



# Northumberland

## County Council

COUNCIL

DATE: 8 JANUARY 2020

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DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION IN RESPECT OF LAND TO THE NORTH OF THROCKLEY INTERCHANGE ON A69 AND NORTH AND EAST OF DEWLEY FARM, SOUTH OF STAMFORDHAM ROAD (B6324) AND EAST OF PONTELAND ROAD (B6323), NEWCASTLE UPON TYNE

**Report of Rick O'Farrell, Interim Executive Director of Regeneration, Commercial and Economy : Place**

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

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### **Purpose of report**

To seek approval of Full Council to devolve the Council's planning control functions to Newcastle City Council to determine a cross boundary planning application for a Surface Coal Mine at land to the north of Throckley Interchange on A69 and north and east of Dewley Farm, South of Stamfordham Road (B6324) and east of Ponteland Road (B6323), Newcastle Upon Tyne

### **Recommendations**

**It is recommended that Council:**

- 1. Devolve to Newcastle City Council the discharge of this council's planning control functions under Section 70 (1)(Part III) of the Town and Country Planning Act 1991 to determine a cross boundary planning application in relation to a Surface Coal Mine at land to the north of Throckley Interchange on A69 and north and east of Dewley Farm, south of Stamfordham Road (B6324) and east of Ponteland Road (B6323), Newcastle Upon Tyne**

### **Link to Corporate Plan**

This report is relevant to the following key themes in the Corporate Plan for 2018-2021:-

- How - We want to be efficient, open and work for everyone;
- Living - We want you to feel safe, healthy and cared for;
- Enjoying - We want you to love where you live;
- Connecting - We want you to have access to the things you need;
- Thriving - We want to attract more and better jobs

## **Key issues**

1. Planning applications have been received by Newcastle City Council and Northumberland County Council from Banks Mining Ltd and Ibstock Brick Ltd for a Surface Coal Mine at land to the north of Throckley Interchange on A69 and north and east of Dewley Farm, south of Stamfordham Road (B6324) and east of Ponteland Road (B6323), Newcastle Upon Tyne. The site lies mainly within the administrative area of Newcastle City Council, however the access to the highway lies within the administrative area of Northumberland County Council. The site area (red line boundary) of the application site extends to 112ha with the area of the development in Northumberland amounting to approximately 100 sq.metres.
2. The National Planning Practice Guidance (NPPG) sets out the applicable procedures in respect of payment of the application fee:-  
  
“The planning fee is paid to the local planning authority whose area contains the largest part of the application site”.
4. In this case, the significant majority of the application site falls within the administrative area of Newcastle City Council, accordingly, the application fee has been paid solely to Newcastle City Council.
5. The NPPG states that where an application site straddles one or more Local Planning Authority (LPA) boundaries, it is necessary to submit identical applications to each LPA, identifying on the plans which part of the site is relevant to each. Although it is strictly possible and lawful for an applicant to formulate distinct planning applications for each LPA where each application only describes and seeks consent for the development proposed within each LPA’s administrative area, such an approach would be artificial since the LPA would need to be provided with details of the development proposed in the other LPA’s administrative area in order to make an appropriate determination of the application.
6. In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two LPAs making individual determinations, imposing different conditions on the permissions and entering into separate S106 agreements. This is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each LPA may be inconsistent in terms of the conditions attached to them and the obligations entered into the related S106 agreements. This is, of course, highly undesirable in terms of achieving a coordinated approach to delivering development. It is also contrary to Government guidance, which encourages joint working between LPAs in

relation to the use of their planning powers. Paragraph 178 of the National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

7. Pursuant to Section 101(1) of the Local Government Act 1972 a Local Authority may arrange for the discharge of any of its functions by a committee, a subcommittee, an officer of the authority or by any other local authority.
8. Accordingly the Council can delegate its decision making powers to Newcastle City Council in respect of the determination of this particular cross-boundary planning application in respect of which Newcastle City Council has been paid the full application fee. Newcastle City Council would then determine both the applications.
9. As the proposed development within Northumberland would involve only the provision of access to the site, officers consider that it would be appropriate in this particular case for Northumberland County Council to delegate its development control functions to Newcastle City Council. This Council has been consulted on the application and the Director of Planning will send comments to Newcastle City Council.
10. As Northumberland County Council has not received a planning fee for the application, the two LPA's have worked proactively together. All of the publicity for the applications has been carried out on a joint basis by Newcastle City Council and they have borne the costs for this, having received the application fee. This has also avoided duplicity in that people wishing to comment on the proposal only had to do so once rather than separately to each LPA..

