

REPORT FOR: MAJOR DEVELOPMENTS PANEL

Date of Meeting: 29 September 2010

Subject: MDP Operational Arrangements

Key Decision: No

Responsible Officer: Andrew Trehern, Corporate Director
Place Shaping

Portfolio Holder: Councillor Bill Stephenson, Leader of
the Council and Portfolio Holder for
Finance and Business Transformation

Exempt: No

**Decision subject to
Call-in:** Yes, following consideration by the
Portfolio Holder

Enclosures: Appendix A – Pre-application Protocol

Section 1 – Summary and Recommendations

This report sets out proposals for how the Major Developments Panel (MDP) might operate with respect to hearing external advisors and the giving of pre-application comments.

Recommendation:

That the Panel recommend that the Portfolio Holder:

- 1 Agree the proposed operational arrangements described at paragraph 15 and the Pre-application Protocol attached at Appendix A; and
- 2 Implement arrangements of paragraph 15 and the Pre-application Protocol with effect from the Panel meeting of 8 November 2010.

Reason: (For recommendation)

To ensure the MDP is able to better perform its role and function in overseeing the development of the Harrow and Wealdstone Intensification Area and proposals for individual major development sites across the Borough.

Section 2 – Report

Background

1 At its meeting in July, officers agreed to bring forward proposals outlining how the Major Developments Panel (MDP) would operate. This report provides details of such arrangements, including proposals to allow the Panel to hear from those parties who have an interest in the topics covered by the MDP, either as a local resident, or amenity society or special interest group.

2 The arrangements proposed, alongside the established constitutional provisions for any member panel convened by the Council, provide for effective engagement and participation with the Panel, as well as detailing its role in ensuring effective management of the proceedings.

Purpose of the MDP

3 The report to Cabinet on 15 July outlined the purpose of the MDP as follows:

- To oversee the development of the Harrow and Wealdstone Intensification Area, to include:
 - providing comments to the Area Action Plan Project Board;
 - reviewing the emerging master plan(s) for the area;
 - considering emerging design and development principles; and
 - feedback on the emerging strategy
- To oversee the development of proposals for individual major development sites within the borough including:

- providing comments on pre application proposals received by the Council for such sites;
- reviewing progress of strategic development sites within the borough; and
- considering site specific planning and development briefs

4 At the inaugural meeting of the MDP in July, Members discussed the scope and role of the Panel and re-affirmed their desire that the Panel should be able to receive advice not just from officers and appointed consultants but also from external advisors, potentially representing local groups, or interests in Harrow. In addition, officers were instructed to seek clarification on the extent of and operational procedures for the Panel.

Operational procedures

5 The Major Developments Panel is a constituted panel of the Cabinet and therefore falls to be governed by the same rules set out in the constitution that cover all other such Panels. This means that on every agenda there is a facility for the following items:

- **Public Questions** - a period of up to 15 minutes for members of the public to ask a single question (plus supplementary) on any item of business on the agenda
- **Deputations** - a period of 10 minutes for a member of the public to speak on a deputation which must be in relation to an item of business on the agenda
- **Petitions** - any member of the public / Councillor may submit a petition to the Panel at the beginning of its meeting and the Panel may agree an appropriate course of action to address this (subject to agreement of Portfolio Holder). The Council also has a formally published Petitions Scheme on the website as part of its legislative responsibilities to tell the public how it intends to deal with petitions (including those that would fall to be discussed by Council). The principle of publishing an opportunity for creating "ePetitions", which will allow members of the public etc to raise online petitions through the Council's website, is also to be introduced shortly- again in response to legislation.
- **Full details can be found in the Council's Constitution.**

6 In the case of the Major Developments Panel, Members felt strongly that, given the scope of the Panel's interest, and the sensitivity and wide range of views that it will cover, there should be additional provisions to allow for the Panel to hear submissions or receive advice from external bodies or special interest groups. Following discussion with democratic services and legal officers, and having regard to the potentially wide range of interests and advice that the Panel might receive, officers set out below a proposed method by which the Panel might ensure that this aspiration is realised in a fair, transparent and equitable manner.

