



How planning works

an introductory guide for councillors

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Introduction

Whether you are a newly elected councillor or just new to planning, this guide will help you understand how planning impacts your ward and how you can use it to help your community address local issues.

You may feel overwhelmed by the perceived complexity of the planning system and the jargon involved. This guide will help you understand the most important elements of your role as an elected councillor working with planning.

The Coalition Government wants to see local people taking a greater role in shaping their neighbourhoods. This will in part be enabled by some of the proposed changes in the Localism Bill, giving communities the chance to have a greater influence over some planning decisions.

There is a clear government commitment towards planning promoting growth in the form of jobs, new businesses, and housing.

There is a section on planning reform and localism that summarises changes to the planning system and the implications for you and your residents. The Localism Bill may be changed as it moves through the parliamentary process. Please keep this in mind when reading sections on proposed changes.

This guide was written and published by the Planning Advisory Service. We provide consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform. We are a part of the Local Government Group.

After reading this guide we invite you to review the further information section provided at the back of this guide.

Five tips to get you started

1. Get involved. Talk to your residents and local businesses and help them get involved in planning.
2. Find out where your authority is in the process of developing its local plan, and what the plan says.
3. Work in partnership with your officers and use constructive challenge when necessary.
4. Don't be afraid to work with developers and officers to ensure local benefits from new development.
5. Understand the implications of the Localism Bill and the opportunities for your council and neighbourhood.

What does planning do?

One of the reasons that you became a councillor is because you care about the area. Because of that, you should also care about planning.

Planning is about getting the right things built in the right places, about the spaces around buildings, and about other issues too, such as job creation, social justice, regeneration, and climate change.

Hopefully you and your community will want to be involved in what planning can do for your place. This could mean getting involved in the plan-making process as well as deciding planning applications.

Fundamentally, planning is about sustainable development – balancing the economic, environmental and social impacts of new development. Finding this balance is what makes your job challenging and exciting. Through discussions with residents, developers, officers and other partners you will be assessing the different benefits and impacts of an application.

If you sit on the planning committee it will be your task to weigh up these considerations against national policy and the local plan. It is a big task, but the potential rewards for your community are tremendous. Even if you don't sit on the planning committee you still have a key role to play in supporting your residents to engage in the planning process.



What is the best way for residents to influence development?

Often, the only time residents and businesses encounter the planning system is when they, or their neighbours, want to do something to their property – at the planning application stage. This is actually quite late in the whole process. It's the plan-making stage that sets out how the authority sees the area as developing and outlines the policies against which individual proposals will be assessed. So if you and your community really want to influence the future of the area, the local plan is a good place to start.

Reading Borough Council used their plan to prioritise regeneration. Community consultation showed that residents wanted to see growth and rejuvenation of the city. Reading's plan allocated a particular area in the south of the borough for regeneration. They have since granted permission for several developments in the area, including private hospitals and hotels.

The local plan

The local plan (sometimes called the local development framework) is written and implemented by the local planning authority in close consultation with the community. The high-level part is often called a core strategy. This is based on evidence the authority has gathered and sets out the vision and strategic policies. The plan also sets out the type of development that will be required to achieve the vision, working within the opportunities and constraints of the evidence. The evidence is not only about flooding and population growth. It's also about what aspirations the community has for their streets and neighbourhoods. The plan doesn't have to be one document and can be made up of a series of publications known as development plan documents.

The whole process involves engagement and partnership working with other council services, community groups, the third sector, businesses, neighbouring authorities and statutory consultees like the Environment Agency and English Heritage.

Your council is also likely to be part of a local enterprise partnership. These are new sub-regional partnerships between the public sector and businesses. They are being led by the private sector with the aim of stimulating local economic growth. Local enterprise partnerships are currently identifying priorities for their area and developing different ways of working. They represent a new opportunity for joint-working through neighbouring authorities and the private sector. Many are looking to play a role in planning, housing, transport and major infrastructure developments in the sub-region.

“One of the things we’re doing at South Lakeland is in the drive to increase our efficiencies and reduce costs, we’re looking at partnership working with other authorities. Our adjacent authorities are Lancaster, Eden, Barrow and Craven. We thought this would be an ideal opportunity for joint working – getting our planning departments together.”

