

local leadership academy

A decorative graphic consisting of several white, curved, parallel lines that sweep across the green background, creating a sense of motion and flow.

an introduction to planning

member workbook

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foreword

This workbook has been designed as a learning aid for elected members. It makes no judgment about whether you have been a member for some time, or whether you have been elected more recently. If you fall into the former category the workbook should serve as a useful reminder of the key elements of the planning system that operates within local government.

Those members who are new to local government will recognise that they have much to learn. This workbook will provide you with an overview of the modernised planning system and an understanding of your role, skills and responsibilities in contributing to an effective planning process for your community.

The workbook offers few firm rules for ward members as it is recognised that each individual must decide how best to approach their role in relation to planning. This will be influenced by the type of ward you represent and the methods and approaches that suit you best. There is no presumption about 'typical wards' or 'typical members' and the workbook should serve more as a direction marker rather than a road map.

In practical terms, the document will take between **two to three hours** to work through. You do not need to complete it all in one session and may prefer to work through the material at your own pace. The key requirement is to think about the issues presented and your role within the planning system. In other words, how the material relates to your local situation, the people you serve and the council you represent.

introduction

In working through the material contained in this workbook you will encounter a number of features designed to help you think about your role within the planning system. These features are represented by the symbols shown below:



guidance – this is used to indicate guidance, research, quotations, explanations and definitions that you may find helpful.



challenges – these are questions or queries raised in the text which ask you to reflect on your role or approach – in essence, they are designed to be thought-provokers.



case studies – these are ‘pen pictures’ of approaches used by members elsewhere to illustrate how others have tackled the role.



hints and tips – these represent a selection of good practices which you may find useful.



useful links – these are signposts to sources of further information, outside of the workbook, which may help with principles, processes, methods and approaches. A full list of useful additional information is also set out in the appendix of the workbook.

the planning system in context

origins of the system

The roots of our modern planning system lie in the Town and Country Planning Act of 1947. This introduced a comprehensive planning regime that was adopted and adhered to by the 421 local planning authorities (LPAs) throughout Britain. Central government's role within this regime was to monitor the overall performance of councils as LPAs, issue policy guidance and hear appeals against local planning decisions. At local level, councils became responsible for 'development policy' and 'development control', effectively overseeing and controlling the way that land and buildings were used and developed within their areas.

In the late 1990s, the government began to consider ways in which the planning system could be modernised. This led to a Green Paper on Planning Reform for England in 2001 which, in turn, became the Planning and Compulsory Purchase Act 2004. As well as these direct planning reforms, there were also wider 'cultural changes' aimed at making public services more user-oriented. But before we consider the specific aims of these changes, let us consider what planning is actually concerned with.

✦ 'We are fortunate in this country. Since 1947, our interventionist planning system – for all its faults – has allowed us to avoid the extent of sprawl and environmental damage you see in countries such as the USA. The planning system helps create sustainable communities by influencing markets to promote more positive outcomes for society. But, over time, the planning system became ossified and inefficient – and so we embarked on a major programme of planning reform'.

John Prescott, former Deputy Prime Minister, March 2006

? what is planning?

Consider the nature of planning in your council area. Write down your thoughts on the following:

a. what challenges does your council face in planning?

b. what does the public expect of you?

c. what stops members making good planning decisions?

what is planning?

Planning is fundamental to the way our cities, towns and villages look, the way they work and the way they relate to each other. Good planning can have a huge beneficial effect on the way we live our lives. For planners, this means having a vision of how physical development can improve a community, supported by a simple, efficient and accessible planning system that meets the needs of local people, businesses and other stakeholders.

The planning system operates at both a strategic and local level:

- at a strategic level - planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the government's wider social, environmental and economic objectives
- at a local level – planning enables the control of development in local authority areas. Each LPA is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre - should go ahead.

Planning has become increasingly important in recent years as it has been recognised that the function is integral to the role of each council as a 'place shaper' for their area. As part of this, all ward members have a vital role in championing the interests of their constituents and ensuring that the delivery of planning decisions is open, effective and accountable.

