

Report of Chief Planning Officer

Report to General Purposes Committee

Date: 28 October 2013

Subject: Further review of the Plans Panel arrangements

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

1. General Purposes Committee (GPC) at its meeting on 7 May 2013 received a report describing the new Plans Panel arrangements which assessed the effectiveness of the arrangements after six months operation. GPC noted the progress made to date and requested a report after a further six months operation.
2. The main areas highlighted by GPC were differing workloads of the panels, the pre-application process, length of meetings and time demands placed on members.
3. Evidence shows that the speed, consistency and effectiveness of planning decisions are important factors in attracting new investment and the Plans Panels play an important role in this. Performance on determination of major applications in 13 weeks, (the statutory timeframe for major applications) has improved considerably from 61.3% in 2012-13 to 73.2% in 2013-14 (to September 2013). There are fewer deferred applications and more first time decision making on strategic applications.
4. Initially meetings were longer in duration and there was a workload imbalance between North and East Panel and South and West. In recent months meetings have become shorter and more focussed and the workload has evened out between all three panels, although special meetings of the City Plans Panel have taken place to deal with major projects (eg. NGT and Thorpe Park).
5. Opportunities for ward members and/ or nominated community representative to speak at the pre-application presentations to Plans Panel are now established with this

opportunity taken up a number of times, adding value to the overall process. This has now been embedded in the updated Parish and Town Council Charter.

6. The development industry and Panel Members have been consulted and are generally supportive of the new arrangements.

Recommendations

7. Members are asked to

- 7.1. Note the report and the further work to embed the plans panel arrangements

- 7.2. Embed the Plans Panel arrangements permanently as part of the Council's decision making framework.

1 Purpose of this report

- 1.1 At the meeting of the General Purposes Committee on 7 May 2013, the Chief Planning Officer presented a review report, evaluating the progress of the new plans panel arrangements after six months of operation.
- 1.2 Members of the Committee noted the progress made in embedding the new arrangements, however asked for a further report after six more months, specifically looking at workloads, the pre-application process, length of meetings and time demands placed on members.
- 1.3 This report provides a further update to General Purposes Committee, focussing on the main areas highlighted by Committee and covers operation of the Plans Panels from April to September 2013.

2 Background information

- 2.4 The review of the plans panels was undertaken in summer 2012 by an all-party small working group, chaired by the Executive Board Member for Neighbourhoods, Planning and Support Services. The objectives of the review were:
 - 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)
- 2.5 Recommendations of the working group for the formation of three new panels North and East (NE), South and West (SW) and City Panel were agreed by full Council in August 2012 and the new arrangements commenced in September 2012. The NE Panel and SW Panels deal with significant applications within their geographical remit, whilst the City Panel deals with the largest and strategically important applications for the whole of the City as well as city centre applications.
- 2.6 During the initial review, there were requests from Members to further strengthen ward member involvement and improve officer- member communication in the planning process, particularly at the pre-application stage. Consequently, an opportunity to increase local involvement in the plans panel process through the introduction of public speaking at the pre-application stage by a ward member or their nominated representative was introduced.
- 2.7 The arrangements have now been in place for 12 months and whilst initially there were some teething problems with workloads, duration of meetings and changes to the membership of the panels, matters have bedded down and results have started to be seen: more applications are being determined first time, there are

fewer deferrals, fewer member overturns and performance on the determination of major planning applications within 13 weeks is at the highest level it has been for a number of years. All these add to a positive reputation for the City in supporting good growth.

3 Main issues

- 3.1 General Purposes Committee whilst recognising the work carried out in embedding the new plans panel arrangements, asked for a report after a further six months operation addressing the differing workloads of the panels, the pre-application process, length of meetings and time demands placed on members.
- 3.2 The following section deals with these issues and will also look at the contribution the new panel arrangements are making in supporting the delivery of major developments in the City expeditiously, whilst involving local communities and elected members.

