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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board City Development

**Date: 5 October 2010**

**Subject: Recommendation Tracking – Inquiry to review the methods by which planning applications are publicised and consultations undertaken**

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

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Community Cohesion

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Narrowing the Gap

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## 1.0 Introduction

- 1.1 Each Scrutiny Board receives a quarterly report, coinciding with the quarterly presentation of performance information, on the progress made in implementing the Board's recommendations.
- 1.2 This tracking system allows the Board to monitor progress and identify completed recommendations; those progressing to plan; and those where there is either an obstacle or progress is not adequate. The Board will then be able to take further action as appropriate.
- 1.3 A standard set of criteria has been produced to enable the Board to assess progress. These are presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has been completed, and if not whether further action is required.
- 1.4 To assist Members with this task, the Principal Scrutiny Adviser has given a draft status for each recommendation. The Board is asked to confirm whether these assessments are appropriate, and to change them where they are not.
- 1.5 This quarterly report shows progress against recommendations arising from the Inquiry to review the methods by which planning applications are publicised and consultation undertaken

## **2.0 Recommendations**

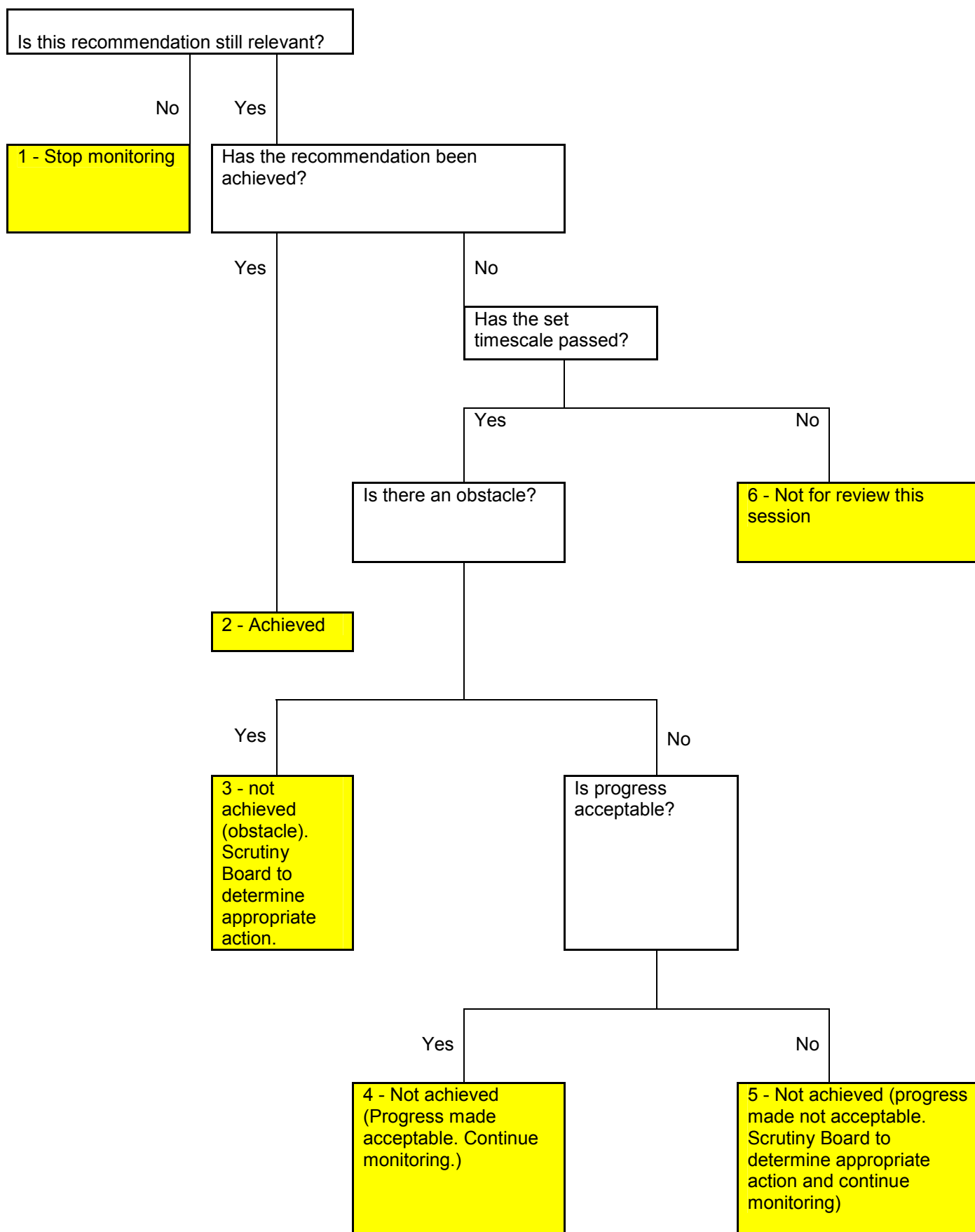
### **2.1 Members are asked to:**

- Agree those recommendations which no longer require monitoring;
- Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

### Background Papers

City Development Scrutiny Board Final Inquiry Report to review the methods by which planning applications are publicised and consultation undertaken April 2010

**Recommendation tracking flowchart and classifications:**  
**Questions to be Considered by Scrutiny Boards**



### Recommendation Tracking – Progress Report (March 2009)

#### Categories

- 1 - Stop monitoring
- 2 - Achieved
- 3 - Not achieved (Obstacle)
- 4 - Not achieved (Progress made acceptable. Continue monitoring)
- 5 - Not achieved (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

#### **Inquiry to review the methods by which planning applications are publicised and consultation undertaken**

Recommendation for monitoring	Evidence of progress and contextual information	Status (categories 1 – 6) (to be completed by Scrutiny)	Complete
<b>Recommendation 1.</b> <b>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.</b>	<b>Formal Response received in June 2010</b> 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.  <b>Current Position:</b> In 2010, the Conservative Party published a policy Green Paper called <i>Open Source Planning</i> which sets out an approach to planning based on localism, community involvement and local	4	

