

Protocol on Use of the Development Team Approach (DTA) in Dealing with Development Proposals

1.0 Background

- 1.1 In 1996 the National Planning Forum produced a guide to the Development Team Approach (DTA) to help local authorities provide a more co-ordinated and customer-orientated approach to development projects. The Government built on this initiative by launching a number of One-Stop-Shop pilot projects.
- 1.2 In relation to major developments in particular, the past carving-up of the environment between the professions has not worked in terms of the quality of the outcome. Neither has a standards-led approach to design. These deficiencies need resolving if we are to take advantage of increasing Government emphasis on the value of urban design in making better places. This is not just about the art of design, its aesthetics, but also about making places work. It is as much about securing economic viability and social benefits as it is about environmental support. This is where the DTA comes in.
- 1.3 The Development Team Approach is a new pro-active, rather than the traditionally reactive, way of working. In its widest sense the DTA is a co-ordinated service offered by a Local Authority delivering a One-Stop-Shop style of working. Given a narrower meaning, it has been used to describe a project team established for dealing with a particular development. In the Vale's case a project team approach has been adopted and considered to have been successful in adding value to the quality of the outcome on sites such as Penlon, Morlands, The Maltings, Yoplait and Ben Smith's. It is a formal but temporary arrangement and distinct from the one-off meetings which may be called by the Case Officer.
- 1.4 The DETR Planning Research Programme found that, by increasing the input at the pre-application stage of a project, Local Authorities found that submitted applications were more likely to be complete, with fewer issues to be resolved during the processing of the application, and making it easier to reach a decision within Government targets. However, this benefit is only realised if there is adequate staffing for processing applications. Diverting too many resources to the pre-application stage can limit or reverse the potential benefit. There is therefore a need to be particularly rigorous in deciding which projects ought to be the subject of a DTA. Whilst the DTA may speed up the application process, this is not its primary purpose which is to raise the environmental, economic and social qualities of those developments which matter most, ie. major and sensitive development proposals. The new system will allow time for informal discussion on all aspects of a proposal. It also gives the applicant greater certainty when the formal application is submitted as a programmed timetable for a decision will have been set out and many of the issues will have been addressed.
- 1.5 Good design may not always be considered as an "incentive" by developers who may regard it as an added cost. Furthermore, the Council's ability to deliver on its DTA commitments does depend on the applicant's co-operation by:

- discussing the proposals with the Council before submitting the application;
- building time into project programmes both to complete these initial discussions and for resolving potential conflicts with external agencies within the determination timescale indicated by the Council; and
- submitting design rationales based on contextual analyses, Environmental Statements, EIAs, Traffic Impact Assessments, employee travel plans, historic building analyses if required, and any other supporting documentation at the same time as the application.

In return the DTA will define an approach and timescale to the development that will have the best chance of achieving a successful outcome. In the Vale, of the five major sites which have been the subject of a DTA to date, all have been approved. It involves potential cost savings by identifying issues and problems early. Perhaps more importantly, at least to a housing developer for example, whilst higher densities may be looked for and may require greater attention to design detail, it may also be attractive as a means of increasing their returns. Making more efficient use of land though is not just about housing proposals.

2.0 Terms of Reference of the DTA

2.1 The DTA commits the Council to being active participants in the development process. It provides for a pro-active, rather than the traditionally reactive, approach to dealing with information requirements, and delivering the service within timescales acceptable to customer expectations (and incidentally a more positive image for the Council). Its terms of reference would be to:

- clarify the Council's policies on a site;
- identify and seek to resolve any potential conflicts between different statutory consultees at an early stage;
- co-ordinate the work of different parts of the Council and external agencies; and
- ensure a unified and consistent approach, including informing relevant Councillors, about a planned development and its implications for the area.

2.2 Clarifying the Council's policy on a planned development may require an "early warning" meeting for complex applications which will involve all the relevant officers in order to pass on an agreed message to the developer.

2.3 The development team would have one point of contact, and this would be the Case Officer, to co-ordinate all aspects of the application and keep the applicant briefed on progress in relation to the agreed timescale.