### **Implications**

<b>Policy</b>	There are no policy implications arising from this report.
<b>Finance and value for money</b>	<p>Costs for public consultation and associated administrative costs have been borne by Newcastle City Council and they have received the planning application fee of £78,000. Council should note that no planning application fee would be payable to the County Council and in the event that this Council decides not to delegate decision making powers to Newcastle City Council, any further costs of the administration of the application submitted to Northumberland County Council would fall to this Council.</p> <p>There may be financial implications if the application is refused in terms of defending an appeal.</p> <p>Any S106 required for the site that had implications for Northumberland (ie for Highways improvements) would be also signed by Northumberland County Council and the monies would come to this authority. Traffic generated by the</p>

	development would be controlled by condition which would limit numbers of HGV movements per day. In terms of community benefits funds these are normally outside the planning process but would be distributed by the operator on a radius of the site which would not preclude Northumberland communities being able to benefit from the fund.
<b>Legal</b>	Legal implications are as set out in the report.
<b>Procurement</b>	There are no procurement issues arising from this report.
<b>Human Resources</b>	There are no human resource issues arising from this report.
<b>Property</b>	There are no property issues arising from this report.
<b>Equalities (Impact Assessment attached)</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	N/A
<b>Risk Assessment</b>	The item raised poses a minimal risk to the organisation.
<b>Crime &amp; Disorder</b>	There are no crime and disorder implications.
<b>Health and Wellbeing</b>	There are no health and wellbeing issues arising from this report
<b>Customer Consideration</b>	The normal public consultation exercises on planning applications of this nature have been carried out in accordance with regulations.
<b>Carbon reduction</b>	Officers will undertake an evaluation of Newcastle's position regarding climate change issues arising from the proposal to seek assurances that it is robust.
<b>Wards</b>	Ponteland South with Heddon

**Background papers:** 19/00799/CCMEIA

**Report Sign Off**

	name
Monitoring Officer/Legal	Liam Henry
Executive Director of Finance and S151 Officer	Chris Hand
Relevant Executive Director	Rick O'Farrell
Portfolio Holder(s)	John Riddle

**Author and Contact Details**

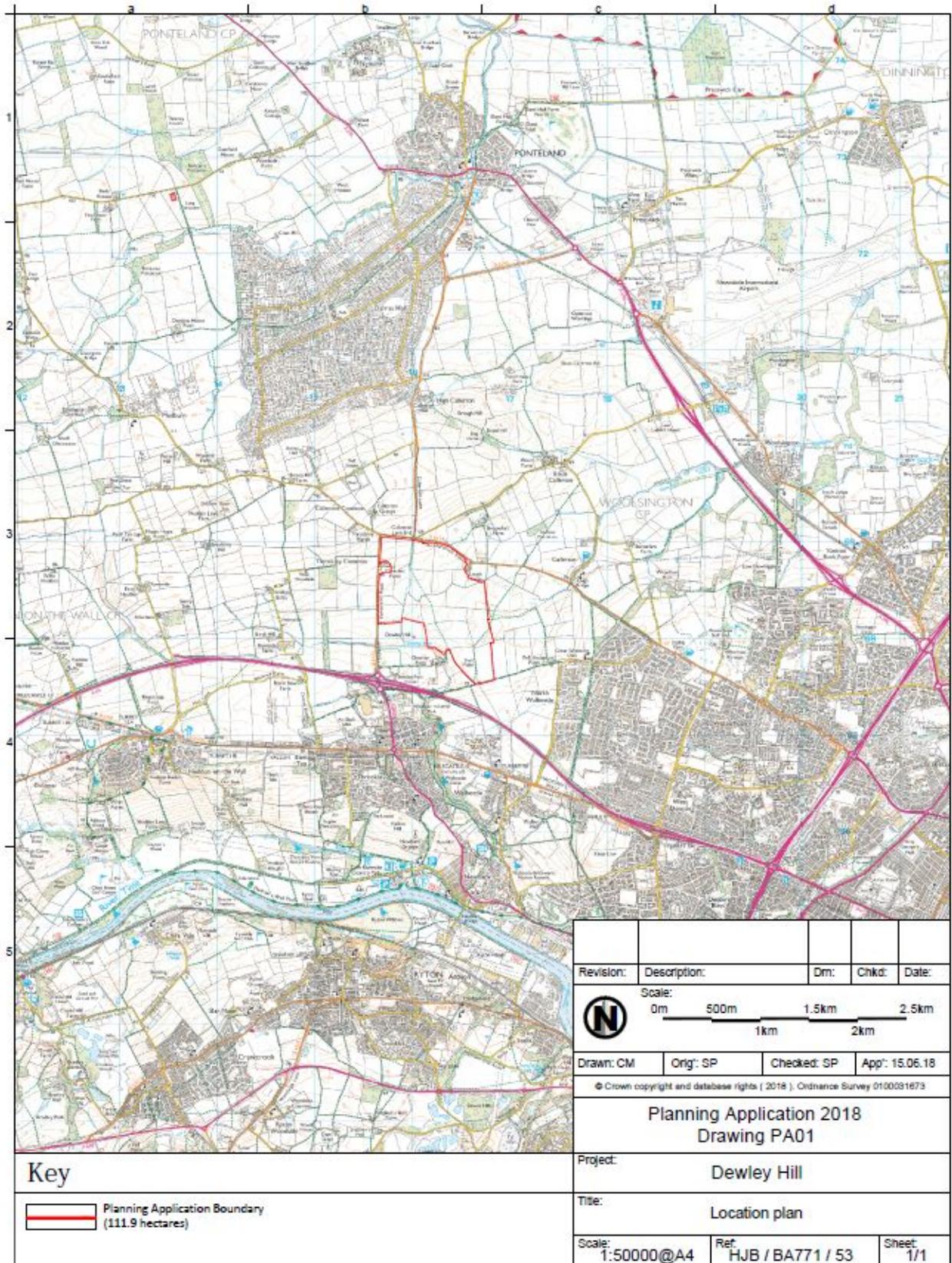
Katherine Robbie – Senior Planning Officer

