

Report of the Head of Economic Regeneration and Planning

Planning Committee - 8 May 2016

DRAFT PLANNING COMMITTEE PROTOCOL

**To consider the response to the WLGA consultation on the Draft
Planning Committee Protocol.**

For Decision

1. Introduction

- 1.1 A recent study by the Royal Town Planning Institute into the operation of planning committees in Wales concluded that there is currently a wide variety of practice in the operation of planning committees in Wales and recommended that a national planning protocol be prepared.
- 1.2 Accordingly Welsh Government, as part of their change agenda associated with the Wales Planning Act, have invited local authorities in Wales to draft a voluntary planning committee protocol which has now been prepared by the WLGA for consultation.
- 1.3 A copy of draft planning committee protocol together with the Authority's draft response is reproduced at Appendix 1 for Member consideration.

2. Background

2.1 The draft planning committee protocol covers the following areas:

- Relationship to the Members' Code of Conduct,
- Development Proposals and Personal and Prejudicial Interests,
- Fettering Discretion in the Planning Process,
- Member Involvement at the pre-application stage,
- Contact with Applicants, Developers and Objectors,
- Lobbying of Councillors,
- Lobbying by Councillors,
- Site Visits/Inspections,
- Public Speaking at Meetings,
- Public Speaking Procedures,
- Role of Officers,
- Decision Making,

- Cooling Off Period,
- Duties of the Chair,
- Role of Members at a Planning Appeal,
- Training,
- Customer Care,
- Advice for the public on attending and speaking at the Planning Committee.

3 Appraisal

- 3.1 In general the provisions of the draft planning committee protocol broadly reflect those currently adopted by the Authority and the benefits of developing a national protocol to ensure consistency of decision making within Wales is welcomed.
- 3.2 It is recognised that the proposed protocol will be voluntary which is also welcomed. It is considered that a degree of flexibility will be required to take account of local circumstances and to allow the Chairperson the discretion to manage meetings effectively and to respond to individual circumstances and issues as they arise. A requirement to slavishly adhere to the protocol in all circumstances could expose Authorities to unnecessary challenge or criticism and this should be avoided.
- 3.3 The protocol at Section 4.1 on “Fettering Discretion in the Planning Process” provides, it is considered, an unnecessary process for Members to declare whether they wish to act for their electoral ward or as a Member of the Planning Committee. Currently where a Member wishes to declare a personal and/or prejudicial interest they do so at the start of the meeting and act accordingly i.e. either: speak and vote, speak and leave the meeting or leave the meeting during the item. This process appears to work effectively and any change would appear unnecessary.
- 3.4 On the issue of Member involvement in pre-application discussions it is recognised that Members of the Planning Committee can be exposed to challenge if they are perceived by the public as being unable to act impartially. The requirement for developers to carry out pre-application consultation for major applications submitted from 1st August 2016 will provide both Ward and Committee Members with a much bigger role in pre-application discussions and on this basis proposals for Member involvement at this stage of the process therefore require very careful consideration. In this respect the Authority has been invited by POSW to participate in a pilot scheme on pre-application member involvement which is welcomed.
- 3.5 The Authority’s current approach to requesting and carrying out Committee Site Visits in advance of meetings is considered to provide an efficient mechanism which reduces delay in the Committee decision making process. Whilst the principles set out in Section 8.1 are welcomed the Authority would not wish to entertain any revised process which would undermine its current approach.
- 3.6 The draft proposals at Section 10.1 are also broadly similar to the Authority’s current approach on public speaking, however, the Authority accepts requests to speak up to 24 hours before the relevant Planning Committee and use of visual aids is not prohibited. With regard the order of public speaking it is considered that the objector should speak first to avoid the need for a further response by the applicant as recommended in the draft protocol. The discretion of the Chairperson over public speaking should also be retained as per the Authority’s current procedures.

- 3.7 Whilst the requirement for a cooling off period at Section 13.1 is welcomed this could prove inflexible if applied in all circumstances. Again the Authority's current "Two Stage Voting Process" provides a degree of flexibility which, it is considered, the Authority should seek to retain.
- 3.8 With regard the role of Members at appeal in respect of an application refused contrary to recommendation, at present such an appeal is defended by different officer within the Authority to that of the original case officer. A greater role of Members in this process is, however, to be welcomed although this must be supported by appropriate training.

4. Recommendation

It is recommended that the response detailed at Appendix 1 be approved as the Authority's response to the WLGA consultation on the Draft Planning Committee Protocol.

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