

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

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| 1. | Meeting: | Cabinet |
| 2. | Date: | 6 April 2011 |
| 3. | Title: | Proposed Changes to Planning Board |
| 4. | Programme Area: | Environment and Development Service |

5. Summary

Proposed changes to membership of planning Board to accommodate requirements of implementing Development Management.

6. Recommendation:

That Cabinet approve:

a) Planning Board to be made up of 2 Members per Area Assembly (and an allocated substitute) and changes be implemented in May 2011

b) The implementation of Development Management.

c) An enhanced Planning Board Member Training Programme, developed in conjunction with the Member's Training and Development Panel, including code of practise

7. Proposals and Details

Introduction to Development Management

The principle behind the move to Development Management is to further modernise the Planning Service and to make sure that we are offering a problem-solving approach to planning in addition to more familiar development control activities.

In order to fulfil this role we need to further develop our abilities to:

- facilitate development opportunities
- influence development proposals to achieve quality outcomes and
- solve problems to deliver sustainable development

Achieving our objectives for development management will require the Planning Service to be more proactive and delivery focused, whilst being better aligned with other strategic functions, including plan-making. We have already adopted aspects of development management in our planning services through, for example, a significant increase in pre-application discussions, an increased role for members would allow us to further develop this service.

Role of Planning Board Members

As part of development management, Planning Board Members are encouraged to fulfil their roles as local authority representatives and civic leaders in the planning system and this includes involvement in the pre-application phase of development.

Pre-application involvement

Councils who have introduced pre application engagement for Planning Board Members have found that:

- A clear member protocol is essential.
- Comprehensive training is required to ensure that Board Members are well informed

In further developing the role as strategic leaders for the authority Board members would move away from their traditional roles as “ward councillors” and as a Board take a strategic view relating to the key priorities of the Council.

There is evidence from Planning Advisory Service research that a traditional, large Planning Board tends to be less separated from its constituency role, has a greater tendency to depart from planning policy as members do not feel that they have a special role in determining applications for the wider Council.

Conversely members of a smaller Board are much more likely to take impartial decisions based on material planning considerations being more streamlined with a more strategic focus.

Rotherham's Planning Board was initially established to be made up of representatives from each ward and therefore consideration has been given to moving away from this arrangement in order to facilitate these aims.

It was also suggested by Planning Board members that the profile of planning could be raised with a commitment to both attendance and training by board members to ensure consistency in decision making. There is the potential to implement this proposal and move away from the historical ward representation at Board in May when number of board members are due to stand down. The proposal is therefore that Planning Board be made up of 14 members – 2 from each Area Assembly area with provision for a substitute from each area as necessary.

Potential Impact of Localism Bill

In a letter to all Council's on in January 2011 Local Government Minister, Grant Shapps has stated that provisions within the Localism Bill (Clause 13) will free councillors from restrictions that prevent them from championing local issues ("pre-determination"). Councillors are expected to be able to publicise their views on issues, indicate their voting intentions and to engage fully with their local communities without this affecting their participation in the council's formal decision making. In addition, councillors should be able to engage with planning applicants to educate themselves about their proposals. Of course, councillors will still need to be open minded at the point of decision in the sense of listening to all of the arguments, and weighing them against their preferred outcome, before actually voting.

This view has been strengthened in announcements around the budget proposals stating that councillors, planners, developers, businesses and local communities must find more ways to work more effectively and resolve conflicts in planning

Clause 102 of the localism bill has also introduced a new requirement for prospective developers to consult local communities before submitting planning applications for very large developments. This is intended to give local people a chance to comment on proposed developments which may have an impact on them, and to collaborate on issues such as design at an early stage in the process. While most major applications are already subject to extensive pre-application consultation, developers will be required to have regard to any opinions raised during this consultation when deciding whether to make any changes before submitting their planning applications.

Further involvement of local communities is to be developed through Neighbourhood Planning which is a new right being introduced by the Localism Bill allowing communities to create a vision of what their local area should look like and define development that will automatically have planning permission through Neighbourhood Development Orders and members are seen to be central to this work explaining, leading and helping their local community.

In addition the recent Central Government Budget and Growth review sets out requirements that the planning system does everything possible to support economic growth and sustainable development, helping to re-build Britain's economy and have issued a statement that it will simplify and speed up the planning process.

Councils are to be required to co-operate across LPA boundaries on issues across the Local Economic Partnership (LEP) areas on planning issues such as transport, housing, infrastructure etc.

These initiatives clearly allow members to take a much more active role in the development process and pave the way for a move to achieve the aims of the Localism Bill generally and Development Management.

Training

A Board made up of a core group of members who have the opportunity to undertake further training and development in order that they are in an informed position, in relation to relevant issues and material planning considerations, would assist to achieve the aims of Development Management.

This could be achieved by building on the existing Member's Development Charter and making a number of internal training sessions available at times where the maximum number of Members can attend.

Code of Practice

The Members Code of Practice could be reviewed as part of the changes to Board - establishing an enhanced member role in providing pre-application advice or could be delayed until the aspirations of the government in relation to removing "pre-determination" for members and the localism bill are clearer.

Conclusion

The aim is to build a good, strong Planning Board with a core group of members. This, together with involvement at a pre-application stage, would provide an enhanced service for developers and assist with the Council's regeneration priorities.

The benefits of implementation can be summarised as:

- reducing uncertainty for developers - and would therefore support the aim of Rotherham to be **"a good place to do business"**
- providing a full and more useful pre-application service
- More focussed meetings and fully justified decision making.

8. Finance

There are no direct financial implications arising from the report

9. Risks and Uncertainties

The proposals reduce the risk to the Local Planning Authority of potential legal challenge by increasing the role for members in the planning process in accordance with government advice and putting in place appropriate measures to accommodate the requirements of the Localism Bill.

10. Policy and Performance Agenda Implications

The proposals will assist with the aim of the Local Planning Authority to ensure Rotherham is a “good place to do business” and ensure that planning decisions, and the role of Planning Board Members to contribute to the making of decisions which assist to support the regeneration policies of the Council, are made in a timely manner.

11. Background Papers and Consultation

PAS: Approaches to the role of councillors in development management
Planning Advisory Service Website

Localism Bill

www.communities.gov.uk/localgovernment/decentralisation/localismbill/

Bronwen Peace

Planning Manager

Tel. 23866

Bronwen.peace@rotherham.gov.uk