

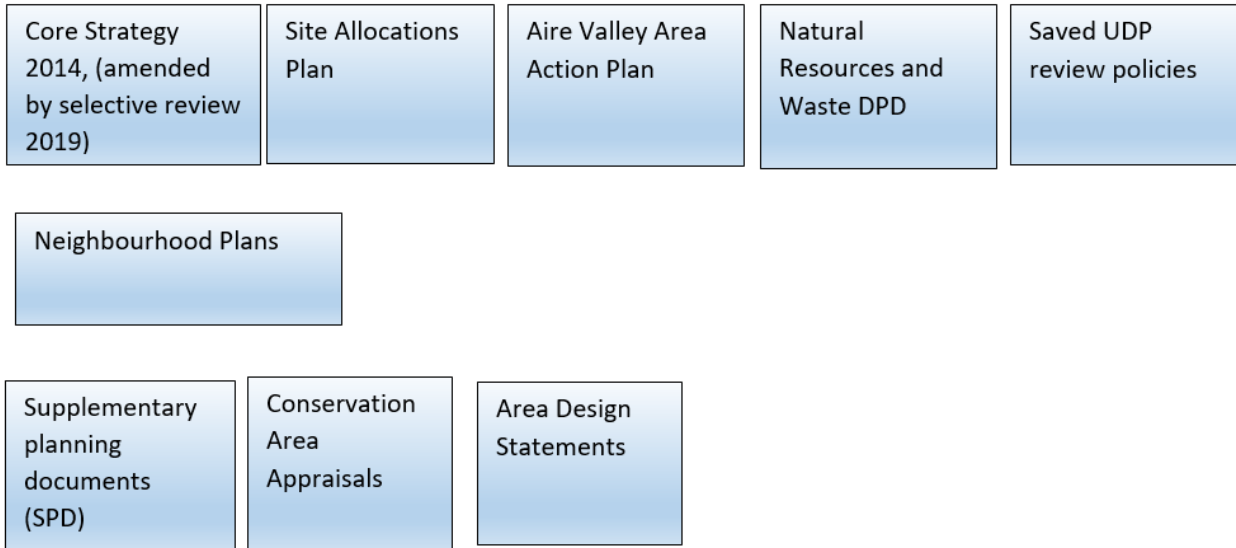


Planning policy and procedures

The framework for decision making in relation to planning matters in England and Wales is plan-led and is legislated by a number of Acts and Statutory Instruments. This involves the authority preparing plans that set out what can be built and where. All decisions on applications for planning permission should be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The Leeds adopted Local Plan sets out the council's vision and strategy for planning the area until 2028. Planning Policy is compliant with all relevant legislation. Development management activity is guided by legislation, the main legislation being The Town and Country Planning (Development Management Procedure) (England) Order 2015 which sets the legal framework for determining planning applications. Described below is the planning policy hierarchy and the underpinning development management procedures and guidance used to determine planning applications in Leeds.

The Leeds Local Plan

Planning Policy



Planning Procedure



In terms of planning enforcement, the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied; it is also the framework for decision making in relation to enforcement matters.

In considering any enforcement action, the local planning authority should have regard to the NPPF, in particular [paragraph 58](#). Paragraph 58 states "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate."

Roles and responsibilities

Delegated decision making

The Chief Planning Officer is authorised to carry out specific functions on behalf of the council. The Chief Planning Officer's (CPO) delegation scheme was last approved by Full Council on 22 May 2019. A decision taken by the Monitoring Officer in May 2020 confirmed that, as the Annual Meeting of Council would not take place under social distancing requirements as a result of Covid-19, existing arrangements for delegation of council functions would be carried forward into the 2020-21 municipal year.

Following recommendations from this Committee in November 2019, the CPO delegation scheme was thoroughly reviewed by the service and Legal Services in consultation with the Executive Member and the three Plans Panel Chairs in May 2020. This review concluded that the CPO delegation scheme remained up to date, robust and fit for purpose and recommended to members that no changes were required at this stage. Members accepted this recommendation on 2 June 2020. This followed confirmation of the Leader's Executive arrangements on 27th May 2020.

The sub-delegation scheme sets out which functions have been sub-delegated by the Chief Planning Officer to other officers and any terms and conditions attached to the authority sub-delegated by the Chief Planning Officer.