3.0 Which projects should have a Development Team?

3.1 As a rule of thumb the DTA should be used infrequently and should be reserved for major or sensitive projects which:

- (i) are likely to require discussion and co-ordination of the inputs from a number of disciplines over a significant period; and
- (ii) have the potential for significant "added value" from use of the approach.

Examples of major or sensitive projects could include:

- those which form a significant part of, or significantly contribute to, the Council's Local Plan, economic development strategy or social agenda;
- those which have significant environmental or traffic impacts (requiring an EIA or Traffic Impact Assessment);
- Departure applications;
- developments of greater than 10 dwellings or 1000sq metres of floor space for commercial developments (automatic Committee items); and
- sensitive sites (those involving the setting of major Listed Buildings, prominent Conservation Area or AONB sites).

4.0 **Who decides whether a Development Team Approach should be used?**

4.1 Whether a DTA should be set up will be a matter for discussion at Planning Management Team (PMT) with the final decision resting with the Assistant Director (Planning) as it does commit resources, both Officer time and budgetary (e.g. Consultant Architect). It is at this stage that consideration should be given to whether an "early warning" meeting needs to be arranged. Wherever possible, these decisions should be made at the pre-application stage so that as many of the policy issues can be settled and possible conflicts between consent regimes addressed before an application is submitted.

5.0 **Identifying Members of the Development Team**

5.1 The initial membership, and the Case Officer will be agreed at PMT, with the help of a briefing from the relevant Area or Principal Planning Officer. The team may be expanded as discussions progress if new issues arise. The Assistant Director (Planning) will make the final decision on these issues where agreement is not reached at PMT.

5.2 Teams may involve external agencies invited to particular meetings, rather than being full members of the team, although in some circumstances they may need to be full members.

5.3 The core of the Development Team will consist of the Case Officer, an urban designer, Conservation Officer, highway and transportation engineer(s), and the Consultant Architect as appropriate. Other interested parties would be invited to particular meetings on a case by case basis. These may include representatives from Legal Services (where a Section 106 is likely), the County Council (where Section 106 contributions to County Council services and /or facilities are likely), a Housing Services Representative or the Registered Social Landlord (where affordable housing is required and the RSL is known), Environmental Health

(waste management, energy team, noise, contamination etc), Leisure/Landscape, Arts Officer (where a Per Cent for Art is likely) Building Control (e.g. for fire regulations and to alert developers to EC services), external agencies (eg. the Environment Agency, County Archaeologist/Ecologist, English Heritage), and the Community Safety Officer. In some cases representatives may also need to be full members of the Development Team. A non-exhaustive list of potential core team members and representatives at particular team meetings is attached as Appendix 1.

5.4 If the DTA is formed in response to a pre-application enquiry, as ought generally to be the case, then the Case Officer should inform the local member(s) of such an enquiry, confirming that the proposal is the subject of a DTA and that the local member(s) will be updated on the progress of the pre-application discussions at critical stages. This was a specific request from the Executive following its consideration of the Best Value Service Improvement Plan.

6.0 **Guidance on how the DTA will work in practice**

6.1 The following guidelines are suggested in operating a DTA:

- Pre-application enquiry/cold application received and, if potentially a DTA proposal, taking into account the criteria in para 3.1, then it is referred to PMT;
- Proposal considered by PMT (preferably with any initial information the applicant/agent is able to provide in the case of a pre-application enquiry, to have as wide an understanding as possible in order to make the decision);
- PMT decides whether the proposal merits a DTA and whether an internal "early warning" meeting is needed (for example with Policy to clarify the Council's policies on the site). These decisions should be noted on the PMT Meeting agenda to keep track of the number of DTA's and the outcome of any "early warning" meeting;
- PMT agrees the Case Officer and core members of the DT in consultation with Assistant Director (Planning) and the relevant Area Planning Officer. This ought to be the eventual Case Officer dealing with the application who needs to be sufficiently senior to make the decisions that will be required in dealing with the enquiry/application. Normally this would be the Area or Principal Planning Officers. However, a Lead Officer may be appointed who does not have to be the Case Officer, but in such instances the eventual Case Officer must be a full member of the Development Team;
- Case/Lead Officer arranges "early warning" meeting if appropriate. If major issues of policy or resourcing are involved this ought to include the AD(P);
- Case/Lead Officer contacts applicant/agent to advise of suitable DTA proposal and the core DTA members to attend an initial inclusive meeting with applicant/agent. Pre-meetings are often invaluable in exploring DT members positions so that the applicant/agent is given an agreed response at the meeting proper;
- At the initial meeting:
 - (i) The Case/Lead Officer will advise applicant/agent of the requirements and merits of a DTA approach (an explanatory leaflet,