3.3 Delivery of major developments

- 3.3.1 The plans panel decision making process has an important role to play in the reputation of the City, generating confidence within the development industry and helping to show that Leeds is an attractive location for investment. Development arising from applications can have a significant impact on the City's economy, on the prosperity and growth of local areas and the creation of new jobs. It is important therefore that the City has a plans panel decision making framework which is reliable and transparent and is capable of making high quality, consistent, timely decisions.
- 3.3.2 The government sets a target of 60% of major planning applications determined within 13 weeks. In Leeds, major performance has improved significantly since the plans panel changes were made. At the end of September 2013, major applications determined in 13 weeks stood at 73.2%, the highest level for some time and compares with 56.3% in 2011-12 and 61.3% in 2012-13 (new panel arrangements commenced in September 2012). This compares very well with other district level planning authorities, where determination rates for major applications in 13 weeks is just 59%¹.
- 3.3.3 Performance is particularly important with the advent of the Planning Guarantee, which requires local planning authorities to refund the planning fee if applications are not determined within 26 weeks, which came into force on 1 October 2013. Additionally the Government intends to place authorities in "special measures" where there is a poor track record of the speed of decision making. The consequence of this is that applicants can make applications for major schemes directly to the Planning Inspectorate, bypassing the local planning authority.
- 3.3.4 Within this review period, April to September 2013, there have only been three panel decisions that were not in accordance with the officer recommendation and only five deferrals. Of these five deferrals, three were determined at the next meeting. This is important in generating confidence in the planning decision

¹ Department of Communities and Local Government Statistical Release 27 September 2013

making process, supporting good growth in the city and in meeting member and developer expectations for good quality schemes, with appropriate community involvement, within agreed timescales.

- 3.3.5 The new panel arrangements continue to use the three phase process (pre-application, position statement and determination) on the largest and most sensitive applications and there is an increasing trend for more panel involvement throughout the life of an application, which is leading to swifter determination of large-scale schemes, for example Thorpe Park, Leeds University Library Bruntcliffe Road, Morley residential scheme, Victoria Gate, Sovereign Street offices and open space and the energy from waste proposals. Significant schemes are being delivered expeditiously, with greater ward member and community involvement, allowing the Council to deliver strategically, whilst still working locally.
- 3.3.6 The Leeds City Region Planning Charter for Major Investment proposals was developed in 2012 and is a pledge which sets out what developers and local planning authority can expect from each other in order to ensure that proposed major new investments will be dealt with as quickly as possible. The revised plans panel and measures put in place arising from the review are meeting the expectations of the Charter and are delivering major schemes in an efficient and effective way.

3.4 Panel Workloads

- 3.4.1 The three panels dealt with 87 applications in the period April to September: 11 position statements and 18 pre-application presentations. This broken down below:

	Applications	Pre-application presentations	Position statements	Major applications
City Panel	23	16	6	43
North and East	33	1	1	12
South and West	31	1	4	17

- 3.4.2 It can be seen from the table above that the workload balance between the NE panel and SW panel has now evened out, with a range of significant local applications going to each area panel. In this reporting period, City Panel has had one additional special meeting to deal with Thorpe Park.
- 3.4.3 City panel has had fewer applications to determine than the area panels, but has had significantly larger applications to deal with, the scale and size of which the City has not seen for some time. Such schemes have impacts that go beyond Panel boundaries and are crucial to the future of the City and the delivery of housing, such as Victoria Gate, flood alleviation schemes, NGT, significant office schemes and energy from waste proposals. Additionally, Thorp Arch and East Leeds Extension, two very large, strategically important residential schemes are yet to be determined.

- 3.4.4 Early indications from the development industry are that activity is slowly picking up in Leeds. In 2013-14 the service has received 7.5% more applications, with a 26% increase in numbers of major applications, compared with the same period last year. This compares to the national picture, where application numbers have seen a 4% decrease². The service will continue to monitor application workload to ensure that the Plans Panels continue to operate effectively. The Executive Board Member for Neighbourhoods, Planning and Support Services, Chief Planning Officer and Plans Panel Chairs meet frequently and discuss the Forward Plan of potential strategic applications, so there is a complete picture of what schemes are coming forward. This allows for more effective agenda planning.
- 3.4.5 Additional ad hoc City Panel meetings have been organised to deal with particularly large scale applications so that the appropriate time and focus can be spent dealing with them, such as Thorpe Park and East Leeds Extension, NGT and energy from waste proposals. The use of pre-application presentations and position statements has helped to provide clarity and certainty to applicants and issues raised by members can be addressed at an early stage by the applicant. This on-going dialogue with the plans panel about the proposals and the ability for the panel to shape and influence the proposal has ultimately led to swifter and more expeditious decision making and result in schemes more tailored to the needs of the City.
- 3.4.6 Applications considered by the area panels are of local significance to communities and the appropriate time and focus is given to individual proposals at the meeting. Often these are ward member referrals where there is local concern about an application and therefore can be dealt with expeditiously and transparently at the Plans Panel meeting. As neighbourhood planning further develops, with communities setting their own agendas, it will be increasingly important to ensure that local people are involved so they can influence on the form of development that takes place in their locality. The new plans panel arrangements facilitate this, balancing the need for effective community and ward members engagement with the need to deliver proposals in a timely manner.

