

POSITION STATEMENT

Portsmouth City Council's development management service: consultation and engagement on planning applications during the COVID-19 crisis.

INTRODUCTION

This position statement presents the process being put in place to enable the Council to provide as near a 'business as normal' development management service as is possible during the COVID-19 Crisis. It also sets out the actions that will be undertaken by the development management service and the actions to be suggested to applicants in relation to consultation and engagement.

These actions will enable continued transparency in the planning process and for consulting and engaging in new and additional ways under lock down.

For the larger 'major' applications planning officers will work with the applicant's team to develop and agree a range of additional engagement activity that will complement rather than replace the Council's own statutory consultation requirements. The suggestions within this statement are provided as examples of enhanced engagement and the exact appropriate 'mix' will depend on the nature of each application proposal and the context of the application site. In addition, the suggestions do not preclude the applicant team implementing other forms of engagement activity

MAINTAINING A DEVELOPMENT MANAGEMENT SERVICE

Portsmouth City Council's development management service remains open and operational and the continuation of the service is consistent with the government's latest advice as set out in a letter to councils from the Ministry of Housing, Community and Local Government's Chief Planning Officer in March 2020.

This letter set out the government's expectations in respect of various planning matters and the planning system's decision making:

'We understand that some councils are concerned about the implications of COVID-19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.'

We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. The government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.

The service has commenced processing/registration and will now commence consultations on planning applications. Processes remain fundamentally the same with some changes to the way we will be consulting with local communities on planning applications. The service is making use of available digital technology with planning officers and staff working from home.

All activities carried out by the development management service during the COVID-19 crisis will adhere to the government's requirements and guidance on social distancing, public health and wellbeing, in order to help maintain the health of our staff and those in our community.

Planning is a statutory service and one that must be provided by the local authority (i.e. Portsmouth City Council) to its residents and to other individuals and organisations wishing to bring forward development proposals. Regardless of its statutory nature, the Council considers the development management service will be especially important once the current crisis is over and when the nation has moved into the recovery phase. Projects with planning approval that can move into the construction phase swiftly will enable new jobs to be created, boost the construction sector, enable new housing and genuinely affordable housing to be built and facilitate economic growth.

In addition, most applications are of a smaller nature submitted by or on behalf of Portsmouth's residents or small businesses. It is important that the service considers their existing and future requirements alongside the views of 'local communities' in a wider sense.

CONSULTATION AND ENGAGEMENT

Listening to our community will continue to be a fundamental part of the application process. The following sections outline the way in which the Council's development management service will process, consult and decide planning applications and place additional expectations on applicants, agents and developer teams for enhanced engagement on the larger major applications. These provisions complement the Council's existing Statement of Community Involvement.

Consultation and engagement on planning applications will undoubtedly rest on a combined effort and understanding from the relevant stakeholders: applicants, planning officers and senior managers, councillors, particularly ward councillors, community groups and individual residents.

- **Consultation on Prior Approval Applications for larger extensions to houses.**

The statutory process for dealing with these types of applications is the only process that requires a direct letter to neighbours either side of the application property giving 21 days to submit comments. No alterations to this process are required in relation to COVID-19 circumstances.

- **Consultation on all applications (other than major applications- see below).**

Consultation through the display of site notices in the vicinity of the application site will continue. The standard consultation period for a planning application is 21 days. Normally, the development management service will consider representations after this 21-day period, up to the time of the actual decision is made. Although late representations are not encouraged as the planning officer needs adequate time to assess all considerations before a decision is made. The government expects decisions to be made within eight weeks of the day they are considered valid by the council, and 13 weeks in the case of major planning applications (normally those proposing 10 or more) residential units.

It is recognised that, at this time, there are concerns that individual householders may be less likely to be aware of planning applications in their neighbourhood due to their inability (particularly if they are self-isolating or shielding) to leave their property and view site notices.

The Council's development management service is making the following revisions to its own consultation and engagement process. These revised processes will be reviewed as lockdown restrictions become relaxed or removed.

1. **Extended consultation period.** From 14 April 2020, the formal statutory consultation period for inviting comments on all planning applications changed from the statutory minimum 21 days (3 weeks) to 42 days (6 weeks). This revised period applies to the dates advertised on site notices, public notices and in the planning services' regular communications with conservation area groups and resident associations.
2. **Holding off decisions on existing applications.** Applications that were submitted to the Council following the lockdown on 19 March 2020, that have

been out to consultation based on the normal statutory 21-day consultation period, will not be determined until a 42-day period has passed.

3. **Stakeholder engagement.** The Council will send consultation letters to conservation area groups and resident associations on all planning applications and they will be asked to forward these on to their contacts in the local community.
4. **Use of the Council's internet site.** Officers will produce a 'how to' guide for customers through the use of the 'Search for a Planning Application' web page. This will help a resident, resident associations, conservation area panels and councillors to keep track of applications submitted in their area.
5. **Councillors.** Officers will produce a 'guidance note' for councillors for the use of the planning access module and specifically the use of the weekly list of applications at ward level to enable councillors to assist constituents who contact them about planning matters.
6. **The applicant's 'responsibilities'**

The Council will continue to write to the applicant at the start of the application process to advise that all the necessary documents have been submitted and that the application is valid. At this stage the applicant will now also be asked to notify the immediate neighbours (immediately to the sides and if relevant to the rear) of their planning application.

The applicant will be advised they can download a copy of the formal site notice for planning applications.

This can be used by the applicant to post through neighbours' doors if possible or by Royal Mail. Where an agent has submitted the application, they will be asked to contact their client to carry out the above notification.

It is not possible to make this revised process a mandatory requirement upon the applicant or agent, for reasons relating to the staff resource needed to deal with an enforcement and monitoring process and for legal reasons.