<sup>1</sup> HM Government The Coalition: our programme for government May 2010

	<p>control. The Coalition Government 's Statement of Agreement gave commitment to the principles of <i>Open Source Planning</i> and this document will form the basis for radically reforming the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live<sup>1</sup>.</p> <p>Much information is emerging and both the Head of Planning Services and the Chief Planning Officer are keeping a watching brief on developments so we are best placed to respond once the detail is known. More information will be available after 17 September 2010 and a verbal update will be provided at the Scrutiny Board meeting on 5 October. A formal report will be presented to Scrutiny Board when the details are available.</p>		
<p><b>Recommendation 2.</b>  <b>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.</b></p>	<p><b>Formal Response received in June 2010</b>  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.</p> <p><b>Current Position:</b>  The restructure is at the last stage of consultation and the new job descriptions have been written. Planning officers will be aligned to the Area Committee areas, so local contacts can more easily be developed and fostered. It is anticipated that the restructure will be implemented within the next two months.</p> <p>The essence of <i>Open Source Planning</i> is local decision making and engagement and the role of the planning officer is likely to change, requiring them to work much more closely with communities, helping to shape their locality. The government's vision is that planners will not just be planning experts but experts at working with communities and translating their visions into action.</p>	4	

<p><b>Recommendation 3</b></p> <p><b>That in order to achieve consistency of service across the city the Chief Planning Officer</b></p> <ul style="list-style-type: none"> <li>• <b>seeks funding opportunities to extend the network of Community Planners with priority given to disadvantaged areas and hard to reach groups.</b></li> <li>• <b>if satisfactory progress is not made by 2012 consideration be given in the budget review to consider how these posts could be funded.</b></li> </ul> <p><b>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</b></p>	<p><b>Formal Response received in June 2010</b></p> <p>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.</p> <p>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.</p> <p><b>Current Position:</b></p> <p>The future is uncertain given the scale of the potential cutbacks. The Well Being Fund or alternate finding is needed in order to continue funding community planners or expand the network of community planners.</p> <p>Through <i>Open Source Planning</i>, planning officers will be working more closely with the local community, but this still cannot replicate the unique position of that of a Community Planner.</p>	4	
<p><b>Recommendation 4</b></p> <p><b>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.</b></p>	<p><b>Formal Response received in June 2010</b></p> <p>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</p>		