3.5 **Member time commitment**

- 3.5.1 Initially, City Panel meetings were long with heavy agendas, however this has now bedded down, with shorter, focused and well managed meetings, with tighter time management and effective agenda setting in evidence. However, the continued use of additional special meetings may be needed, particularly for large scale applications.
- 3.5.2 In order to deliver key schemes, driving investment in the City and ensuring that communities influence proposals to the maximum effect, it is essential to foster confidence in the planning decision making process and the role of City Panel, particularly, is crucial in this. Therefore, the appropriate time and focus needs to be afforded to large or strategically important applications to generate this confidence.

3.6 **Pre-application process and local involvement**

² Department of Communities and Local Government Statistical Release 27 September 2013

- 3.6.1 The practice of pre-application presentations to the plans panels is well established. The presentations allow for information to be shared at an early stage, for issues to be raised and for developers/applicants to take on board and address member comments before a formal submission is made.
- 3.6.2 An objective of the original review was to strengthen local involvement in the pre-application stage of the planning process. It was recognised that there is a sensitive and important balance between public involvement and influence on the form of development, but also the need to deliver major investment proposals which are vital to the prosperity of the City and welfare of those who live, work and study there.
- 3.6.3 There had been some member concern that in the past, emphasis had been placed on the applicant presentation with no opportunity for the local community or ward members' view to be considered. New public speaking provisions at the pre-application stage were introduced which provided an opportunity for ward members, or their nominated representative to speak on a proposal for up to 15 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*³ sets out the formal process of the pre-application presentations. This process is now established and has been taken on a number of occasions: White Rose extension, Barkly Road religious community centre and Thorp Arch residential scheme. Each time it added value to the process, allowing members to form a more rounded view of the proposal and helped developers shape their proposal reflecting community and member views. The 2013 revised draft Parish and Town Council Charter has been updated to reflect these new public speaking provisions.
- 3.6.4 Pre-application engagement by applicant/ developers is not mandatory and can only be strongly encouraged by the local planning authority; however, the service has produced a best practice guide for developers⁴ which sets out the Council's expectation of developer pre-application engagement with ward members and local communities. Whilst there are good examples of effective community and ward member engagement, a culture change is needed by the development industry to ensure it is fully embedded as part of the development process. The Government signalled its intention to make pre-application engagement a mandatory requirement on the largest of schemes in the Localism Act (2011); however we still await more detail on this.
- 3.6.5 Additional public speaking time has been allowed on a number of sensitive applications, for example Thorpe Park, energy from waste proposals and residential developments on Fleet Lane, Oulton and Royds Lane, Rothwell (the first Protected Area of Search sites to be discussed and determined) , where four and six minutes respectively was allowed for each side to make their representations.
- 3.6.6 The establishment of a number of community consultative forums for the largest and most strategically significant applications such as East Leeds Extension and Thorp Arch have been successful models. Such forums bring together members,

³ Leeds City Council Protocol for pre-application presentations at the plans panels, 2013

⁴ Leeds City Council Pre-application engagement- a guide to best practice , 2013

Parish Councils, local communities, officers and developers to help move forward complex applications by involving all those who will be affected, from the earliest stages and throughout the life of a scheme.

3.6.7 Organisational changes brought about from the completion of the planning services restructure now means there is a named officer for each area committee area who has responsibility for working closely with ward members in that area. This has resulted in better officer-member communication: early alerts of pre-applications coming forward, regular briefings and meetings taking place and provide the opportunity to fully update and appraise ward members of development activity in their wards. This will be encapsulated in an officer-member communication protocol, which is in the process of being produced and will set out the scope and stages at which ward members have the opportunity to be involved in the planning process. It will cover involvement from the pre-application stage through to determination and post application and involvement in S106 draft heads of terms.

3.6.8 The audio of recording of the Plans Panel meetings is about to commence, on a trial basis, pending the production of a Council protocol on recording of meetings.