↔ the purpose of the planning system

'Planning is a tool for local authorities to use in establishing and taking forward the vision for their areas as set out in their community strategies'

'Planning has a key role to play in the creation of sustainable communities: communities that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential...to meet these broad objectives, the country needs a transparent, flexible, predictable, efficient and effective planning system that will produce the quality development needed to deliver sustainable development and secure sustainable communities'

Planning Policy Statement 1, DCLG

the new planning system

aims of the new system

In introducing reform, the government sought to improve a number of aspects of the older planning system. Namely to:

- making the planning system faster by simplifying the way decisions are made
- enabling local communities to get more involved in decision-making and the planning process
- making it easier for councils to free up land for regeneration through 'compulsory purchase orders' and compensation schemes
- speeding up the handling of major infrastructure projects, eg the building of libraries, schools and other public facilities
- improving the predictability of planning decisions
- creating a better balance of housing supply and demand.

The overall aims of the reforms were to:

- create sustainable communities and promote sustainable development
- improve the speed and efficiency of planning decisions
- simplify plan-making and engage and involve communities in their preparation.

The new duty to ensure that planning documents contribute to the achievement of 'sustainable development' is particularly important for the economic, environmental and social well-being of your council area. In essence, council plans and planning decisions should be balanced and take into account all likely impacts on people, places and habitats. But understanding how planning might affect the sustainability or well-being of the area is not always as clear-cut as we might imagine:

the legal framework for planning

The Planning and Compulsory Purchase Act 2004 aimed to provide a transparent, flexible, predictable, efficient and effective planning system. It included the reform of local and regional plan-making, additional funding linked to delivery targets (to increase capacity and speed up decision making) and increased take-up of electronic or 'e-planning' to improve customer service. It also established for the first time a statutory objective for planning documents to contribute to the achievement of 'sustainable development'.

Planning is also subject to regulations, directives and orders made under powers granted by other Acts of Parliament, e.g. The Local Government Act 2000, which brought changes in community planning. It is also subject to European Community Environmental Law in various areas, e.g. EU directives on climate change.

? what about the sustainability of the area?

Imagine your council is considering a planning application from a private firm to build a new materials recycling facility on the site of a disused engineering works which sits in your ward. The firm is keen to take in recyclable trade waste and process this into materials which can be sold to local businesses. The site is in the centre of a run down urban housing estate which has comparatively high levels of unemployment. The firm has promised that it will create jobs for local people at the facility.

Consider how this development might impact on the sustainability or well-being of your ward area (both positive and negative impacts):

Possible social impacts:

Possible economic impacts:

Possible environmental impacts:

Reflect on the issues you have identified. What further questions would you want to raise as part of the planning process? What are likely to be the key concerns of your constituents? What role could you play as a ward member in assisting with the planning process?

In aiming for sustainable development, your council will be looking to maintain the economic growth which can help to secure higher living standards for local people, while protecting the environment and using natural resources sensibly. The role of planning within this is to:

- provide for the needs of local people and developers while respecting the environment
- use already developed areas in the most efficient way while making them more attractive places to live and work
- conserve both the cultural heritage and natural resources of the area, including landscape and wildlife
- shape new development patterns in a way that minimises the need to travel.

key elements of the development plan

Underpinning the new legal framework for planning, there is a hierarchical structure of guidance and plans covering national, regional and local planning responsibilities. This includes:

- a. *national level* – planning policy statements (PPS) and planning and policy guidance documents (PPGs) issued by central government
- b. *regional level* – regional spatial strategies (RSS), which represent the upper layer of the new 'two tier' development planning process. These have replaced the older system of county structure plans (and their equivalent in unitary authority areas). Spatial strategies are designed to cover a wider range of issues and policy areas than previous planning documents, although some long-held policies, such as those for 'green belt' land, are likely to continue to be a feature of the RSS. As a statutory plan to guide the local authorities in their area, the RSS is produced by a Regional Assembly
- c. *local level* – Local Development Frameworks (LDFs), which are a suite of Local Development Documents (LDDs) produced by each LPA and dealing with different aspects of spatial planning (see case study diagram and key). These have replaced older local plans, unitary development plans and structure plans. Each LDF is expected to be in 'general conformity' with the RSS, to ensure that there is a coherent planning policy across each region unless there are compelling reasons for not conforming, e.g. sound evidence of the local distinctiveness of an authority area - this is tested at examination by planning inspectors.

key to the LDF - tackling the acronyms

Local Development Scheme (LDS) – sets out the vision and intentions of the LPA – effectively a project plan.

