



Report of the Director of City Development

Executive Board

Date: 22 June 2010

Subject: Response to the City Development Scrutiny Board's Inquiry to Review the Method by which Planning Applications are Publicised and Community Involvement takes place

Electoral Wards Affected:

All

☐

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

Eligible for Call In

☒

Not Eligible for Call In

(Details contained in the report)

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1.0 Purpose Of This Report

- 1.1 This report provides the Executive Board with details of the recommendations from the recent City Development Scrutiny Board Inquiry into the ways planning applications are publicised and in which community involvement takes place and details how the Director proposes to respond to each recommendation. The report asks the Board to approve the proposed response.

2.0 Background

- 2.1 In early 2010 the City Development Scrutiny Board conducted an inquiry into the way Planning Services publicises applications and the ways in which community involvement takes place.
- 2.2 Three sessions took place between January and March, including evidence from a number of witness who provided their experiences, both good and bad about the way Planning Services notifies and involves the local community.
- 2.3 Statutory requirements for consultation and notification are set out in the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) and so by law planning operates within timescales and legal parameters. The Board acknowledged that these constraints have an effect on the type and scope of the notification and consultation that can normally be carried out. The Board also recognised that a balance is always needed between consideration of the cost and speed of decision making and providing a reasonable opportunity for the public to comment and influence the scheme.

- 2.4 The Scrutiny Board's final report makes 13 recommendations for action and work is underway or planned to address them. The actions will be monitored by the Board as part of its regular recommendation monitoring activity.

3.0 Main Issues

- 3.1 Each of the 13 Scrutiny Board recommendations are described below, along with a response from the Director of City Development, with actions, timescales and where appropriate, resource implications.

3.2 Recommendation1

That the Chief Planning Officer monitors Core Cities and other West Yorkshire Authorities and the performance of the new arrangements that are changing the Leeds Planning Service from one of development control to development management, in order to identify and adopt best practice.

The Chief Planning Services Officer attends the Core Cities group and the Head of Planning Services attends the Heads of West Yorkshire Planning Management, which meets to share good practice, discuss changes in planning and offers benchmarking opportunities. There will be the opportunity for monitoring of the new development management arrangements through these forums in order to adopt best practice.

3.3 Recommendation 2

That Leeds Planning Service redefine the role of its Planning Officers by aligning the geographical areas of work to the area committees so they can act more proactively in fostering liaison with developers, Members and the local community.

The restructure of planning officers aligning them to the area committees will facilitate proactive working, better knowledge of the locality and of the issues which are important to local communities. The restructure will be in place by Summer 2010.

3.4 Recommendation 3

That in order to achieve consistency of service across the city the Chief Planning Officer

- *seeks funding opportunities to extend the network of Community Planners with priority given to disadvantaged areas and hard to reach groups.*
- *if satisfactory progress is not made by 2012 consideration be given in the budget review to consider how these posts could be funded.*
- *in the interim and as part of the restructure of the area teams consider the appointment of nominated officers to cover specific areas as an option.*

The restructure will bring Officers and Area Committees into closer contact and build a strengthened relationship, but their role cannot duplicate that of the dedicated Community Planner.

The role of Community Planner is key in the liaison between local communities and Planning Services. Community Planners advise the Area Committee, Ward Members, Parish and Town Councils and other groups on the implications of planning proposals, applications and appeals submitted within the area and/or affecting the locality. The posts are funded by the Area Committees and the service will be contacting all Area Committees about the availability of funding for the Community Planners in their areas.

Work will also be undertaken with the Equality Hubs and the continued building up of a community consultation database will go some way into reaching the hard to reach groups.

3.5 Recommendation 4

That the Chief Planning Officer look for opportunities for cost savings and reviews when site notices are issued whilst maintaining a consistent approach across the city by 31st March 2011.