3.7 Feedback from members, local communities and the development industry

3.7.1 The Executive Board Members for Neighbourhoods, Planning and Support services, Joint Member Officer Working Group and small working group have been consulted on the review of the new arrangements. Members are generally supportive of the arrangements, with majority of members reporting that they feel that the changes have bedded down and the workload between the area panels has largely balanced out. Members are mindful of the consequence of an upturn in the market with an increase in the number of major applications, which potentially would need to go to City Panel. However, members feel making any further changes at this point would be too early, but that monitoring of workloads should continue and evaluate the situation, should number of applications continue to rise.

3.7.2 The additional “special” City Panel meetings have meant that there have been more meetings taking place. However, this has allowed the appropriate time and focus to be spent on significant and strategically important applications which are vital to the future development of the City and in meeting its ambitious housing target. A potential effect of additional meetings is substitute members on Panel. However, the service recognises the need to ensure that any substitute member is fully appraised of proposals, so they are in a position to be able to make high quality, robust decisions.

3.7.3 Member briefings are now established in the majority of wards (ie. when desired by ward members), with officers and members often meeting regularly to discuss new and on-going proposals. The restructure of planning services with a key contact for each area committee area will ensure there is continuity and will enable officers to obtain a deeper understanding of the priorities and issues affecting local communities.

- 3.7.4 The new public speaking opportunities at the pre-application stage have been taken up a number of times on some very strategically important applications. Additional time has also been allowed on other strategic and sensitive schemes. This has been welcomed and allows greater public participation in the decision making process.
- 3.7.5 The development industry have generally welcomed the changes and feel the new arrangements are now bedded down and working well, demonstrated by the quality of consistent decision making in a timely fashion, particularly on the largest and strategically most important applications.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Consultation has taken place with the Executive Board Member for Neighbourhoods, Planning and Support Services, the Plans Panel Chairs, Plans Panel review small working group and the Joint Member Officer Working Group, whose views have been incorporated in this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific equality and diversity/ cohesion and integration issues arising from this report.

4.3 Council policies and City Priorities

- 4.3.1 An efficient and speedy planning system, with a consistent, expeditious decision making framework can generate business confidence and can add significant weight to the reputation of the City as location for investment, supporting the City's Vision.

4.4 Resources and value for money

- 4.4.1 There are no additional resource implications arising from this report. The new arrangements represent value for money with the area panels and City Panel making decisions on those applications where member input adds value to the overall process.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications arising from this report.

4.6 Risk Management

- 4.6.1 There are a number of risks associated with the decision making process which are both financial and reputational. However, the new plans panel arrangements provide an objective approach to decision making and there are sufficient assurances for the quality, probity and transparency of the panel process, reducing the risk of procedural judicial review.

5 Conclusions

- 5.1 There is evidence to show that perceptions about the speed, consistency and effectiveness of planning decision making are important in attracting and retaining new investment. The new arrangements have been in place for a year and real results are being seen- there are fewer deferrals meaning there is more first time decision making, officers and members are working more closely together, evidenced by the reduction in member decisions not in accordance with the officer recommendation and most significantly, performance for major applications determined in 13 weeks standing at 73.2%, the highest for a number of years and considerably higher than the average performance of district level planning authorities. This is important in ensuring there are more predictable outcomes and generating business confidence in the City.
- 5.2 Whilst performance is one measure of success, the enhanced opportunity for ward member and local community involvement is important too. There are more opportunities for members and communities to influence the content of schemes through public speaking at the pre-application stage and enhanced speaking opportunities at the determination stage. The use of community consultative forums for the most complex schemes has helped ensure local communities and ward members are involved from the earliest stage through to determination and beyond.
- 5.3 There is more evidence since the planning services restructure that officers and members are working more closely, discussing proposals at the pre-application and formal application stage. This will be formalised in a protocol which is being prepared and will go before the Joint Plans Panel on 14 November 2013. This is important in making decision making more inclusive, ensuring that ward members and local communities have a real say in the future of the area where they live, work and study.
- 5.4 Whilst it is acknowledged that initially there were some teething problems, these are largely resolved. The meetings are generally shorter and more focussed, through effective agenda and meeting management. Careful agenda setting and monitoring of workloads will continue to ensure that workloads do not become too onerous.

6 Recommendations

- 6.1 Members are asked to
 - 6.1.1 Note the report and the further work to embed the plans panel arrangements
 - 6.1.2 Embed the Plans Panel arrangements permanently as part of the Council's decision making framework.