



Northumberland

County Council

COUNTY COUNCIL

DATE: 26 JUNE 2019

UPDATE TO PLANNING SCHEMES OF DELEGATION, TERMS OF REFERENCE OF THE LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP and NEIGHBOURHOOD PLANS STATUS

Report of Paul Johnston, Interim Executive Director of Place

Cabinet Member: Councillor Riddle, Planning Housing and Resilience

Purpose of report

Various changes are being implemented in the Council's planning function in order to improve customer service and robustness of decision making, and to better integrate planning and related functions with the County Council's strategic priorities. The report seeks member agreement to implement three immediate changes; the Local Area Council and Strategic Planning Committee member application "call in" arrangements, Neighbourhood Plans and the member LDF Working Group.

Recommendations

It is recommended that:-

- (a) Members note that a range of planning and related services changes will be taking place over the forthcoming months and that they will receive reports on suggested matters in due course;
- (b) Members approve the proposed changes to the Local Area Council and Strategic Planning Committee schemes of delegation detailed in the report with the full revised schemes set out in the appendix to this report, and that once the changes have been made, briefing and guidance notes be provided to Chairs, Vice Chairs and other members;
- (c) Members approve the change to Northumberland County Council's definition of statutory consultee to include Town and Parish Councils with "formally made" Neighbourhood Plans; and

- (d) Members approve the proposed amendments to the Local Development Framework Working Group terms of reference.

Link to Corporate Plan

This report is relevant to delivering the following priorities/themes in the NCC Corporate Plan 2018-2021:-

- Ensuring our services are customer focussed;
- Supporting communities and staff to embrace change and innovation;
- Involving communities and staff in decisions which affect them;
- Help reignite relationships with town and parish councils and regard them as a critical partner;
- Constantly challenge service delivery to be lean and efficient and to embrace ways of working that minimise waste and remove duplication.

Key issues

Following discussion with Members and examination of various decision making systems and processes, it is clear that a range of changes need to be implemented in the Planning Department. Some of these changes will be set out in a new Service Plan and a restructure proposal. Others however have already been addressed, or need to be addressed as immediate priorities. The following three issues need to be dealt with to assist with performance/quality systems, consistency and compliance with current legislation.

Background

Issue One:

Planning Scheme of Delegation - Local Area Councils

The Cabinet Member for Planning, Housing and Resilience and the Business Chair have recently raised concerns that there are an increasing number of relatively uncontroversial applications being called in for committee decision at the Local Area Councils (LACs).

Initial analysis supports this concern. The Council has an unchallenging target for delegated decisions on planning applications of 95%. For a large planning authority, a target of 97%-99% is more of an appropriate aspiration. There has been a gradual drift from the current target, with current performance around 93%.

A low delegation rate risks adversely affecting performance against central government targets in terms of speed of decision. This is particularly a concern for minor applications which have a target eight week determination cycle. In addition, there are significant additional corporate costs associated with a committee determination route, as opposed to the quicker delegated route.

The current scheme of delegation excludes planning applications for certain types of scheme, for example, applications made by elected members, major Council proposals on its own land or applications for schemes which would be departures from the development plan.

In terms of the member “call in” provision, the scheme also currently excludes the following from delegated decisions:-

“...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 Local Area Council, together with the Councillor’s name)”.

This wording was introduced at the same time as the LACs. However, this approach is effectively open ended - as “bona-fide planning reasons” can be interpreted as including **any** lawful material planning consideration, even if these relate to wholly uncontroversial or trivial matters.

While member call in is an important democratic check, it should not be based purely on the (increasing) number of objectors, supporters or agents who now realise that lobbying members directly can secure any application potentially being determined by a full committee.

The following suggested amended delegation wording includes clarification on matters more suited for officer decisions. It also includes provisions aimed directly at addressing member concerns in relation to previous Committee based decisions:

Recommended wording:

“...any application which an elected member of the Council requests should be considered by the Committee, provided the request is in writing or by email and is received within 21 days of the application appearing on the weekly list. The request should be supported by bona-fide planning reasons which relate to matters reasonably likely to have wider potential implications than is implicit in the scale, location or type of development proposed in the application. All member requests will be reported to the Local Area Council, together with the Councillor’s name.

In conjunction with the above provisions it will be noted that:

i. Applications for householder development, listed building consent to alter/extend and planning permissions for demolition of a building in a conservation area will be dealt with under delegated powers.

ii. Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call-in and will be dealt with under delegated powers.

iii. There will be a presumption that a call in request by an elected member will be agreed where applications are for the renewal of extant, unimplemented permissions.

iv. There will be a presumption that a call in request by an elected member will be agreed where an application relates to sites or schemes where elected members have previously made decisions against officer recommendation, or relate to matters addressed by conditions and/or legal provisions specifically required to be imposed by elected members on the planning committee”.

While this issue is one that affects LACs in particular similar changes are also proposed for the scheme of delegation in relation to Strategic Planning Committee to ensure a consistency of approach

If Council supports this change,

- The revised and agreed schemes of delegation will be circulated to all Members with an explanatory note.
- A guidance note will be prepared for Chairs and Vice Chairs to assist in their determination of whether suggested Member LAC call ins on the vetting list are agreed or not.
- The new scheme of delegation will be implemented with immediate effect.

