

Report to: Cabinet



Date of Meeting 30 September 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Updated Protocol for Members Advisory Panels on Planning Matters

Report summary:

The report seeks to review the protocol for Members Advisory Panels on planning matters to ensure that the protocol is up to date and reflects good practice.

Recommendation:

That Members adopt the proposed protocol for Members Advisory Panels and that this be published on the Council's web-site and used as the basis for all future meetings.

Reason for recommendation:

To ensure that there is a clear and published protocol for Members Advisory Panel meetings.

Officer: Ed Freeman: Service Lead – Planning Strategy and Development Management

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no financial implications arising.

Legal implications:

It is within the purview of Cabinet to revise the protocol for Member Advisory Panels. Otherwise there are no legal implications requiring comment.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Low Risk

Links to background information: Pre-application advice web-pages:
<https://eastdevon.gov.uk/planning/planning-permission/pre-application-advice/#>

Link to Council Plan:

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
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Background

In 2007 the Council introduced a process known as the Members Advisory Panel to give a mechanism whereby Members could engage in pre-application discussions with developers looking to submit a planning application. Prior to this time pre-application discussions had been entirely between the developers and officers. The process was designed to give developers the benefit of input from Members at an early stage of their proposals to inform their thinking and minimise risk to them. From a Members perspective it gave them an opportunity to input into the proposals and ensure key concerns were understood by the developer and could help to influence the proposals at an early stage.

The process was founded on a basic protocol which sought to enable developers to make a presentation to a group of relevant Members and officers then in return receive a written response from the panel as a group detailing their views and comments. In this way the process ensured that meaningful feedback could be provided to the developer without the views of any individual Member being formally expressed such that it could be considered to prejudice their position when considering any planning application that might follow.

The protocol was published as part of a schedule of charges for pre-application discussions. The agreed protocol stated the following:

“The Council also offers a Members Advisory Panel for major applications. This is a group of senior officers and Councillors and other interested parties who can listen to a presentation from the agent and then through its officers respond in writing. The Council has a protocol for dealing with requests from agents to put a proposal before the MAP. Officers can advise if a particular scheme warrants a submission to the MAP.

The Member's Planning Advisory Group is comprised of:-

- The Chairman of the Development Management Committee.
- The Chairman of a possible Policy sub-committee or Policy Champion.
- Strategic Planning Portfolio Holder.
- Environment Portfolio Holder.
- Economy Portfolio Holder – as appropriate
- Communities Portfolio Holder as appropriate.
- Ward Members.

The system for running this group would be as follows:-

- (i) Developers to make presentation to Member's Planning Advisory Group with Officers present.

- (ii) Members to have previously acquainted themselves with the site in question by a site visit with Officers.
- (iii) Members to ask questions of the Developers, seek clarification, test arguments but not to give any form of view in support or against the proposals.
- (iv) Advice on the way forward or changes to be made to the proposal would be provided by the Officers to the Developers in writing following advice from Members in a debate once the developers have left the meeting.
- (v) Any Member of the Planning Advisory Group who has a personal or prejudicial interest in the proposal should not form part of the group for that particular site."

The above protocol has been in use since 2007 with numerous advisory panels having been successfully convened with Members and developers alike providing feedback suggesting that the process was useful.

National Context

The Government's National Planning Practice Guidance acknowledges the role of pre-application discussions to improve the "...efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success". The guidance goes on to state with regard to Member involvement in pre-application discussions:

"What involvement could the local planning authority's elected members have at the pre-application stage?

Democratically elected members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so. Section 25 of the Localism Act 2011 confirms that elected members do not have a 'closed mind' just because they have historically indicated a view on a matter relevant to the proposal. Further information on elected member involvement in the decision-making process.

Paragraph: 007 Reference ID: 20-007-20140306"

A number of other Councils operate similar panels under a variety of different names and protocols. These all seek to give Members a format to input into pre-app discussions in accordance with government guidance. It is therefore considered that Members Advisory Panels continue to have an important role to play in the pre-application process. It is however important that the protocol for such meetings is reviewed given the time that it has been in place without review and mindful of concerns about issues of probity.

Reviewing the Protocol

It is proposed that the protocol be revised to achieve the following:

- Have a clearly stated purpose for the panel so that all parties understand what is to be achieved through a panel meeting.
- That minutes are taken of each meeting in the same format as committee meeting minutes to ensure that clear records are maintained.
- To make it clear that as with all pre-application correspondence and records these will be published in the event that an application for the same or similar form of development is made on the site.
- To update the relevant Members that would be expected to attend a panel meeting.

- To provide clarity over the timing of any developer presentation to avoid overly long presentations.

The revised protocol is proposed to read as follows:

Members Advisory Panels

Introduction

The Council operates a Members Advisory Panel (MAP) for major applications. The panel is convened as required and is an opportunity for developers to present proposals to Members at an early stage and gain initial feedback to gauge Members initial views on proposals to inform their development. A panel meeting is charged as 1 meeting under the relevant pre-application fee.

Purpose

To enable Members to input into emerging proposals at an early stage to inform the developers thinking and the development of their proposals without prejudicing the views that they may later choose to express in response to any future planning application for the development.

Membership of the Panel

A panel will be convened when a developer submits a proposal for pre-application discussion with officers on a major development and those discussions have progressed to a stage where the developer and officers agree that engaging Members in the discussion would help to progress the matter.

Any meeting of the panel will be chaired by the Chairman of Planning Committee and will also comprise of:-

- Portfolio Holder Strategic Planning
- Portfolio Holder Coast, Country and Environment
- Vice Chairman Strategic Planning Committee
- Vice Chairman Planning Committee
- Ward Members as appropriate to the site (inc. adjacent ward members as appropriate)
- Other relevant portfolio holders and assistant portfolio holders (as appropriate)
- Relevant officers from key consultees such as Devon County Council etc.
- Relevant officers from other teams and services of EDDC

The Panel Meeting

Prior to the meeting Members should acquaint themselves with the site and its surroundings.

The panel, officers and developers to convene either in person at the Council's offices or virtually through zoom or similar as appropriate.

The meeting to then follow the format of:

1. Meeting to open with introductions and Members to declare any interests.
2. Developer makes a presentation to the Member's Advisory Panel and Officers of no more than 30 minutes.
3. Members to ask questions of the Developers, seek clarification, test arguments but not to give any form of view in support or against the proposals.
4. Developers are asked to leave the meeting.
5. Officers advise Members of the key issues and policy considerations as they see it.

- 6. Members discuss the merits of the proposal*
- 7. Members advise officers of the comments that they wish to feedback to the developer*
- 8. Meeting is closed.*
- 9. Officers draft a response to be sent on behalf of the panel to the developer and circulate with the minutes for panel member's comment.*
- 10. Final minutes and letter is agreed by the Chairman.*
- 11. Officers send panel response to the developer.*
- 12. In the event an application is made for the same or similar proposal on the site from the developer then all pre-application details including the panel minutes and letter are published.*

Administration

All meetings to be arranged and administered by the Planning Service.

All meetings to be minuted in the same format as committee meetings.

All virtual meetings to be recorded and saved.