



SCRUTINY COMMITTEE

SCRUTINY REVIEW

PUBLIC PERCEPTION OF PUBLIC INVOLVEMENT IN THE PLANNING PROCESS

Report agreed by the Scrutiny Committee Meeting held on 23 April 2007

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1. Introduction

At its meeting on 25th July 2005, the Scrutiny Committee agreed to establish a review group to enquire whether the general public felt its voice was heard in the planning process and to consider proposed changes to the process.

A Review Group was established to examine this in detail on behalf of the committee.

The Review Group comprised of the following members:

Cllr Janet Wilkinson
Conservative

Cllr John Bartlett
Independent

Cllr Nick Sandford
Liberal Democrats



2. Objective of the Review

The objective of the review was:

- 2.1 To seek consultation with the general public on their views about public involvement in the planning process.
- 2.2 To consider the views and comments received and recommend appropriate action to address public concerns.

3. Process of the Review

3.1 The Review Group met on the following dates:

- 28 September 2005 - Initial meeting to scope review
- 29 November 2005 - Group Meeting
- 10 January 2006 - Attend interviewing skills workshop
- 15 February 2006 - Meeting with Chair of Ufford Parish Council and Peterborough Association of Local Councils

- 14 March 2006 - Group Meeting
- 11 May 2006 - Presentation from the Team Leader of Planning Policy & Research department on the Statement of Community Involvement

- 13 June 2006 - Visit to Huntingdonshire District Council, Planning Department
- 20 June 2006 - Public Meeting at the Town Hall

- 18 July 2006 - Review of feed back received from the public
- 10 August 2006 – Meeting with Head of Planning Services
- 15 August 2006 - Draft report

3.2 It was agreed at the initial meeting of the Review Group on 28 September 2005 that the most appropriate course of action to start the review was to openly consult with the public to seek their comments and views. This was done in the following ways:

- Press release in the local media
- On-line feedback form published on Council website
- Press release in November edition of 'Your Peterborough'
- Letters / Posters to 27 Parish Clerks
- Letters / Posters to 47 Community Associations
- Letters / Posters to 37 Residents / Tenants Associations
- Letters to 210 residents who have previously commented on planning applications inviting them to comment
- Letters to 35 residents who had contributed at planning committee meetings
- Posters placed in reception areas of all Council buildings and libraries
- Public meeting held at the Town Hall

3.3 The Chair of Ufford Parish Council and Peterborough Association of Local Councils requested a meeting with the review group so that he could comment directly to the group regarding Parish Councils experiences of public engagement in the planning process. This meeting was held on 15 February 2006.

3.4 On 10 April the Review Group sent an email containing a set of questions to the Head of Planning Services asking for clarification on the current planning process. A comprehensive response was received.

3.5 On 13 June 2006 the Review Group visited a neighbouring local authority (Huntingdonshire District Council) to find out how they engaged the public in the planning process and to look at their electronic planning system which is available to the public.

3.6 On the 10 August 2006 a meeting was held with the Head of Planning Services so that he could answer questions relating to concerns that members of the public had raised with regard to involvement in the planning process. Notes of this meeting are attached in Annex A.

4. Findings

The review group analysed the feed back received from the public consultation and public meeting held on 20th June 2006.

Below is a summary of those who answered the feed back form in response to the consultation on public perception of public involvement in the planning process.

A total of 52 people completed the feedback form, 21 via the on-line form on the Peterborough City Council website and 31 via the paper version sent to them in the post.

65 responses were received in total, 13 of which were in the form of general comments by letter or email and not in answer to the specific questions on the feedback form.

