

REPORT OF THE DEPUTY DIRECTOR (PLANNING & COMMUNITY STRATEGY)
TO THE DEVELOPMENT CONTROL COMMITTEE 31 MARCH 2008
AND TO THE EXECUTIVE 4 APRIL 2008

Draft Planning Code of Conduct: Member Involvement in Pre-Application Discussions

1.0 Introduction and Report Summary

- 1.1 At full Council on 4th December 2007 Members considered a revised draft of the Planning Code of Conduct. Concerns were expressed about a new provision in the draft code which would establish the principle that local Members would be invited to observe and take part in pre-application discussions, in cases where a formal officers' Development Team has been set up to take forward discussions in response to large, proposed developments in the Vale. (The decision to set up a Development Team is taken by the Deputy Director in consultation with the Planning Service's Management Team where it is considered that this will promote and assist the efficient handling of applications for major development proposals prior to their submission).
- 1.2 Council resolved that the draft Code be referred back to the Strategic and Local Planning Advisory Group for the new provision to be given further consideration and, following its reconsideration by the Group, for the Code to be recommended back to the Council via the Development Control Committee, Executive and Standards Committee. This report sets out the background to the proposed new provision and suggests an alternative wording for the relevant section of the draft code, to clarify the arrangements governing Member involvement. A copy of the relevant paragraph of the original draft Code (4.6) is appended to the report. The recommendations below have been considered and endorsed by the Strategic and Local Planning Advisory Group.
- 1.3 The Contact Officer for this report is Rodger Hood (Deputy Director – Planning & Community Strategy), telephone (01235) 540340.
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2.0 Recommendations

- (a) *that the wording of paragraph 4.6 of the draft Planning Code of Conduct dealing with Member involvement in pre-application discussions be amended to read as follows:*

"4.6 In response to large proposed developments, where a formal officers Development Team has been set up, local ward members may be invited to attend, observe and take part in pre-application discussions at meetings of the Team. A request to be involved in such discussions should be made by the ward member to the Deputy Director (Planning and Community Strategy) who will consider the request in consultation with the Chair and/or Vice Chair of the Development Control Committee and the Opposition Planning Spokesman. The views of the applicant on ward member involvement in a development team will be sought to help inform the consultation. In the event that a ward member is invited to become involved in pre-application discussions it is important that they restrict their involvement to receiving and gathering information about the

proposals and providing views on the issues likely to be of concern in the locality. It is also important that matters of a commercially confidential nature to the potential applicant are respected and that any commercial confidentiality is maintained. Members should not engage in negotiations and should avoid giving any firm commitment or impression of a firm commitment that they hold any particular view about the merits of the proposal. If it is known that a Ward Member has publicly expressed a particular view about a major development proposal prior to requesting involvement in Development Team pre-application discussions, this will be taken into account in the decision whether to grant their request to attend and participate”.

- (b) *that the draft Planning Code of Conduct with the proposed re-wording of paragraph 4.6, be recommended to the Development Control Committee, Executive and Standards Committee and subsequently to Council.*

3.0 Relationship with the Council’s Vision, Strategies and Policies

- 3.1 This report relates to the Council’s Vision in that it supports the objectives of “strengthening local democracy and public involvement through access to information, consultation, and devolution of power so that everyone can take part in our community and contribute to the decisions which affect our lives” and “Providing and supporting high quality public services which are effective, efficient, and responsive to the needs of people within the Vale”.
- 3.2 The main risks arising from the recommendation in the report are that applicants may be deterred from engaging fully and openly in pre-application discussions on major development sites, and Members may find it difficult to draw the distinction between the role of gathering information and providing views on issues likely to be of local concern, and entering into application negotiations, which could give rise to questions of probity in the eventual decision making process.

4.0 Background to the Issue of Member Involvement in Pre-Application Discussions

- 4.1 For some time now Officers have been aware of the views expressed by some local ward members that they would like to be better informed of the progress being made and issues being discussed at pre-application stage , particularly in relation to major development proposals in their ward. At the same time there has been growing support within a number of well respected, national organisations for the idea of promoting greater Member involvement in pre-application discussions, and a number of Councils are known to have responded by setting up special arrangements to facilitate this. Officers were asked to explore the possibility of greater Vale member involvement at pre-application stage and undertook to research the matter and identify potential problems and opportunities. To provide an informal Member view, discussions were held with the Executive Member for Planning, the Chair and Vice Chair of the Development Control Committee and the Opposition Planning Spokesperson in late Summer 2007. A briefing note was prepared highlighting key issues to inform the discussions. (A copy of the briefing note is appended to this report, together with copies of a guide “Positive engagement” published by a range of national bodies involved with planning, and the Local Government Association’s publication “Member engagement in planning matters”, both of which provide useful background information).
- 4.2 The outcome of the informal discussion with key Members was the proposed insertion into the draft Planning Code of Conduct of a paragraph seeking to formalise

arrangements for Member involvement in pre-application discussions, specifically where large developments are proposed and formal officer “Development Teams” are set up to progress those discussions (Paragraph 4.6. See Appendix One).

- 4.3 The Standards Committee considered the draft Code at its meeting on 6th September 2007 and recommended Council to adopt the Code. However, at the Council meeting on 4th December it was reported that correspondence from a major developer had been received, expressing concerns about the proposal to allow local members to observe and take part in pre-application discussions in respect of a particular development they were seeking to progress. In the event, Council decided not to adopt the Code. Instead, it was agreed that the matter should be referred back to the Strategic and Local Planning Advisory Group to enable further consideration to be given to the issue of and arrangements for, Local Member involvement in pre-application discussions. The Advisory Group has met and supports the recommendations contained in this report. The draft Code will now be considered by the Development Control Committee, Executive, and Standards Committee before being referred back to full Council.
- 4.4 Officers have given further consideration to the wording of the relevant paragraph in the draft code and acknowledge that it can be improved to give greater clarity and guidance to ward members on the process for engaging in pre-application Development Team meetings. A revised wording of the relevant paragraph is set out in the recommendation at 2.0(a) above.

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