Annual Monitoring Reports – enables the effectiveness of the LDS to be monitored.

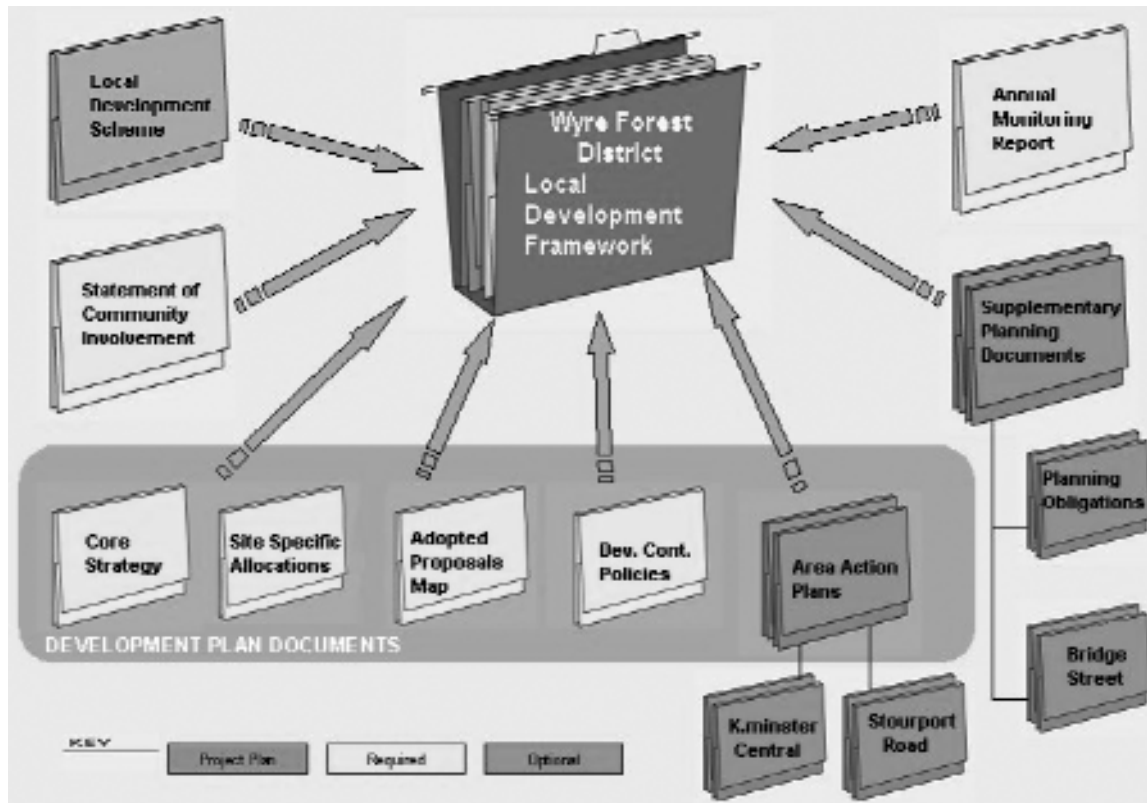
Adopted Statement of Community Involvement (SCI) – explains the issues that the LPA will be consulting about and how local people can contribute to plans that will shape the area in which they live.

Development Plan Documents (DPDs) – these set out the development policy for the LPA. This must include: a Core Strategy, which sets out the key elements of the planning framework for the area; a Site Allocations document, which allocates sites for particular types of development; any development control policies that have been produced locally; and a Proposals Map. LPAs may also choose to include specific Area Action Plans (AAPs).