Categories of response

Categories	Number of responses received
Residents: <ul style="list-style-type: none"> • By post / email • By on-line form A total of 245 letters were sent to residents who had either commented on a planning application or attended a planning meeting therefore the response of 54 gives a 22% return.	33 21
Parish Councils: <ul style="list-style-type: none"> • Ufford • Orton Waterville • Bainton and Ashton • Wansford • Bretton 27 Parish Clerks were written to therefore the response of 5 gives an 18.5% return.	5
Neighbourhood / Residents Associations: <ul style="list-style-type: none"> • Netherton Neighbourhood Association • Lyvelly Gardens Residents Association • South Woodston Residents Association • St Marks Residents Association 37 Residents and Community Associations were written to therefore the response of 4 gives an 11% return.	4
Others: <ul style="list-style-type: none"> • Builder 	1
Total	64

Questions asked:

1. Were you sent or did you see a copy of 'How to get your voice heard on Planning Applications' leaflet?

Response:

Yes	22	42%
No	25	48%
Did not answer	5	10%
Total response	52	

2. Were you satisfied with the way your queries were dealt with?

Response:

Yes	21	40%
No	26	50%
Did not answer	5	10%
Total response	52	

3. Do you feel that your points were taken on board in the decision making process?

Response:

Yes	16	31%
No	28	54%
Did not answer	8	15%
Total response	52	

4.3 From the general comments received to the question asked on how satisfied people were with the way their queries were dealt with five key areas of concern were identified. These are:

- Communication
- Lack of enforcement
- Policy
- Process
- Committee Procedure

4.4 A public meeting was held on 20th June 2006 and 31 members of the public attended. The meeting was conducted in the format of three focus groups each one being facilitated by a member of the Review Group. The feedback received from the focus groups confirmed that the five key areas of concern identified during the public consultation process was the same. A summary of the feedback received at this meeting follows:

Theme of discussion	Comments Made
Communication	<ul style="list-style-type: none"> • When ringing planning officer – get answer phone • Do not call back • Turnover of planning staff high • Mineral applications – separate filing system – sometimes unable to see file if planning officer was not in • Often files very large – unable to spread out properly to read. Have to orientate own self with plans etc. • Officers ignore council’s own policies • Focus on regeneration of City Centre • Site notices often unclear on actual development • Sometimes no notification given on proposed planning applications, just receive notification that plan has been passed • Poor communication from planning – no response to emails • Incorrect advice given • Response to comments given on planning applications often do not reflect comments made • Would like individual response to reflect views – in plain English • More human side required from planning • Most of the planners are inexperienced • Electronic applications do not always have attachment of applications • Notification of planning application not going to all applicable affected people – more personal approach required. • Lack of response to phone calls or letters • Notifications only sent to the immediate vicinity. – wider consultation required • Short timescales on dates of meetings in letters. • 3 different dates on some consultations • Emails are answered quickly • Reception staff at Bridge House – “Brilliant” – always willing to help and go and get plans if not available. • Planning officers not easy to get hold off – someone will always see you and arrange for the PO to come back to you. •
Lack of Enforcement	<ul style="list-style-type: none"> • Conditions are not monitored to ensure compliance especially on small developments • Wording of conditions often not worded strongly enough

Theme of discussion	Comments Made
Lack of Enforcement	<ul style="list-style-type: none"> • Wheel washing on developments – lack of enforcement • Timing of enforcement - often too late • Often responsibility put back onto householder to monitor and told to take developer to court • Enforcement officer should be independent • Should be time limit on enforcement of conditions • Physical presence needed to enforce conditions • Peterborough very slack with enforcement compared to Stamford • Enforcement appears to be variable. • Response to complaints – variable
Policy	<ul style="list-style-type: none"> • Relevant policies are only labelled – need to explain in full what they are. • Conditions need to be explained in clearer language – plain English • Density of housing – council ignores own policy • Notice on lamp post is not sufficient – better systems needed • Inconsistency in interpretation of policy • Inconsistency of detail or no detail at all when outcome decided • Decisions in planning dept often made by junior planners, lack of experience and often hasty • Application driven by 8 week turn around • Council not following own policies. Failure to translate policy into practice • The larger builders / developers get what they want • System favours larger developers • Larger developer seems to go ahead at all costs. Often end up with second rate buildings • Policy is not clear – different response letters to a resident as to an organisation (Friends of the earth) • Private Householders need more information • When decision to allow application after objection, objector should be told why • Acronyms used in literature “c15” - not enough explanation. • More and better information should be made available on planning policy • Nothing in planning policy about what makes a valid or invalid objection. • Council talk/respond well to residents association etc. Householders do not get the same information. • On site visits, no one advised except the applicant.