Councillor Brendan Jameson, South Lakeland District Council

You can help residents and organisations influence the future of their neighbourhoods by encouraging them to express their views in the plan-making process.

Richmondshire District Council recognise the importance of community engagement. They used charismatic employees from across the council to lead engagement activities ranging from school visits to a provocative poster campaign. Beyond fulfilling a statutory requirement, this communications strategy improved the council’s reputation externally and boosted staff motivation and cross-council working.

How are local plans made?

Planning policies are developed through a process that involves setting a vision, gathering and reviewing evidence, developing and consulting on options, and assessing the plan against a series of national and European Union criteria for sustainability. Your officers will be heavily involving your community and will need your input and involvement throughout the process as well.

When the authority is happy with their plan and satisfied that it addresses the issues for the area, the plan is submitted to the Planning Inspectorate for examination. If agreed – or

found 'sound' – the authority can then 'adopt' the plan, making it the statutory plan for the area.

This has to be a rigorous process to ensure that all of the impacts of the policies are sufficiently considered. After all, the plan is your foremost consideration when making decisions on applications. The policies will direct what kind of development can happen and in which places it can go. It can also have a huge influence on land values.



What is my role in the plan-making process?

Councillors play a very important leadership role in the local plan's development. These are the policies that you and your successors will be basing planning decisions on for years to come. It is important that you ensure the priorities expressed by your community are well reflected in the plan. When it is time to make a tough decision, it will be easier if the plan is based on sound evidence and strong community engagement.

Your local plans need to be in conformity with national policy. Currently they should be in conformity with regional spatial strategies, but the Secretary of State has already written to all English planning authorities of his intention to abolish these through the Localism Bill. Your authority needs to start thinking about what implications this will have for your plan now. Don't wait for the bill to become an act.

What is the local plan about?

Your local plan will reflect issues of local importance such as where people live, work and spend their leisure time. Issues of national importance like economic development and climate change will also be reflected in your

plan. National policy will require certain topics to be covered, but the local interpretation and weight placed on these issues will vary.

National planning policy is currently set out in topic-based planning policy statements, circulars and guidance. These set out the national priorities for sustainable development in England. In 2010, Planning Minister Greg Clark announced a review of these documents. They will be consolidated into a single **national planning policy framework**. A draft is expected to be published in the summer of 2011. The new framework has

been described as light-touch, meaning it will be much shorter and allow local authorities more freedom of interpretation.

This changing policy context means that your role as a local councillor is increasingly important. With less prescription from central government, you will need to prioritise the plans and topics that are most important for your area. For example, if job creation is needed in your area you might want to prioritise policies that make the area attractive to new businesses like the provision of a flexible supply of land.



Planning reform and localism

The Coalition Government has introduced several planning reforms to speed up the system, promote growth and strengthen community-led planning. Changes have been introduced primarily in the Localism Bill and The Plan for Growth paper, published alongside the budget. This section gives you a summary of the most important changes.

The Localism Bill makes community-led planning a powerful mechanism for achieving change at the neighbourhood level. Community-led planning has been going on for a while in some areas. It involves residents taking a stronger lead in identifying local issues that they want to address. There are many organisations working on this (see further information).

Neighbourhoods and parishes would be able to develop a **neighbourhood development order**. This order would be passed by through a local referendum. It would set out specific developments or types of development that would automatically have planning permission in that neighbourhood. The developer would not need to submit a planning application.

Neighbourhood development plans, written by the neighbourhood forum or parish, will have legal status. Once they are passed through a light touch examination and a local referendum, they will be part of the planning framework. This means they set the context for some individual planning decisions. These tools are about influencing growth and helping it to happen, not about stopping new businesses or housing where it is needed.

The Localism Bill will **abolish regional spatial strategies**. The regional tier of planning will no longer exist, meaning local authorities will be responsible for determining their own targets for new housing.



The **duty to cooperate** is being proposed to strengthen working between neighbouring authorities. In the absence of a regional tier, authorities will be able to group together to respond to sub-regional issues like flooding and transportation in ways that make sense for them.

There are several incentives to growth. The **New Homes Bonus** matches council tax funding for new homes and existing homes brought into use and is already available.

