

Report of Director of City Development

Report to Executive Board

Date: October 2012

Subject: PLANNING APPLICATIONS HIGHWAYS ISSUES (WHITE PAPER 16)

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 checked="" type="checkbox"/> Yes	<input 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. In response to a Council Resolution of 6th April 2011 which stated:

“This Council requests the Executive Board to instruct the Council’s Highways Department to ensure that consultation with ward members takes place with regard to Planning Applications’ highways matters before the Highways Department passes formal comment to Planning Officers. This will ensure that Ward Members’ and residents’ views on highways issues are properly reflected in Planning Department reports.”

It was agreed by Executive Board on 12 October 2011 that arrangements would be established to:

- Supplement the existing public consultation on planning applications with the additional notification (by e-mail) for all Ward Members of those planning applications which have been sent to Highways and Transportation for a consultation response, giving them additional opportunity to raise any highways concerns they may have with the highways officer directly.
- At the end of a three month trial period to bring a further report back to Executive Board for consideration.

2. A subsequent report was brought before Executive Board on 11 April 2012 providing an update on that initial trial period and proposing a further 4 month trial period to review the effect of the changes to the process which had been introduced and obtain member feedback on the process.
3. This report updates Executive board on the further 4 month trial period and the results of the member feedback.

Recommendations

Executive Board is recommended to:

- Note the issues raised during the further four month Member consultation trial period and the views raised from the Member feedback exercise.
- Agree that the current process should be adopted in its current format.
- Note that amended processes to improve public engagement at pre-application stage have been proposed by the Chief Planning Officer with support from the Executive Member for Neighbourhoods, Planning and Support Services and noted at Full Council on 12 September 2012.

1 Purpose of this report

- 1.1 To update Executive Board on the further four month trial period which has been undertaken in relation to ward member notification of planning applications on which Highways have been consulted.
- 1.2 To consider the Member feedback received about how the process is working and the value to be gained from continuing with the process
- 1.3 To agree to the continuation of the current notification process without further modification.

2 Background information

- 2.1 At full Council on 6th April 2011 Members raised a concern that their views on highways matters were not being properly addressed in planning officer's reports on planning applications. To address this concern it was requested that an additional consultation with Ward Members took place with regard to Planning Applications' highways matters before the Highways Department passed formal comment to Planning Officers.
- 2.2 Very careful consideration was given to this request since it is essential for officers to be aware of the concerns of Members and residents when responding to planning applications. However, an additional stage of consultation on planning applications has the potential to result in confusion as Ward Members could be consulted twice on the same planning application. It could also lengthen the time taken for the highways officer to provide consultation responses to the planning authority which has the potential to slow the determination process and possibly lead to additional appeals for non-determination to the detriment of development and regeneration in the city.
- 2.3 It was therefore recommended that Ward Members be informed when highways officers are being consulted on planning applications within their Ward. This way, Members' views on highways issues could be considered by Highways Officers, at an early stage, without over-burdening and potentially delaying the planning process. The proposal would entail an e-mail notification being sent automatically via the CAPS system to Ward Members to flag up that Highways and Transportation had been consulted on a planning application (at the same time). Highways officers would receive a 21 day formal consultation period. If Ward Members were concerned about the planning application in question they would have the opportunity to raise it directly with the Highways Officer as soon as possible within that time period. In this way Members would be more aware of the timeframes involved and would be able to operate within the existing consultation timescales. Highways Officers would wait for 10 days out of the 21 day period before responding to planning, giving members the time to raise any concerns directly, but leaving the Highways Officer sufficient time to respond within the set consultation period.
- 2.4 It was considered appropriate to introduce these proposals for a three month trial period. There were concerns that whilst it may help to alleviate Ward Member

concerns relating to Highways matters, that it may still raise some confusion in relation to other consultees, eg landscape, design, education.

