning decisions. Changes include 'Planning for a Sustainable Future: White Paper', the 'Planning and Compulsory Purchase Act', changes to secondary legislation, reviews of planning policy guidance and a change in culture for the whole of the planning system.
 - Department of Communities and Local Government proposals to change planning legislation in relation to the publicising of planning applications giving local authorities a more proportionate, effective and local approach to publicity.
 - Local Government Association recent publication "Probity in Planning"
 - Work well underway in preparing a Charter for involving Parish and Town Councils in the planning process
 - The ways consultation responses are weighed against other planning considerations in making decisions
 - Members have their own experiences of the strengths and weaknesses of the current methods by which planning applications are publicised and consultation undertaken and potential areas for improvement.
 - There is a Central Government agenda promoting greater levels of engagement, including the recent publication of the Community Empowerment White Paper,

'Communities in Control', which will increase requirements for Councils to promote, facilitate and deliver a wider range of engagement activity, with demonstrable impacts on services and other decisions.

- The Leeds Strategic Plan 2008-2011 includes an improvement priority and a national indicator on increasing the number of people who feel they can influence decisions in their locality.
- The Council has legal obligations it must meet in respect of Equality legislation. It is required to evidence appropriate arrangements for engaging with all communities.
- The Council is a signatory to the Compact for Leeds, where community participation and equal partnerships are key areas of focus.
- Area Committees are about to significantly strengthen their community engagement responsibilities, including a brief to agree Area Community Engagement Plans with the goal of delivering better outcomes from local services.

1.5 It is considered that the scrutiny focus is timely and provides an opportunity to look at the way in which planning applications are publicised and consultation undertaken from a planning perspective and how this fits with current corporate consultation policy, processes and arrangements to facilitate more effective community consultation in neighbourhoods, e.g. the Corporate Consultation Portal, emerging Equalities Forum and Hubs;

2.0 The Scope of this Inquiry

2.1 The scope of this inquiry is to identify:

- a) the methods by which planning applications are advertised and consultation undertaken and the opportunities and barriers for making improvements to that process. This will need to be in the context of balancing local views whilst meeting statutory consultation and notification obligations in terms of timescale, resources and legal parameters under which the planning process operates.
- b) what good practice exists in other planning authorities that can be used and developed.
- c) what is currently being developed in house to further engage with local communities
- d) what resources and other support would be required to implement any improvements identified.

3.0 Comments of the relevant Director and Executive Board Member

3.1 The Director of City Development and the relevant Executive Board Member have been requested to comment on these terms of reference.

4.0 Timetable for the Inquiry

- 4.1 The inquiry will take place over three sessions with a view to issuing a final report in March 2010.

5.0 Submission of Evidence

- 5.1 The following formal evidence gathering sessions have been scheduled:

Session One – 12th January 2010

The purpose of this session is to hear evidence about:

- the legal requirements under the Town and Country Planning (General Development Procedure) Order 1995 (GPDO) describing the statutory requirements for consultation and notification within the overall planning process, with reference to the appeals system where costs can be awarded if inappropriate actions are taken and the Code of Practice for Publicity and Consultation on all Planning Applications based on the Statement of Community Involvement (SCI) and other relevant legislation.
- Outline of the planning process and what types of comments can be considered in the decision making process on an application from both consultees and the public who may wish to make representations
- the current methods for publicising planning applications and the consultation processes used in Leeds, including emerging electronic delivery methods.
- CLG proposed changes in response to the Killian Pretty review

Session Two – 9th February 2010

The purpose of this session is to consider:

- any information requested from the last session
- consider evidence of examples of good practice in other local planning authorities concerning the publicity and notification given to planning applications and the methods used.
- consider some Case Studies involving selected residents groups, developers and Area Managers suggesting improvements to the current arrangements for publicising and involving people on planning applications , given the constraints identified in paragraph 1.4 above.
- Identify the strengths and weaknesses of the current arrangements and opportunities and barriers for improvement.
- how this fits with current corporate consultation policy, processes and arrangements to facilitate more effective community consultation in neighbourhoods with regard to statutory requirements for timescale and scope.

- 5.2 The Board is asked to consider at this session any emerging recommendations from the inquiry to date.

Session Three – 9th March 2010

The purpose of this session is to consider:

- any information requested from the last session.
- the Board's draft inquiry report and recommendations.

6.0 Witnesses

- 6.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Director of City Development
- Chief Planning Officer
- Head of Planning Services
- Development Project Manager
- Area Managers, Environment and Neighbourhoods Directorate
- Selected residents groups and developers
- Relevant Executive Board Member
- Chief Regeneration Officer
- Plans Panel Chairs
- Parish and Town Council representatives

7.0 Monitoring Arrangements

- 7.1 Following the completion of the scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.

- 7.2 The final inquiry report will include information on the detailed arrangements for monitoring the implementation of the Board's recommendations.

8.0 Measures of success

- 8.1 It is important to consider how the Board will deem whether its inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.

- 8.2 The Board will look to publish practical recommendations.