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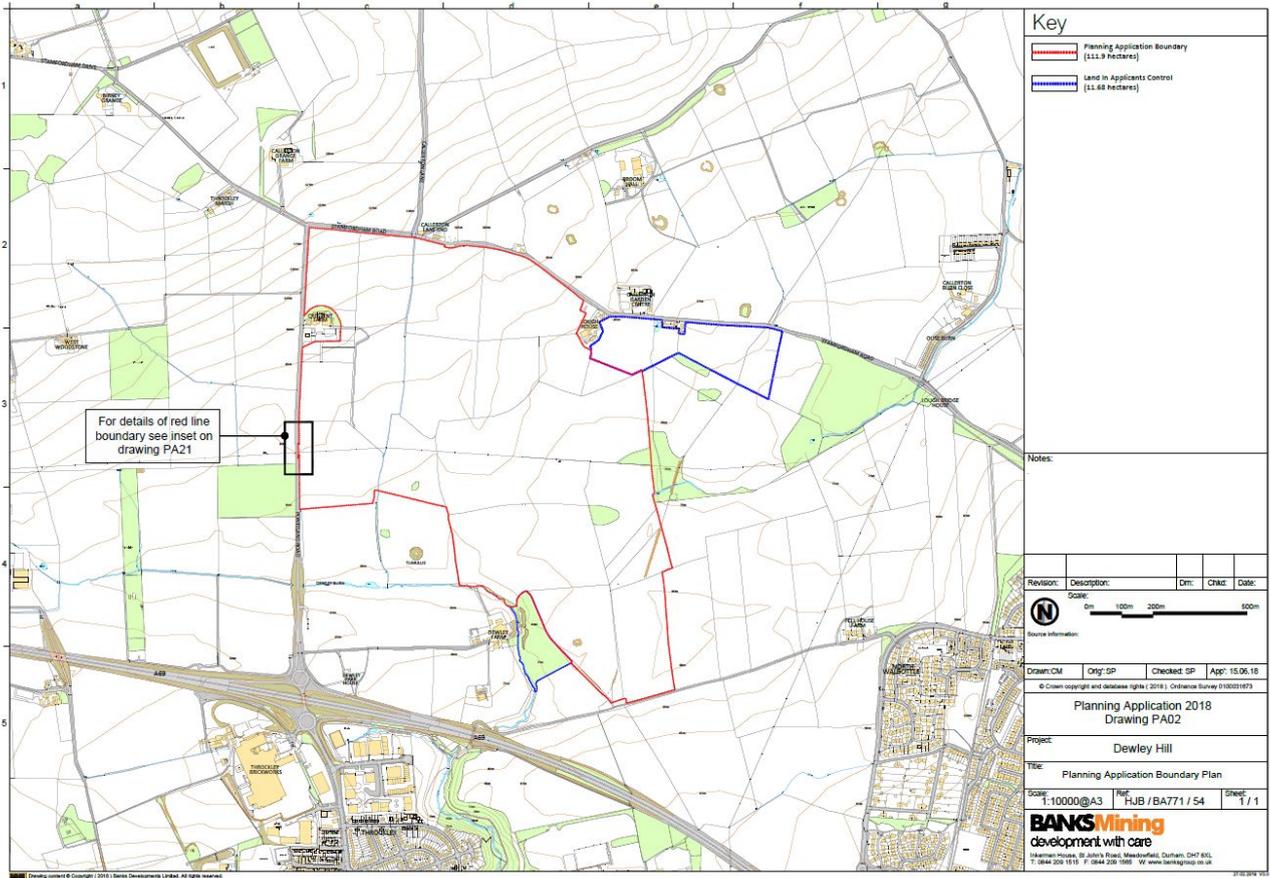
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# Appendix 1