- 2.5 Members were also advised that they would also need to send any comments they wished to raise about an application to planning if they wanted it logging on public access as a formal comment on a planning application.
- 2.6 A subsequent report was brought back to Executive Board on 11 April 2012. This report reviewed the way in which the process was operating and highlighted changes to the process which had been brought in to address initial member queries and concerns. A further four month monitoring period was agreed, during which time Member's views would be specifically sought on the usefulness and appropriateness of the system.

3 Main issues

- 3.1 The trial consultation process commenced on 1st November 2011. This report covers all matters raised and lessons learned from 1st November 2011 until end of August 2012, covering the whole ten month period of the trial.
- 3.2 The trial involved all ward members being automatically advised by e-mail when Highways are consulted on a planning application in their Ward. The e-mail is originated automatically by the CAPS computer system and comes from Planning Services.
- 3.3 A group inbox HighwaysDevelopmentControl@leeds.gov.uk has been set up as the return address to send comments to if members wish to make highways officers aware of any issues or concerns they may have about the highway or transport aspects of any development proposal.
- 3.4 In the ten month period from November 2011 to August 2012 Highways Officers have received thirteen hundred and thirty three (1333) planning application consultations. Fifty five responses have been received from Ward Members of which seven have related to specific highway concerns. These issues have been addressed by the highways officer dealing with the planning application and a response sent to the Ward Member to inform them of the highways view on the application and whether or not the officer has been able to support the Member view. Of the other forty eight responses, fifteen Members have offered support for the application, nine objections have been raised to the application on non-highway matters (these have been forwarded to planning to put on public access to be taken into account when the application has been determined) and the remaining twenty four responses have been commenting on general or administration matters.
- 3.5 In most cases the highways officer has been able to support the Member view on highway matters. On a couple of occasions where the highways officer has not been able to support the Member view an explanation has been sent to the Member and they have had the opportunity to request that the application is determined by a Plans Panel if they are not satisfied with the response.

3.6 During the course of the trial period Members have also asked for amendments to the notification procedure to improve the process. These improvements have been made where possible:

- Addresses have been added to the automatic notification e-mail.
- A change to the validation process has been made to enable plans to be available on day one of the consultation period rather than having to deal with a forty-eight hour delay.
- Members have asked for notification of applications in neighbouring wards where the traffic implications of the application may have detrimental consequences in their own ward. This request has been carefully examined by Planning and Highway Officers but it has unfortunately been impossible to comply with via CAPS which moves away from the automated notification process. To try and address this the Head of Planning Services has offered to introduce a procedure whereby the Planning Case Officer for every **Major** Planning Application will review the ward boundary and directly consult / notify ward members of these applications within their own wards and within neighbouring wards if the boundary is close by and there are likely to be impacts on the adjoining ward. This will be further addressed by the general changes proposed to ward member and community involvement outlined in paragraph 3.9.

3.7 A consultation letter was sent out to all members by e-mail on the 27th July 2012 asking for feedback on the current notification system by 1st September 2012. Of the 99 ward members consulted, responses were received from 26 of them. Their views are represented in the table below:

Feedback from Members		No. of times	Officer Response
1.	The notification system has been useful in highlighting major applications in my ward – please keep it going	24	There appears to be overwhelming support to keep the system going – and that is proposed to happen
2.	Please extend the notification to include all planning applications – not just those that highways are consulted on	1	Highways are usually consulted on the larger applications and are the most frequently consulted consultee. Weekly lists are still available to view online. See para 3.9 below – planning officers will be able to update ward members on all planning applications of interest at the regular briefings. No change proposed.