The Chief Planning Officer's sub-delegation scheme ensures that decision making is undertaken at the appropriate level of seniority and experience. For example, only officers at planning team leader level and above have the authority to determine major applications. Other applications can only be signed off by officers at PO4 level and above. No officer can 'sign off' their own applications and therefore an

appropriate level of external scrutiny is brought to bear on each proposal before it is finally determined. Due to the scale of the planning authority and in line with best practice the majority of decisions are made by officers under the delegation scheme and in 2019-20, officers made 98.2% of the decisions.

The Chief Planning Officer is authorised to determine all planning enforcement matters in accordance with the Officer Delegation scheme and has sub-delegated this authority to appropriate officers as described above.

The service has in place a conflicts of interest register whereby if an officer is allocated an application or enforcement case but has an interest, or is known to the applicant, or their representative or complainant or property owner being complained about, then officers are required to declare an interest and the application is reallocated to another officer in the interests of transparency. Continuous monitoring takes place and there have been no reports of conflicts of interest made in 2019-20 or in the first quarter of 2020.

Plans Panel decision making

All planning applications are delegated to the Chief Planning Officer under the officer delegation scheme, unless they fall into defined categories of exceptions which were detailed in a previous report in November 2019 to this Committee.

Such exceptions facilitate Members' right to request that an application comes to the Plans Panel for determination, and part 1a of the Officer Delegation Scheme (Council (non-executive) Functions) - Chief Planning Officer, 'Exceptions' section sets out the circumstances when this is applicable.

Following recommendations from this committee in November 2019 about the member referral to Plans Panel process, a flowchart was prepared and circulated to all members in March 2020 which clearly described the process along with information on material planning considerations.

Compliance matters

The service has a duty to investigate all enforcement matters it receives. Enforcement matters are allocated to case officers within the service who conduct site visits, investigative and carry out meetings as appropriate. Officers then make recommendations as to the course of action to pursue; this recommendation will have due regard to the NPPF and NPPG mentioned above and the Council's Enforcement Plan. As encouraged by the guidance, enforcement activity will almost always seek to resolve issues first by negotiation and by working with developers/ owners to address any problems. On a small number of cases, a breach may be identified and a decision taken that it is not

expedient to pursue further. These decisions would only generally be made when the breach is very minor and causes no identified planning harm in accordance with relevant guidance. Where no further action is recommended due to a lack of expediency, the case will fully be appraised and documented for approval by a senior officer. The CPO's sub-delegation scheme ensures that decision making is undertaken at the appropriate level of seniority and experience. No Officer can decide their own cases and therefore, an appropriate level of external scrutiny is brought to bear on each case before it is finally determined.

In November 2019, Members of this committee requested that a more comprehensive record was maintained and processes put in place for compliance activity on council owned land. Since January 2020, the service has put in place a system to record this information; details of the cases received with notes as to where they have been referred once the owning department is known, with agreement that the owning department should resolve the issues, as the landowner. There are proportionate escalation processes in place in the event of the owning department not taking appropriate action.

Democratic Oversight

There exists several opportunities for democratic oversight of the development management and compliance processes:

Executive Member and Plans Panel Chairs meeting	Informal briefings on matters relating to specific applications, process issues and strategic planning and compliance matters and provides an effective two way communication mechanism between members and the service. Held monthly, and have continued throughout the lockdown period, thus providing the continuous democratic oversight during a challenging and ever evolving situation.
Plans panels	Formally appointed committees to determine planning applications in accordance with terms of reference. Arrangements enable individual members to refer planning applications to panel.
Joint Meeting of Plans Panel	An informal meeting of members of the three formally appointed Plans Panels and Development Plan Panel. Half yearly performance reports describing the work and performance of the development management and compliance service; other reports are also brought to this meeting detailing arising issues or latest developments and legislative changes. This ensures that members are kept as up to date as possible with events and activities which

