

COUNCIL

3 JANUARY 2018

PROPOSED CHANGES TO THE STRATEGIC PLANNING COMMITTEE TERMS OF REFERENCE AND POWERS

Report of Mark Ketley, Head of Planning Services

Cabinet Member: Councillor John Riddle, Portfolio Holder for Planning, Housing and Resilience

Purpose of Report

The purpose of this report is to seek approval to a change in the terms of reference for Strategic Planning Committee to allow for planning applications linked to the Council's statutory duties under non-planning legislation, where issues of strategic importance are raised in terms of allowing the Council to fulfil its statutory duties, to be considered at a County-wide level rather than by Local Area Councils.

Recommendation

Council is recommended to approve, for immediate implementation, the revised terms of reference for Strategic Planning Committee detailed in the key issues section of this report. The proposed change is shown in bold.

Link to Corporate Plan

An efficient and effective Planning Service is central to the delivery of the priorities of the Draft Corporate Plan 2017 to 2021. Key to this is ensuring appropriate decision-making processes are in place for all types of planning applications and, in particular, the ability for proposals of corporate strategic significance to be determined at a County-wide level.

Key Issues

The current terms of reference (TORs) for Strategic Planning Committee set the framework for those planning applications falling to be determined by that decision-making body. These are set out in full in the background section of the report. The current TORs are based on matters of strategic planning significance with the following types of applications requiring Strategic Planning Committee consideration:

- minerals and waste planning;
- major energy and physical infrastructure projects;
- developments involving 100 houses and/or more than 1,000 sq metres of commercial floorspace;
- developments involving less than 100 houses and/or less than 1,000 sq metres of commercial floorspace which raise significant strategic planning policy issues; and
- applications which represent a significant departure from the Development Plan.

There is currently no provision in the TORs for Strategic Planning Committee requiring planning applications linked to the Council's statutory duties under separate (non-planning) legislation, where issues of strategic importance are raised in terms of allowing the Council to fulfil its statutory duties, to be considered at a County-wide level, a typical example of this being education proposals required to fulfil statutory obligations. Therefore, when such applications require Committee determination, these fall to be determined by Local Area Councils in cases where the thresholds set out in the TORs for Strategic Planning Committee (as set out above) are not exceeded.

It is the view of officers, in the interests of consistent decision-making across all corporately strategic development proposals in the County, that an amendment should be made to the TORs for Strategic Planning Committee requiring planning applications linked to the Council's statutory duties under separate (non-planning) legislation to be determined by that Committee. This is in addition to those strategic planning matters already listed in the TORs as set out above.

The proposed amendment to the existing TORs is set out in bold below and this report seeks approval of this change for immediate implementation.

Proposed Terms of Reference

(a) To exercise the powers and duties of the Council as Planning Authority in relation to development management under the Town and Country Planning Acts and other associated/related legislation and in particular, but not limited to, those functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, including the following matters which specifically require a decision by the Strategic Planning Committee:

- minerals and waste planning;
 - development concerning major energy and physical infrastructure proposals such as wind farms;
 - planning applications involving more than 100 houses and/or more than 1,000 sq metres of commercial floorspace;
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- planning applications involving less than 100 houses and/or less than 1,000 sq metres of commercial floorspace which raise significant strategic planning policy issues;
- **planning applications linked to the Council's statutory duties under separate legislation where issues of strategic importance are raised in terms of allowing the Council to fulfil its statutory duties; and**
- any other planning applications which represent a significant departure from the Development Plan.

Functions of the Planning Committee should include all decisions involving formal enforcement action.

All applications are to be determined by the Chief Planning Officer in accordance with the powers set out in the internal scheme of delegation except for the following which fall to the Committee to determine:

- Applications submitted by or on behalf of elected members of the Council or by their spouses/partners;
- Applications involving land and/or premises in the ownership or under the control of elected members of the Council or their spouses/partners;
- Applications in which any senior officer* of the Council has a personal and prejudicial interest;
- Determination of applications submitted by or on behalf of the Council (or by or on behalf of companies controlled by the Council); or of applications relating to land in which the Council (or company) has a significant interest (NB council to refuse such applications is delegated);
- Approval of applications where, in the opinion of the Relevant Officer, such an approval would constitute a departure from the approved Development Plan and would require a reference to the Secretary of State;
- Any application which an elected member of the Council requests should be considered by the Committee, provided the request is in writing, is received within 21 days of the application appearing on the weekly list, and is supported by bona fide planning reasons (which will be reported to the Committee together with the Councillor's name);
- Any application which the Relevant Officer considers should be determined by the Committee because of special planning issues or considerations it raises including significant local interest; and
- Determination of applications where there are contrary comments received within the consultation period given raising bona fide planning issues from statutory consultees as defined in National Planning Practice Guidance.

*For the purposes of the Scheme of Delegation, Senior Officer is defined as Director or Head of Service (or equivalent title)

(b) Those functions prescribed by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as not being executive functions and not elsewhere allocated by this Constitution.

Implications

Policy	An efficient and effective decision making process is central to the delivery of the Council's priorities.
Finance and value for money	None
Legal	It is the responsibility of Full Council to determine the terms of reference of its Committees.
Procurement	None
Human Resources	None
Property	None
Equalities	Not applicable
Risk Assessment	None
Crime & Disorder	None
Customer Consideration	None
Carbon reduction	None
Wards	All

Background papers

None

Report sign off

Finance Officer	N/A
Monitoring Officer/Legal	LH
Human Resources	N/A
Procurement	N/A
I.T.	N/A
Chief Executive	DL
Portfolio Holder(s)	JRR

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