The service is engaged in a continuous review of the methods used for public engagement, including use of site notices to determine on which types of developments and in which circumstances site notices should be used. An assessment of costs will be made in relation to other available methods of notification to ensure value for money, balancing the effectiveness of the methods with the costs. A consistent approach will be adopted across the city by March 2011.

3.6 Recommendation 5

That the Chief Planning Officer introduces by 31st May 2011 a suitable Code of Practice for Publicity to be used across Planning Services to ensure consistency of approach and transparency and reassurance of process.

A Code of Practice for Publicity on planning applications will be completed by Spring 2011 and will be available for the public on the Council's web pages.

It is hoped that Planning Aid will be able to assist in the production of this Code, taking on board their advice and best practice.

3.7 Recommendation 6

That the Chief Planning Officer

- *continues to review the most cost effective ways for notifying the public about planning applications including the current neighbourhood notification process, which reduces the overall publicity bill of Leeds Planning Services whilst maintaining more than the minimum statutory requirements.*
- *improves the guidance note and correspondence sent to neighbours affected by planning applications explaining their right of appeal.*

As mentioned in recommendation 4, a review will take place to look at the current methods used for notifying the public, including site notices, newspapers and neighbour notification letters. The review will be completed by November 2010 and will aim to reduce the costs, whilst maintaining the statutory minimum.

Customer communications will be reviewed to ensure they are written in Plain English and are easily understandable, including the appeals letters and notification letters. Guidance notes, which are sent with the neighbour notification letters, will be updated and will explain the process and their rights clearly with contact details of where to go for help and assistance. This will be produced by January 2011.

3.8 Recommendation 7

That the Chief Planning Officer undertakes to build in public engagement for future developments of the Public Access System and continue to improve the design and content of the Public Access Service within the resources available.

A small group of local authorities is working with a software supplier to improve Public Access. Feedback from service users will be used to inform future changes.

3.9 Recommendation 8

That the Chief Planning Officer continues to resource and develop with our partners, the community, amenity groups and associations database by using the range of communication channels available to the service and that greater emphasis be placed on pre-application engagement with communities to try to involve those who are hardest to reach.

The service places great importance on the creation of a community consultation database and is a continuous process with new groups being added and contacted on a regular basis. A publicity campaign to encourage individuals and groups to register to receive the automatic planning alerts will be run in 2010. The Equality Hubs will also be able to provide details of other hard to reach groups.

Whilst pre-application engagement is primarily the responsibility of the developers, the service will provide more advice to encourage more effective community engagement. The groups registered with Public Access have indicated their willingness to be involved in pre-application discussions and will be easily identified by the Officer when pre-application enquiries are received. The role of the Planning Officer is to help signpost developers to the local groups and Ward Members to achieve effective representation from the community. The restructure will aid in this as Planning Officers will have a greater depth of knowledge about localities, being aligned to area wedges.

A review will take place to ensure that the statement of community consultation (a document that sums up what consultation has taken place and what changes, if any, were made to the proposal as a result) will take place to ensure that the statements are being produced effectively and are being submitted as part of the formal application. This will be completed by December 2010

3.10 Recommendation 9

That when the Town and Parish Council Charter is reviewed in mid 2010 the Chief Planning Officer considers whether any further action could be taken to strengthen the process in relation to Town and Parish Councils whilst establishing the take up they have made of the facilities now available on the Public Access System.

The service will continue to work with the Major Developers Forum, which includes representatives from the Parish Councils, to find ways to continuously improve the service.

All the Parish and Town Councils have been contacted and invited to register on Public Access. This is being followed up with additional information and training to ensure they are aware of how to use the system to meet requirements identified in the Charter such as additional application types, revised plans, discharge of conditions and non material amendments.

The Charter will be reviewed in Summer 2010.

3.11 Recommendation 10

That the Chief Planning Officer reviews the issue of re-notification of planning applications to ascertain if the judgements being made by case officers as to whether changes are material or not are being applied consistently and fairly across the city.

- *determines whether a definition of a material change should be included in planning guidance notes.*
- *determines whether re-notification of planning applications could be developed and highlighted in the Public Access System.*

Where the amendment is considered to be material, re-notification will take place, this involves a degree of judgement by the Case Officer. In order to gain clarity and consistency of approach by all officers, the circumstances of when to renotify will be detailed in the Code of Practice for Publicity on planning applications.

The new Public Access system makes it possible for people register and track applications they are interested in. All revised plans and amendments are added to Public Access when they are received. This means that anyone tracking the application will receive an email informing them that the application has been updated or revised. The focus will be in publicising and encouraging people to use the Public Access facilities to the full so they have the most up to date information on an application at all times.

3.12 Recommendation 11

That the Chief Planning Officer

- *considers including in the appropriate guidance notes and protocols a standard wording for communicating with third parties in pre application consultations.*
- *undertakes a review of all methods of communication in Leeds Planning Service which has not already got a crystal charter mark for Plain English and apply plain English unless there is a statutory requirement that prevent this from being applied.*

The responsibility for pre-application engagement is the developer and the local planning authority can only suggest, sign post and recommend groups with whom to consult and how to go about efficient consultation. However, guidance material will be provided by March 2011 for third parties describing the pre-application process, what issues can be taken into consideration, the likely parameters of any pre-application engagement, that is, the scale of their influence on the scheme, so there is greater transparency, managed expectations and all parties have a greater understanding of the whole process.

There are a number of officers trained in Plain English and a review will take place of customer communications to ensure all letters, leaflets and other literature are clear and customer focused. This will be achieved by December 2010.

3.13 Recommendation 12

That the Chief Planning Officer introduces by September 2010 a number of development sessions for Ward Members and Parish Councillors on the changes that have been made in the Leeds Planning Service with particular emphasis on the pre application stage, rules of engagement, champion role and the importance of the Community Planner.

A number of learning and development days have been scheduled throughout the year and within these days will be the compulsory planning training, but also

sessions focussing on the Leeds planning perspective, including the local arrangements in place for the pre-application stage and role of the Community Planner. The sessions will be open to Ward and Town and Parish Councillors.

3.14 Recommendation 13

That the Chief Planning Officer reviews how it manages the pre application meetings between developers, public and other interested parties to ensure that they are less formal and encourages everyone to participate in the discussion.

Although it is the responsibility of the developer for pre-application engagement with local communities, a review of the methods which could be employed for consultation will be take place. Some developers are well versed in the techniques, whilst others need some support and Planning Services will provide advice as to the best methods depending on the development and the potential audience to be addressed.

There will be a brief record of any pre-application discussions included as part of the formal submission of an application, along with details of how the discussions have influenced the content of the scheme.

4.0 Implications for Council Policy and Governance

4.1 There are no specific implications for council policy and governance.

5.0 Legal and resource implications

5.1 There are no specific implications legal and resource implications and any improvements will be managed within existing resources.

6.0 Conclusions

6.1 The City Development Scrutiny Board's Inquiry into the ways planning applications are publicised and in which community involvement takes place has identified some important service improvements. The recommendations provide a framework to review and consider some changes in practices and improve the way the service communicates with the public about planning applications, at both the pre-application and formal application stages. The actions proposed in response to the Board's recommendations will ensure that best practice is adopted, that customer communications and community involvement remains a priority.

7.0 Recommendations

7.1 Executive Board are recommended to:
Approve the proposed responses to the Scrutiny Board's recommendations

Background Papers

- Department for Communities and Local Government Development management: Proactive planning from pre-application to delivery Consultation on a draft new planning policy statement on development management, and on draft policy December 2009
- HMSO Town and Country Planning (General Development Procedure) Order 1995 (GDPO)
- Leeds City Council Statement of Community Involvement February 2007
- Leeds City Council Charter Between Leeds City Council and the Parish and Town Councils within the administrative area of Leeds City Council, December 2009