

**Report of Director of City Development**

**Report to General Purposes Committee**

**Date: 30 August 2012**

**Subject: Review of Plans Panels**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No All
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input 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**

Effective Member decision making in the plans panels is important in providing a democratic framework for decisions on the use of land in the city and a key factor in generating business confidence and hence attracting and retaining new investment and jobs. The scale of growth it thereby generates is important for the future welfare of the citizens of Leeds and attraction of funding from Central Government. In so doing, it is essential that Ward Members and local communities influence the form of development. This report looks at opportunities for strengthening the involvement of ward members and local communities in the determination of planning applications and associated legal agreements.

This report also makes proposals for the establishment of a new strategic and city centre plans panel to deal with those planning applications with significant implications for the future prosperity of the City's economy. Consideration is also given to the existing two area panels and the report makes proposals for revising the geographical boundaries to even up workloads, which will allow appropriate time to be spent on a range of major and other types of applications which are the most significant and sensitive to a locality, and where members can add the most value. It is proposed to rename East and West panels as North and East and South and West, to more closely reflect the areas served.

The report has been influenced by and taken account of the discussions with a plans panel review working group, a cross party group of ward members, chaired by the Executive Member for Neighbourhoods, Planning and Support Services. The group's original remit was to consider the options available and the potential for a strategic panel, but through discussions, widened the agenda to consider stakeholder involvement in the plans panel process which could form part of the strategic plans panel framework.

## Recommendation

Members are asked to.

- I. Consider the outcome of the review of the composition of the plans panels and agree the associated Terms of Reference to be considered for approval by Council
- II. Recommend to Council that Article 8 of the Constitution be amended to dis-apply the restriction on membership numbers to the proposed Strategic Plans Panel;
- III. Review arrangements of the revised plans panels after 12 months
- IV. Note and support the Executive member's commitment to produce, in consultation with Members from all political groups;
  - a. a revised protocol for pre-application involvement, including Heads of Terms where there are legal agreements
  - b. an action plan to take forward the suggestions made from the working party, as set out in paragraph 3.1.15

### **1.0 Purpose of this report**

- 1.1 In the past few years, the context of planning has changed significantly at national, City Region and local level. At national level, the publication of the National Planning Policy Framework (NPPF) and the Localism Act 2011 have brought a new focus to the delivery of investment (especially housing) and engagement of local communities in decision-making and shaping the future of their communities through the preparation of Neighbourhood Plans.
- 1.2 The abolition of regional structures has been accompanied by the emergence of new governance structures for the Leeds City Region based on the LEP and the City Region Leaders Board. City Region leaders rejected the idea of non-local governance structures, but recommended that each authority should come to their own view regarding local arrangements which would allow for strategic decision making and the introduction of a Planning Charter to encourage a consistent approach to major investment proposals across the LCR.
- 1.3 Within Leeds, some communities have responded enthusiastically to the preparation of Neighbourhood Plans (over 37 expressions of interest have so far been received) and this is a reflection of peoples' concerns about the identity of communities in which they live and work and the quality of their physical and natural environment.
- 1.4 Equally it is important that the interests of ward councillors, the public and of developers and their professional representatives are fully involved in all stages of the decision making process. Measures to improve these processes are a key component of these proposals.
- 1.5 These changes mean that we need to deliver the planning agenda in Leeds in a different way. In summary, this involves being able to think and deliver strategically on key projects and schemes for investment in the city but also involve people at local level so that they have an influence on the form of development that takes place. This means the establishment of appropriate forums and mechanisms to help to resolve the conflicts that can arise in the process of considering new development

proposals and for new ways of engaging communities in helping to shape the places in which they live and work.

- 1.6 This report makes proposals for the establishment of a strategic plans panel with responsibility for making decisions on strategically significant planning applications for the district and for those city centre planning applications which are considered by members. It also provides proposals for changes to the geographical areas covered by the other two panels, which takes account of recent application workloads, the need to achieve timely and predictable outcomes for major developments, the need to improve performance in the determination of major applications and the importance of securing involvement and participation in planning decision making by Members, local residents and other interest groups. It is important in all of this to recognise the sensitive and important balance between public involvement and influence on the form of development, whilst delivering major investment proposals which are vital to the prosperity of the City and the welfare of our residents.

