

Protocol on the consideration of development proposals at meetings of the Major Developments Panel

General

Harrow welcomes discussions with applicants on strategic proposals, which fall to it for determination. In most cases these will be handled by officers, who will give advice based on national, regional and local policy. The Council has established a Major Developments Panel. At its meeting on 29th September 2010, the Panel adopted a protocol to enable the Panel to review and comment on strategic development proposals at pre-application stage.

This revised protocol reflects the provisions contained within the Localism Act and the lessons learnt during the last 18 months of the Panels operation.

Definition of strategic development proposals

The strategic significance of the proposals will be determined by the Divisional Director of Planning in consultation with the Chair of the Panel having regard to:

- the scale and significance of the proposals – in the context of 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
- The availability of time for the Panel's consideration of the item alongside any other business
- Any specific issues of particular interest or relevance to the Panel

This protocol explains how the consideration of such items at a meeting of the MDP will take place.

The Conduct of Meetings

Meetings will normally be held at the Council offices. In rare cases it may be appropriate to visit a development site or inspect a similar development to that proposed – in these cases the Protocol will apply as if the meeting was being held at the Council's offices.

Presentations will be arranged as required, but only after the agreement of the Chair. Such arrangements may include the submission in advance by the applicant of such documents as the Panel may require, or which may be referred to in the applicant's presentation. Presentations will be

lead by Officers from the Council but may include the applicant or their representative.

The consideration of proposals will take place as part of the MDP meetings which are open to the public in most cases unless, on the basis of a majority vote by the Panel, and in line with The Access to Information Rules found in paragraph 11.4 of part 4G of the Council's Constitution the discussion is likely to involve the disclosure of exempt information.

Presentations will be identified in advance by officers (usually within the report to the MDP) and will sit alongside other agenda items of the Panel. It will be for the applicant to provide all materials and to present the proposals to the Panel. Officers will provide commentary as required in respect of specific questions or issues raised. The form of each presentation will be expected to cover: i) site history ii) policy context iii) physical context, and iv) design analysis. The form and content of the presentation should have been agreed in advance by officers as accurate, relevant and the minimum necessary to assist the Panel. Members will then be given the opportunity to ask questions of the developer.

Any views expressed by the Panel shall be made in accordance with the provisions within S25 of the Localism Act. . Any views expressed by the member of the panel do not constitute a formal decision and are without prejudice to the right of individual Members and the Council to determine any subsequent application as they see fit, having regard to all material considerations and the Development Plan.

The main points made during discussion will be recorded and published within the minutes as a summary record of the comments made.

The Role of the Applicants

The applicants will have the opportunity to make a presentation on their proposals. The presentation will normally be followed by questions and answers. The presentation can only provide relevant background information to give context to the proposal and it must focus primarily on issues that are relevant to the planning process.

The Role of the Chair of the MDP

The Chair will, with the Divisional Director of Planning, determine whether a proposal meets the criteria and should be considered by the MDP in accordance with this protocol.

The Chair will be responsible for managing the process of questions and answers and in ensuring the proper conduct at the meeting. In line with standing orders, the Chair will be entitled to apply all other standing orders for the operation of meetings to enable the business of the Panel to be conducted accordingly.

The Role of Panel Members

The purpose of the process is to enable applicants to present material and for members to ask questions and make comments. All Members of the Panel, particularly where they may have a subsequent role in the determination of any related application on behalf of the Council, should ensure that they act in full accordance with the provisions in S25 of the Localism Act.

Questions to clarify aspects of a proposal or policy concerns are legitimate. The Panel must not enter into negotiations with the developer/advocate for a proposal. Any comments made will be without prejudice to the right of the Planning Committee to determine any subsequent application as they see fit having regard to any material considerations.

In line with S25 of the Localism Act and the recommendations of Nolan, it is expected that any Member who takes an active stand in support of, or against an application should consider the members code of conduct or whether they are likely to predetermine the application and take advice from the monitoring officer as appropriate.

The Role of third parties

Third parties in attendance at the meeting will be entitled, at the absolute discretion of the Chair, to ask questions and make comments on the proposals being reviewed as part of this process.

Any person addressing the applicants or the Panel would be expected to identify themselves and any interest that they represent in relation to the item under consideration for the benefit of the meeting.