Supplementary Planning Documents (SPDs) – additional guidance to further clarify the development policy of the LPA.



the Wyre Forest District Council Local Development Framework



We indicated earlier that the new planning system requires LPAs to aim for sustainable development. To ensure that LDF policies do contribute to this objective, each document produced is subject to a Sustainability Assessment (SA). This is a tool which provides for the systematic identification and evaluation of the economic, social and environmental impacts of a policy or plan.

integration with other corporate strategies

It is only with the active support of elected members that the LDF will be seen and used as a clear statement of corporate intent. The government sees the LDF as a primary delivery mechanism for delivering the community strategy and other key strategies of a council. The policy framework should enable members to:

- understand how development planning is linked to other policies, strategies and programmes of the council and contributes to wider corporate objectives (see diagram)
- recognise how the decisions of the planning or development control committee are helping to deliver the vision and objectives of the community strategy and other corporate plans.



integration with other corporate strategies



roles and responsibilities

how planning applications are dealt with

Your council will have its own detailed guidance on the way that planning applications for new building or redevelopment are dealt with. In essence, the process follows a number of key stages:

1. a developer contacts the planning department of the council to request a planning application
2. the planning application is submitted, either as an outline application or a detailed one
3. the council publishes the application and consults relevant parties or government departments
4. the council's planning officer or planning committee considers the application
5. either the application is approved (sometimes subject to conditions) and the developer can start work or the application is rejected. Any person or company that has had an application rejected has a right of appeal to the Planning Inspectorate, which will decide if the appeal is successful (in which case building work can begin) or unsuccessful (requiring the developer to make changes to the original application and begin the process again).

the roles and skills of elected members in planning

Members have important roles to play within the planning system. This can be on the basis of either a specialist role or in their general duties as a ward member.

specialist roles – the executive or portfolio member

If your council has adopted an executive/non-executive political management structure, the executive or portfolio member is likely to be someone who can work at the highest level of policy-making and be able to articulate the vision of the LDF and how this relates to the council's wider set of corporate priorities. The executive member should possess the skills required to ensure that development planning plays a key part in the implementation of the council's agenda.

specialist roles – the planning committee member

The council's planning or development committee is a quasi-judicial body which oversees the production of the LDF and deals with planning applications. While your council will have its own detailed guidance on the way that the business of this committee is conducted, members should recognise that they have broad responsibilities in this specialist role:

- judging applications on their merit and not on political bias or parochial issues
- making decisions that are consistent with the council's policies
- understanding how their role fits into the development planning process
- understanding the planning performance agenda
- communicating decisions, and the way the planning process works, to the public.

the role of a planning committee member

"The effective committee member will always balance local detail against an understanding of policy, and will have a working knowledge of the statutory planning framework and the performance agenda. They will possess sound judgement and where necessary will challenge information received from multiple sources."

'Elected Members' Planning Skills Framework', IDeA

general role as a ward member

While many ward members will not sit on the planning or development committee they will still have a number of important contributions to make within the planning process. Before we identify these, consider what contributions you could make in the following case study:

the role of a ward member

'The effective ward member, engaging in the planning process, will have sufficient understanding of that process to be able to focus on relevant issues, and will be able to articulate local concerns in a persuasive way whilst recognising the wider policy picture. They will understand that it is important not to raise expectations unduly.'

'Elected Members' Planning Skills Framework', IDeA

* the skills required of planning committee members

tasks

Scrutiny and challenge

Communications

Working in partnership

Political understanding

Development management

Understanding the spatial planning system

Understanding the development process

skills

Confidence to challenge opinion and advice while respecting the source

Articulate, credible, evidence-based, ability to listen, ability to advocate views and present evidence

Taking evidence from a variety of sources, understanding and withstanding pressures, respect and trust

Recognising and understanding different agendas, balancing interests, consistency, displaying courage in difficult situations

Understanding wider spatial planning and sustainability issues in the context of planning proposals, ability to move from micro to macro, ability to read plans

Balancing key issues, listening to and balancing advice, understanding the importance of policy, identifying considerations and evidence, asking relevant questions, analysing complex information, understanding enough about the planning system to be able to "do the homework on key applications"

Understanding the role and limitations of the council, recognising the interests and motives of development proponents and opponents

? your role in the planning process

A member of your local Gypsy community has approached you to ask about a piece of land that sits within your ward. He has purchased the land and currently has his own caravan on the site. He would like to build some permanent facilities on the site to meet the needs of his community (e.g. storage facilities and a shower block) and establish it as an authorised site for Gypsy and Traveller caravans. He wants to know if he can go ahead and start the building work required as he already has some plans drawn up.

What advice, guidance and support could you suggest?

