

4. Engaging councillors and communities in pre-application discussions

i) Active involvement of both councillors and communities at the earliest stages of a development project is important to both improving the quality of the resultant scheme and in reducing potential delays.

Why? Because:

1. Local authority councillors are active civic leaders who have goals and aspirations for their area which they want to make happen. Their role in pre-application discussions gives them the opportunity to ensure that new development meets those aspirations.
2. Planning applications for the most significant developments are mostly determined through a democratic process at planning committee. These decisions are made by the elected representatives of the local community, not by officers.
3. Communities all over England are demonstrating their ability to take far reaching positive decisions about the type of development they want to see in their communities through neighbourhood planning. These communities are showing their capacity to consider development constructively and to work with developers and landowners to influence development in a way that is far removed from passive consultation.
4. The involvement of communities is critical to the success of the development planning system. This is reinforced in the National Planning Policy Framework (the Framework) where it states at para 66:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”

(see also Article 3A of the DMPO in which prospective applicants are legally required to carry out pre-application discussion with the local community for some kinds of wind turbine projects).

As in all pre-application engagement, proportionality is the key.

The arrangements that LPAs can put in place to facilitate early discussion will vary dependant on the scale and complexity of the development and the likely impact of the development on the wider community.

The role that people play in the development process will affect the reach and timing of their involvement.

All councillors will be chiefly acting to ensure that new development delivers the greatest benefits for their communities, but there are nuances to their roles that affect how they engage in pre-application discussions.

Early and proactive engagement in discussions from ward members and planning portfolio holders helps developers to shape major schemes even before they get to the drawing board. Leaders and portfolio holders in particular may need to act as managers of council assets acting as partners in the delivery of some strategic developments – balancing an asset management role with civil leadership and representing the interests of constituents. They are able to use their position as local leaders to aid important developments that will realise their aspirations for the area.

Ward councillors generally want to be confident that they have the right information about proposals happening in their area in order to be more effective community representatives. They want to do a job in encouraging developers to make proposed developments that their community will value and achieve benefits for their community from developments within it.

Planning Committee members will take decisions on planning applications but balance their community leadership role with the need to keep an open mind prior to decision making. This does not mean that committee members should be insulated from early discussions. It will help to bring about better understanding of the issues through open exchange of information, discussion and constructive questioning.

Councillors involved in early discussions have an invaluable opportunity to understand issues of viability and to explore potential contributions to local infrastructure and affordable housing. Members are able to provide a clear steer on what is likely to be acceptable to the community and can allow problems and opportunities to be identified and addressed as the proposals for the development are put together. The issues raised by statutory consultees can be explored and alternatives assessed.

While the outcome of the planning application is not pre-determined by this process, the issues are better understood and the likelihood of deferrals and delays much reduced.

In the Localism Act 2011 (s25), the government made it clear that the probity rules that ensure that councillors behave with the highest standards in relation to their role in planning are not a barrier to councillors being actively involved in bringing their local knowledge, expertise and understanding of community concerns to bear in the pre-application process. A decision maker must not have made up their mind on a proposal such that they have a closed mind to any new information or alternative views before taking a decision. But it is reasonable for a local councillor to be predisposed to support or object to a proposal as a result of both the community representative and leadership roles.

The PAS/LGA guide “Probity in Planning 2013” sets out more guidance on this matter: http://www.local.gov.uk/environment-planning-and-housing/-/journal_content/56/10180/3979541/ARTICLE

The community in the planning context can include a multiplicity of potential players. It is not just those living near a future development but includes all those whose lives, work or responsibilities could be noticeably affected by it. It can for example include:

- those potentially affected by traffic, noise or visual impact some way away from a site
- the local parish, town council or a neighbourhood forum (as even if their role is not statutory, forums designated for neighbourhood planning will have an equal interest in representing their communities)
- people beyond a parish boundary; if, for example, changes might be happening to a school, centre or open space that serves a wider area;
- amenity and residents’ groups, managers of local community infrastructure
- some external people even if not local, e.g. Natural England if there is a wildlife impact.

It is important that a potential applicant gains a clear understanding of the 'community' in relation to a proposed development early in the process and for the LPA to help the applicant to reach this understanding. While recognising that some aspects of it can, and perhaps should, change as a project evolves, applicants are well advised to use community consultation as one of the channels through which the design of a proposal can be developed and refined. Development of an engagement strategy, setting out how the community will have opportunities to understand and influence developments, is best done as part of early discussions and included within a PPA or project plan.

Applicants may go separately to engage with the community or may work with the LPA, including councillors, to facilitate the discussion at the formative stages. While in some commercial situations a potential applicant may wish to hold back on community engagement for reasons of confidentiality, the LPA should encourage the applicant to bring the community into discussions as soon as practically possible.

Like ward councillors, town and parish councils, neighbourhood forums and other community representatives also value being part of discussions and to shape proposals in their area; to understand the impact of viability, to advise on community priorities and to see that these are demonstrated in the proposals that are brought forward by applicants. Early, open discussions with local communities, are unquestionably the key to effective progress in developing proposals that meet both the needs of the applicant (a faster and more cost effective passage through the planning system) and increased benefits for the community who will live with the eventual development. They too are a key route through to the wider community.