## **2.0 Background Information**

- 2.1 The Plans Panels are a shop window for the public, developers, agents, and applicants and in many ways of the City Council. For many residents, investors and agents, they create an image of the Council about the way we do our business. It is important, therefore, that the following principles are seen to operate in the plans panel decision-making process:
- Decision-making should be timely and effective
  - Decisions should be high quality and consistent
  - The process of decision-making should be reliable and transparent
  - All parties involved in the process should be treated with respect
- 2.2 Furthermore it is important to recognise that Leeds has to be competitive with other cities both in the UK and across Europe in maintaining and attracting even scarcer investment. The scale of future investment is crucial to the welfare of our citizens and to the provision of jobs and new homes. The plans panel decision process has an important role in setting the reputation of the City in terms of its relationship with the development industry, generating confidence and being seen as an attractive location for new investment. This role is further emphasised by a determination across the Leeds City Region to help foster economic growth and prosperity through the recent Leeds City Region Deal<sup>1</sup>. Substantial delays, the length of time applications take to come before the plans panels and inconsistent decision-making both within and between panels can contribute to a negative perception of the planning authority and adversely affect investor perceptions and confidence.
- 2.3 The City Council has announced its intention to be the best council in the UK by 2030. It has recently produced the Strategy for Leeds and this is reflected in land use terms in the draft core strategy which has recently been out for consultation. To be successful we need to turn the aspirations of both the Strategy for Leeds and the draft core strategy into reality, and to deliver development proposals which are

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<sup>1</sup> Leeds City Region Unlocking our economic potential- a Leeds City Region deal, July 2012

deemed as being successful by communities and by developers. The housing growth debate and scrutiny review of housing, undertaken last year, have helped in providing principles which can assist in delivering new residential development and several of these principles are included in the draft core strategy. The outcome of all of these processes will help deliver the Council's agenda..

- 2.4 The NPPF recommends that Planning Authorities should approach decision making in a positive way to deliver sustainable developments. It urges engagement at an early stage in the process of considering development proposals and closer co-ordination between private and public sectors in order to generate improved outcomes for the community.

### **3.0 Main Issues**

#### **3.1 Review of the plans panel working group**

- 3.1.1 A working group, comprising elected members from all parties, and chaired by the Executive Member for Neighbourhoods, Planning and Support Services was formed to investigate the feasibility of a strategic panel in Leeds. Two meetings of the working group were held and through discussions, the agenda was widened to cover both the proposed strategic panel and also current panel processes. A number of papers and presentations were prepared for the working group for consideration and discussion. The discussions focussed on securing more effective arrangements for public and ward member involvement, panel members and the development industry.
- 3.1.2 In considering future options for Member decision making in Leeds, the working group noted the following objectives:-
- The need for timely, effective and efficient decision making which reflects the Council's ambitions to promote regeneration and economic recovery
  - The need to ensure that there is effective local involvement in the decision making process
  - The need for consistent decision making, so that similar applications are dealt with in the same way throughout the City
  - To deliver high levels of satisfaction with decision making (for residents, applicants and Members)
- 3.1.3 Of particular concern to the working group were the operating processes at the plans panel meetings. Members wish to see a greater balance between the role of the applicant and views of the community and to ensure an appropriate focus is spent on the largest and more sensitive applications in order to fully deal with the issues. It was recognised that this is time intensive and with a full and varied agenda on an area plans panel it is not always possible to devote the necessary time, especially on major applications. This can result in applications being deferred, thereby contributing to lower planning performance. The local performance measure for determining applications in 13 weeks is 75%, an ambitious target given that our 2011-12 performance was 56.3%. Delays in completing legal agreements have been a significant factor in contributing to lower performance.
- 3.1.4 Performance becomes even more important when the proposals for the planning guarantee comes into force. This is a government proposal which is designed to

ensure no application takes longer than 12 months to be determined, including any appeal. In 2011-12 of the 62 major applications determined by the plans panels, 30 were out of time and 18 of those were over 6 months old.

- 3.1.5 The working group also recognised there were differences of approach to dealing with similar types of applications, which can lead to inconsistent decision making across the city. Whilst, in part this can be dealt with in member training, it is imperative with significant and strategically important schemes that there is parity across the city.
- 3.1.6 Pre-application involvement by ward members and the community was discussed in some detail by the working group and all agreed that it was vital for developers to engage more effectively and at an earlier stage. Although, it was recognised that this is not a statutory requirement.
- 3.1.7 The working group also noted the significant reduction in the number of applications submitted to the Council. This reflects the downturn in economic activity, but also the extension of permitted development rights to many smaller forms of development. This could be further extended by the Government's ambitions to take further development proposals out of the development control process through Neighbourhood Development Orders as part of the neighbourhood planning process.
- 3.1.8 Table 1 below, demonstrates that in the past six years, the overall number of decisions made at panels has fallen by over 50% and a number of plans panels have been cancelled due to the absence of new proposals or because of the relatively small number of decisions which needed to be made.