Ward members can play a pivotal role in assisting with the 'cultural changes' required to make the planning system more responsive to local needs. Alongside the improvements to the planning system we have already outlined, other initiatives - such as the publication of the 2006 local government White Paper on Strong and Prosperous Communities - have emphasised the importance of ward members acting as 'community leaders' and 'advocates' for their areas. The proposals contained in the White Paper would allow members to act as champions for their local community, able to speak out on all issues affecting the area. With some amendments to the existing Code of Conduct this would include allowing members to speak out on local planning issues.

In the case study you have just considered, it is clear that any detailed or formal response to the planning queries raised by the constituent would need to be dealt with by the council's planning officers in the first instance. However, this does not preclude you from taking an interest and playing a part in the process. For example:

- communicating the council's planning policies and procedures to individual constituents and the wider community

- communicating your local knowledge to planning officers and/or the planning committee to aid decision-making
- supporting the engagement of your community in any consultation about the nature of individual planning applications or in the production of the LDF.

If the changes suggested by the White Paper are introduced, ward members could also be more proactive in the following areas:

- working with fellow members and officers to reach negotiated solutions between parties where this is possible, e.g. a number of recent studies have suggested that ward members could be more actively involved in pre-application planning discussions, subject to the agreement of clear local protocols
- advocating for particular individuals or organisations where required, i.e. using your knowledge and skills to share information, listen, question, challenge, facilitate and speak up for 'seldom heard' groups, eg Gypsies and Travellers.

the skills required of ward members in the planning process

tasks

Community leadership

Scrutiny and challenge

Communications

Working in partnership

Political understanding

Understanding the spatial planning system

Understanding the development process

skills

Acting as advocate, knowledge of the 'patch'

Ability to research and challenge, finding alternative and effective outcomes

Articulate, listening, credible, persuasive, ability to use diverse techniques, present evidence

Community engagement, building relationships

Balancing interests, identifying and engaging community focus

Understanding policy so as to articulate and challenge it or use it constructively

Working within the process to achieve, influence and understand outcomes

the responsibilities of members

In both their specialist and general roles, members operate within a tight framework of rules and procedures that governs the way they act and present themselves to the general public. The Local Government Act 2000 outlined how the 'general principles of public service', first espoused by the Nolan Committee's 1997 report on Standards of Conduct in Public Life, should be applied to local government in the form of a 'Model Code of Conduct' for members. The original Nolan principles are particularly relevant to members engaged in the planning process and the Code of Conduct should be strictly adhered to when considering planning issues. This is largely because:

- planning and development control is in the public interest
- planning decisions affect land and property interests and values
- members' decisions need to be demonstrably open, impartial and sound.

The position of ward members is distinctly different to that of members who sit on the council's planning or development committee in this respect:

- ward members may choose to support or oppose a planning application and represent the views of their constituents
- planning committee members must not express any opinion that could be interpreted as supporting or opposing a planning application.

Members of the planning committee must also take care to ensure that they declare any interest they may have in a particular planning application. This may be either a personal or prejudicial interest (see box). Your monitoring officer or legal department should be able to provide you with advice on this if you are in any doubt.

Equally important within this 'ethical framework' is the relationship that members forge with planning officers. These staff are employed by the council, not by individual members and carry out different, but complementary, roles to elected officials. Successful relationships are based on mutual trust and understanding and it is good practice to build a friendly but businesslike relationship with senior planning staff.

the Nolan report principles for those in public life

Selflessness	Integrity
Objectivity	Accountability
Respect for others	Openness
Honesty	Leadership
Duty to uphold the law	Personal judgement

declaring an interest

Personal interest – where a decision might be reasonably regarded as a matter affecting you, your family or friends more than other people in the area. The onus is on you to form a judgement and declare your interest. You can then participate in the committee's discussions and decisions.

Prejudicial interest – where your interest in the planning matter is so significant that a reasonable person would regard it as likely to prejudice your judgement of the public interest. In this case, you must declare your interest and withdraw from the committee's discussions and not seek to influence any decisions it makes.

? anything to declare?

You are on your council's development committee which is due to consider a planning application from a supermarket company which would like to build a new store in the area. Your partner works for the company. What interest do you have in this?

a. No interest?

b. A personal interest?

c. A prejudicial interest?