Theme of discussion	Comments Made
Process	<ul style="list-style-type: none"> • Shambles - decisions being made which are appalling e.g. Ikea • Council not green – making poor decisions • Not looking at sustainability • Applications often have different application numbers • High turnover of staff causing inconsistency in process • Too much emphasis on speed and not on quality • No appointments made to visit • Terminology used is sometimes a barrier to allow objections • Developer/officer meet many times before application put in – done deal before it gets to committee and objectors views are not taken into account. • It is not clear how to object – what is required? • Inconsistency in decisions (6 months apart) • Planning officers ignore village design statement (Wansford) • Planning officers advising developers incorrectly without considering village design service • Application put in 4 times, 3 refused last one went through without explanation.
Committee Procedure	<ul style="list-style-type: none"> • Lack of member / officer involvement in the meeting – just sit there • Time of meeting – long time to wait for item • There is a perception of how application is dealt with • Lack of member / officer preparation • Presentation equipment for officers but not other side – should be available to all • Only 5 minutes to speak – split between all objectors but not told if others are speaking until the meeting, so often only get 1 – 2 minutes depending on how many others speaking • No ability to respond to incorrect officer information given at meeting • Committee appear to support objectors if ward councillor speaks • Councillor involvement – not able to speak if they have prior knowledge • Agenda being shuffled – policy items • Officers appear to be worried about applications (costs) going to appeal • Site visits not done properly – some members did not get off bus. Not allowed to meet councillors • No right to question or clarify anything • Procedure unclear about submitting drawings

Theme of discussion	Comments Made
Committee Procedure	<ul style="list-style-type: none"> • 5 minutes not enough to have say • Officers not always objective • No debate allowed. Not allowed to clarify anything • Parish Councils – most people work therefore meetings in the day time no good. • Not adequate information given about planning committee procedure • Prefer evening meetings • Planning dept are given plenty of time to put their case as opposed to only 5 minutes from public • Objectors view point not given equal time • Planning officers often given pro development case. The do not give neutral view – pro’s and con’s • Objectors not informed of meeting • Not aware of procedures to refer planning applications to committee • Large scale developments should be well publicised and an exhibition, scaled model, forum for discussion to help people appreciate the pro’s and con’s of the development • Can be intimidating at committee • Felt constrained at meeting • Not allowed to show slides/presentation

Theme of discussion	Suggestions for Improvement
Communication	<ul style="list-style-type: none"> • Room to be set aside in Bridge House to look properly at plans. Planning staff should go through plans. • Major applications – there should be public meetings in the affected ward • Talk to residents and visit them to appreciate their comments made on applications • Notifications should be sent out wider than the immediate vicinity.
Lack of Enforcement	<ul style="list-style-type: none"> • Must enforce • Monitor from day one – do not wait for residents to highlight • Officers must visit sites – big and small • Team of staff to visit sites • More resources required to ensure enforcement

Theme of discussion	Suggestions for Improvement
Policy	<ul style="list-style-type: none"> • Developing policy – consultation at the right time • Put a block on retrospective planning • Information on policy should be made available on website. • Flow chart for planning process should be made available
Process	<ul style="list-style-type: none"> • Provide more of a link between planning and building control • Ensure consistency in decision making • Plain English or a glossary of terms • Guidelines to advise format to object • Planning officers to refer to village design statement (Wansford)
Committee Procedure	<ul style="list-style-type: none"> • Publish notices in Stamford Mercury • PowerPoint available for all • More time to speak • Views of residents should be given more consideration • Allocate timings for items • Look at other councils to see how they do it • Comments of residents to be included in papers • Allow time to discuss with planning committee – depending on the complexity of the case as to the time limit. • Allow slides/presentation

General Comments:

- Want to see positive action from review and examples of how things will change
- Planning department to stop settling for second or third best in development
- Peterborough culture to be raised
- Would like to think that there was someone on my side looking at my environment
- Whose word is believed at committee meetings – resident or expert?
- Background research for planning applications is daunting – not enough time to prepare for objection/approval
- Professionals against amateurs
- Residents against officers
- No planning applications sent to Residents Association from planning department

