

Appendix 2

Planning Guidance Note Member Involvement in the Planning Application Process

Policy/ Legislative Overview

The 2011 Localism Act makes it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result.

The Benefits of Effective Member Involvement in the Planning Application Process

The effective involvement of members in the planning application process helps them better represent their constituents and enrich local democratic debate. People can therefore elect their councillor confident in the knowledge that they will be able to act on the issues they care about and have campaigned on.

With regard to pre-application discussions, Members bring their local knowledge and expertise, along with an understanding of community views. Involving councillors can therefore help identify issues early on and reduce the likelihood that issues come to light for the first time at committee that may slow down the determination of an application or lead to its refusal.

The following key principles can help maximise the contribution that members can make to the planning application process

Key Tasks for Local Planning Authorities

1. Planning Committee Members and the relevant ward members should be involved in pre-application discussions for any proposal that is likely to be presented to the Planning Committee for determination. The level of involvement should ensure that members are fully aware of any such proposals and their comments can be taken into account when the application is being prepared.
2. There should be at least four training sessions per year for all planning committee members to ensure that they are conversant with all relevant planning legislation, policies, case law and other relevant information. Training Sessions should ideally be facilitated by an outside body to ensure a fresh perspective is given on planning matters. This would also help ensure that interpretations of planning legislation and practice that are no longer up to date do not become entrenched. New members must receive training before they are able to sit on the planning committee. Such training could be organised on a regional wide basis to share costs and resources between the local planning authorities and ensure a level of consistency with the advice given.
3. Regular (for example, on an annual basis) site visits to recently permitted developments should be arranged for Planning Committee members and Officers to enable them to see first-hand their impact and then use this knowledge to inform future decisions. Such site visits do not necessarily need

to be within their own particular authority area, particularly if there are examples of good, innovative development outside their area.

4. Planning Committees should consider introducing a 'right to reply' whereby committee members have the ability to question the applicant or objector/supporter to clarify points of fact that they have raised. This can help reduce the need to defer an application or avoid it being determined on the basis of a misunderstanding that could lead to future challenges or unnecessary appeals.
5. Planning Committee members should be issued with regular papers that update them on any relevant changes in legislation, policy or case law. Again, this could be done on a region wide basis to share costs and resources between the local planning authorities and ensure consistent advice given.

Key Task for Applicants

1. When appropriate, for example on larger schemes or schemes that will be determined by the Planning Committee, applicants should engage properly with local members prior to submitting a planning application. This will ensure that when the application is determined members are fully aware of the proposal and their comments have been taken into account when the application was prepared.