The **community infrastructure levy** is paid by developers to the authority to mitigate the impacts of development. The changes

would give authorities greater flexibility in how they used the money raised by the levy. The money could also be given directly to the neighbourhoods who accept the development.

The **community right to build** proposal allows residents to come together and develop a proposal for new homes, shops or businesses. They would consult with their community and the local authority to work through the opportunities and constraints. The local authority would hold a referendum on the proposal. If passed, the development would not require planning permission. The community would be allowed to keep the profits or lettings arising from the development.



How do these changes affect my role as a councillor?

It has never been more important for local authorities to get a local plan in place. A presumption in favour of sustainable development will be set out in the national planning policy framework. Without a local plan, decisions will have to be made with reference to national, rather than local planning policies. This means the presumption would have a big effect on planning decisions.

Your local plan is also needed to set the strategic context for any neighbourhood development plans. In this changing environment one of the most important things you can do is to ensure that your local authority has an up-to-date local plan that makes absolutely clear what new development is desired and acceptable in your area.

Councillors have a role in supporting residents to engage with the planning system. You may need to gear-up quickly to support neighbourhoods with making their own neighbourhood plan or development order. There could be resource implications for you and your officers. Your authority will have to meet the costs of a neighbourhood's examinations and referendums.

The removal of the regional planning tier means that local authorities need to find their own ways of working sub-regionally. Some issues are larger than local and require cross-boundary partnerships. Transport flooding and waste are some examples.

The local enterprise partnerships may offer one route to sub-regional working. Your role is to speak up about these types of issues in your area and make sure that they are being addressed at the appropriate level.

Keep an eye on the PAS website for more information on the changes summarised in this section.

“With neighbourhood planning, our role will change in a number of ways from being the local ward councillor representing their community – to becoming the local community leader and helping them to make the decisions about their neighbourhoods themselves.”

Councillor David Smith, Lichfield Borough Council

Development management

If you had experience of the planning system outside of local government it was probably through a planning application for changes to your personal property or a neighbour's. This would have been handled by the development management function of your local planning authority. You may know of this as development control. Determining planning applications is just one aspect of what development management does to bring forward development in an area.

Can development bring about positive benefits for my area?

Development management is a positive and proactive way of controlling development and managing the use of land. It doesn't mean that you always have to say 'yes' to development, but it allows you to work with applicants to find mutually acceptable solutions. The goal is to promote development that helps to deliver the vision set out in your local plan and the community strategy.

However, if a development isn't acceptable for your area, planning permission can be refused provided there are sound planning reasons for doing so.

City of Lincoln Council used a development management approach to lead a regeneration scheme on Brayford Waterfront. They invited the owners of adjacent sites at the waterfront to discuss their varying goals and timing issues. The planners were then able to coordinate development on the sites to achieve a range of council priorities for the area, including student accommodation, improved pedestrian routes and additional vehicle access.

As a councillor you can encourage developers and partners to engage with the local authority and residents at the early stages of the planning process. When problems arise in discussions, your officers should be able to propose appropriate solutions that would mitigate any adverse impacts of the development.

Councillors at Islington Council were involved in a former factory development that has recently reached the construction stage. A ward member involved in early scoping discussions identified the need for accessible replacement premises for a local GP practice. Planners worked with the local primary care trust and doctors' groups at the design stage to ensure that the surgery requirements were met.

“The days of members being dissuaded against talking with developers are rapidly falling behind us. Because if we are to look at the future properly then we need to understand what the developers want to do in our area. And the developers need to understand what we as community leaders are prepared to accept. If we can come together like that, then we can deliver the high-quality developments, infrastructure and facilities that everybody in our community wants.”

Councillor Dale Birch, Bracknell Forest Borough Council

What planning decisions will I be making?

If you are on the planning committee, your role in deciding planning applications is also a part of development management. Your authority will have its own policy on delegated decision-making. Officers are likely to deal with all of the straightforward planning applications. This gives the planning committee more time to focus on the strategic or controversial applications.

There are two main types of applications that you will see: outline and full planning permission. You will also see specific applications requesting consent for changes to a listed building or advertisements, for example. Regardless of the type of application, you may be lobbied by a range of groups who seek to sway your opinion on the proposal.