including what is in it for them would be useful), of the core DT members, and of the other likely interested parties;

- (ii) The important issues that will need to be resolved will be identified, including the information that will be required to inform the design process in developing a solution for the site (e.g. type of contextual analysis, the need for a pre-determination archaeological evaluation, noise and contamination assessments);
 - (iii) A timescale for undertaking a series of pre-application meetings to develop the scheme, making time for other interested parties at particular meetings, will be set-out (usually arranged every two/three weeks following the initial meeting and prior to the submission of an application); and
 - (iv) A notional submission date for the application will be agreed, if desired by the applicant/agent (and this may depend on how responsive the applicant/agent is to supplying information), and a likely determination date(s) given;
- Case/Lead Officer ensures PMT kept up-to-date at critical stages in the project under the "Major Projects Update" slot on the agenda or at least on a monthly basis; and
 - Case/Lead Officer ensures relevant Councillor(s) (Chair/Vice Chair and local member(s)) are kept up-to-date at critical stages and after PMT have reviewed the progress;
 - Once an application has been submitted the Case/Lead Officer will advise the applicant/agent of the timetable for consideration of the application, including the target determination date(s). A provisional meeting should be arranged with the applicant/agent immediately after the consultation period has expired so that any new issues arising can be addressed within the timetable, or if not, to agree a revised timetable.

6.2 An explanatory leaflet that can be given to applicants/agents on the aims and objectives of the DTA, and how it will work in practice, is attached at Appendix 2.

Appendix 2

Our ref GMM/CJP/FC15

22nd December 2005

Mr G Audley-Miller
Section Head (Environmental Planning & Conservation)
Vale of White Horse District Council
The Abbey House
Abingdon
OX14 3JE

Dear Mr Audley-Miller

GROVE DEVELOPMENT FORUM

I refer to your recent e-mail regarding the above matter, which was discussed at a recent meeting.

Please find below, for your consideration, the council's comments and questions regarding the establishment of the forum.

- *How much input would the forum have and how much would its views influence the district council?*
- *The parish council would require sight of the revised Supplementary Guidance Document before the first meeting of the forum.*
- *Evening meetings would be essential.*
- *Meetings should be open to the public.*
- *How many local groups would be involved, how would they be selected and how many from each group could sit on the forum?*
- *The forum should be a working forum.*
- *We do not believe that the meetings should be resource intensive.*
- *The views and recommendations of the forum should be seriously considered and not overlooked by the Vale or the developers simply because they do not suit them and if the forum's recommendations are dismissed then reasons should be given as to why.*
- *Clarification was needed as to what type of service provision was required although we will comment on this in January.*

The council has also asked that as a matter of courtesy we see a copy of the Inspector's report on the Local Plan prior to it being advertised in the press.

Thanking you in anticipation of your cooperation in this matter.

Yours sincerely

G M Mundy

do not

- X meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a ‘friendly’ private discussion with a developer could cause others to mistrust your impartiality
- X accept gifts or hospitality
- X expect to lobby and actively support or resist an application and still vote at committee (or even stay in the room during discussions)
- X seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
- X invent local guides on probity in planning which are incompatible with current guidance – look for commonly held and common sense parallels in other authorities or the principles set out in the national LGA guidance

This simple guide has been produced by a number of organisations who have shared interest in maximising the effectiveness of councillor involvement in planning. They include: LGA, ACSES, Standards Board for England, RTPI, PAS and GDPM.



