

## WLGA DRAFT PLANNING COMMITTEE PROTOCOL CONSULTATION RESPONSE – DRAFT

### Q1. Do you agree with having a national planning protocol?

Overall, it is agreed the protocol will help improve consistency across the 25 LPAs. However, it is important that the protocol provides the necessary high-level clarity but avoids becoming over-prescriptive. In this respect, it needs to provide for local flexibility through discretion of the Chair and locally determined procedures on matters such as committee meeting running order and details of speaking rights having regard to the volume/nature of planning applications submitted to different sized planning authorities in Wales. A protocol provides guidance to officers and members and informs developers and members of the public and ensure that planning decisions are well founded.

It should also be noted that the attached existing protocols/rules/guidance adopted by the Council are to be reviewed/consolidated in the near future so this exercise has been useful in helping inform this process.

### Q2. Do these proposals differ from the protocol you have in place? Do you see any difficulties with adopting these proposals?

A copy of the Council's Planning Code of Good Practice is attached which although similar to those proposed go into more detail regarding the Members Conduct which would avoid potential difficulties that may arise in adopting the draft proposals and see also section 7 in relation to development proposals submitted by Councillors

### Q3. Does the proposal regarding voting differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

A copy of the Council's Planning Code of Good Practice is attached which again although similar to those proposed go into more detail regarding the Members Conduct declarable interests – see also Appendix 2 attached. I note the inclusion of guidance in the draft proposals as to where a Member acts as a member for their electoral ward or as Member of the Planning Committee for an application in their electoral ward, which is useful.

### Q4. Are members currently involved in pre-application discussions? Do you see any difficulties with adopting these proposals?

Whilst members are currently rarely involved in pre-application discussions unless for instance as a member of a consultee group this may become more the case following the changes introduced by the Planning Wales Act 2015 and the proposals would be useful for Member's to refer to which would help them to avoid any difficulties that may otherwise arise. The issue regarding requesting Officer attendance will need further consideration in terms of respective roles and potential resource implications.

### Q5. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals? (Contact with Applicants, Developers and Objectors)

They are similar to the provisions the Council already has in place in the Members Planning Guide of Good Practice attached and in particular see section 5

Q6. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals? (Lobbying of Councillors)

Please refer to reply to Question 5 above.

Q7. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals? (Lobbying by Councillors)

They are similar to the provisions the Council already has in place in the Members Planning Guide of Good Practice attached and in particular see section 6

Q8. Do you see any difficulties with adopting these proposals? (Site Visits/Inspections)

No, they are similar to the provisions the Council already has in place in the Members Planning Guide of Good Practice attached which set out the requirements in greater detail and in particular see section 10 and the Guidelines for site visits attached. One consolidated document would be useful in this respect which should also explain the structure and purpose of the Site Visit to both members of the public and to the developer at the outset of the Site Visit as per Appendix 3 attached. The reasons for requesting a site visit should be based upon the planning grounds listed and should be minuted in order to avoid unnecessary delays in processing the application.

Q9. Does your authority allow public speaking? If not are there any reasons why public speaking cannot be allowed?

Yes, there are provisions regarding petitioners and the applicants right to speak at Planning Committee which are contained in paragraph 14.2 and 6.2 of the Council's Committee Procedure Rules attached, although these may need updating taking into account the use of electronic petitions, signatures and email addresses which make it difficult to determine whether or not the petitioners are Cardiff electors who could reasonably be expected to be affected by the matter to which the petition relates.

Q10. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with the proposals? (Public Speaking Procedures)

Yes, there are provisions regarding petitioners and the applicants right to speak at Planning Committee which are contained in paragraph 14.2 and 6.2 of the Council's Committee Procedure Rules attached and see also the attached Council Protocol for receiving oral observations from Members who are not members of Planning Committee attached. These provisions are considered to strike an appropriate balance between allowing public/ local Ward Member representations whilst allowing for the determination of an often large number of applications within a Planning Committee meeting.

This is considered a topic where the protocol can usefully establish the need for LPAs to put in place measures for public speaking but not become over-prescriptive in terms of setting out detailed procedures which are likely to vary having regard to local context. In this respect, there would be considerable difficulties adopting the proposed arrangements. For example, where there are a large number of planning applications to be determined at Committee, 2 days is not sufficient time to allow the officer to include and comment on the petition within the report or to notify the applicant who in the interests of justice should be given sufficient time to respond to the petition at committee. Furthermore, the time implications and difficulty practically organising potentially large numbers of people to speak on specific applications are considered to have a significant negative impact on the smooth running and operation of Committee with a serious risk of long and repetitious representations which would have an adverse impact on the efficient determinations of applications at committee. There are also considered difficulties with both the notion of dialogue between the Chair/representors and the suggested order of speaking (this section & section 18). There is a significant risk of the protocol inadvertently creating confusion rather than clarity if it becomes over-prescriptive on such matters as different LPAs will have their own details relating to running order and speaking but the protocol can assist by clarifying the high-level key points.

Q11. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with the proposals? (Role of Officers/ Decision-making)

No, they are similar to the provisions the Council already has in place in the Members Planning Guide of Good Practice attached which set out the requirements in greater detail and in particular see section 8.

Q12. What are your views on having a cooling off period?

This reflects the current usual practice at the Council's Planning Committee, although it is not documented it is useful exercise as it allows planning officers to return to committee with full reasons for refusal and allows the developers scope for amendment to the proposals where possible.

Q13. Are these duties different from current duties? Do you consider that training for the Chair of Planning Committee would be required?

This reflects the current usual practice at the Council's Planning Committee as per paragraph 6.2 , 9.1 and 20 of the Council's Planning Committee procedure rules attached.

Q14. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with the proposals? (Role of Members at a Planning Appeal)

The proposals differ from the arrangements that the Council currently has in place in that given the constraints on finance it is not possible generally to appoint an external planning consultant to represent the Council at appeal in which case the planning officer will make it clear that the views he is presenting are those of the Planning Committee. Whilst Members

are able to attend at the appeal and provide evidence the opinions are those of an individual member and not those of the planning committee.

Q15. Do you currently require planning committee members to undertake training before participating in any decision making? Would you support a national approach to provision of training resources?

By reason of paragraph 20 of the Council's Planning Committee Procedure Rules all members of the Council are expected to undertake a basic level of training on planning matters in their role as local members. Specific training is provided to the Chair and Deputy chair and members of the Planning Committee as part of the Member Development Programme. Under paragraph 9 of the Member's Code of Good Practice training is also provided which is necessary for Planning committee members who act in a regulatory or quasi judicial manner. A national approach would be supported.

Q16. Do these proposals differ from the current customer care arrangements you have in place? Do you see any difficulties with preparing a local procedure as set out in paragraph 15.1? (Customer Care)

The Council's procedures are the same and are exercised by either the Chairman or Committee Clerk. The cut off time for late representations is 24 hours before the start of the meeting and is contained in paragraph 1(h) of the Council's Committee procedure rules. The protocol for receiving observations and representations from Members who are not Members of Planning Committee is attached and should also be included within any Planning Committee protocol in order to avoid any difficulties arising at Committee. I have also attached an informal guide as to the Council's procedure although the majority of the attached documents are on the Council's website it would be useful to have one document with regard to the protocols at Committee.

Q17. Any additional comments?

It would be useful to have an informal guide which gives advice regarding the Council's procedure although the majority of the attached documents are on the Council's website it would be useful to have one document with regard to the protocols at Committee.