Imagine an application for consent to put solar panels on a listed building. You might have the Victorian Society writing to you with a range of conservation issues to consider. A local sustainability group may ask you to prioritise environmental concerns over heritage. It's your job to weigh up these issues and make a decision based on national and local policies.

What can I base my decisions on?

Planning decisions can only be made on valid planning grounds. These are called material considerations. The following material considerations are relevant in most planning applications:

- national planning policy and advice
- local planning policies
- draft policy
- the environmental, social and economic impacts of the proposal
- access and provision of infrastructure for the site
- the design of the proposal
- the planning history of the site
- the views of organisations and individuals, in relation to relevant planning matters.

Other considerations exist and ultimately the courts are the arbiters of what is a material consideration. It is also important that planning decisions are made in line with other corporate objectives in the council such as regeneration. This should be reflected in your local plan. But you may need to work with colleagues across the local authority to

The following issues are **not** material considerations for planning decisions:

- loss of views
- competition between businesses
- moral considerations (for example, religious objections to licensed premises)
- political or ideological opinions
- the cost of the development
- whether or not the applicant owns the site
- issues covered by other legislation (for example Building Regulations).

understand what a specific proposal could do to meet wider objectives.

When applications are approved they often have conditions attached. For example, there could be a condition specifying the type of construction materials to be used. Sometimes a section 106 planning obligation will be agreed through a condition. This could require affordable housing or on-site remedial works.

An applicant can appeal against a refusal, or against conditions. These appeals are heard by a planning inspector, who then makes the final decision.

Are there risks to my involvement in development management?

Probity and conduct are areas of concern for many councillors. This is understandable given the consequences of behaviour or decisions that are perceived to be driven by a bias. But these concerns shouldn't prevent you from performing your role. Your involvement in the development management process is crucial. It is important that you represent the needs of your residents in discussions with developers.

Your local authority will have a code of conduct for councillors. This will clearly state the parameters for your involvement on proposals. Your role in development management has to be transparent. Your decisions and behaviour in relation to applications are accountable to the public. It is important that you can explain the basis for your decision.

You will need to declare personal or prejudicial interests on applications and may not be able to discuss the application or vote with the planning committee. National guidance on probity in planning is available to ensure that you understand the situations and behaviour that could be considered inappropriate or even illegal (see further information).



Conclusion

We hope that this guide has demystified planning for you. We also hope you understand how the planning system works to achieve what residents want to see in their community. Good planning requires strong plans with a clear vision for the future. The plan is used in development management to achieve the development and investment you need to make your place look like the vision set out in your plan. Sometimes that will mean saying that a development is the wrong building in the wrong place because it will not produce the right outcome.

Your specific role will vary depending on whether you are a planning portfolio holder or a backbench councillor. Either way, your role as a councillor is to represent the views and aspirations of your residents through plan development, discussions with developers or deciding on planning applications.

If you would like more detailed information on how to get involved, the Planning Advisory Service has a range of guidance and support to help you. There are training sessions for councillors that can be delivered in your council by a PAS consultant and a Local Government Group councillor peer. You may also find our discussion forums and monthly newsletter a useful way of keeping up to date with the world of planning.

Use this link to find information on the PAS website for councillors:
www.pas.gov.uk/councillors

Further information

Councillor's Guide 2011/12

Introductory resource for newly elected councillors from the Local Government Group.

Probity in planning: the role of councillors and officers

Revised guidance note on good planning practice for councillors and officers dealing with planning matters by the Local Government Group.

Planning Advisory Service resources:

Training for councillors on plan-making

In-house training covering all aspects of the plan-making process.

Councillor briefings

Presentations available for delivery or download covering: an introduction to planning, development management, localism and planning, climate change, decision-making, and probity.

Positive engagement: a guide for planning councillors

A pocket guide for planning councillors to help them navigate the probity risks in developer meetings and pre-application discussions.

Neighbourhood planning: ward councillors' guide

A guide to the basics of neighbourhood planning that explores what this level of planning means for the community and the ward councillor's role.

For more information on other PAS support and consultancy visit our website www.pas.gov.uk or contact us at pas@local.gov.uk.

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