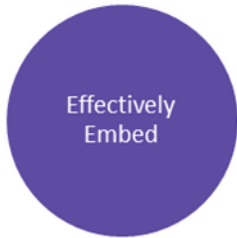
	may have an impact on decision making. Two meetings held in 2019-20. The meeting scheduled for June 2020 was postponed due to the lockdown.
Full Council	Report of the Plans Panel and the Development Plan Panel is prepared for full Council each year detailing the work and activities of the Panels. The last report went to full Council on 13 November 2019. In response to members' requests, the 2020 annual report will aim to look ahead in terms of new developments coming forward where known, as well as a review of the previous year.
Development Plan Panel	Advisory Committee, which makes recommendations to both the Executive and Council regarding the Authority's Unitary Development Plan and the Local Development Framework.
Corporate Governance and Audit Committee	Oversight of system of internal control in relation to development control and enforcement. Robust reporting arrangements have been put in place to monitor and measure the number of type of member referrals to Panel, details of which will be regularly shared with the Plans Panel Chairs for monitoring purposes. Arrangements have been put in place to more robustly record compliance activity on Council owned land.
Scrutiny Board (Infrastructure, Investment & Inclusive Growth)	Focusing on development and infrastructure functions and services to monitor progress in relation to transport and planning, regeneration and housing growth
Compliance Ward Member meetings	Key cases list with updates on priority cases within each area
Compliance Town and Parish Council engagement	Key cases list with updates on priority cases within each area
Joint Officer Member Working Group	An informal cross party consultative and advisory group working with the service on new protocols, guidance and service improvement activities relating to development management and compliance. Terms of reference refreshed in October 2018.



The service places emphasis on ensuring that planning officers and Plans Panel members are up to date with current legislation, best practice and Government’s planning reform agenda. This ensures the decision making process is based on the most current and accurate information possible and is embedded thus:

	Officers	Members
Training	<p>Season ticket to RTPI (Royal Town Planners Institute) training sessions</p> <p>Officers attendance at member training sessions</p> <p>Internal training and update sessions from internal specialist consultees e.g. on biodiversity, landscape.</p>	<p>Article 8.2.2 of the Council’s Constitution, says that Members of the Plans Panels must complete all compulsory training.</p> <p>All Plans Panel members and substitute Plans Panel members in 2019-20 have undertaken the prescribed training.</p> <p>A programme of member training produced for 2019-20. Sessions were open to Plans Panel and non-plans panel members alike, and included</p> <ul style="list-style-type: none"> • Trees and the planning process, and • Access and Inclusion in planning <p>Further sessions are planned virtually or post lockdown.</p> <p>Planning materials for members who aren’t Plans Panel members is available on the Planning Member development SharePoint site and is accessible for all Members.</p>
Leadership	<p>Planning Services Team Leaders Meeting: Head of Development chairs a monthly meeting of managers and team leaders discuss current or new issues, and agree actions. Ensures common understanding agreement of consistent approach across teams.</p>	<p>The Executive member and Plans panel Chairs were consulted in preparing the programme of member training to ensure that topics covered were relevant and meaningful for members.</p>

	<p>Case officer meetings: the Head of Development Management provides an update of government reforms and changes that will impact on the way officers work. Guest speakers provide information on planning and planning related information including those from the Policy team to ensure officers are kept up to date with regard to new, emerging or amended planning policy, including the latest position on the Site Allocations Plan and Core Strategy Review.</p> <p>Team Meetings: Team Leaders hold regular meetings with staff to disseminate information and identify team related issues or queries to feed back to senior managers</p>	
<p>Guidance</p>	<p>Learning materials from the sessions on the service SharePoint site which is accessible to all staff in the service areas.</p> <p>Learning objectives are set and monitored as part of the Personal Development Review process</p>	<p>The learning materials arising from the sessions are available to members on a dedicated Planning member development SharePoint site, which also contains planning guidance, FAQs and supporting information for members in the area of Planning.</p>



Assurance that planning decision making processes are effectively embedded throughout the work and relationship with partners and customers is demonstrated through the following four case studies:

Case study	Challenges	Clear systems and process in place	Stakeholder engagement	Outcomes
Householder Agents Conference	Increasing workloads with the same level of staffing resource and a high level of resource input on smaller applications	Process for handling household applications has been developed to take a more efficient transactional approach, whilst maintaining consultation processes and still working positively and proactively as legally expected in the NPPF.	In order to cascade the changes, a Householder Agents meeting was held in February 2020 which was attended by around 50 agents operating in the city. At the meeting the new processes were described as well as providing an opportunity for feedback, which the service subsequently took on board.	This was an efficient and proactive approach with the agents which provided excellent two way communication which the service hopes to maintain in the form of an annual conference. Since the implementation of the changes there has been one informal complaint, which was resolved swiftly and positively.
Handling public comments on planning applications	A legal requirement of the planning process is citizen participation in the form of allowing comments on new proposals, which the planning case officer then has regard to in making their recommendation. Since the	There is no legal requirement to publish the comments, but in the interests of transparency in the planning process, public comments are currently displayed. Processes already exist to automatically redact signatures, email addresses and so on, but there is still a risk of disclosure of information if citizens put personal	The Executive Member, Plans Panel members and Town and Parish Councils have been engaged in work to identify a solution.	This work, which will mitigate the chance of challenge, whilst proving an open and transparent planning process, is ongoing.

