

Environment and Sustainability Committee



18 June 2024

Title	Consultation on Emerging Planning Proposals
Purpose of the report	To make a decision
Report Author	Esmé Spinks, Planning Development Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Addressing housing need Resilience Environment Services
Recommendations	Committee is asked to: Agree the report and Appendix 1
Reason for Recommendation	<ul style="list-style-type: none"> This report is providing an update on the Consultation on the Emerging Planning Proposals To agree the Council's response to the revised Consultation on Emerging Planning Proposals

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> A review of the Consultation on Emerging Planning Proposals 	<ul style="list-style-type: none"> It was agreed the consultation protocol agreed two years ago should be reviewed.
This is what we want to do about it	These are the next steps

<ul style="list-style-type: none"> • The protocol will continue to assist in the effectiveness of the planning system and improved outcomes for the community. 	<ul style="list-style-type: none"> • To achieve Committee approval of the update on the Consultation on the Emerging Planning Proposals
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- 1.1 This report seeks to provide an update to councillors on the Consultation on Emerging Planning Proposals which was approved by Corporate Policy and Resources committee on 14/03/2022. A copy of the updated consultation protocol is attached as appendix 1.

2. Key Issues

Background

- 2.1 The protocol for the consultation on emerging planning proposals, which was agreed by the Corporate Policy and Resources Committee, sets out a process to encourage developers to engage in early pre-application. The National Planning Policy Framework (NPPF 2023) advises that *'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community'*.
- 2.2 The protocol advises on the primary purpose of community consultations and briefings, the community consultation process, the role of members at briefings and the process.
- 2.3 Following the approval of the protocol, consultations have taken place in the following ways:
- Consultation in the community by developers (pre-application)
 - Planning presentations to Members by developers at the pre-application stage
 - Briefings by Planning Officers prior to Planning Committee
 - Details on Consultation for Major Development Sites
- Details of consultations undertaken in the last two years are attached as appendix 2.
- 2.4 During discussions with developers who have sought pre-application advice with planning officers, officers refer to the Protocol and the importance the authority attaches to consulting in the community on larger major or sensitive planning proposals. Of the 10 larger proposals, developers have consulted in the community on all schemes (although 3 were only via the website/leaflet drops only and not in person with the community).
- 2.5 The large majority of the developers proposing the larger applications have undertaken pre-application advice with the planners. Several proposals have been amended as a result of comments made, even if some planning

applications remained unacceptable in planning terms. Several of the proposals were amended following consultation in the community to include amendments or additional landscaping, relation of an off-site bus stop, reduction in the height of the building and an amendment to the position of the building.

- 2.6 As referred to in para 3.0 of the Protocol, the details relate to the larger major applications only - 50+ dwellings and/or commercial schemes of 10,000+sqm of commercial floorspace. It will also relate to major developments (10+ dwellings and 1,000sqm + floorspace) which the Planning Development Manager considers is a sensitive development.

Amendments

- 2.7 It is proposed to amend the agreed consultation protocol as follows:
- The consultation has been amended to reflect the updated NPPF 2023, although the amended version does not change the text on the primary purpose of community consultation.
 - An amendment has been added to define the types of applications which should be subject to the community consultation process by the developer to encourage the process to also apply to smaller but sensitive applications, for e.g., within a conservation area.
 - Some changes to the steps in the process under 3.0 to include 'shall' to reflect the fact there is no statutory obligation for the developer to consult on all planning applications, although it is strongly encouraged.
 - It is recommended that the pre-application briefing to members is amended to state that it is undertaken by the applicant only and not the planning officer; this reflects what happens at present. However, planning officers will continue to present at member only briefings for complex and often technical proposals prior the Planning Committee meeting.

3. Options, analysis, and proposal

- 3.1 There are three options. The first is to agree the revised 'Consultation on Emerging Planning Proposals' document.
- 3.2 The proposed changes to the protocol seek to further improve consultation between the developer and the ward councillors and local community on large and complex or sensitive proposals early on in the pre-application process.
- 3.3 The protocol, whilst not binding on developers, demonstrates to developers the importance of consulting with the community on larger or sensitive schemes and making pre-application presentations to members. It would mean that the community, including members have an opportunity to be well informed about major development proposals. Even if we did not have a consultation protocol, developers can still consult with the community, and it is far preferable to demonstrate to the community how important consultation is.

- 3.4 Planning Practice Guidance “Before submitting an application” acknowledges that *“pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success.”*
- 3.5 Early consultation with the community by the developer on large proposals encourages greater collaborative working. It provides the community with an opportunity to express their views with the developer at an early stage when the scheme is still being formulated which enables the developer to give consideration to amend their proposals prior to submitting their planning application. However, it should be noted that the developer has no statutory obligation to consult with the community. This option is recommended.
- 3.6 The second option is to not agree the revised ‘Consultation on Emerging Planning Proposals’ document. Early engagement in planning proposals has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. To not engage would send a message out that consulting with community is unimportant when the Council’s Corporate Plan makes clear that the Council will put *‘our residents at the heart of everything we do’*. Indeed, the first priority in the Corporate Plan is ‘Community’ and when referring to *‘Empowered Communities’* advises we will *‘communicate, listen and engage with residents, be an inclusive Council for all our residents.....adjusting to the needs of our residents’*. This option is not recommended.
- 3.7 The third option is for the E&S Committee to make further revisions to the revised document if they so wish.

4. Financial management comments

- 4.1 There are no financial management comments.

5. Risk management comments

- 5.1 There are no risk management comments.

6. Procurement comments

- 6.1 There are no procurement comments.

7. Legal comments

- 7.1 Although the protocol ‘Consultation on Emerging Planning Proposals’ is not required by law and will not be binding on developers, this is a good practice document that represents the principle of early engagement as recommended by the NPPF and the PPG and as such serves as an additional transparent opportunity for all interested parties to work collaboratively and openly at an early stage of a proposed development. Having agreed and approved protocol enables everyone to see what process the Council has in place and how is that process expected to be carried out and managed.

8. Other considerations

- 8.1 There are no other considerations.

9. Equality and Diversity

- 9.1 This report does not have any specific Equality and Diversity implications. However, all planning applications are assessed for these matters as part of the decision-making process.

10. Sustainability/Climate Change Implications

- 10.1 This report does not have any specific sustainability/climate change implications. However, all planning applications are assessed for these matters as part of the decision-making process.

11. Timetable for Implementation

- 11.1 The amended protocol on Consultation on Emerging Planning Proposals shall be implemented with immediate effect. However, if there are any significant changes required, for example, a planning policy change, the protocol will be referred back to Committee.

12. Contact

- 12.1 Please contact:

- Esmé Spinks, Planning Development Manager
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Background papers: There are none.

Appendices:

Appendix 1 – Consultation on Emerging Planning Proposals

Appendix 2 Details on Consultations undertaken following the adoption of the Protocol