Year	Applications determined	Majors determined	Plans Panel Decisions			
			Major	Minor	Other	Total
2006\07	7,378	314	107	107	96	310
2007\08	7,265	310	86	83	98	267
2008\09	5,096	250	85	69	86	240
2009\10	4,628	192	51	52	47	150
2010\11	4,169	267	114*	86	25	225
2011\12	4,167	190	62	96	13	171

*Table 1: Application Numbers and Plans Panel Workload 2006\7 – 20011\12*

\* Includes a number of extension of time and minor amendments to major PFI schemes

- 3.1.9 Changes in arrangements to the plans panel process would provide an opportunity to reflect these expectations and put new processes in place and to improve, where appropriate, ward member and community involvement in the plans panel decision making process. However, there will need to be a careful balance between more meaningful involvement of ward members and local communities at the pre-application stage and the need to encourage investment and facilitate prosperity in the city, in a timely fashion.
- 3.1.10 The group also considered the role of pre-application presentations at plans panels which are well established and allow developers to present their emerging proposals to seek member comments at the earliest stage. A protocol exists for the conduct of pre-application presentations at plans panels, however, the current arrangements do not refer to ward member or community involvement. The government has stressed the importance of community involvement and suggested the establishment of local community forums to input into planning applications, so that proposals better reflect the needs and aspirations of the communities involved. It is suggested that where such forums are in place, the Chair of the forum has the opportunity to summarise the views of the community at the application stage.
- 3.1.11 Public speaking has been a feature of the plans panel meetings for a number of years and it was agreed to review the protocol to allow additional public speaking at the Chair's discretion where particularly controversial applications are being determined. In so doing, account will be taken of the need for effective decision making.
- 3.1.12 It is also important to secure a closer relationship between council strategies and decision making on strategically significant planning applications. This is reflected in the Killian Pretty Review<sup>2</sup> of planning applications which recommended a closer relationship between the strategic decision-making role of the Council and its decision making in planning applications as follows:

*"In addition, in the interests of optimising the effectiveness of the committee, we believe that the cabinet member with portfolio responsibility for planning should sit on the planning committee. This will ensure continuity between plan making and development management and that the administration's view on the strategic significance of developments forms part of the decision making process."*

- 3.1.13 An effective planning decision-making process is also crucial to the future funding of the council, which will be dependent upon the delivery of new homes and growth in the local economy. New home completions as well as increasing the council's income from council tax, will for a period of six years attract an equivalent amount, in the form of the New Homes Bonus from the Government. This grant amounted to £2.733m in 2011/12 and £5.473m in 2012\13, and this will increase if more homes are delivered. Albeit as part of a complicated system, from 2012/13 local authorities will be given a financial stake in the growth in their local economy through the retention of a proportion of the future growth in business rates. The implementation of a CIL

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<sup>2</sup> CLG The Killian Pretty Review: Planning applications - A faster and more responsive system: Final Report Executive Summary and Recommendations 2008

charging scheme will further add to the benefits arising from new development. Thus, the confidence that can potentially be generated by an effective member decision making forum such as those proposed, has an important role to play in generating income for council projects.

3.1.14 Although a consensus on the need for a strategic panel was not reached, the group identified a fundamental tension between the necessity for good strategic decision making for our city to meet our future needs in terms of business, housing and investment, and the desire of local communities to have a greater involvement and say in their local areas as embodied in the Localism Act and demonstrated in the massive interest in neighbourhood planning. The working group agreed on the need to review panel decision making arrangements so they are more responsive to local issues, giving ward members and local communities a louder voice in the process, whilst balancing the strategic needs of the city.

3.1.15 An action plan will be created to implement the suggestions from the working group which will look at the pre-application process, public speaking protocol, nature and form of officers presentations and operational matters relating to more effective officer-member communication on major applications.

## **3.2 Proposals for revised decision making**

3.2.1 In order to meet the working group's aspirations for community involvement and engagement aspirations at plans panel, a fresh approach is needed. This approach could be achieved by creating a greater focus for member decision making resulting in a panel which would deal with a small number of applications and allow the agenda to concentrate on the largest and most sensitive applications, potentially providing an opportunity for a greater role for ward members and the local community. With the appropriate assurances in place to strengthen ward member and local community involvement, a strategic plans panel would deliver strategically, whilst working locally.