3.	Extend notification to advise of major applications in adjacent wards	6	Unfortunately there is no way to do this electronically in the existing system. The manual system to review ward boundaries and have the planning officer carry this out should have the same result. No change proposed.
4.	The system does not add much value – all of the information is already available on line	1	There is clear support to retain the current notification system. All of the information will still remain online for those members who want to save searches and receive notification e-mails for their own (and adjacent) wards
5.	The system is useful but should be extended to include pre-applications	2	Pre-applications take a number of different forms. The level and type of pre-application discussion with Officers varies significantly between applications. It is not considered possible to modify the current e-mail notification system to notify Members about pre-apps. The Chief Planning Officer has introduced a revised protocol for improving ward member and community involvement – see details at para 3.9 below. No change is proposed to the current e-mail notification system.
6.	Members would prefer it if plans were sent rather than the notification e-mail	2	This can not be achieved in the same automatic format as the existing system. As application addresses have been added to the e-mail titles members will be able to decide whether or not they want to follow the link to PA for access to the plans or not. No change proposed.
7.	The notification e-mail would be more use if it said what highway comments had been made	1	The notification e-mail is sent out to Members at the same time (same e-mail) that highways are consulted. No highways comments have been made at that time. Highways comments are made available on PA when they have

			been sent to Planning – this is usually within 21 days of the notification e-mail.
8.	How much does the system cost – it is only worthwhile keeping if it is low cost	1	The notification e-mail itself is generated automatically by the Planning computer system – it is therefore free of any staff time following the system being set up.

3.8 It is considered that there have been some positive outcomes from the new process, including:

- Better engagement between Members and Highway Officers.
- Member concerns are being addressed upfront, before comments are placed on public access, which will reduce the number of differences of opinion being placed on public record and enable a constructive dialogue earlier in the planning application timescale.

For these reasons it is intended to continue with the notification process as is.

3.9 In parallel with the notification e-mail the Chief Planning Officer has reviewed Plans Panel arrangements in Leeds and introduced a revised protocol for ward member and community involvement for development proposals. This protocol sets out the ways in which engagement is proposed to be improved, the main steps are summarised below:

- A planning officer will be identified for each area committee area of the City, this planning officer will be responsible for setting up arrangements with Ward Members within their area so that regular communication on development proposals takes place.
- Planning officers will contact ward members about pre-application meetings taking place with developers at the earliest of stages (unless there are confidentiality issues).
- Early meetings will be arranged between developers, officers and local councillors.
- Minutes of technical pre-application meetings will be fed back to ward members for discussion.
- Community involvement will be programmed into all planning performance agreements.

- A good practice guide will be produced for developers highlighting the need for meaningful community engagement.
- Ward members will be invited to pre-application presentations to panel and allowed to speak on behalf of the community.
- Consultative forums will be promoted as good practice for major application sites.

These proposals are now being rolled out across Planning Services and will provide a further opportunity to address highways and transportation concerns.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report contains the outcome of Member feedback on the e-mail notification of planning applications on which Highways Officers had been consulted. 26 of the 99 ward members consulted responded to the consultation letter.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 This report has no adverse impact on the Council's Equality and Diversity or Cohesion and Integration strategies. An EDCI screening form is attached as an appendix.

4.3 Council policies and City Priorities

- 4.3.1 There are no implications for delivery of the Council's policies and city priorities arising directly from this report.

4.4 Resources and value for money

- 4.4.1 There are no financial or staff resources arising directly from this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications raised by this report.

4.6 Risk Management

- 4.6.1 The notification system has been ongoing since November 2011 and appears to have overwhelming member support. No risks have been identified.

5 Conclusions

- 5.1 The trial notification period for Ward Member consultations on planning applications on which Highways Officers have been consulted has been generally informative and successful. It is proposed to continue with the notification system without amendment.

6 Recommendations

6.1 Executive Board is recommended to:

- Note the issues raised during the further four month Member consultation trial period and the views raised from the Member feedback exercise.
- Agree that the current process should be adopted in its current format.
- Note that amended processes to improve public engagement at pre-application stage have been proposed by the Chief Planning Officer with support from the Executive Member for Neighbourhoods, Planning and Support Services and noted at Full Council on 12 September 2012.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.