Issue Two:

Planning Applications in Neighbourhood Plan Areas

The introduction of neighbourhood planning through the Localism Act 2011 as a discretion regulated activity created a new way of plan making and decision taking. The purpose of the legislation was to integrate within the Planning System a range of opportunities to allow locally based planning activity to be initiated, led and managed by local communities. This differed dramatically from the regime that existed prior to the Localism Act in that all planning activities had to be formally undertaken by a Local Planning Authority or by national government or its agencies.

The NCC Corporate Plan 2018-21 identifies five key themes that will help the Council deliver its vision in accordance with its corporate values. Three of these key themes support the concept of community involvement in decision making and are of fundamental relevance to neighbourhood planning and underpin the Government's logic behind the initiative. These are:-

- Ensuring our services are customer focussed;
- Supporting communities and staff to embrace change and innovation; and
- Involving communities and staff in decisions which affect them.

In addition to being community expressions of the future of their area, Neighbourhood Plans carry weight in planning decisions after they are formally adopted or "made". Already it is possible to see tangible impacts from Neighbourhood Plan policies. This has included effects on appeal decisions, attitude to second homes and support for small scale housing in certain "countryside" locations.

As with many areas of Planning legislation there is a constant need to update relevant NCC systems in order to better reflect current practice. A significant step related to neighbourhood Plans is now to formally enshrine their role in the planning application process.

Parish and Town Councils became a statutory consultee to planning applications when there is a "made" Neighbourhood Plan in their area. Section 2 of the Neighbourhood

Planning Act 2017 changed the 1990 Act in this regard and the Council has not addressed this to date.

If Council support this change, with immediate effect -

- All internal planning systems will be amended so that Parish and Town Councils with “made” Neighbourhood Plans in their area will be treated as statutory consultees.
- All relevant schemes of delegation and public reports will be amended so that it is clear that any use of the term “statutory consultees” now includes Parish and Town Councils with “made” Neighbourhood Plans in their area.

Issue Three:

Local Development Framework Working Group - Terms of Reference Revision

The LDF Working Group is the member steering group for work on the emerging Northumberland Local Plan. The term “Local Development Framework” has been superseded by “Local Plan”, and the work overseen by the Group is changing as the Local Plan stages progress.

Local Development Frameworks were introduced under the Planning and Compulsory Purchase Act 2004. They were a set of documents prepared by a local planning authority which set out spatial planning strategy for the local area, describing a vision for the area and addressing the needs and opportunities in relation to housing, the economy, infrastructure and amenities. They also provided the basis for planning authorities to determine planning applications.

The Localism Act 2011, and the National Planning Policy Framework (“NPPF”), introduced in 2012, consolidated the plan preparation process, replacing the term “Local Development Framework” with the term “Local Plan”.

Existing Terms of Reference

- (1) To consider and make recommendations to Cabinet on the preparation of the Local Development Framework and related planning strategy matters.
- (2) To allow an opportunity for members to discuss issues and opportunities with key officers in relation to the preparation of the Local Development Framework. The LDF working group is intended to be a ‘task and finish’ working group which will complete its work with the final approval of the LDF by the Council.

Proposed Terms of Reference

Terminology Changes:

- All references to “Local Development Framework Working Group” to be changed to “Local Plan Working Group”

- All references to the “Local Development Framework” to be changed to “Northumberland Local Plan”

Local Plan Working Group

- (1) To consider and make recommendations to Cabinet on the preparation of the Northumberland Local Plan and related planning strategy matters.
- (2) To allow an opportunity for members to discuss issues and opportunities with key officers in relation to the preparation of the Northumberland Local Plan
- (3) The Local Plan will operate on a “task and finish” basis in relation to statutory stages of the Northumberland Local Plan adoption and initial Five Year Review. It will operate on a “steering group” basis for the identification and scoping of all matters in relation to review, supplementary specialist studies, preparation of supplementary planning documents and guidance considered necessary and monitoring of the delivery of the Northumberland Local Plan, particularly in relation to matters associated with housing delivery.

Implications

Policy	Suggested steps update and refine existing processes to better align with sound practice
Finance and value for money	Corporate savings will accrue due to lower unit cost of determining applications via the delegated route, rather than by a committee based decision (issue #1), and any cashable savings will be considered once the new delegations are fully embedded
Legal	Suggested steps update and refine existing processes to better align with sound practice
Procurement	N/A
Human Resources	N/A
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Risk Assessment	N/A
Crime & Disorder	N/A

Customer Consideration	See section on Neighbourhood Plans
Carbon reduction	N/A
Wards	All

Background papers:

Existing scheme of delegation

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full name
Monitoring Officer/Legal	Liam Henry
Executive Director of Finance & S151 Officer	
Relevant Executive Director	Paul Johnston
Chief Executive	Daljit Lally
Portfolio Holder(s)	John Riddle

Author and Contact Details

Rob Murfin, Director of Planning
rob.murfin@northumberland.gov.uk
 Tel: 07966 329090