	GDPR was enacted, the service has been working to find way to mitigate the risk of a breach of the regulations, in the event of the local planning authority accidentally publishing personal details in the website via the Public Access system.	information in the body of their comment. Processes are being developed to safeguard against this eventuality which are due to be implemented imminently.		
Case study	Challenges	Clear systems and process in place	Stakeholder engagement	Outcomes
Engagement with major developer stakeholders	The high workload and ambitious inclusive growth agenda for the city often results a challenging working environment. The work with stakeholder groups is essential in listening and understanding the needs of customers, and conversely for the development industry to understand the Council's position and priorities in the context of the Council's ambitions.	The engagement takes place regularly three times a year and the Forum has clear terms of reference which were revisited in 2019. A virtual meeting has taken place during lockdown in July 2020.	The service regularly engages with the Leeds Planning and Developers Forum, a service led forum with an independent Chair. This is a forum for the open discussion of local and national planning matters and provides an opportunity for open and honest two way communication between the service and developers of large scale developments on the city, including the volume housebuilders.	Members of the Forum have taken part in service reviews including a recent one on the review of the service as part of the budget challenge. Their input as stakeholders investing in the city provides a very valuable customer insight. Sometimes challenging, it nevertheless provides a critical friend role to the service.

Case study	Challenges	Clear systems and process in place	Stakeholder engagement	Outcomes
Consultation on pre application fee increases	As part of the Council's 2019/20 budget review it was agreed to increase pre application enquiry fees to reflect the true costs of providing the service. This resulted in the proposed fees increasing significantly, which may be a barrier to take up. Pre application fees is a valuable income stream for the service as budget and resourcing become more challenging.	A consultation strategy was developed which ensured a range of recent users of the planning service in Leeds were engaged with to seek their views on the proposed fees and the level of service provided.	Developers, householder agents, Chamber of Commerce and key service areas within the Council, including Housing Growth were included in the consultation to ensure coverage of both large scale and small scale developers.	Shared understanding of the reasons for the increase in fees and greater understanding for the service of some of the challenges developers face at the pre application stage. Overall outcome was the pre application fees were increased, however this was put on hold due to COVID-19, but fees have now been increased from 1 st August 2020.



There are a number of ways the service can demonstrate that there is meaningful and robust monitoring taking place and this exists on several levels; it is a statutory requirement to collect and publish performance information as well as monitoring and evaluation which takes place at a local service level. Benchmarking takes place to ensure there is a perspective about how well the service performs compared to other peer authorities which helps to identify performance gaps and areas for improvement. The monitoring framework is described below:

Activity	Process	Oversight	Escalation	Risks & Resolution
Statutory reporting	Planning decisions are subject to Government scrutiny	Review of reporting shows that significant assurances can be provided to the quality and speed of decision making in Leeds as performance far exceeds the	Senior Management review	Where an authority is designated as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate for determination. This

Activity	Process	Oversight	Escalation	Risks & Resolution
	<p>Quarterly returns of PS1 and PS2 statistics dealing with volume of workload and decision timescales.</p> <p>Government's approach to measuring the performance of authorities introduced by the <i>Growth and Infrastructure Act 2013</i></p> <p>Assesses local planning authorities' performance on the speed and quality of their decisions on applications.</p> <p>Performance thresholds are set on a rolling timescale.</p> <p>The Government publishes this data as well as quarterly performance data on the gov.uk website¹</p>	<p>national thresholds for this reporting period</p> <p>As a result of going through this report process, it has been highlighted that there needs to be a more robust oversight process for the statutory returns</p>	<p>Senior Management review</p>	<p>risks application not being dealt with locally, potentially bypassing local democratic processes, reducing application income and causing significant reputational damage</p> <p>Risk that returns are incorrect and this data is used for designation of authorities to ascertain if they are poorly performing or not. Resolved by better oversight processes to be developed.</p>
<p>Government Monitoring</p>	<p>Government assessment of appeals performance</p>	<p>Performance on appeals is currently well above national average</p>	<p>Senior Management review</p>	<p>Where an authority is designated as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate for determination. This risks application not being dealt with locally, potentially bypassing local democratic processes, reducing application income and causing significant reputational damage.</p> <p>Planning appeals and quality of decision making, where performance drops below the expected level, the</p>