Advisors to the Panel

7 The MDP will be supported by officers of the Council, led by the Corporate Director for Place Shaping, Andrew Trehern.

8 This means that the Panel will have access to professional advice from officers across the Council covering a range of disciplines including:

- Town Planning
- Property
- Housing Delivery (esp. Affordable Housing)
- Biodiversity
- Transportation Planning
- Transportation - Technical
- Landscape Architecture
- Open spaces
- Waste
- Climate Change
- Education
- Economic Development

9 In addition, the recent council appointment of consultants, led by East Architecture, means that the Council has retained external advice in respect of:

- Architecture
- Property Finance
- Urban Design
- Development delivery
- Transportation

10 The council contract for support from the LDA/Design for London plus engagement with GLA means that the Panel also has access to advisors in Architecture, Urban Design, strategic planning and regeneration.

11 The Area Action Plan process will also see the establishment of a number of forums, encapsulating specific interests in respect of:

- Business
- Developers
- Young People
- Community Groups
- Infrastructure/service providers

12 The above should provide a significant amount of technical expertise which, when combined with officers skills will assist the MDP in undertaking its role and function. However, the Panel has stressed the need to secure a range of views from local advisors, ensuring that the aspirations and concerns of local interest groups, sometimes excluded from the process, are properly heard in the master planning and strategic site development process.

13 Democratic Services has indicated that the term “advisors” is normally used when a formal appointment to the membership of a panel is made for the municipal year. In order to make formal appointments to any panel, to ensure fairness and openness, such appointments would have to be subject to a robust recruitment and selection process. Given the scope and diversity of subject interests that the Panel is likely to cover, the recruitment of a suite of advisors based upon a formalized selection process would be both time consuming and carries the risk of being

divisive and exclusive. Moreover, the making of formal appointments to the Panel, arising from such a process, risks enlarging the size of the Panel to a point where it becomes more difficult to determine the view of the Panel on any specific matter.

14 As an alternative to formal recruitment and appointment of advisors, and in line with arrangements already in place for Overview and Scrutiny challenge panels, the Panel might wish to follow a more tailored approach that invited those who registered an area of interest with the Council to make either written representations or, at the request of the Panel, to make verbal representations/contributions on specific topics.

15 To be successful, the MDP would need to invite any person or body with an interest in specific areas to register their interest with the Panel's administrators. Based upon a clear forward plan, the preceding MDP meeting would agree on who it would propose to call to present verbal evidence to the following meeting as well as invite written representations, ahead of the Panel meeting, from all other interests registered. The duration and form of any personal representation made to the Panel on the night could be programmed in advance, based upon the topic area and level of interest. It would however be for the Chair to manage participation and comments as appropriate on an item-by-item basis.

16 This mechanism would allow for the Panel, as opposed to officers, to identify who it wished to hear from on a particular topic area and would enable those speaking or contributing in writing to prepare an effective submission that could be clearly recorded and debated.

17 The provisions above, in relation to petitions and deputations would be unaffected.

Pre application advice

18 The Pre-application process between officers and an applicant on large strategic sites can be lengthy and expensive in terms of resources. It can also sometimes prove unsuccessful, because it fails to connect with and engage with local interests or concerns, expressed through elected representatives.

19 The Panel's terms of reference provide for it to comment on strategic development proposals, for specific sites, ahead of the formal submission of the planning application. This aspiration for earlier engagement of members in the development process is given support by the government's response to the Killian Pretty review of Planning (2010). (Gov response 5/3/09 consultation 2010) Effective and appropriate Member participation in the development of a new proposal can provide both assurance to developers of the appropriateness and understanding of the context and enables local members and the community to play an early and more constructive role in the realization of appropriate development on a site.

20 The MDP does not replace the function of the Planning Committee. The Council has determined that alongside delegation of certain decisions to the professional planning officers, the Planning Committee is the sole body responsible for discharging the Council's duty in relation to planning application decision-making. The role of the MDP must not confuse that role nor should it result in the "predetermination" of planning applications submitted to the Council for

consideration by the Committee. This is particularly important given the membership of both the Panel and the Committee and the fact that the Panel is a panel of cabinet.