- Notice given that something is going to planning committee (only 7 days notice) would like 2/3 weeks (or the earliest possible notice when decision is made it is going to committee)
- Lack of appeal after approval – application can come back with changes all the time.
- Difficult to get Planning Officers to attend Resident Association Meetings.
- Do planning committees go on too long? – limited time to speak would be longer if time needed was given – Maybe have timetabled breaks.
- Committee meetings are held every 2 weeks
- Names of committee members should be available on the website.

5. Conclusions and Recommendations

5.1 From the feed back received during the public consultation process, public meeting and discussions held with the Head of Planning Services the Review Group have identified five main areas of concern and have based their conclusions and recommendations on these five areas which were highlighted in section 4.3 of this report.

5.2 Communication

The planning system is not yet totally electronic and it is failing to satisfy people's aspirations to be involved with the planning process. The Head of Planning Services advised the Review Group that the improvement of the council website planning pages and its interactive ability is being held back by the Electronic Document & Records Management System (EDRMS) project which is an ICT priority at the moment. Concerns have been raised at Director level that the lack of ICT is holding back planning services. This would be a massive undertaking if the system were to be fully computerised.

The Review Group visited Huntingdonshire District Council and viewed their fully electronic planning system and noted what an excellent on-line service it provided to their customers. The current on-line planning system at Peterborough is limited and members of the public only have access to full plans by visiting Bridge House which is only open between the hours of 9.00 to 5.00 Monday to Friday. Therefore providing lack of flexibility for people who work.

Recommendation 1

Cabinet to support that the electronic planning system becomes an ICT priority and that any obstacles to this are identified and removed.

Comments received from the Director of Environment and Community Services and Head of Planning Services:

Good progress has already been made. The Planning Portal is operational and the EDRMS (Electronic Document Recovery and Management System) project is commencing, fully supported by the ICT and Business Transformation Teams, as are the maintenance and upgrades of "Uniform" Software. Staffing levels in the Division would be reviewed following further work on improving the quality of services delivered as this will assist identifying which, if any, additional resources are requested.

Head of Planning Services to put in a programme of improvement to specifically address customer service.

Comments received from the Director of Environment and Community Services and Head of Planning Services:

Significant improvement in the speed of determinations has been achieved over the past two years. However, it is clear that a number of the Councils planning customers are unhappy with the quality of the process and the service in general. The Service has established a significant improvement programme to ensure these concerns are addressed. Members and users of the service will be involved in shaping and implementing these improvements.

Recommendation 1 cont.

Consultees of planning applications should be advised as a matter of course on the outcome of each stage of the application, including being notified of any conditions attached to an application. Further investigations as to the resource implications of carrying out this action should be undertaken.

Comments received from the Director of Environment and Community Services and Head of Planning Services:

Feasibility and resources requirements for this approach would be considered as part of the quality improvements referred to previously.

It was noted by the review group that customer care has not been a priority due to the need to meet government service levels. (Refer to Annex A, question 4). From the feedback received there is clear evidence that this is causing customer dissatisfaction.

The public feel there is a lack of consistency with staff dealing with individual cases and a lack of experienced planners leading to inconsistent decisions. The Review Group recognise that there is a shortage of senior planners nationwide but would like to see a more flexible approach to recruiting senior planners.

Recommendation 2

There should be a more flexible approach in the recruitment and retention of high calibre senior planning officers. Head of HR and Head of Planning Services to investigate ways of achieving this and to investigate the urgent need to improve skills within the planning department to ensure that the appropriate skills are in place to meet the needs of the future growth of the city.

Staffing levels in the planning department to be reviewed.

HR to investigate putting in place a technical framework to assess the technical skills of all applicants applying for positions within the planning department.

