

Report of Chief Planning Officer

Report to Scrutiny Board Housing and Regeneration

Date: 20 July 2012

Subject: Position statement – community engagement guide for developers

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

Scrutiny Board Housing and Regeneration requested that a guide for developers is produced which sets out clearly the council's expectations of effective community consultation on planning applications.

It is important to consider the production of the guide in the national context of a proposed statutory pre-application consultation on the largest applications.

The need for stakeholder buy-in is essential if the guide is going to be more than aspirational, given that, at present, there is no statutory requirement for developers to engage with local communities or to take on board community concerns, even though the benefits of engagement are generally widely understood and can lead to better schemes and faster decision timescales.

A timeframe of four months is suggested due to the summer holiday period, (when it is more problematic to carry out effective consultation with stakeholders), to undertake the work and produce a guide.

Recommendations

The Board is asked to

- I. agree to the proposed process to produce the guide, involving stakeholders
- II. agree the timescale for the production of the guide

1 Purpose of this report

- 1.1 At the meeting of Scrutiny Board Housing and Regeneration on 26 June, members requested that a guide for developers is produced which sets out clearly the council's expectations for pre-applications involvement of local communities, Town and Parish Councils and ward members, so that schemes are influenced as they develop. Members also wished to participate in the development of the guidance.
- 1.2 This report is a position statement which will set out the steps and processes for achieving the production of the guide/ protocol.

2 Background information

- 2.1 The Government has clearly signalled the importance of community involvement at the earliest of stages and its intention to make pre-application engagement a statutory part of the planning process on the largest applications. The National Planning Policy Framework states *engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community*¹.
- 2.2 Such an approach should be inclusive and transparent, with development outcomes more in line with community aspirations. However, it should be noted that the responsibility lies with the developer to carry out any pre-application consultation and there is no statutory requirement for them to do so. Additionally, developers and applicants are under no obligation to take on board community concerns and issues.

3 Main issues

- 3.1 Whilst it is recognised widely by local planning authorities and by some in the development industry that community and ward member consultation at the earliest stage is a valuable and important part of the planning process, the council can only strongly encourage effective community consultation it cannot insist upon it. At present, the council cannot subsequently refuse to accept a valid planning application if it disagrees with the way in which a developer has consulted the community. However, if the developer fails to carry out appropriate consultation, this may lead to unnecessary objections, which may create difficulties or delay at a later stage of the process.
- 3.2 Leeds City Council takes the view that effective and timely pre-application consultation with ward members and local communities should be carried out, but it does not always happen and some developers are reluctant to engage, for a variety of reasons. CLG estimates the cost of pre-application consultation to be in the region of £10,000 per application². (This will differ depending on the size and complexity of the approach and the size of the community involved).

¹CLG National Planning Policy Framework 27 March 2012 paragraph 188

² CLG Localism Bill: compulsory pre-applications for consultations between prospective developers and local communities. Impact assessment. DCLG January 2011

3.3 However, the Localism Act and publicity surrounding it has raised expectations and interest in planning issues so it is timely to set out the council's expectations of effective ward member and community engagement on applications. However, we are awaiting the announcement from the government setting out the thresholds and process for the mandatory pre-application consultation on the largest schemes, which maybe prescriptive in its requirements of community engagement and consultation. The contents of the governments proposals should be taken into account in any local protocols.

3.4 However, initial work can commence now on a protocol/ guidance for developers, subject to any changes due to the above issue. Indeed, feedback from a recent Outcome Based Accountability session on major performance with members, developers and community representatives, will feed into the production of the guide.

3.5 It is suggested that the protocol should be in accord with the following principles:

- Early engagement – before proposals have been 'fixed', was there an opportunity to influence and shape development
- Meaningful – is it 'real', can it be demonstrated that changes have been made, range of tools / techniques used?
- Inclusive - what steps were taken to 'reach out', tools and techniques, was wider community involved?
- Monitor, review and gaps addressed – map, gap and take action to ensure consultation is balanced and representative

3.6 It will be difficult to be too prescriptive in the guide about the type and form of community engagement as this will depend on the type of application, local sensitivities and other issues. However, it is anticipated that the guide will contain details of appropriate methods, timing, amount and outcome of the consultation and demonstrating what has been undertaken. This detail will arise from discussions with stakeholder groups.

3.7 Involvement of Stakeholders

3.8 High quality decision making is a three way partnership involving between the council and elected member, the local community and the development industry. All three parties need to work collaboratively in order to achieve timely, high quality decisions which balance the needs of local communities and the economic aspirations on the city. This will lead to more certainty and transparency in the planning process. It is therefore proposed to hold workshops after the summer to progress the work, consult more widely to ensure buy-in and implement in autumn.

3.9 Community representatives

3.10 The Board wish to involve Town and Parish Councils and Neighbourhood Forums in the formation of a guide and also involve Member Training.

3.11 A workshop will be held for community representatives and will focus on what is considered to be important in community consultation activities, within the context of the statutory planning process.

3.12 Development industry

3.13 It will be essential to get the buy in of the development industry to this and a collaborative approach should be taken. This will be achieved through work with the Chamber of Commerce and a session with the Leeds Planning and Developer Forum. Without the buy in of developers, the protocol will carry little weight and would only be aspirational.

3.14 The workshop with developers will seek consensus on the council's expectations of community consultation and agreement to the submission of documentation, alongside a formal planning application, that demonstrates that effective and proper consultation has taken place.

3.15 All information would be collated and a draft guide would be produced for consideration by the Board.

3.16 Timescale

3.17 The summer holiday period makes it more problematic for carrying out effective consultation with stakeholders. It is suggested that the following timetable is followed:

- Town and Parish Council, Neighbourhood Forum workshop September 2012
- Development industry session September 2012
- Guide to Scrutiny Board October/ November

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 There will need to be wide consultation of the protocol/ guide, however there are no consultation issues directly arising from this report.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Greater engagement of the community is likely to result in more people being aware of development and planning issues and allows communities to have a greater input to the planning process, aiding community cohesion.

4.3 Council policies and City Priorities

4.3.1 The effective and expedient determination of planning applications contributes to the overall prosperity of the City and plays a key part in the regeneration and growth agenda. The service makes a key contribution to the delivery of housing growth, a priority in the City Priority Plan 2011-15.

4.4 Resources and value for money

4.4.1 There are no resource or legal implications arising from the report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This section is not relevant to this report.

4.6 Risk Management

4.6.2 This section is not relevant to this report.

5 Conclusions

5.1 The need to swiftly produce developer guidance should be balanced with the need to undertake robust consultation with stakeholders and the development industry to ensure there is agreement. Without development industry buy-in to a pre-application engagement protocol little could change until the government make it a statutory requirement for developers to consult on the largest of applications. It is considered that a time period of four months will be sufficient time to consult and produce the guide.

6 Recommendations

- I. agree to the proposed process to produce the guide, involving stakeholders
- II. agree the timescale for the production of the guide

7 Background documents

CLG Localism Bill: compulsory pre-applications for consultations between prospective developers and local communities. Impact assessment. DCLG January 2011

What is good consultation? Pegasus planning group 2012

CLG National Planning Policy Framework 27 March 2012