



Planning Committees, delegation and joint planning boards

January 2015



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, the three national park authorities and the three fire and rescue authorities.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. The WLGA welcomes the opportunity to comment on the Planning committees, delegation and joint planning boards consultation.

Q1. Do you agree that the size of the planning committee should be limited to a minimum of 11 members and a maximum of 21 members?

4. The WLGA does not agree that it is necessary to legislate to achieve changes to the size of planning committees. It seems that the Minister is introducing legislation to be able to change the planning committee composition in Swansea. We would therefore question whether it is appropriate or indeed good practice to introduce legislation to address a situation that WG is dissatisfied with only 1 LPA. Local planning authorities should be able to set the size of planning committees to reflect local circumstances. However, we can see the merit in the preparation of non-statutory guidance on the operation of planning committees including the issue of size.
5. The consultation document stresses that legislation is required to ensure consistency. However, the voluntary planning committee protocol that is being prepared by local government will address a range of other 'inconsistencies' relating to planning committees. The WLGA would suggest that changes to the size of planning committees and a scheme of delegation can also be achieved voluntarily.

Q2. Do you agree that where wards have more than one elected member, only one should sit on the planning committee?

6. We do not agree with this proposal. This would remove the local authorities' ability to choose the most suitable councillors to sit on planning committee. This proposal also

sets up a different system for single councillor and multi councillor wards. The concerns expressed in the consultation document regarding pre-determination are covered in existing Code of Conduct for Councillors and will be incorporated in the voluntary planning committee protocol being prepared by local government.

Q3. Do you agree with introducing a quorum of 50% for decision making?

7. The proposed quorum is much higher than other council committees. A third quorum would be more appropriate and in line with other committees.

Q4. Do you agree that the use of substitute members on the planning committee should be prohibited?

8. We agree that substitute members should be prohibited.

Q5. Do you agree with the development management role of the planning committee outlined above?

9. The role of the committee is wider than the wording being proposed. Committees have a role in the development of supplementary planning guidance, advising on appeal decision and monitoring the LDP. Therefore the suggested role of the committee needs to be reworded.

Q6. Do you agree with the inclusion of an exception that requires all applications that are contrary to the adopted development plan which are being recommended for approval to be determined by the planning committee? If not, please explain the reasons?

10. The WLGA does not agree with a national scheme of delegation and therefore our comments in response to the next set of questions reflects this view. A national scheme of delegation could result in a scheme that does not go far enough for some LPAs and too far for others. We would propose a minimum threshold of delegation which would bring about a minimum level of consistency across Wales. LPAs can then add to this minimum scheme of delegation to reflect local circumstances. The proposed national scheme of delegation could see the number of applications determined by committee considerably reduced which will impact on WG's desire to upskill committee members and to put into practice increased knowledge and skills as a result of training.
-

11. This proposal could have unintended consequences; firstly it could reduce the number of committee meetings held due to a reduced number applications to be determined by committee. In some cases, this may increase determination times as the decision will be deferred to the next monthly committee. Secondly, some LPAs currently achieve high rates of delegation, a national scheme may result in a fall in the delegation rate in these LPAs.

Q7. Do you agree with the inclusion of an exception that requires all applications involving an EIA to be determined by the planning committee? If not, please explain the reasons?

12. We do not agree with this proposal as there may be many stages to an application involving an EIA and we do not consider it necessary for all stages to be considered by the planning committee. For example, a reserved matters application involving an EIA could be determined under delegated powers if the primary application is determined by committee.

Q8. Do you agree with the inclusion of an exception relating to applications made by members, LPA staff and their spouses, partners and close relatives? If not, please explain the reasons?

13. We agree that applications made by members, LPA staff and their spouses, partners and close relatives should be determined by committee but the exact scope of the exception could be up to local discretion. Alternatively there should be guidelines as to the scope of this exception.

Q9. Do you agree that the development threshold should be 'major development' as prescribed in the Town & Country Planning (Development Management) (Wales) Order 2013? If not, please explain the reasons and suggest an alternative threshold.

14. LPAs should determine development thresholds to reflect local circumstances.

Q10. Do you agree that LPAs should have the choice of two development thresholds?

15. LPAs should determine development thresholds to reflect local circumstances
-

Q11. Do you agree that the national scheme of delegation should include an exception based on an objection threshold?

16. We do not agree with setting a threshold based on numbers. It should be based on the quality of the objections and this would be assessed locally.

Q12. If yes, is 20 letters from different people in different addresses and/or a petition with 30 signatures appropriate to establish that there is a genuine community-wide interest in the development?

17. As above

Q13. Is it necessary to limit member call-in? If not, please specify the reasons

18. We do not agree with limiting member call-in. Provided that the call-in is for valid planning reasons and agreed by the Chief Planning Officer, then there should be no requirement to limit member call-in.

Q14. Should delegation panels be introduced as a measure to validate member call-in requests?

19. We do not agree with the introduction of delegation panels. We consider this an unnecessary layer of bureaucracy.

Q15. Should member call-in be linked to another exception, If not please specify the reasons and provide a suggested alternative measure.

Q16. Do you agree that the Welsh Ministers should have the authority to determine the size of the joint planning board membership, providing that size is consistent with that of planning committees?

20. Currently the authority's LDP is approved by the Cabinet resulting in an authority wide understanding of the LDP and wider ownership of the plan. The establishment of a Joint Planning Board that could undertake all LPAs functions appears contrary to desire for the LDP to have wider ownership across an authority. We therefore do not

agree with the power to wider the scope of Joint Planning Boards. Any move to merge LPAs prior to wider local government reorganisation is not supported.

Q17. Do you agree with the proposed population formula for establishing the numbers of members from contributing planning authorities to form the joint planning board?

21. As above

Q18. Do you have any comments to make about the partial Regulatory Impact Assessment at Annex 1? Are the assumptions made realistic? If not, what figures would be more appropriate?

22. We do not agree with the argument set out in the RIA (paragraph 1.21), in that there would be no increased cost to the LPA should it decide to increase the number of committee members as the staff and member costs are fixed but there would be savings if applied reducing the size of a committee within the bands being proposed. The RIA sets out cost savings associated with reducing committee size as a benefit to LPAs. There are fixed costs associated with a committee regardless of size.
23. We acknowledge that this is a partial RIA and further work is being undertaken. Currently the assumptions are based on a very limited number of LPAs and seem to reflect the costs of casework side only and are not inclusive of policy input.

For further information please contact:

Jane Lee, Policy Officer
Jane.Lee@wlga.gov.uk

Welsh Local Government Association
Local Government House
Drake Walk
Cardiff
CF10 4LG

Tel: 029 2046 8600