

Statement by Assistant Director of Planning Services in relation to Minute 107 of Full Council on 30th January 2012 concerning ward councilor involvement in Section 106 agreements

At its 30th January 2012 meeting, Full Council agreed the following motion that Planning Services be instructed to prepare a Protocol on Ward Councillor Involvement in Section 106 Agreements, establishing the detailed framework for consultation in the formal pre-application and planning application processes, and a report be prepared to be considered by the Constitution Working Group.'

Introduction

Since Full Council Officers have been researching the 14 authorities referred to in the debate in order to start preparing the protocol for presentation to the Constitutional Working Group. Many of these authorities have arrangements for ward member involvement in planning and Section 106 matters similar to our current practices, but some have more extensive protocols which clarify when and how members will be involved at various stages of the planning process.

Officers consider that existing arrangements need to be highlighted and some interim arrangements were needed before the Constitutional Working Group refers the proposed protocol to Full Council for approval.

This statement therefore covers 3 areas: what we do now, what interim arrangements we are making and future progress with the Protocol

What we do now:

- Planning Services sends Members and local community groups a Weekly List of all planning applications
- In accordance with the principles set out in the Statement of Community Involvement, Members should review this list and initiate contact with the case officer if they have interest in a particular planning application at the earliest opportunity
- Through the links to planning applications in the weekly list, Members can see Section 106 Obligations 'Heads of Terms'. This will show what the developer is proposing for the Section 106 agreement and provides a starting point for members to consider Section 106 matters on a particular planning application.
- There are several other sources of information already available to assist members in considering Section 106 issues:
 - o The Statement of Community Involvement sets out the principles, expectations and best practice for everyone involved in the planning process

- The Sustainable Neighbourhood Assessments set out in detail an assessment of existing infrastructure, gaps in provision and key local issues within every neighbourhood in the city
- The Infrastructure Needs Assessment sets out strategic infrastructure that is needed in parts of the city to support the overall growth agenda of the city
- A summary of existing Section 106 agreements within every ward is available on the city's planning web site, and this is updated quarterly.
- The planning policy framework is set out in Policy CS33 of the Core Strategy and the Planning Obligations and Affordable Housing SPD. These provide the policy context for the negotiation of S106 agreements and it will be important for ward members to be familiar with these.

Interim position

From 1st April 2012 we will also send to members a confidential list of Development Enquiry Service pre-application enquiries for all major developments. Upon receipt of the list we would strongly encourage members to contact the case officer within 10 working days. This will enable officers, Ward Members and the developer to more positively engage together in progressing the pre-application proposals and take account of key local issues at an early stage.

Changes proposed to the Development Enquiry Service from 1st April 2012 will now also involve offering to applicant's the opportunity to present their emerging proposals to ward councillors. Case officers will make these arrangements.

For planning applications already made, we would strongly encourage Members to contact case officers within 10 working days of receipt of the Weekly list to raise any Section 106 matters or issues of concern.

We will also produce a guidance note for all members on Regulation 122 of the CIL Regulations which provides the legal framework for the consideration of all planning obligations.

Future position

In order to enable Members to more positively engage in the planning process (and develop their roles as an community leaders and advocates under the localism agenda), a more structured and coordinated approach will be developed through the Ward member Involvement in Planning Applications and Section 106 Agreements Protocol at both pre-application and planning application stage. A proposed protocol is in the course of being drafted now and will be presented to the Constitutional Working Group in April 2012. This will set out in detail the basis of ward member involvement in pre-application discussions in relation to Section 106 matters in response to the Full Council resolution of 31st January 2012.

A key element of the new approach with respect to major applications will be that officers will provide the opportunity for local ward Members to more positively engage in the pre-application stage of development proposals, helping to address locally important issues as early as possible.

Recommendation

It is recommended that Planning Committee note progress with the preparation of the Protocol for Ward member Involvement in Planning Applications and Section 106 Agreements and instruct officers to send this statement to all councillors.