Integrating councillor and community engagement into pre-application processes

To work well and ensure public confidence in the integrity of pre-application engagement, many councils have adopted some form of structured approach especially in regard to the involvement of councillors. This need not be tied to formal presentations, and may include more informal working/discussion arrangements, as appropriate for each council. However for the sake of transparency and so that a prospective applicant can understand the options available, the arrangements need to be integrated into the range of pre-application services discussed at section 2 of this pre-application suite.

In considering what arrangements are appropriate, the following should be taken into account:

- Active discussion will facilitate the design of schemes that better meet the needs of the local community more effectively than an "consult and determine" process
- Arrangements should be proportionate to the scale of the development and the complexity of the issues raised and therefore a range of options should be available
- Arrangements should be sufficiently flexible to accommodate a range of circumstances including where there has been discussion at plan preparation stage, following an appeal or reworking of unimplemented permissions.
- The LPA should have capacity to meet whatever arrangements are put in place
- The process should be managed in such a way that a record can be kept of matters discussed and advice given
- Councillors who are not normally involved in making planning decisions, may require additional support to help understand the development plan context and the NPPF.
- How councillors, town and parish councillors and neighbourhood forums and communities are engaged in pre-application discussions should be part of the PPA project plan and communities may be signatories to the PPA agreement.
- Allow for regular review of any confidentiality requirements in order to work towards inclusive open discussions.

ii) Options for effective engagement

Many councils have adopted good working models for engaging both the community and elected local authority members in pre-application discussions. No one solution will suit all councils or all developments. Councils can adopt a combination or hybrid of these suggested options, depending on the scale of development and the stage of the development process. As with other aspects of a good pre-application offer, all stages, options and costs involved should be clear to participants from the beginning. Any PPA should indicate the form of engagement/discussion that will be adopted and these should be identified as milestones in the project plan.

Discussions at concept stage

Councils are increasingly working to ensure that their economic development and planning services are working in close alignment. As part of this they are signposting a 'front door' whereby potential applicants for significant new developments are encouraged to come to the council at the very earliest stages to discuss concept proposals with senior councillors. Equally, whilst progressive developers have gone straight to the community to discuss proposals early in the design stages for some time, neighbourhood planning has been a catalyst for more direct approaches from developers who wish to work with communities to ensure that their proposals meet community objectives

In both cases this initial contact can set up good relations for the rest of the project or avoid costly delays in taking forward proposals that have little chance of success or community support. Discussions may start with a blank sheet of paper to allow options to be explored openly or may build on proposals that are at an early stage of development. While the discussions may be confidential and preliminary, it is nonetheless important that a record of advice and agreements is made, shared between the participants, and kept on record should an application follow.

Member and community briefings

Formal briefings at a meeting, in some form of presentation or less formally by phone, provide an opportunity for the council officers or a prospective applicant to give an introduction to a development proposal while that proposal is still at a formative stage. The 'audience' may be one or more councillors or a mixed group of people likely to be affected by the proposal and community representatives such as town and parish councillors or neighbourhood forums. Such briefing can be a helpful way for councillors to stay abreast of proposals that are being discussed in their area, neighbourhood or ward. It's also an effective means for portfolio holders to have an overview of development across the local authority. Briefing is most appropriate at the early stages of discussions between the council and a prospective applicant. It is envisaged more as a presentation of information than a discussion, allowing the 'audience' to take in the information and provide a considered response later. Some councils allow a developer to brief councillors directly. In all cases it is important that a record is kept, alongside a copy of any written briefing or presentation material.

Interim committee report/presentation

This is useful for ensuring that the planning committee members are given an early sight of pre-application proposals in a more formal surrounding with the public present and providing a public record. The officers prepare a report that briefs on the scheme; the issues raised in planning terms, and matters discussed in informal pre-application meetings with councillors, statutory consultees and community groups. The developer may be offered a chance to give a presentation to the committee members outlining the scheme including any on-going discussions such as viability and provision of community benefits. Some councils allow ward members and/or parish/town councils to also address the committee in order to raise issues that the community may have about the development. The committee hearing the briefing have a chance to openly question and explore the proposal while keeping an open mind about the proposal. This provides a public record of discussion and therefore high levels of transparency.

Discussion forum

A developer or the council can host a discussion forum attended by officers, councillors, representatives of other statutory consultee bodies and community stakeholders (as identified in the councils SCI). This can effectively combine the engagement of councillors and community representatives and members of the public in a single event. It differs from the member /community briefings in that it is not an information opportunity but a working discussion forum therefore it is important that this takes place when the scheme remains fluid and capable of change.

The prospective applicant has an opportunity to present his/her initial design and hear reactions from those present. Statutory consultees have an opportunity to outline any concerns, modifications or mitigation measures they consider to be required. The councillors and community representative can ask questions of both the applicant and statutory consultees about the detail of the proposal. The design, financial viability, local impacts and contributions to infrastructure and affordable housing can all be considered, views expressed and suggestions tabled. Such forums will require effective chairing. In most cases this local leadership role is taken by a councillor. The task of organising and funding the events will be agreed between the council and the prospective applicant under the terms of the pre-application offer or PPA. Some councils run regular planning discussion forums and the meeting may deal with several prospective developments in a single agenda – depending on the scale and complexity of the issues and level of public interest. This format has the advantage of keeping discussions in the open, providing an organised platform for all those with an interest in the development to gain a mutual understanding of issues and help to shape more successful schemes. The record of discussion at such meetings should be a material consideration later in the application process.