



## **Witness Evidence to Leeds City Council Scrutiny Board investigating consultation procedures, meeting on 9 March 2010**

### Introduction

Evidence is given on behalf of Yorkshire Planning Aid by James Rogers, Planning Advisor. He holds a Diploma in Town Planning (Glos) and is a Member of the Royal Town Planning Institute. He is also an Associate of the Chartered Management Institute.

The evidence will include the following themes:

- Communication
- Procedures/ Policies
- Quality of information and accessibility
- The roles of staff and elected members
- Quality control

The themes have been broken down into the main stages of planning applications and appeals, including background policy

The evidence is based on a review of YPA's casework across the Yorkshire & Humber region, including cases in Leeds. The recommendations aim to provide guidance to the Authority on ways to maintain good practice, or improve practice, in relation to consultation procedures.

### **Common causes for concern raised in Planning Aid cases**

#### **Procedures and Communication**

1. There is an invisible wall between the public and their local planning authority. People need to know that they have been given an opportunity to be involved in the planning system and if so how their views have been treated. Recurring themes in enquiries to planning aid are the level of trust that people have in public authorities and their expectations of them.
2. Involvement is dependent on clear communication by the Council and the ease with which people can navigate procedures. Many planning aid clients have limited knowledge of the local government system. Many from ethnic minority communities have limited language skills and some are unable to read or write. Egov initiative requires putting information online but not all people – particularly those least able to 'speak up for themselves' - are able to read and write, understand plans and complex documents and have access to or use internet facilities

**Recommended resolution:** to maintain good standards for clear communication for example using ‘Plain English’ guidelines; ensuring that service standards for a diverse population are maintained through training; ensure that hard copies of applications are available in accessible locations; and ensure officers are aware of the Planning Aid service which can help to clarify procedures for eligible clients.

3. Good record keeping is a part of communication. Currently full details of applications for Lawful Development Certificates are only kept for a limited period. A client was concerned that the Council had wrongly determined such an application following refusal of a planning permission. By the time he lodged a complaint the details had been removed from the records and the complaint was not able to be investigated to his satisfaction.

**Recommended resolution:** to review the record keeping of LDCs, to ensure that it satisfies the Freedom of Information Act and gives discretion to save information where a third party will be directly affected and there is a site history that indicates is the development potential (eg made in tandem with a planning application).

### **Policy**

4. The Council’s Statement of Community Involvement (SCI) sets the base level for consultation on planning procedures.

5. The extent to which people can influence planning application decisions is limited by policies.

**Recommended resolution:** The Council should maintain its standards to ensure that everyone who wishes to has the opportunity to be involved in policy-making. Wherever it is within the Council’s control this is to be encouraged and the base standards to be reviewed from time to time in the SCI.

### **Pre-application procedures**

6. The quality and amount of pre-application procedures varies significantly across authorities. Clients have expressed concern about the status of such consultation and whether it will prejudice their representations to an application. Others have been concerned that they have not been consulted at this stage.

**Recommended resolution:** to provide a standard wording for communicating with third parties in pre-application consultations.

7. Clients have expressed concern that developers have access to planning officers for information and to discuss their concerns about planning applications, whether that be prior to an application or between registration and decision, whereas the public has limited access, depending on officer availability. Information is often ‘off-the-record.’

**Recommended resolution:** ensure that information about procedures is clear and consistent; and that public helplines are maintained.

8. Clients are often concerned that councillors do not appear to be able to represent them, eg if they attend meetings with applicants or are member of the planning Board

**Recommended resolution:** need for clear information to councillors and constituents about the role and responsibilities of Councillors; and maintain training for Councillors.

### **Planning applications**

9. Neighbours can be notified by letter, site notice and newspaper advertisements, depending on Council officer discretion. There is a general concern that site notices are posted in unsuitable locations and might be removed within the consultation period. Clients with limited mobility have been concerned that they are unable to access such publicity.

10. Accessibility to plans and documents is a general concern. Not everyone has use of the internet and not all documents are posted on line if it is a large document.

**Recommended resolution:** Use more than one means of notification. Include agreed wording reference to Yorkshire Planning Aid on neighbourhood notification letters.

11. Important communications can be confused with junk mail and discarded.

**Recommended resolution:** consultations should be clearly addressed to the householder and sent in official envelopes.

12. Clients often express concern about the availability of plans, especially if they have limited mobility.

**Recommended resolution:** review information online and in consultation communications to ensure that they include a note of where and how documents can be inspected, especially if only part of the document is available on line.

13. One of the main concerns about the quality of applications is that drawings do not accurately show neighbouring properties in relation to the proposal, either in relation to the 'red line' boundary, in scale drawings or artists impressions or by inaccurate site levels.

**Recommended resolution:** an accurate application is important to ensure that it can be registered; and response to client concerns to require amended drawings, or an explanation about the Council's response to representations as appropriate.

### **Amendments**

14. There is no requirement to notify third parties about amendments to plans. Clients have been concerned that if they do not know about amendments they will be disadvantaged in not being able to make relevant representations.

**Recommended resolution:** notification of the neighbours affected by the amendment.

### **Discharge of conditions**

15. Most conditions are discharged by officers under delegated authority. Clients have reported cases where a condition has been discharged without reference to them

and found to be inadequate for its purpose – so leaving them with no practical recourse to resolve their concern.

**Recommended resolution:** neighbours affected by the proposal should be notified of the proposal and their representations received. Wherever possible the case officer should follow-through discharge of conditions to ensure that a consistent approach is taken and their knowledge of the case is used.

### **Decision-making**

16. Clients often wish to know how the decision will be made. Many applications are approved by delegation and there is little understanding of this. It is usually expressed that ‘an officer made the decision’ rather than ‘an officer had the Council’s authority to make the decision.’

**Recommended resolution:** to provide better information about officer delegation

17. Clients often ask questions about the decision, especially to find out if their representations have been dealt with. They usually need to be able to find the officer’s report, the approved plans, the decision notice and the minutes of the meeting to have a full record to know that the officer has ‘seen it from the 3<sup>rd</sup> party point of view.’

**Recommended resolution:** ensure that officer reports are clear and complete; and all documents are available after the decision is made.

18. Clients who are not satisfied with the outcome often ask how they can challenge the decision or complain.

**Recommended resolution:** information about challenging decisions through the Council’s scrutiny panel and complaints procedures should be posted in accessible locations.

### **Appeals**

19. Many clients ask how they can be involved if the applicant appeals against a refusal.

**Recommended resolution:** ensure that up to date information is available to third parties about the procedures.

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