	<p>2011.</p> <p><b>Current Position:</b> A review has commenced looking at the efficacy of the methods used to inform the public about applications and will seek to discover where the public has found out about planning applications. This will require a short time limited survey, which will commence in October 2010. Additionally some work will commence in November into the methods used to post the site notices and the associated costs involved.</p> <p>This work will be concluded and implemented across the city by March 2011.</p>	4	
<p><b>Recommendation 5</b></p> <p><b>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.</b></p>	<p><b>Formal Response received in June 2010</b> 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.</p> <p>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.</p> <p><b>Current Position:</b> Desk research has commenced on this, reviewing the Codes of Practice from other local planning authorities. The Code of Practice will be completed by March 2011.</p>	4	
<p><b>Recommendation 6</b></p> <p><b>That the Chief Planning Officer</b></p> <ul style="list-style-type: none"> <li><b>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</b></li> </ul>	<p><b>Formal Response received in June 2010</b> 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.</p> <p>Customer communications will be reviewed to ensure they are</p>		

<p><b>publicity bill of Leeds Planning Services whilst maintaining more than the minimum statutory requirements.</b></p> <ul style="list-style-type: none"> <li><b>improves the guidance note and correspondence sent to neighbours affected by planning applications explaining their right of appeal.</b></li> </ul>	<p>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.</p> <p><b>Current Position</b></p> <p>As mentioned in recommendation 4, a review is ongoing and will be completed by November 2010 and will hopefully identify potential savings.</p> <p>Work has been completed on reducing the costs associated with newspaper advertising through changes in design and format of the advertisements and development of service level agreements with the newspaper companies. We anticipate making savings of between £10-£15K per annum. The quality of the information is not compromised and there will be no adverse effect on the public.</p> <p>As part of this, guidelines are being drawn up to ensure that there is adherence to the GDPO in terms of what needs to be advertised, so we are not unnecessarily publicising some applications.</p> <p>The successful implementation of Public Access has meant that it is much easier for the public to find out about planning applications. There have been 240,000 searches undertaken since the system went live in February to the end of August 2010. The upgrade of Public Access which now allows “saved searches” means that the public can define a geographical area and automatically receive details of applications from that area by email. It is difficult to obtain exact costs of the money saved due to electronic working, but it is estimated that we have saved approximately £40,000 - £50,000.</p>	<p>2</p>	
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<p><b>Recommendation 7</b></p> <p><b>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.</b></p>	<p><b>Formal Response received in June 2010</b></p> <p>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.</p> <p><b>Current Position:</b></p> <p>The group of local authorities continues to meet to identify where improvements need to be made with the system. Customer feedback on the mapping part of the Public Access system indicated that some further work was needed. Improvements will be implemented by the end of the financial year.</p>	<p>4</p>	
<p><b>Recommendation 8</b></p> <p><b>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.</b></p>	<p><b>Formal Response received in June 2010</b></p> <p>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.</p> <p>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.</p> <p>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</p>		

	<p>produced effectively and correctly, and are being submitted as part of the formal application. This will be completed by December 2010.</p> <p>The Corporate Equality Hubs and Assembly are now operating and we will begin to find the most effective way of engaging with them on planning and service issues. Through the community consultation database we are proactively contacting community, amenity and faith groups to inform them of applications which may affect them</p> <p><b>Current Position:</b> The Corporate Equality Hubs and Assembly are now operating and following their establishment we are seeking to engage with them on planning and service issues to find the most effective way moving forwards.</p> <p>There are over 100 groups registered to receive the automatic e-mail planning alerts. We hope that working with the Equality Hubs will be helpful in finding the best way of engaging with the hard to reach groups.</p> <p>The downturn in the economy has meant that there has not been the number of pre-application discussions and engagement opportunities as we have seen in the past. However, the IT system is now set up to automatically provide planning officers with contact details of appropriate groups within an area with whom developers can consult.</p> <p>A sample of statements of community consultation will be reviewed to assess their quality and to see if there is good practice that can be replicated. This will be completed by the end of 2010.</p>	4	
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<p><b>Recommendation 9</b></p> <p><b>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.</b></p>	<p><b>Formal Response received in June 2010</b></p> <p>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.</p> <p>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.</p> <p>The Charter will be reviewed in Summer 2010.</p> <p><b>Current Position:</b></p> <p>The Charter was reviewed in July 2010 and there are some revisions required to the sections on the LDF and enforcement. The Charter was deemed fit for purpose and will be reviewed in July 2011.</p> <p>Training in the Public Access system has been offered to all the Town and Parish Council's with limited take up, although we know that many of the Town and Parish Councils are using the system effectively. We are moving to electronic consultation by the end of the financial year and the training will be offered again to tie in with this new process.</p>	<p>2</p>	
<p><b>Recommendation 10</b></p> <p><b>That the Chief Planning Officer</b></p> <ul style="list-style-type: none"> <li><b>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</b></li> </ul>	<p><b>Formal Response received in June 2010</b></p> <p>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.</p> <p>The new Public Access system makes it possible for people register</p>		