## Location Plan

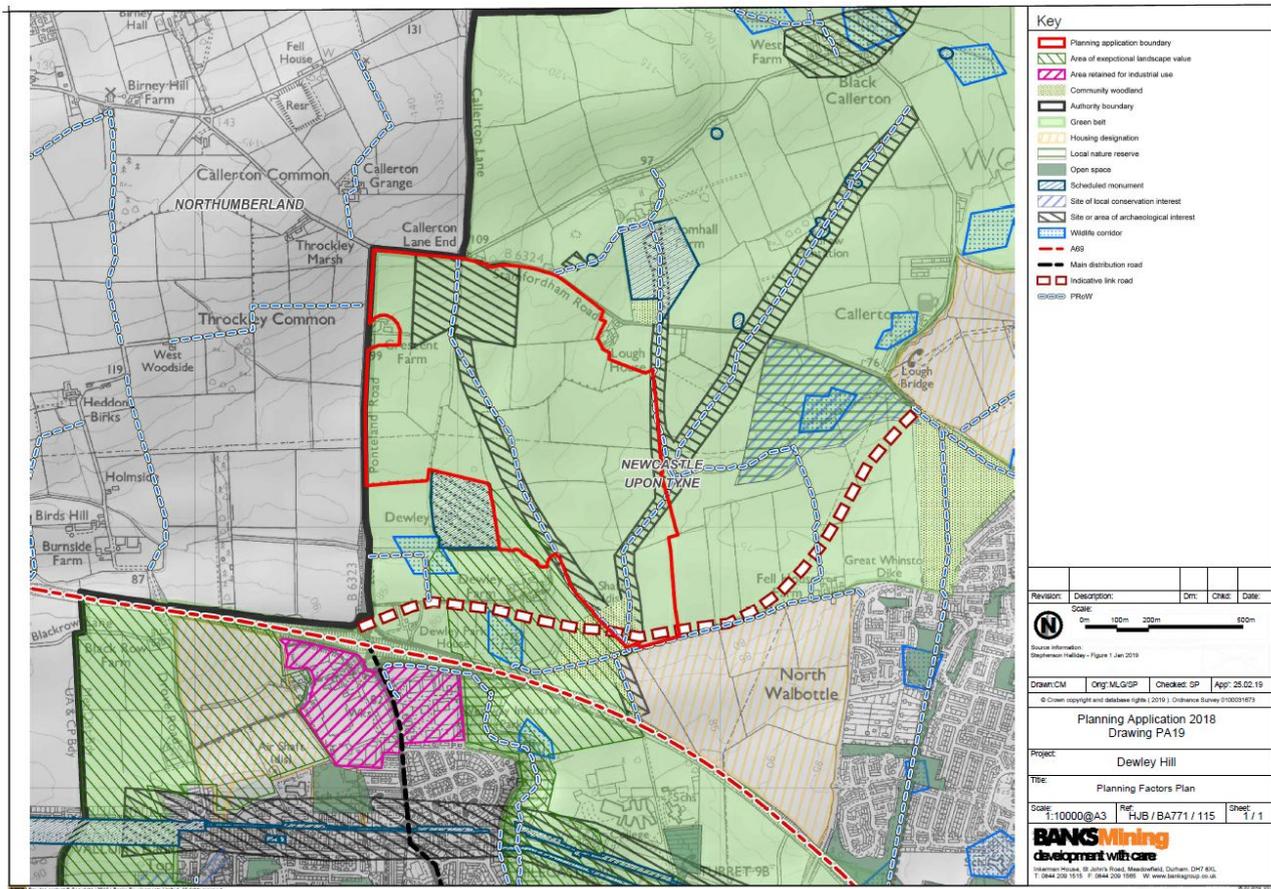


# Appendix 2 Planning Application Boundary



# Appendix 3

## Plan showing administrative boundary



# Appendix 3 Details of Access Arrangements

