

COUNTY COUNCIL

DATE: 26 JUNE 2019

APPENDIX

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

Northumberland County Council Scheme of Delegation – Planning Committees

Strategic Planning Committee

Terms of Reference and Powers

(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;
- 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.
- decisions involving formal enforcement action relevant to its terms of reference

All applications and, where appropriate, enforcement action decisions, are to be determined by the Chief Planning Officer in accordance with the powers set out in the internal officer scheme of delegation except for the following which fall to the Strategic Planning 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 authority to refuse such applications is delegated to the Chief Planning Officer);
- 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 and is received within 21 days of the application appearing on the weekly list. The request must be supported by bona fide planning reasons which relate to matters reasonably likely to have wider potential implications than is implicit in its scale, location or type of development proposed in the application (All member requests will be reported to the Committee together with the Councillor's name);

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

- i. 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.
- ii. 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
 - 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.

'Chief Planning Officer' means the officer designated as the Council's principal advisor on planning and related matters

*For the purposes of this Scheme of Delegation, "senior officer" is defined as Director or Head of Service (or equivalent title) and Relevant Officer means the Chief Planning Officer.

(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.

Local Area Councils

Terms of Reference and Powers – Planning Function

- (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 other than those matters requiring a decision by the Strategic Planning Committee.

Functions of the Local Area Council include decisions involving formal enforcement action except where the enforcement activity relates to a function which is the responsibility of the Strategic Planning Committee

- All applications, and, where appropriate, enforcement action decisions, are to be determined by the Chief Planning Officer in accordance with the powers set out in the internal officer scheme of delegation except for the following which fall to the Local Area Council 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) which are subject to valid objections relating to material planning considerations; or of applications relating to land in which the Council (or company) has a significant interest which are subject to valid objections relating to material planning considerations (NB authority to refuse such applications is delegated to the Chief Planning Officer)
 - 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 (“call in”), provided the request is in writing and is received within 21 days of the application appearing on the weekly list. The request must 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
- o 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
 - o 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 the National Planning Practice Guidance

‘Chief Planning Officer’ means the officer designated as the Council’s principal advisor on planning and related matters

*For the purposes of this Scheme of Delegation “senior officer” is defined as Director or Head of Service (or equivalent title) and Relevant Officer means the Chief Planning Officer.

Referral of decisions contrary to Officer Recommendation

In cases where a resolution of the Strategic Planning Committee or a Local Area Council is contrary to the Officer recommendation, the Chief Planning Officer will have the option of referring any such resolution back to a future meeting of that Committee or Area Council to allow the opportunity for further discussion with Officers in the interests of mitigating against legal challenges and unsustainable appeals.