

SCRUTINY COMMISSION – 12TH MARCH 2003

JOINT REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF COMMUNITY SERVICES

EAST MIDLANDS PLANNING CHARTER

Purpose of the Report

1. To seek the views of the Commission on the relaunch of the East Midlands Planning Charter and the County Council's membership of the East Midlands Planning Charter.

Policy Framework and Previous Decisions

2. At its meeting on 7th March 2000, the Cabinet agreed that support be given in principle to the County Council membership of the East Midlands Planning Charter subject to review in one year's time and the views of the Scrutiny Commission.
3. In addition, the County Council's Best Value Performance Plan for 2000/01 includes a commitment to publish a Planning Charter for Leicestershire. At its meeting on 27th March 2001, the Cabinet considered a report concerning the publication of Leicestershire County Council's Development Control Planning Charter and resolved that it be adopted.
4. At its meeting on 22nd May 2001, the Cabinet reviewed the County Council's membership of the East Midlands Planning Charter and agreed to continue its membership and to make the following comments on the Charter to the East Midlands Regional Local Government Association (EMRLGA), the East Midlands Development Agency (emda) and the Government Office for East Midlands (GOEM):-
 - (a) there should be a clear understanding that the determination of planning applications should remain the responsibility of democratically elected local Councils, and not bodies appointed for that purpose without democratic mandate. [Comment: There is nothing within the charter that removes this responsibility from Local Authorities];
 - (b) there is a need for clarity in distinguishing between the role of officers and Members of Authorities and between advice to developers at pre-application stage and the formal determination of applications through the planning process. [Comment: The role of officers and Members is left to the discretion of individual Local Authorities];

- (c) the methods of consultation which take place between the District Councils and County Council in Leicestershire could usefully be cited as examples of good practice. [Comment: The Charter does not provide examples of good practice]; and

Background

The East Midlands Planning Charter

5. The East Midlands Planning Charter was developed jointly by the East Midlands Regional Local Government Association (EMRLGA), the East Midlands Development Agency (emda) and the Government Office for the East Midlands (GOEM). The Charter was launched in February 2000 and became operational on April 1st 2000. It was launched with a commitment to review its operation annually.
6. The Charter has recently been reviewed following a seminar held by emda that brought together key stakeholders. A copy is appended to this report. The Charter has been amended to reflect changes such as the formation of the Office of the Deputy Prime Minister (ODPM) and the issuing of the Urban and Rural White Papers. The substance of the Charter has not been changed but, where appropriate, factual information has been updated.
7. The Charter applies to proposals for new or extended industrial and office floor space in the East Midlands, and has been developed in recognition of the important contribution that an efficient planning process can make to improving the economic competitiveness of the East Midlands.
8. As Members are aware, County Councils do not normally determine planning applications for industrial and office floorspace. However, as the Charter states, they do have 'a major interest in the economic development of their area' and 'can play an important role when ... consulted on highways matters and responding to consultations by District Councils on major planning applications'. The Charter states that 'County Councils will support the aims of the Charter by replying to consultations expeditiously'.
9. The Charter is a voluntary agreement and Councils determined individually whether they wished to sign up to it. In the region, 43 out of the 46 local authorities have signed up, including all the County Councils in the region and all the District Councils in Leicestershire.

The County Council's Planning Charter

10. The adoption of a County Council Planning Charter is a formal requirement of the National Best Value Performance Indicators. It requires the County Council to have a publicised charter which sets targets for handling the different stages of the development control process, including enforcement and compliance, and arrangements for monitoring performance against these targets.

11. The purpose of the Charter is to set out the aims and objectives of the County Council in its determination of planning applications and in particular to ensure that a high standard of service is provided to all those who are involved in the development control process.
12. The Charter deals specifically with planning applications relating to minerals and waste and the County Council's own developments. These are the areas which the County Council has responsibility in determining planning applications.
13. Procedures are already in place for consultation between the District Councils and the County Council as strategic planning and highways authority. These are incorporated in:
 - the current Development Control Agreement (2001) which sets out the protocol for responses on planning proposals; and
 - the protocol for consultation in the 'Statement of Requirements for Developer Contributions in Leicestershire' (approved by the County Council in March 2001) arising from an assessment of needs resulting from individual proposals

Resource Implications

14. No specific resource implications have been identified.

Timetable for Decisions

15. The Cabinet at its meeting on 25th February 2003 agreed to continue the County Council's membership of the East Midlands Planning Charter on the basis that this would allow the County Council, through its continued membership, to give a clear commitment to replying to planning application consultations expeditiously. Subject to any views expressed by the Commission the Cabinet will consider the matter again at its meeting on 1st April.

Conclusions

16. The procedures already in place between Leicestershire County Council and the Leicestershire District Councils meet the East Midlands Planning Charter's requirement that 'County Councils support the aims of the Charter by replying to consultations expeditiously'. With regard to the requirements of the East Midlands Planning Charter, it is considered that the procedures of the County Council in responding to consultations on planning applications for industrial and office development already put the Charter into practice in an effective way.

Recommendation

17. The Commission is invited to comment on the East Midlands Planning Charter and the County Council's continued membership.

Circulation under Sensitive Issues Procedure

18. None

Background Papers

East Midlands Planning Charter. EMRLGA, emda, GOEM. 2002.

Development Control Planning Charter. Leicestershire County Council. March 2001.

Development Control Agreement. Leicestershire County Council. 2001

Statement of Requirements for Developer Contributions in Leicestershire. Leicestershire County Council. March 2001.

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