3.2.2 It is therefore proposed to create a strategic and city centre plans panel with a simplified and more focussed agenda to allow greater discussions on those applications of major significance to the future of Leeds. This would also:

- support improved performance targets, particularly in respect of major applications which are particularly linked to the regeneration and economic prosperity of the city and its residents
- provide a consistent decision making framework on the most controversial, and sensitive applications so that similar applications are dealt with in the same way throughout the city, providing good governance and
- allow for additional opportunities for public speaking (where appropriate)

3.2.3 A definition of what a strategic application is described in section 3.4 below.

3.2.4 Attached as appendix 1 are the terms of reference for the strategic and city centre plans panel. The strategic and city centre plans panel would have representatives of all political parties on it to reflect the political make up of the Council and so the number of members would increase from the present arrangement to enable this to happen.. Attached as appendix 1a is a map showing the boundaries for the proposed strategic and city centre panel.

### **3.3 Decision making on other applications**

3.3.1 Responsibility for plans panel decisions on other applications (up to an average of 200 dwellings, in the case of residential developments) will continue to be determined on a geographical basis. Both existing area based plans panels will continue to deal with a wide range of applications including those of significance to the localities involved (the proposed division in workloads is described in greater detail in paragraph 3.4 below). Attached as appendix 2 are the terms of reference for the area plans panels.

3.3.2 Currently, the application workload is disproportionately greater for the East panel (a reflection of the size and geographical makeup of the area). There will be a revision to the boundaries of the West plans panel and the East plans panel which will be renamed North and East plans panel and South and West plans panel. The new South and West plans panel would be given responsibility for dealing with applications in the following wards: parts of City & Hunslet (outside the City Centre planning boundary), Morley North, Morley South, Ardsley & Robin Hood and Rothwell, Beeston and Holbeck and Middleton Park, in addition to the current wards (a plan showing the distribution of responsibilities between the new North and East and South and West plans panels is attached as appendix 2a). Based on 2011-12 application numbers, approximately 17 more applications would have been determined by the new South and West panel, rather than the North and East panel. This represents a 12% increase in workload to the new South and West panel but makes the workloads between the panels more equitable.

### **3.4 Distinction between strategic and non-strategic applications (to be determined by a panel)**

3.4.1 If this decision making framework was adopted, careful consideration needs to be given to workload in relation to the strategic plans panel. The City Council development charter identifies the strategic applications to be determined by the new panel as follows:

Major strategic significance in terms of at least one of the following:

- Job growth, investment value and regeneration (these should be of city-wide importance)
- Or are proposals that are eligible for large scale time limited public funding.
- Residential schemes over 200 units.
- Or by size and scale, as outlined in the panel's terms of reference in appendix 1

3.4.2 Examples of development that would meet these criteria include Trinity and Eastgate retail proposals, major food store redevelopment proposals (over approximately 6,000 m<sup>2</sup>.) and the Council's PFI programme (eg Schools for the Future and Little London and Beeston PFI schemes), Thorpe Park and East Leeds Extension and major transportation infrastructure (eg southern access to Leeds Station). These types of applications would be determined by the strategic and city centre plans panel. This panel would also deal with the other smaller city centre applications on which members currently make decisions.



- 3.4.3 The area plans panels would still oversee both important major and minor planning applications. However, the major applications would be smaller in scale and could, for example, involve a residential development of up to 200 units, commercial schemes below 5,000 m<sup>2</sup>. gross and smaller scale retail developments such as those proposed by Aldi, Netto and other retail developers.
- 3.4.4 On this basis the strategic and city centre plans panel would in 2010-11, have considered approximately 30 applications during the year. This would amount to a workload of approximately 2 applications per month, although in practice the workload would be greater allowing for proper consideration of pre-application presentations and position reports. A much greater focus on strategically significant applications would therefore be brought to bear and Members would not be distracted by the often lengthy debates which can accompany the smaller but sensitive applications. Furthermore, the public, agents and investors who are in attendance at the panel meeting would see a greater focus on member decision-making.
- 3.4.5 The number of smaller applications considered by each of the two area plans panels would approximate to 100 per year based on existing workload giving an agenda of approximately 10 applications per meeting. Whilst in some cases, it may be appropriate for some of these applications to be the subject of pre-application presentations and panel reports, the number of these would be fewer than at present.
- 3.4.6 If there is a difference of view as to which application is reported to the relevant plans panel it is suggested that this be discussed between the Cabinet Member for planning together with the relevant panel chairs so that a clear and timely decision results. The criteria for a decision would be based on those set out in paragraph 3.4.1 above.

