

Development Control Committee

Report Title:	Recommendations for changes to the County Council's Constitution in relation to Minerals and Waste, and County Council Planning Applications
Meeting Date:	19 July 2016
Lead Councillor(s):	Councillor Peter Beer
Local Councillor(s):	All Councillors
Director:	Geoff Dobson, Director of Resource Management
Assistant Director or Head of Service:	John Pitchford, Head of Planning
Author:	Anita Seymour, Development Manager, Telephone: 01473 264747

Brief summary of report

1. Development Control Committee at its meeting on 28 April 2016 briefly discussed potential amendments to the Scheme of Delegation for County Council, Minerals and Waste Applications.
2. In order to change the Scheme of Delegation, amendments will be required to the Officer Delegations under the County Council's constitution.
3. Committee Members agreed that a paper should be brought to Committee setting out proposals for discussion. This report sets out those proposals.

Action recommended

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| <ol style="list-style-type: none"> 4. That Committee: <ol style="list-style-type: none"> a) Agree the amendments proposed. b) The agreed amendments are referred to the Constitution Working Party for further consideration. |
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Reason for recommendation

5. To reflect the Committee's view on the more effective use of its time in dealing with applications.

Alternative options

6. To propose no changes to the Constitution and Scheme of Delegation.

Main body of report

Background

7. Once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit, unless a longer period is agreed in writing with the applicant.
8. The statutory time limits are usually 13 weeks for a major application and eight weeks for all other types of application (unless the application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies).
9. Section 62B of the Town and Country Planning Act 1990 (as amended) allows the Secretary of State to designate local planning authorities that “are not adequately performing their function of determining applications”, when assessed against published criteria. Performance is assessed in two ways: the extent to which decisions are overturned at appeal and the speed with which applications for major developments are dealt with. In respect of the latter, the relevant criteria include the percentage of applications for major development that have been determined within the statutory period, or such extended time as has been agreed between the local planning authority and the applicant.
10. Where a local planning authority has been designated in this way, Section 62A of the Town and Country Planning Act 1990 (as amended) allows applications for major development to be submitted directly to the Secretary of State (if the applicant wishes) as long as the designation remains in place.

Current Scheme of Delegation

11. Officer Delegations are included under Part 3 of Suffolk County Council’s Constitution (A full copy is provided in appendix A). In respect of the County Council’s functions relating to town and country planning, the delegation to the Director of Resource Management includes:
 - a) Minerals and waste development:
 - i) Applications to vary conditions of an existing permission including variations to extend the duration of permission.
 - ii) The erection of ancillary buildings, extensions to buildings, plant or machinery, earthworks and lagoons.
 - iii) In the above cases, delegation will only be exercised where no objections have been received at the time the decision is taken.
 - b) Applications under Regulation 3 of the Town & Country Planning General Regulations 1992 (i.e. County Council development):
 - i) In the above cases, delegation will only be exercised where no objections have been received at the time the decision is taken.

Issues

12. The current scheme of delegation allows the Director to determine planning applications for non–controversial matters (i.e. those where no objections have been received) which fall within the categories and meet the criteria set out in paragraph 11 above.

13. Recently there have been a number of non-controversial planning applications that have been brought to the Committee because they fell outside the categories and/or criteria listed. It is proposed that the scheme of delegation is amended so that the number of non-controversial matters brought to the Committee is reduced. This should assist in bringing down the time period for determining applications and reduce the necessity to hold some committee meetings.
14. The detail of the proposed amendments for consideration by Development Control Committee are set out in Table 1 in this report, but in brief it extends the delegated authority to cover new minerals and waste sites under 1ha in size (generally likely to be extensions of existing sites) and minerals and waste sites allocated in local plans (where the principle of development has been previously considered). The delegated powers would be exercised where no objections have been received to the development. In addition, it is proposed to extend the delegated authority for any of the new matters, or those in paragraph 11 a (i) – (ii) and b (ii) where there are between 1 and 4 objections, but only after consultation with the Chairman and Vice Chairman of Development Control Committee and the Local Member, any of whom may call it in for committee consideration.
15. In regard to applications under Regulation 3 of the Town & Country Planning General Regulations 1992 (i.e. County Council development), the County Council is both the applicant and the decision making authority. At present, Regulation 3 applications where there are no objections can be determined under delegated authority. The detail of the proposed amendments for consideration by Development Control Committee are set out in Table 1 in this report but in brief it proposes to extend the delegated authority to cover applications where there are between 1 and 4 objections, but only after consultation with the Chairman and Vice Chairman of Development Control Committee and the Local Member, any of whom may call it in for committee consideration. Concerns have been raised regarding determining applications where objections have been received under delegated authority rather than in a public forum. Members of the Committee are asked to consider whether there are any possible reputational issues here or grounds for legal challenge.

Proposals

16. Members are asked to consider proposals and to agree what amendments, if any should be referred to the Constitution Working Party.
17. The potential amendments put forward for discussion fall into two categories:
 1. Applications with limited number of objections.
 2. New Minerals and Waste sites.
18. Table 1 sets out proposed changes for discussion.

Table 1: Proposed Changes to the scheme of delegation**Minerals and waste development**

Paragraph number in current scheme of delegation	Proposed Change	Proposed change in wording
(a)	New delegated item to be added	New Minerals and Waste sites under 1ha in size
(a)	New delegated item to be added	New Minerals and Waste Sites allocated in Local Plan
iii)	Change in delegation	In the above cases delegation will only be exercised where no objections have been received at the time the decision is taken. Where between 1 and 4 objections have been received from non-statutory consultees* the application shall be referred to the Local Member , Chair or the Vice Chair of the Development Control Committee who may call in the application for determination by the Development Control Committee or otherwise allows the matter to be dealt with under delegated powers

Applications under Regulation 3 of the Town & Country Planning General Regulations 1992 (i.e. County Council development)

ii)	Change in delegation	In the above cases delegation will only be exercised where no objections have been received at the time the decision is taken. Where between 1 and 4 objections have been received from non-statutory consultees* the application shall be referred to the Local Member , Chair or the Vice Chair of the Development Control Committee who may call in the application for determination by the Development Control Committee or otherwise allows the matter to be dealt with under delegated powers
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* Consultation requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 4 articles 18 and 20 and Schedule 4 (Appendix B)

Sources of further information

- a) Development Control Charter for Suffolk:
<https://www.suffolk.gov.uk/assets/suffolk.gov.uk/Environment%20and%20Transport/Planning/Current%20Dev%20Control%20Charter%20April%202013.pdf>
- b) Suffolk County Council Development Control Manual:
<https://www.suffolk.gov.uk/assets/suffolk.gov.uk/Environment%20and%20Transport/Planning%20and%20Building/Planning%20Applications/2013-07-22%20Development%20Control%20Manual%20April%202013.pdf>
- c) Suffolk County Council Constitution, Part 3: Officer Delegations:
<https://www.suffolk.gov.uk/council-and-democracy/the-council-and-its-committees/the-constitution/>
- d) Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf

