



PLANNING COMMITTEE – 9 NOVEMBER 2016

SUBJECT: PLANNING COMMITTEE SITE VISITS
REPORT BY: CORPORATE DIRECTOR - COMMUNITY SERVICES

1. PURPOSE OF REPORT

1.1 To review the new Planning Committee site visit procedure

2. SUMMARY

2.1 This report briefly considers the new site visit procedure introduced in 2015, with the first site visit taking place in March. Site visits are now held on the Monday before Planning Committee, and they involve applications that are being reported to the immediately up and coming committee. This avoids applications being deferred for a site visit at Planning Committee, thereby introducing delay into the decision process.

2.2 An email was sent to all the members of the Council on 11 July asking for their opinion about the new procedure, and nine replies were received which were largely positive, the only concern raised was the loss of the informal arrangements for the public to comment following the close of the site meeting..

2.3 The new procedure is working well and should be adopted on a permanent basis.

3. LINKS TO STRATEGY

3.1 The report takes account of the adopted Caerphilly County Borough Local Development Plan up 2021.

4. THE REPORT

4.1 In support of the Planning (Wales) Act 2015 the Royal Town Planning Institute (RTPI) undertook research into the operation of planning committees in Wales to provide evidence on their efficiency and effectiveness. In recent consultations Welsh Government has proposed that submissions for planning permission should be made directly to them where LPAs are considered to be failing to determine applications within a reasonable timescale. In addition, as of October 2015 failure to determine 'householder' applications within 16 weeks, and all other applications within 24 weeks, will result in the return of the planning application fee. The determination of applications was often prolonged because proposals had to be reported to Planning Committee first before a site visit was authorised and held. There was therefore an urgent need to consider an alternative.

4.2 The recommendations of the Royal Town Planning Institute were as follows. Site visits should:

- Be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair, and based on clear published criteria;
- There should be provision for members to ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed;

- They should only be allowed where the benefit is expected to be substantial;
- They should take place prior to the first committee meeting at which the application is to be determined;
- Public speaking should not be allowed;
- Site visits should occur no more than a week prior to the committee meeting at which the application is being discussed;
- The full committee need not attend site visits, and all members attending the committee meeting at which the application is reported should be able to vote whether or not they attended the site visit.

4.3 To enable the introduction of a procedure compliant with those recommendations, the following changes were proposed in November 2015:

- If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in their absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.
- At this time this will apply to all applications, not just major ones although that restriction may be imposed on the Council in due course if the RTPI recommendations are embodied in secondary legislation. A further Report will be presented to members regarding the progress of the RTPI recommendations in the future. The clear intention of the amended proposals is to reduce the number of formal site visits. Members are now encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.
- Any request for a formal site visit will have to comply with the following criteria:
 - Illustrative material is insufficient to convey the issues
 - A judgment is required on visual impact
 - The setting and surroundings are relevant to the determination of the application
 - The site has not been visited recently by the Planning Committee in relation to another planning application
- All site visits will take place on the Monday before Planning Committee for applications being reported to that committee.
- All members of the Council (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.
- Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.
- Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.
- Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. For reasons stated above, it is hoped that the current numbers of site visits will reduce significantly.
- The Planning Code of Practice, which was adopted on 31 July 2007, will still apply except where it is modified by the procedure set out above. An extract showing the changes is attached as an appendix.

4.4 These changes were agreed at Planning Committee on 4 November 2015, and reported to Council on 17 November. Council agreed the changes subject to their review after six months from the date of implementation. The first site visit took place in March so that period expired in September. The Constitution was amended in May.

4.5 All the members of the Council were consulted about the new procedure by email on 11 July 2016. Nine replies were received, and the issues raised are summarised below:

1. It can be difficult to cover a number of major site visits in a day, especially if they are in different parts of the borough
2. It is important that members hear the concerns of the public
3. Holding site visits on a Monday means they are fresh in the memory at Planning Committee
4. Holding the visits on Monday only may clash with members' other commitments.

4.6 The general impression is that the new site visit procedure is working well. The local planning authority (LPA) has to consider all possible means of reducing the time taken to deal with applications in view of the aforementioned advice from the RTPI, the pressure from Welsh Government to ensure that at least 80% of planning applications are determined within 8 weeks, along with the potential penalty of having to return the planning fee. Officers have introduced other measures to address these matters: there is now a weekly meeting of case officers and consultees about all planning applications so that contentious issues are identified early in the process, and the opportunity is taken to set target dates for the determination of applications either at Committee or by delegated powers. The Annual Performance Report (APR) for 2015/16 indicates that 66% of all planning applications were determined within the required timescales. This was the third lowest percentage in Wales and was below the 80% target. Only 8 out of 25 LPAs in Wales met the 80% target. However, this LPA's average masks the significant improvements made in the last two quarters of 2015/16, and are continuing to be made in the first quarter of 2016/17 as shown in the table below.

Quarter	Percentage of applications determined within the statutory timescale
Apr/Jun 2016	86.1%
Jan/Mar 2016	79.3%
Oct/Dec 2015	68.6%
Jul/Sep 2015	59%
Apr/Jun 2015	62%

4.7 The following comments are offered in respect of the matters raised by members using the same numbers as in paragraph 4.5.

1. There was one occasion where a number of major applications some distance from each other were the subject of site visits on the same day. This is not a regular occurrence so it should not be a significant problem. However, the procedure could be amended to permit flexibility where it is not possible to travel to all sites in one day. The important thing from an efficiency point of view is that they take place before the Planning Committee.
2. The Council had over many years adopted an informal procedure where at the end of each site visit, members of the public (and applicants or their agents) were allowed to address or ask questions of the councillors and officers. Concerns were expressed about this procedure by the Council's Interim Monitoring Officer because it was not minuted formally and the procedure had in the past resulted in complaints arising out of the lack of formal minutes of the discussions and allegations of lack of openness and transparency. It should be noted that the purpose of a site visit is to observe the site and gain a better understanding of the issues. They should not be used as a lobbying opportunity by objectors or supporters of the application. For these reasons there is no officer recommendation to reinstate the informal procedure.
3. This comment is noted, and it is hoped that the site visit along with the electronic presentation sent to members before the Planning Committee assists in the decision making process.
4. This has not caused any problems to date. If the problem does arise, the member prevented from attending the site visit should bring any concerns to the attention of a fellow ward member or the Chair or Vice Chair of the Planning Committee beforehand so that they can be considered at the site visit.

5. EQUALITIES IMPLICATIONS

- 5.1 As far as is possible, consideration will be given to the communication and physical access requirements at the site being visited, for elected members and members of the public. It must be recognised however that the site being visited may currently be physically inaccessible but be subject to a planning application that would make that site accessible.

6. FINANCIAL IMPLICATIONS

- 6.1 None

7. PERSONNEL IMPLICATIONS

- 7.1 None

8. CONSULTATIONS

- 8.1 Gail Williams - Interim Monitoring Officer

9. RECOMMENDATIONS

- 9.1 To recommend to Council that having reviewed the new site visit procedure the relevant changes to the Council's Constitution are made permanent subject to the Council's Monitoring Officer being authorised to make the following amendments:

1. Where it is impractical to undertake all approved site visits on the Monday before the Planning Committee, the visit/s may take place on any day subject to the visit/s taking place before the Planning Committee to which the application/s is/are being reported.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 As set out in the report above.

11. STATUTORY POWER

- 11.1 The Town and Country Planning Act 1990 and related acts and statutes.

Author: Tim Stephens - Interim Head of Planning

Background Papers: None.

Appendix

Revised Draft Site Visit Protocol