Office of the Deputy Prime Minister
Leading sustainable communities



PAS
Planning Association



Local Government Association

weblinks

- ACSES - The Association of Council Secretaries and Solicitors
www.acses.org.uk
- The Standards Board for England
www.standardsboard.co.uk
enquiries@standardsboard.co.uk
- Office of the Deputy Prime Minister
www.odpm.gov.uk
- Local Government Association
www.lga.gov.uk
- Member Engagement in Planning Matters
<http://www.lga.gov.uk/publication.asp?section=08&cat=288&id=5XC05F-A782A8F7>
this guide is produced by the LGA in association with Quamy Products Association and the Association of Council Secretaries and Solicitors (Jan 2005)
- Probity in Planning (Update): The Role of Councillors and Officers
<http://www.lga.gov.uk/publication.asp?section=08&cat=288&id=5XA88F-A7807EC5>
an LGA update to the highly successful original guidance (published in 1997) on preparing a local code of good practice for those dealing with planning matters (February 2002) ISBN 1 84049 280 5
- National Planning Forum
Pre-application advice for town and country planning:
National Planning Forum good practice note 2
one of a series of ‘inspiring planning’ good practice notes
<http://www.lga.gov.uk/publication.asp?section=08&cat=288&id=5XD088-A782E214>
- Planning and Advisory Service
www.idea.gov.uk/pas

- 1 Planning Policy Statement 1: Delivering Sustainable Development
- 2 The objectives for the reformed planning system are set out in PPS1



RTPI
Institution of Royal Town Planners



the Standards Board for England

positive engagement
a guide for planning councillors



planning shapes the places where people work and live... community involvement is vitally important to planning and the achievement of sustainable development

positive engagement

a guide for planning councillors

A message from **Baroness Andrews OBE, Parliamentary Under Secretary of State at the ODPM** and **Sir Sandy Bruce-Lockhart, Chair of the Local Government Association:**

The 2004 Planning and Compulsory Purchase Act marks a fundamental change to the current town and country planning system. Whilst there are important changes to the processes and procedures, of greater importance is the need for change in the way that we 'do' planning. The act will require all involved in planning to move away from an often adversarial, reactive and conflict based system to a more pro-active, inclusive and creative approach.

As a local councillor involved in planning matters, whether as a member of your authority's executive helping to draw up the spatial plan for your area, as a member of the planning committee deciding planning applications, or as a ward member, you have a crucial role to play in both making the new planning system work and ensuring the best possible outcomes for your community.

However, concerns are sometimes expressed about the compatibility of councillors meeting developers and interest groups and then taking decisions on an impartial basis. This leaflet is intended to summarise the principles that should be observed to enable you to both participate in and lead the system.



Sir Sandy Bruce-Lockart



Baroness Andrews

In broad terms, the success of the new system will depend on:

- establishing and taking forward a clear spatial vision for the area based on the community strategy
- effective dialogue between applicants, local authority, local people and other interests to help define and realise the vision
- ensuring that the spatial plan for an area embodies the aspirations of the community
- effective communication of policy between cabinet and planning committee
- focus on outcomes
- early and effective community engagement in discussions on plans and development proposals, in accordance with the authority's Statement of Community Involvement.

As a community leader and local representative you will want to be involved in public meetings and pre-application discussions. However, this may create some risks for councillors, particularly those who are members of the planning committee, and for the integrity of the decision making process. Guidance is set out in the LGA guides **Probity in Planning (update)** – **The Role of Councillors and Officers, and Members Engagement in Planning Matters** and from the Standards Board for England (see the weblinks at the end of this leaflet).

Councillors should involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if you follow these useful general hints.

do

- ✓ read the LGA guidance
- ✓ hold discussions before a planning application is made, not after it has been submitted to the authority
- ✓ preface any discussion with disclaimers; keep a note of meetings and calls; and make clear at the outset that discussions are not binding
- ✓ recognise the distinction between giving advice and engaging in negotiation
- ✓ structure discussions and involve officers
- ✓ stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning
- ✓ use meetings to show leadership and vision
- ✓ encourage positive outcomes
- ✓ ask for training from your council in probity matters