¹ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

Activity	Process	Oversight	Escalation	Risks & Resolution
				service will examine appeal decisions and take corrective action, or attach different weight, as appropriate where a change of stance is perhaps required in light of recurring upheld appeals.
Service reporting	<p>The service collects a range of information and data to monitor its own performance and to take corrective action wherever necessary.</p> <p>This enables identification of high risk areas where corrective action can be taken as appropriate, for example examining speed of decision making where there has been a downturn in performance.</p> <p>No statutory targets for enforcement decision making, however the quality of decision making can be seen in the same way as the quality of planning decision making by the consideration of enforcement appeals which are subsequently upheld at appeal</p>	<p>Continuous monitoring in service of individual officer caseloads as well as overall service performance allows for swift resolution of issues early on and use of escalation processes as appropriate.</p> <p>Customer complaints information is recorded and a quarterly report is presented to the Leadership Team.</p> <p>Performance data is reported on a quarterly basis to the Senior Management Team for review and to identify trends or issues. On the basis of the latest data available² it is noted that LCC compares very favourably with the appeal rate of the Core Cities.</p> <p>Political oversight is provided through twice yearly reports on</p>	<p>Senior manager review</p> <p>In service escalation to identify appropriate corrective action</p>	<p>Areas for improvement identified through trends of complaints are shared with the planning team to reduce the risk of reoccurrence in similar subjects</p> <p>As above.</p>

² October to December 2020 the performance is 80%;

Activity	Process	Oversight	Escalation	Risks & Resolution
		performance to the Joint Plans Panels.		
Benchmarking	Core Cities benchmarking to ensure that performance is comparable with similar authorities which helps to highlight any service anomalies or emerging trends; this assists the service to highlight risks and take action as appropriate.	<p>Core Cities benchmarking of speed of determination of planning applications and quality of decision making is published by the Government on their interactive dashboard³.</p> <p>Latest data for the period ending December 2019 shows that significant assurance can be provided that Leeds performance sits in the upper quartile for both quality of decision making and speed of decision making.</p>	Head of Development Management to take corrective action as appropriate	It is important for Leeds' performance to be comparable to peer authorities, e.g. Core Cities. When performance is significantly different an investigation into the issues can be initiated



The information above sets out details of the systems, processes and control in place within the planning service to ensure that statutory requirements are met and to ensure there is high quality consistent decision making in Leeds. These processes and internal controls also exist to ensure that there is a proportionate approach, deploying resources at the correct level in the interest of efficiency and value for money as well as being responsive to service, legislative, budget and other challenges.

A suite of documentations exists to embed and communicate those systems and processes; as part of the service responsiveness to change, these documents are subject a programme for systematic review to ensure that they remain an accurate reflection of arrangements and are up to date and fit for purpose.

Document	Purpose	Monitored	Review date	Review	Accountability and oversight
Officer Delegation Scheme (Council Functions)	Sets out authority for Chief Planning Officer to discharge council functions		2 June 2020	Reviewed by service in consultation with the Executive Member and Plans Panel Chairs	Full Council
Officer Delegation Scheme (Executive Functions)	Sets out authority for Chief Planning Officer to discharge executive functions			Reviewed annually with executive arrangements.	Leader of Council
Chief Planning Officer sub-delegation scheme	Sets out authority for officers of suitable experience and seniority to discharge council and executive functions. The CPO has sub-delegated some or all of those functions to officers of suitable experience and seniority.		The latest sub-delegation scheme was approved on 18 March 2020.	Refreshed annually following renewal of delegations at annual council meeting.	Chief Planning Officer
Plans Panel terms of reference	Sets out authority and remit for Area Plans Panels, the City Plans Panel and Development Plans Panels	Plans Panel decisions are made in accordance with the terms of reference of each Panel.	Annual	As part of the Annual Meeting of Council	Full Council

Document	Purpose	Monitored	Review date	Review	Accountability and oversight
Local Plan	<p>Sets out a vision and a framework for the future development of an area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure. Guides decisions about individual development proposals.</p> <p>The Authority Monitoring Report monitors the implementation of planning policies in terms of planning decisions</p> <p>Site Allocations Plan identifies sites for housing, employment, retail and greenspace to ensure that enough land is available in appropriate locations to meet the growth targets set out in the Core Strategy.</p>	<p>The Local Plan is kept up to date by reviewing the policies within it to see if they need to be updated.</p> <p>Annually and reported to Council and Government</p> <p>A legal challenge was made to the High Court and judgement was handed down in June 2020, allowing the claim on 3 grounds. All interested parties were invited to propose remedies in light of the judgement.</p>	<p>A review of existing policies is undertaken every 5 years for each document.</p> <p>The Judge is currently considering these and a judgement on relief is awaited. The service will respond to the outcome.</p>	<p>New statutory requirement, first formal review will be made available early 2020</p> <p>Statutory requirement to publish annually</p> <p>Timescale to be determined</p>	Development Plans Panel, full Council