21 Accordingly, in order to allow the Panel to receive submissions for comment at the pre-application stage, it is proposed to introduce a pre-application protocol. The protocol, attached Appendix A would help contextualise the Panel's role and the comments made and recorded at any meeting. It is proposed that the process operates in public session in most circumstances although there may be situations where the public and invited parties might have to be excluded from the discussion. A summary record of the meeting and discussion would expect to be made and published in the normal way as part of the minutes.

22 Based upon the appended protocol, it is proposed to trial the pre-application process and, if necessary, revise the terms accordingly. Officers would expect to manage the submission of proposals to the MDP pre-application process, in consultation with the Chair. Consideration of the schemes would be either by invitation (from the MDP to the applicant) or by request of the Applicant. Requests from outside the membership of the MDP could be considered by the Director of Planning in concert with the Chair of the MDP and would be assessed based upon:

- The scale and significance of the proposals – having regard to the strategic purpose of the MDP and any other avenues for consideration (such as public meetings, community consultation);
- The stage in the development of the proposal and anticipated submission date;
- The availability of time for the Panel's consideration of the item alongside any other business; and
- Any specific issues of particular interest or relevance to the Panel.

Implementation

23 To establish a register of interests, officers would in the first instance write to all those individuals and associations held on the LDF database. In addition, it is proposed that local media be used to stimulate awareness and interest amongst local groups and interests with details of who to contact to register their interest. Any organisation or individual registering an interest would be invited to describe the extent of such an interest, for example to do with the environment, economic development, urban design, infrastructure etc. The list could then be used by the Panel to identify those individuals or groups that they would like to receive evidence or submissions from based upon the Panel's forward plan.

24 It is proposed that the Pre-application process would be available from the next meeting of the MDP, subject to the adoption of the Pre-application Protocol by members. Specific schemes would be considered according to the above criteria. Officers would expect to identify at an early stage in discussions, the likely interest of the MDP in a specific proposal.

Financial and resource implications

25 Support to the MDP is being provided by the existing staff resources within Place Shaping and Democratic Services. These resources may be supplemented on specific items by in house resource/skills provided by officers from other services

and are sufficient to cover, with limited impact, the additional responsibilities reflected in this paper, based upon the current level of commitment. With the appointment of consultants for the AAP (detailed above) some additional project management and professional capability will be available for the duration of that contract. The Council has made provisions for up to £80,000 of cost for this phase of work. This is considered sufficient provided the scope of this phase of work is not extended.

26 In the context of forthcoming reductions in service budgets across the Council, the existing resource will not be able to accommodate any significant additional unprogrammed work requested by the MDP, without corresponding impacts to operations elsewhere. Officers will therefore seek to identify the consequences for any other programme of any new or additional commitment on a case-by-case basis.

Risk Management Implications

27 There are risks associated with duplication between the roles of the Major Developments Panel, the LDF Advisory Panel and the Planning Committee. The Terms of Reference for the MDP, and the operational arrangements proposed above, have been prepared to ensure clarity of function and responsibilities.

28 A separate risk register will be prepared for any specific projects considered by the Panel.

Equalities

29 The operation of the MDP is governed by the Council's established protocols. The extension of an invitation to present evidence or provide advice to the Panel through the "registration" of an interest and selection by relevance at the Panel meeting will need to be carefully considered, having regard to the scope for direct or indirect discrimination to take place. The operation of a pre-application protocol is not considered to have any direct implication upon equalities given the statutory framework for consideration of specific interests and the Council's responsibility within the operation of its function, to promote equalities in its services.

Corporate Priorities

30 The appointment of consultants to undertake a master planning exercise for the Harrow and Wealdstone Intensification Area will inform and assist with the delivery of Flagship Action 3.3, to:

"Prepare an Area Action Plan to deliver future prosperity for the heart of Harrow to help the Council, the community and developers understand and provide new development that improves environmental quality, vitality and economic prosperity"

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 17 September 2010		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 20 September 2010		

Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly, Divisional Director of Planning. Tel 0208 736 6149.
Internal ext. 6149

Background Papers: The report to Cabinet of 15th July outlining the purpose of the MDP