Comments received from Director of Environment and Community Services and Head of Planning Services:

Recent recruitment drives have been successful and staff turnover has reduced due to ongoing efforts in this respect. Officers, will, however, continue to work closely with HR to ensure recruitment drives are as effective as possible. It should be recognised that the recruitment problem is not unique to Peterborough. Training Programmes and events covering aspects of customer care and architectural quality continue. Skills and learning needs are identified through the APD process and the Continuous Professional Development Scheme (CPD) administered by the RTPi.

5.3 Enforcement

The Enforcement Team have very few resources and this has meant that they have not been proactive in dealing with enforcement of conditions. They rely

totally on referrals from members of the public. If conditions are put in place but not enforced this brings the planning system into disrepute.

Recommendation 3

Undertake a review of Development Control and Enforcement and look at more effective ways of them working in parallel to make them more effective and efficient.

To provide more resources for the Enforcement Team.

To provide a scheme of prioritisation of enforcement activities to enable more proactive work.

Comments received from Director of Environment and Community Services and Head of Planning Services:

Enforcement activity has increased significantly over the past 12 months, through a prioritisation approach previously agreed by Cabinet. The adequacy of resources in this aspect of the service will be reviewed as part of the improvement programme mentioned previously.

5.4 Policy

The public in general do not understand the planning policies referred to in committee meetings or on public notices. The planning policies are the basis of the planning decisions and it is therefore important that the public understand how they are relevant to each application.

Recommendation 4

All references to planning policies in planning reports and on public notices should be made in plain English.

That when a policy is quoted in any planning reports it should be explained in full within the report and not just the reference given.

Comments received from Director of Environment and Community Services and Head of Planning Services:

Agreed. Planning Services will liaise with the Communications Team to ensure that all policies are clear and understandable. However, it should be noted that, as planning operates in a quasi-judicial setting, absolute clarity and precision is required to ensure that appropriate and defensible decisions are made by developers and the Council.

The Head of Planning Services advised the Review Group of a service called Planning Aid. Planning Aid provides free, independent and professional town planning advice and support to communities and individuals who cannot afford to pay planning consultant fees.

Recommendation 5

To ensure that 'Planning Aid' is publicised as widely as possible.

Comments received from Director of Environment and Community Services and Head of Planning Services:

Agreed. This is currently publicised and a link exists on the Planning Portal to provide customers with information and contact details. Further opportunities will be investigated.

It was identified that there is an inequality of consultation for approximately 50% of the population of Peterborough who are not represented by a Parish Council.

Recommendation 6

That a further review is undertaken by the Community Development Scrutiny Panel to investigate the identification or creation of alternative bodies to represent those people not represented by a Parish Council.

Comments received from Director of Environment and Community Services and Head of Planning Services:

The creation of alternative, representative bodies will need to be considered at a corporate level.

5.5 Committee Procedure

It is noted from the feedback that there is evidence of dissatisfaction with the current timing and frequency of planning committee meetings. It was also noted that members of the public felt that they were not given enough time to speak and were unable to use the same resources as the officers e.g. PowerPoint for presentations. They were also not able to challenge allegedly incorrect factual information given by officers. Members of the public feel generally intimidated and constrained at planning committee meetings.

Recommendation 7

The Head of Planning Services, Chair of Planning Committee and Group Representatives to take an overall look at the committee procedure to make it more user friendly, less intimidating and to take into account public opinion. Including a review of the public speaking scheme.

Comments received from Director of Environment and Community Services and Head of Planning Services:

Agreed. The Head of Planning Services will work closely with the Chair of Planning Committee and Group reps to ensure that the most efficient and effective approaches are adopted.

When the Planning and Environmental Protection Committee consider any planning application they should not make substantive changes to that planning application at the committee meeting; it should either be approved, deferred or refused on the basis of the original application.

It should be noted that the theme 'Process' has not been dealt with as a separate theme for the purpose of conclusions and recommendations as it was felt by the Review Group that the conclusions and recommendations made under the other four themes also covers process.

The Review Group would like to note their thanks for the support given to them by Paulina Ford, Research and Project Advisor whilst conducting this review.

They would also like to thank and acknowledge the support and information given to them by Paul Rossington, Head of Planning Services and Susan Heinrich, Team leader for planning Policy.