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Supplementary Information for Scrutiny Board (City Development) 9TH February 2010

Briefing Note from Councillor G Hall, Barwick-in-Elmet & Scholes Parish Council

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Review of Planning Application Publicity and Community Involvement

Scrutiny Board Inquiry Session 2: 9 February 2010

Witness George E Hall – Elected Member Barwick-in-Elmet & Scholes Parish Council,
Lead Member Scholes Community Forum

- 1.0 The Scrutiny Board has already received evidence from the Chief Planning Officer at the first session on the 12 January which identified the current procedures. Such are set out in the SCI was adopted by the City Council in February 2007, building on General Policy GP9 of the 2006 review of the Unitary Development Plan.
- 2.0 Barwick-in Elmet & Scholes Parish Council can see no reason to disagree with, and indeed commend, the improvements which have been introduced recently by the Local Planning Authority. These are detailed in paragraph 11.1 of the report submitted by the CPO during the first session of this inquiry. The Parish Council particularly welcome the appointment of a “Community Planning Officer” who will be a great asset to the North East Outer Area. Hopefully continued progress will not be inhibited by lack of financial resources made available to the Planning Services Department or any support which is required from the principal authority by third parties such as Parish Councils. It is also our wish that notification of new planning applications in the “*Yorkshire Evening Post*” can continue to be published.
- 3.0 The very nature of the planning system is complex, which is not made easier by the increasing number of studies and reviews being delivered by National Government. On behalf of the Parish Council I respectfully suggest this complexity causes confusion and the reluctance of our parishioners and I suspect more generally members of the public to participate in the planning process. There are succinct differences between Householder, Outline and Full applications. Less understood are “major applications”, for example, such as those involving more than 10 dwellings and larger commercial development or those being classed as “sensitive” arising out of public interest. These may require Sustainability Appraisals, Environmental, Landscaping and Transport assessments which are technical by nature and often difficult to understand. Generally Permitted Development changes introduced in October 2008 can be misunderstood and are often abused .They are likely to be reviewed again, adding to the problems.
 - 3.1 It is all the more difficult for community participation when guidance from the CLG is introduced; for example Planning Policy Statements (PPS) are to replace Planning Policy Guidance (PPG) on a rolling programme, as recommended in the Barker reports and Killian Pretty review. The 2008 changes to planning obligations introducing Planning Gain Supplements (PGS), sometimes referred to as Community Infrastructure Levies (CIL), are shortly to receive further consideration by national government in response to recommendation 7 of the Killian Pretty review.

- 4.0 Many members of the public do not perceive and understand that the Regional Spatial Strategy is a development plan. The RSS not only influences planning application decision making. In certain respects, until the emerging Local Development Framework has passed through the statutory procedures, it takes precedence over the 2006 Leeds City Council Reviewed Unitary Development Plan.
- 5.0 Whilst recognising paragraph 6.4 of the report provided by the CPO, there is need for greater clarity when planning decisions, both approval and refusal, are made contrary to paragraphs 3.1 and 3.32 of the CPO's report.
- 5.1 In this regard the LPA **do not currently appear** to recognise paragraph 10.2 of the publication "Probity in Planning" clearly identifying reasons why the development plan has been overridden in any decision notice issued by the planning authority. It is appreciated by those who are regularly involved in the planning system that the imposition of conditions consistent with circular 11/95 or planning obligations, as referred to previously, can balance an application favourably. Unfortunately this is not appreciated in the wider community.
- 6.0 Given that the terms of reference and scope of this inquiry, Paragraph 2.1(a) is to identify "opportunities and barriers for making improvements to the process" we ask the Scrutiny Board to consider whether the current Leeds City Council SCI is fit for purpose? **The elected members of the Scrutiny Board are requested to recommend that a review of the dated 2007 SCI document is carried out as soon as possible. This would enable the reviewed version to be incorporated into the emerging Local Development Framework. *This would be consistent with paragraph 7.9 of "Probity in Planning."***
- 6.1 During the preparation of the Parish and Town Council protocol it was considered that the SCI was **not** sufficiently robust. My colleagues and I, who were members of the "Working Group", also took the view that **pre-application consultation must be more prescriptive.** "Encouraging" community engagement is, in our view, not a robust choice of words and therefore such a word is less than adequate. Parish Council representatives noted that the only sanction for failure to conduct PAC's was to report this to panel members, when only 2.9% of applications are considered by elected members as opposed to the 91.7% determined under delegated powers. Unfortunately the non-mandatory provisions which evolved in the SCI from the 2004 Act remain and therefore are of no great assistance in achieving the objectives of the Killian Pretty review, namely to create a "faster and more responsive planning system."
- 6.2 The Parish Council acknowledge that the principal authority has the responsibility other than those subject to appeal to determine planning applications. However the Parish Council, consisting of duly elected members, is an authority in its own right.

- 6.3 Our procedures are such, that community involvement is taken very seriously; we are guided by Paragraph 41 of PPS1 “Parish Councils should play a key roll in developing full and active community involvement in their areas”. Members are occasionally discouraged when the representations they make, consistent with which sets out the visions the community (note “Key Principle Para 13(vi) appear to be given little weight at the time of determination
- 7.0 Incorrect validation of applications has, regrettably, created some difficulty for Barwick-in-Elmet & Scholes Parish Council on a number of occasions. The explanations given to the Council indicated that inexperienced personnel were employed to carry out the validation process. Whether other communities are having or have had similar experiences is unknown, but in any event it is a matter which the Planning Services Department must address. It is our view that greater effort is required to ensure applications are accurately validated and meets the required standard before the application is considered as “duly made”. Failure to address this issue will further undermine the confidence the public has in community engagement
- 8.0 Killian Pretty & the current consultation with the title “Improving engagement by statutory and non-statutory consultees
- 8.1 The Parish Council do not favour the suggestion of awarding costs in what may be deemed as “Unreasonable behaviour”. The reasons are (a) It is an encouragement of the compensation culture, by applying for costs and (b) The proposal will act as a disincentive to engage especially those who may have genuine concerns, but will be afraid to promote them because for fear of costs are awarded by what in essence can only be a subjective decision on what is reasonable

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