Document	Purpose	Monitored	Review date	Review	Accountability and oversight
Planning Code of Good Practice, part 5(g) of the Constitution	Primarily aimed at Plans Panel Members and the emphasis of it is to provide practical supportive advice to Members when dealing with planning matters, keeping decisions safe and mitigating the risk of possible challenge.	There have been no reported complaints or issues in relation to the operation of the Code in this reporting period.	Last reviewed and amended May 2018		<p>The Chief Planning Officer is authorised to approve the Code in consultation with the Joint meeting of Plans Panels.</p> <p>The Executive Member and Plans Panel Chairs will also be consulted.</p>
Public speaking protocol, part 5(h) of the Council's Constitution	Protocol provides the framework for allowing opportunities for public speaking on applications at the Panel meetings and at the pre application and position statement stages	Continuous monitoring to ensure compliance with the protocol and where Chair's discretion is used, this information is recorded	July 2019	<p>Amendments Promoted use of Plain English;</p> <p>Made changes in relation to the order in which supporters and objectors speak;</p> <p>Provided common terminology for those in favour of applications and those against in the interest of transparency; and</p> <p>Glossary of terms was included to assist in the comprehension of commonly used terms</p>	The Chief Planning Officer is authorised to amend the Protocol in consultation with the Joint meeting of the Plans Panels

Document	Purpose	Monitored	Review date	Review	Accountability and oversight
				and phrases at plans panel meetings	
Pre application presentation guide	This document guides the principles for pre applications presentations to the Plans Panel meetings	Continuous monitoring to ensure compliance with the protocol and where Chair's discretion is used, this information is recorded	July 2019	Reviewed for currency and readability and a number of changes were made in the interests of Plain English.	Executive member and Plans Panel Chairs Joint meeting of the Plans Panels
Member Officer Communication Protocol	Document describing the consistent approaches to officer- member communication about planning applications	Possible changes now required in light of technological developments	2020	Key action to review	Executive member and Plans Panel Chairs Joint meeting of the Plans Panels
Leeds Enforcement Plan	The plan outlines the key considerations for the planning enforcement service in Leeds and sets out the main procedures and principles the service will adopt to regulate development and its priorities for investigation.	Continuous monitoring to ensure compliance, performance information reported twice yearly	Spring 2021	Terms of reference relate to Government guidance, corporate priorities and the statutory development plan	Executive member and Plans Panel Chairs Joint Meeting of the Plans Panels

COVID 19 response

The planning response to the COVID 19 pandemic has been at a national level through the changes in the Business and Planning Act and locally through reviewing and refining local policies and procedures to enable the efficient determination of planning applications to continue, safely. The service has put in place a working practices procedure which outlines the changes required by officers in the determination of applications or enforcement investigations which allows them to work safely, whilst still operating within an environment of procedural controls ensuring statutory requirements are met and there is high quality, robust and consistent decision making in Leeds.

Purpose	Control measures
Remote Plans Panel meetings	<p>Transparent and effective decision making, consistent with the Council’s constitution and legal requirements is maintained through:</p> <ul style="list-style-type: none"> • Training for Members in using the technology for remote access meetings, with additional training for Panel Chairs as appropriate • Panel Chairs clearly stating at the commencement of each meeting the approach and protocol for the meeting. • Ability to access remotely presentations in relation to agenda items to enable participants to hear and see the presentation material. • Continuation of public speaking rights to maintain third party involvement in the Plans Panel process
Virtual Plans Panel member site visits	<ul style="list-style-type: none"> • Members will have access to photographs from case officer site visits and google maps to enable a virtual site tour as well as scheme images to assess the proposed development in context
Officer Site visits	<ul style="list-style-type: none"> • Applicants, and owners in respect of enforcement cases, are to be encouraged to submit a limited number of clear photographs of the site together with a plan showing the camera angles. It is not a legal requirement to visit every site, provided that an appropriately informed assessment can be carried using material such as photographs, Google maps etc. • Record made on the planning case file on the Uniform database system of the nature of the site visit undertaken, e.g. from a public vantage point or from within the boundary of the property