


|  |   |   |
|--|---|---|
|   | <b>Planning Committee – 11 March 2009</b>   | <b>Agenda Item No.</b><br><br><b>18</b> |
|  | <b>Councillor involvement at the pre - application stage of development proposals.</b>  |   |
| <b>For further information about this report please contact</b>  | John Edwards  |   |
| <b>Service Area</b>  | Planning  |   |
| <b>Wards of the District directly affected</b>   | Whole District  |   |
| <b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b> | No  |   |
| <b>Background Papers</b>   | “Positive Engagement: a guide for planning councillors” .ODPM/LGA/PAS Leaflet 2005<br>“The Planning System – matching Expectations & Capacity” Audit Commission February 2006<br>Planning Officers Society: Practice Guidance note 3 “Councillor Involvement in pre application discussions”. 2007<br>“Constructive Talk-investing in pre-application discussions “ Planning Advisory Service Aug. 2008<br>The Killian Pretty Review- “Planning Applications: A faster & more responsive system” Nov 2008 |   |

|  |     |
|--|-----|
| <b>Contrary to the policy framework:</b>                                   | No  |
| <b>Contrary to the budgetary framework:</b>                                | No  |
| <b>Key Decision?</b>   | No  |
| <b>Included within the Forward Plan? (If yes include reference number)</b> | Yes |

|  |             |                 |
|--|-------------|-----------------|
| <b>Officer/Councillor Approval</b>   |             |                 |
| With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s). |             |                 |
| <b>Officer Approval</b>  | <b>Date</b> | <b>Name</b>     |
| Relevant Director  | February 09 | Bill Hunt       |
| Legal  | February 09 | Peter Oliver    |
| Finance  | February 09 | Marcus Miskinis |
| Head of Members Services   | February 09 | Robert Inman    |
| <b>Consultation Undertaken</b>   |             |                 |
| Chairman and Vice Chairman of Planning Committee – February 2009   |             |                 |
| <b>Final Decision?</b>   | No          |                 |

## 1. **SUMMARY**

- 1.1 This report sets out the rationale for a protocol for councillor involvement at pre-application stage in respect of development proposals.

## **RECOMMENDATION**

- 2.1 That members approve, in principle, the concept of a specific protocol for the introduction of a formal facility at which developers/prospective applicants can present their proposals to Councillors at pre- application stage. Subject to this “in principle” agreement, it is recommended that a working party of councillors and officers meet to work up the details of the protocol which would then be referred back to Planning Committee for final approval. Suggested broad headings for matters the protocol would cover are set out in paragraph 7.10

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To improve the planning application decision making process through putting in place a mechanism whereby community aspirations or issues of concern can be identified at the earliest opportunity and taken into account when major development proposals are being formulated.

## 4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 The lack of a published protocol may mean a more ad hoc approach or missed opportunities for community engagement in the development process.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 There are some budgetary implications as some additional meetings will need to be serviced but costs are likely to be small and outweighed by the benefits of having a scheme in place, which should help to promote community engagement and assist with the achievement of the community strategy for the area.

## 6. **POLICY FRAMEWORK**

- 6.1 The involvement of Councillors in the formulation of emerging development proposals within a structured framework is considered to be consistent with the objectives of the Corporate Strategy 2008- 2011 which inter alia aim to deliver responsive services in an open and transparent manner and a sustainable and quality environment

## 7. **BACKGROUND**

- 7.1 Constructive pre-application discussions between potential applicants and planning officers have long been recognised as helping to ensure all relevant considerations are addressed when an application is submitted, and to potentially speed up the determination of an application and bring more certainty into the process. The holding of such discussions is encouraged by central government (PPS 1 “ Delivering Sustainable Development”) and the national planning application forms mandatory from June 2008 contain specific questions about any pre-application

advice the applicant may have obtained and also any neighbour or community consultation undertaken prior to submitting their application. The recently published Killian Pretty review takes this forward with a specific recommendation aimed at improving the “critically important” pre-application stage of the application process. Recommendation 4 states (inter alia) :