<p>consistently and fairly across the city.</p> <ul style="list-style-type: none"> <li>• determines whether a definition of a material change should be included in planning guidance notes.</li> <li>• determines whether re-notification of planning applications could be developed and highlighted in the Public Access System.</li> </ul>	<p>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.</p> <p><b>Current Position:</b> Re-notification is part of the review process mentioned in recommendation 4. A section setting out guidelines on when re-notification should be carried out will be included in the Code of Practice. This will be completed by Spring 2011.</p> <p>Through the tracking applications facility on Public Access, people who have requested to be kept informed on specific applications will automatically receive emails notifying them if there have been any revisions or amendments to plans and if there is going to be any re-notification. The new date to submit comments is also included in the email.</p>	4	
<p><b>Recommendation 11</b></p> <p><b>That the Chief Planning Officer</b></p> <ul style="list-style-type: none"> <li>• considers including in the appropriate guidance notes and protocols a standard wording for communicating with third parties in pre application consultations.</li> <li>• 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</li> </ul>	<p><b>Formal Response received in June 2010</b></p> <p>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.</p> <p>There are a number of officers trained in Plain English and a review will take place of customer communications to ensure all letters,</p>		

<p>this from being applied.</p>	<p>leaflets and other literature are clear and customer focused. This will be achieved by December 2010.</p> <p><b>Current Position:</b> Given the focus of <i>Open Source Planning</i> on community engagement, we are expecting significant changes to the way pre-application consultation is carried out. Again, we are awaiting the detail to be announced. In the interim we have a pre-application protocol which sets out the role of the developer, Members and the planning authority.</p> <p>Some groups have already indicated their willingness to be involved in pre-application consultations and will be provided with guidance about how the process works, how their comments may influence the scheme and the likely parameters of their influence.</p> <p>Two forms of customer communications have initially been looked at: site notices and neighbour notification letters. Both have been rewritten to make them clearer to read and understand and now includes some information about Planning Aid, an organisation which provides free, independent planning advice to people who cannot afford professional fees.</p> <p>A simple guide on the process and procedures for S106 and 278 Agreements will be produced by November 2010.</p> <p>Appeal letters will be reviewed by the end of the year.</p>	<p>4</p>	
<p><b>Recommendation 12</b></p> <p><b>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</b></p>	<p><b>Formal Response received in June 2010</b> 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 focusing 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.</p>		

<p>application stage, rules of engagement, champion role and the importance of the Community Planner.</p>	<p><b>Current Position:</b> Two development sessions have been organised for Ward Members and Parish and Town Councillors in September and November. The course will cover national changes and current issues.</p> <p>Training on local and national issues will be covered at the annual Town and Parish Council Conference in Spring 2011. Some additional sessions will be set up for Ward Members on local issues before the end of the financial year.</p> <p>A planning conference is being organised in the Outer North East Area Committee area in March 2011 for Ward Members and Parish Councillors in that area. Ward Members will have an input on the content of the conference to ensure that all issues of local concern and interest are covered.</p>	<p>4</p>	
<p><b>Recommendation 13</b></p> <p><b>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.</b></p>	<p><b>Formal Response received in June 2010</b> 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.</p> <p>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.</p> <p><b>Current Position:</b> Some proposals from <i>Open Source Planning</i> have already been announced- statutory pre-application consultation on major</p>	<p>4</p>	

	<p>schemes, community right to build and “collaborative design” where local projects above a certain threshold must be designed through a collaborative process which includes the local community.</p> <p>Again, the detail has not emerged and we are waiting for further information but it is likely that the changes will provide a great opportunity for involving the local community in how their locality should look.</p> <p>The community consultation database facilitates inclusive and representative consultation with local communities by providing developers with the details of a wide range of interest groups, rather than just to “the usual suspects” or those who “shout the loudest”. The challenge will be to find ways to engage with those hard to reach groups that aren't able to make their voices heard and involve them in a way that is meaningful to them. The equality Hubs may help in this regard.</p>		
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