The answer to this is either b. or c. depending on the nature of the employment of your partner. Someone who is a managing director may be construed to have more influence than someone on the checkout in terms of company policy. If in doubt, seek advice from your monitoring officer.

overseeing the management of development control

Your officers are responsible for implementing the LDF and managing the day to day operations of the planning and development control function. This includes:

- controlling development in the local area
- advising members on whether developments should go ahead
- investigating breaches of planning control, enforcement and taking action against unauthorised development.

There are a number of points that ward members should be aware of in relation to enforcement action:

- the use of enforcement powers is discretionary and any enforcement policy should set priorities for action
- carrying out development without planning permission is not an offence
- planning permission may be sought retrospectively.

There are many remedies for tackling breaches of planning control although a number of key steps can be taken (see box). For ward members, the key role is to be alert to the possibility of serious breaches of planning control in their ward areas and to report any concerns to planning officers.

enforcement remedies

Remedies for tackling breaches of planning control include:

Negotiated solutions – these avoid confrontation and are often the best way of managing a situation.

Temporary stop notices – these can be issued by LPAs to stop further development for a period of 28 days.

Enforcement notices – these can be issued by LPAs and require a development to be stopped on a long-term basis as well as requiring the site to be reinstated to its previous condition. As appeals against enforcement notices suspend the effect of the notice, authorities will often issue a stop notice at the same time as an enforcement notice.

Injunctions – LPAs can apply to a court for these to prevent someone from continuing with or beginning to carry out development. This is usually sought when other remedies have been used.

In overseeing the management of development control, members should have regard to the performance of the planning function. As with most other services in local government, there are a number of performance indicators which relate specifically to planning and development control, e.g. targets of eight weeks for considering minor planning developments and thirteen weeks for major developments. There are also targets for keeping plans up to date. All members' can play a part in monitoring their council's performance against these targets and in comparing this overall performance against that of other, similar, councils. With the changes brought about by the Planning and Compulsory Purchase Act 2004, this has become increasingly important as there are now financial rewards for LPAs which continue to meet their targets.

a final word

summary

The planning system has been overhauled to ensure that it remains fit for purpose in the twenty-first century. Many of the changes outlined will require the positive engagement of ward members – they occupy a pivotal position as the ‘champions’ of their local communities.

‘LDFs are intended to streamline the local planning process and promote a proactive, positive approach to managing development and delivering change. They provide planning authorities with an opportunity to take a fresh look at their areas, developing strategic approaches to spatial planning that deliver sustainable development and reflect the aspirations of local communities’.

Creating Local Development Frameworks: A Companion Guide, ODPM, 2004

next steps

? where do you go from here?

Look back over the material contained in earlier sections of this workbook and consider the following:

- a. what key action points can you identify to improve your effectiveness as a ward member, i.e. what three or four things might you start doing, keep doing or stop doing?

- b. have you identified any gaps in your knowledge or shortcomings in your personal skills? If so, please set these out below and identify how any further training or development might help you, e.g. further reading/research, attending courses, coaching, mentoring, work shadowing etc.

appendix

sources of further information

printed publications

A Councillor's Guide, Improvement and Development Agency for local government (IDeA).

The Good Councillor's Guide, National Association of Local Councils (NALC).

Creating Local Development Frameworks: A Companion Guide, Office of the Deputy Prime Minister (ODPM).

Working Together: Effective Practice in Spatial Planning, Royal Town Planning Institute (RTPI).

useful websites

www.communities.gov.uk/planning

The Department for Communities and Local Government website which contains a specific section on planning.

www.idea.gov.uk

The IDeA's website which is an invaluable source of help and advice for all those in local government.

www.localknowledge.co.uk

Run by the local futures group, a consultancy that helps local authorities develop future scenarios and understand socio-demographic, economic and environmental trends in their area.

www.lga.gov.uk

All the latest news and information about English local government from the LGA. Contains a specific section on member engagement in planning matters.

www.pas.gov.uk

Website of the Planning Advisory Service (PAS) of the IDeA. This aims to facilitate self-sustaining change and improvement in the local authority planning sector. PAS helps councils provide faster, fairer, more efficient and better quality services.

www.rtpi.org.uk

Provides information for professional planners.

www.statistics.gov.uk/neighbourhood

Website of the Office for National Statistics (ONS) which provides ward profiles.

www.upmystreet.com

Type in the relevant postcode for a wealth of social and economic information by neighbourhood.



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