- **Consultation on major applications**

The Council expects large regeneration schemes to continue to be submitted during the COVID-19 period. For the reasons set out above it is considered appropriate for the council to process these applications as they are submitted.

In taking this position, the Council notes that most, if not all, major schemes that result in a planning application during this period would have been in the 'pre-

application' state for some time, normally measured not in months but in years. Local communities would have been made aware of the proposals and would have already had an opportunity to voice opinions.

For major planning applications the Council's formal statutory consultation process normally involves putting up a number of site notices in the vicinity of the application site. Although the exact number would vary from site to site, depending on the nature of the scheme and the geography of the area around the application site, it is not unusual for 20 or more site notices to be erected. In addition, formal public notices are placed in the local press and relevant community groups are directly notified. These measures will all be continued.

During this period enhanced engagement from the applicant team is proposed which may involve a combination of the following, depending on the nature of the scheme, location of the application site and government guidance on social distancing measures in force at the time:

1. The applicant team to set up a 'micro' website to coincide as near as possible with the submission of the planning application This would present details of the proposal, using 3D and computer modelled images, outline the pre-application engagement that has taken place and their consideration of any comments, and provide a secondary source for local residents to highlight any issues or concerns they have.

The applicant team would respond to comments posted on the website and make the planning case officer aware of the comments and their responses. This will supplement but does not replace the need for residents to formally submit comments direct to the planning service via the Council's 'Search for a Planning Application'.

2. The applicant team to discuss and agree with the planning service their 'Statement of Community Involvement' which may include some or all of the following:
 - Virtual meetings with ward councillors to provide information on the development scheme.
 - Door to door leaflet/newsletter drop, highlighting both the applicants own micro site and the Council's Planning Access Module.
 - Re-engagement with all local and political stakeholders who responded to the pre app consultation.
 - Place adverts highlighting the planning application such as in electronic local newspapers and/or residents forum web sites.
 - Use 'Pop up' static exhibitions and posters at suitable public places on the proposed development site itself where this does not breach the government's advice on social distancing and individual wellbeing.

- Poster campaigns using existing notice boards outside public venues e.g. the town hall or libraries (or other buildings with notices boards or suitably secure areas) where this does not breach the government's advice on social distancing and individual wellbeing.
3. The use of digital or virtual platforms and software to inform, engage and consult the widest range of residents and groups including organising virtual meetings – both public meetings and meetings with individual groups who request them.
 4. The use of virtual computer imagery showing proposed schemes in the context of their locality, the possible use of drone camera footage of the site and its surrounding, and video presentations packages for planning committee and/or are suggested by planning officers.
 5. Other methods of engagement that the applicant team may wish to put forward.

Planning committee

The workload of the planning committee represents around 2.10% of all planning applications submitted to the Council. The COVID-19 crisis is not likely to see any change in this figure as the planning committee tends to deal with major planning applications.

The government has enacted legislation (published 4 April 2020) that allows Council decision making to be done without councillors being physically present at a meeting.

The Council considers it important that decisions continue to be made and therefore it will be conducting some meetings as virtual online meetings including its planning committee.

It is considered that enhanced digital information on major applications that may be produced by the applicant team will add to the depth of information normally produced by Officers in their presentations to Committee. Officers will also explore the use of Google Maps and Google World during their presentations and in 'question and answer' sessions with councillors.

Planning committee site visits

The 'default' position during the COVID-19 crisis is that organised councillor site visits prior the planning committee will not now happen.

This is a temporary position and relates only to the period in which government regulations or advice on social distancing and individual safeguarding would prevent the holding of a conventional (non-virtual) planning committee.

Whilst it is possible that Portsmouth City Council could publicly advertise members site visits prior to the Planning Committee meeting, this **is not a statutory requirement** and not all sites would be visited.

It is also noted that:

- It is not reasonable for the Council to require its councillors to put the health of themselves and others at risk on planning committee site visits.
- Not all application sites that are on a planning committee agenda are visited (a decision on which sites to visit is taken by the chair of planning in consultation with senior planning managers),
- It is not mandatory for all planning committee members to attend site visits
- That on occasions (the last being the March 2020 planning committee) a meeting can be held without any site visit(s) being conducted.

A physical site visit cannot be fully replicated in the virtual world. Whilst Google Maps/World are useful it should be noted that the imagery may not be totally up to date. In addition, in trying to replicate physical site visits through virtual officer presentations to members, such presentations would in effect be replicating part of the existing planning committee meeting process itself, and thus would not add anything to the decision-making process.

The planning committee will only deal with major planning applications during the period of the COVID-19 crisis unless a 'call in' requests of other applications is agreed by the chair of the planning committee in consultation with senior planning managers. However, it is expected that this will be extremely rare during this period.

The committees in June, July and August 2020 will consider applications that were submitted by the applicants some months ago and that would have been subject to more 'normal' consultation and engagement over a period of time.

Most major planning applications that have been submitted after the lockdown was implemented or that will be submitted soon are likely to be scheduled for planning committee from June 2020 onwards. In all cases decisions on when to take applications to Committee are based on a range of considerations and the impact of the Covid-19 Crisis, and the Recovery phases will be fully explored before such decisions are made.

The Council has adopted amended Standing Orders for 'virtual' planning committee meetings in terms of councillor involvement and voting, officer presentations, public viewing and public 'speaking' via written representations. Due to technical restrictions deputations to the Committee are now required in writing in advance of the meeting. This will be kept under review as social distancing restrictions and technical capability change.

Future change

This position statement may be updated as circumstances regarding the COVID-19 crisis and the lockdown/social distancing regime changes. Officers will continue to review the effectiveness of arrangements and consider the views of all stakeholders.

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