*“Government should strengthen and clarify national policy and guidance, so as to set out clearly its key expectations from applicants, statutory consultees and representatives of the local community;*

*This policy and guidance should be based on the presumption that, for major developments, there will be formal pre-application discussions involving, where appropriate, all relevant parties, including elected members, statutory consultees and representatives of the local community.*

- 7.2. Major applications are costly to prepare in terms of plans, documents and the often voluminous specialist reports which are required to accompany them to meet an authority’s validation criteria.
- 7.3 The Council’s approved “Statement of Community Involvement “contains guidance in respect of planning applications and states that at pre- application stage, officers will discuss with prospective applicants the options for pre-application consultation with affected parties.
- 7.4. The Audit Commission study “The Planning System-Matching Expectations and Capacity” stresses the importance of well structured pre-application processes in providing useful advice and the opportunity for key issues to be identified and considered at an early stage in the design process, which can avoid wasting time and money later. The study contains the following paragraph about councillor involvement at pre-application stage:-
- “Private sector stakeholders and others identified that the current lack of councillor involvement at the pre-application stage is a drawback in the system. Local authorities are often understandably anxious about engaging councillors at early stages as they feel this may compromise them once a planning application goes to committee for decision. However, this approach is at odds with the current emphasis on the councillors’ roles as advocates for their areas and as community leaders. Both ward councillors and portfolio holders have roles to play in pre-application discussions. Local authorities need to ensure this happens by including councillors but being clear about which role they assume during pre-application discussions. This also needs to be set out in a transparent way for applicants.”*
- 7.5 The Planning Advisory Service (PAS) have recently published a useful guide to pre-application discussions and this also emphasises the need for constructive working at pre-application stage and states “*good pre-application processes also involve statutory consultees, and offer the opportunity to introduce the views of councillors and the local community at an early stage*”. The PAS report further advises that it is advisable for members to be introduced to a major project “*well before they are asked to take their formal decision on the application*”.
- 7.6 The Planning Officers Society (POS) practice guidance note lists the benefits of councillor involvement as:
- Keeping councillors informed on major applications
  - Engaging members on issues to be dealt with in a formal submission
  - Taking account of emerging or existing community concerns at a formative stage

- Obtaining initial member guidance for officer negotiations on major applications
- Reinforcing councillors roles in their communities

7.7 Potential drawbacks are that early engagement could lead to an appearance or suspicion of member pre-determination and the difficulty of keeping separate any negotiations from any briefing type session.

7.8 The POS guidance sets out a range of options for how member involvement in pre-application discussions might be taken forward. These include:-

- Informal private briefings – either at officer or member instigation
- Interim committee reports –updating members on progress on major pre-application discussions by written reports to a committee
- Developer presentations to a committee – either to committee as a public agenda item or as a private presentation
- Developer forums – developers organising pre-application consultation e.g exhibitions or public event
- Development control forums – local authorities agree with the developer a public forum run by the authority with representatives of consultees and various interested parties invited to hear and comment on an officer’s introduction and developer’s explanation of the emerging proposal

7.9 The above range of options covers a wide spectrum from private briefings to a more public forum with other interested parties involved. Whatever model is adopted, a common thread would be the fact that the meeting would be run within an adopted framework. The primary purpose of the meeting would be for Councillors to gain understanding of the proposals, find out how the scheme addresses Council policies, ask questions, and raise issues warranting further examination by the developer. The key points made at the meeting would be minuted and retained as a record and submitted with any eventual application. Any briefing or meeting with Councillors only, would need to form part of a wider public/ community consultation at pre-application stage.

7.10 It is considered that a draft protocol should cover the following aspects:-

- Why have a briefing/ forum to examine development proposals at pre-application stage?
- What does such a briefing session/ forum not do?
- What types of developments will be discussed?
- When and where is the briefing session/ Forum held?
- Who can attend the meeting?
- What happens at the meeting and how is it organised?
- What happens after the meeting/forum?