### **3.5 Strengthening local involvement**

#### **3.5.1 Ward members, Town and Parish Councils and local communities**

- 3.5.2 As noted above, the working group were particularly focussed on the need for effective pre application engagement and wished for it to become a consistent part of the way we handle applications in Leeds. Members also wanted a protocol which establishes the principle of officers providing an early alert to them of pre-application discussions with developers taking place.
- 3.5.3 The government is placing greater importance on pre-application engagement and is introducing statutory pre-application engagement discussions on the largest of schemes in the near future. The government's policy objectives are to:
- increase community engagement in the planning system and allow communities the opportunity to shape their neighbourhoods
  - reduce the costs of the planning process and speed up the system, and
  - increase the number of high quality, major applications agreed<sup>3</sup>

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<sup>3</sup> Localism Bill: compulsory pre-applications for consultations between prospective developers and local communities. Impact assessment. DCLG January 2011

3.5.4 The thresholds have not yet been set for this statutory pre-application requirement, nor have the processes been specified. However, Leeds has always considered pre-application involvement of ward members and the local community as a vital stage in dealing with major schemes. A Charter has been used successfully for a number of schemes and we already encourage developers to undertake pre-application discussions, but these are of varying quality and sometimes fail to address local community concerns. The Housing and Regeneration Scrutiny Board has already begun the process of reviewing arrangements for pre-application consultations and consultation on heads of terms for Section 106 agreements. It is proposed that guidance for developers be drawn up following 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 it is balanced and representative

### **3.5.5 Developers**

3.5.6 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, at present the council can only strongly encourage effective community consultation it cannot insist upon it. Currently, the council cannot therefore 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.

3.5.7 Work is underway with Town and Parish Council, developers and community organisations to produce a guide for developers which clearly sets out the council’s expectations of community involvement.

3.5.8 Developers will be expected to provide evidence of their community involvement based on these principles as part of their formal submission. It will be essential to get developer and community “buy in” to this, as in practice engagement in the past, has been inconsistent developers “doing consultation to”, rather than “with” and without reflecting the principles set out in paragraph 3.5.4 above.

3.5.9 Without the buy in of developers, the protocol will carry little weight and would only be aspirational. Further discussions will take place with the Chamber of Commerce and the Home Builders Federation to secure support to these principles.

### **3.5.10 Officer arrangements**

3.5.11 It is also important that planning officers engaged in development management and local planning (particularly those dealing with site allocations, planning briefs and

neighbourhood plans) should be closely involved with ward members , community groups, and where appropriate, Town and Parish Councils. They should become a contact point for member and community organisations for planning matters on their “patch” and proactively support developers in working with appropriate community groups as they work up their proposal.

3.5.12 The restructure of planning services has resulted in a principal planning officer with responsibility for each area committee area so that there is a single and consistent point of contact for members and community groups. These arrangements will help planning officers to gain a much clearer understanding of community and political concerns and thereby help ensure that there is better pro-active communication with ward members, town and parish councils and communities and greater sensitivity is brought to the decision making process.

3.5.13 The principal planner will take a proactive role ensuring that members are fully appraised of pre-application discussions taking place, new major and significant schemes, so there are no “surprises” for members and early alert of applications which are likely to come to panel.

3.5.14 Information about planning applications has been readily available through Public Access for a number of years, allowing the public to look at and make comments about applications easily. The new Council website will allow the service to showcase major developments on the news area of the site and will provide enhanced information about the proposed scheme. The planning pages on the council website will also be expanded to promote planning issues in specific localities giving local residents more information than ever before.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The plans panel working group, comprising representations from all political parties and chaired by the Executive Member for Neighbourhoods, Planning and Support Services provided the focus for consultation through the two sessions held in May and June 2012. In addition to undertaking a survey of the Core Cities, and discussing the proposed City Region Charter with the private sector and Planning Reform Group, the major Group Whips and Conservative Party Leader have been consulted as well as the plans panel chairs. There is general support for the procedural change contained in this report, but less consensus on the need for a strategic plans panel.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality Impact Screening Assessment has been undertaken and concluded that no negative equality, diversity, cohesion or integration issues are foreseen as a result of changes to planning committee arrangements. This is due to the existing robust procedures and protocols in place that will continue to be used.

4.2.2 Throughout the planning process applicants and interested parties have the opportunity to make representations throughout the statutory notification and consultation period. There is an additional opportunity for making representations

when an application comes to the plans panel through the public speaking arrangements, which are open to everyone. Additionally, there is an existing protocol on the effective involvement of elected members and local communities during the pre-application stage of a major or significant application. These protocols will be reviewed for the proposed new panel arrangements ensuring that the public's right to represent their views is respected.

### **4.3 Council Priorities and City Priority**

4.3.1 The recommendations set out in this report are consistent with and support the aspirations of the Vision and the City priorities. In this context, it is essential that we have a robust, transparent decision making process which is consistent with those used by the cities we compete against, in seeking to be recognised as the best city in the UK. An efficient, consistent and speedy decision making process on planning applications will particularly support the Vision for Leeds' economy to be prosperous and sustainable

### **4.4 Resources and Value for Money**

4.4.1 The proposals outlined would represent value for money with the plans panels and the strategic panel making decisions on the applications where member input will add value. There are no additional resource implications as three panels will remain.

4.4.2 As indicated in 3.1.13 above, in the future the main sources of revenue which the Council will be able to increase its funding will be Council Tax and Business Rates and the New Homes Bonus. If the level of housing and other development activity cannot be accelerated then the other services of the Council will be financially affected.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Given the important role of the Strategic Plans Panel, it is considered appropriate for all political groups to have representation. As such Article 8 of the Constitution – needs to be re-visited. This currently provides for membership of Plans Panels to be constrained to between 7 and 11. However, to facilitate all groups having representation on the proposed Strategic Plans Panel, it is recommended that Article 8 is amended to dis-apply the membership restriction to the Strategic Panel – the proposals are contained in Appendix 3.

4.5.2 With regard to both options it is intended that substitution arrangements should continue with the Development Plan Panel and that the quorum for panels should be 4. For clarification, these proposals do not propose a change to the current scope of the officer delegation scheme to the Chief Planning Officer.

### **4.6 Risk Management**

4.6.1 The existing safeguards to panel decision-making would be maintained and a legal representative would be in attendance at each meeting. A more objective approach to decision-making would be likely to reduce the potential for procedural judicial review and probably reduce the number of adverse appeal decisions and lost applications.

## **5.0 Conclusions**

- 5.1.1 This report has set out the case for reviewing the operation of plans panels in Leeds. It is important that the Council has a decision-making process which reflects the City's ambition to be the best Council and is comparable in speed, certainty and reputation with the other Core Cities. A number of CBI studies have shown perceptions about the speed, consistency and effectiveness of decision making on planning applications are important in attracting and retaining new investment. At a time of severe economic recession and downturn, it is vital that Leeds is in the best position to attract new development.
- 5.2. Nevertheless, it is important that communities and ward members have the opportunity to have a greater role in planning matters and for their voices to be heard. The proposal outlines a number of changes which would enhance the opportunities for ward members and local communities to participate and contribute to the planning issues that matter to them and their communities the most. The work highlighted by the Housing and Regeneration Scrutiny Board for a protocol for developers on effective and meaningful pre-application engagement with local communities and elected members is underway and will provide a foundation for ensuring that local issues are voiced and taken on board.

## **6. Recommendations**

- 6.1 Members are asked to:
- I. Consider the outcome of the review of the composition of the plans panels and agree the associated Terms of Reference to be considered for approval by Council;
  - II. Recommend to Council that Article 8 of the Constitution be amended to dis-apply the restriction on membership numbers to the proposed Strategic Plans Panel as per Appendix 3;
  - III. Review arrangements of the revised plans panels after 12 months
  - IV. Note and support the Executive member's commitment to produce, in consultation with Members from all political groups;
    - a. a revised protocol for pre-application involvement, including Heads of Terms where there are legal agreements
    - b. an action plan to take forward the suggestions made from the working party, as set out in paragraph 3.1.15

## 7. **Background Papers<sup>1</sup>**

Area Based Decision Making for Development Control: A Review (PAS April 2006)  
Councillor Involvement in Planning Decisions (CLG January 2007)  
Correspondence with Core Cities  
Strategy for Leeds  
Housing Growth Debate  
Draft Core Strategy  
Charter for Major Investment Proposals and Protocol for Community Involvement  
National Planning Policy Framework  
Leeds City Region Unlocking our economic potential- a Leeds City Region deal, July 2012  
Leeds City Region Planning Charter for Major Investment Proposals  
CLG Killian Pretty Review 2008  
Leeds City Council Guide to Section 106, 2011  
Leeds City Council Protocol for Pre application discussions with local communities and Ward Members, 2008

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.