

Appendix A “Democratic Accountability within the Planning Process Report”, Scrutiny Committee Meeting – 2 March 2023

Appendix A - "Democratic Accountability within the Planning Process Report", Scrutiny Committee Meeting - 2 March 2023



SCRUTINY COMMITTEE
Thursday, 02 March 2023

Subject	Democratic Accountability within the Planning Process
Report by	CLlr David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Philip Ridley Head of Planning and Coastal Management 01394 444434 Philip.ridley@eastsoffolk.gov.uk Ben Woolnough Planning Manager (Development Management) 07833 406681 ben.woolnough@eastsoffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 katherine.scott@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not Applicable
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

Scrutiny Committee requested a review of the Democratic Accountability within the Planning Process in accordance with the questions in the scope attached as Appendix A

Recommendation/s:

That the Scrutiny Committee consider this report on the Democratic Accountability within the Planning Process and note the changes implemented to the Referral Process for the determination of planning applications following the approval of the recommended changes agreed by the Strategic Planning Committee at its meeting on the 6 June 2022. Any comments of the Scrutiny Committee will also be passed on to the June 2023 Strategic Planning Committee in its annual review of the Referral Process.

Corporate Impact Assessment

Governance:

Not Applicable

ESC policies and strategies that directly apply to the proposal:

Not Applicable

Environmental:

Not Applicable

Equalities and Diversity:

Not Applicable

Financial:

Not Applicable

Human Resources:

Not Applicable

ICT:

Not Applicable

Legal:

Not Applicable

Risk:

Not Applicable

External Consultees:	Not Applicable
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal:		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
As set out in the report.			

Background and Justification for Recommendation

1 Background facts	
1.1	<p>The scope of the Scrutiny Committee's queries in respect of the democratic processes are as set out in Appendix A. Cllr Ritchie presented a report to the Strategic Planning Committee on the 6th June 2022 which amongst other matters considered some the questions raised by the Scrutiny Committee meeting. That report and its accompanying appendices are contained in Appendices B, C, D, E, F and G. The recommendations were agreed and the changes implemented from July 2022 and have generally been well received. The minutes of that meeting are contained in Appendix H.</p>
2 Current position	
2.1	<p>What democratic processes are there for Committee Members (including as a Ward Cllr), Ward Councillors not on Committee, Town & Parish Councils, applicants and objectors?</p> <p>Consultation and engagement on planning applications and for emerging policy documents is undertaken in accordance with the Council's Statement of Community Involvement which was agreed by Cabinet. All engagement is in accordance with this and the statutory requirements. All information is available on the council's website and comments can be made electronically. The council's Uniform software system for viewing planning applications, has all submission details and all responses received. All customers can register to be alerted for updates on any applications in their area. All councillors are automatically connected for alerts so they can be aware of applications in their ward.</p> <p>All parties including Ward Members can submit written comments on an application throughout its lifetime, including after receiving a notification that an item is going to the Planning Referral Panel. However, it is strongly recommended that they submit any written comments prior to the expiry of the consultation period. This is to ensure that their comments are received prior to the application being considered and determined.</p> <p>It should also be noted that the comments from Ward Members, the Town/Parish Council and/or need to be received by the closure of the consultation period in order to potentially trigger the referral process (see paragraph 2. 4 below).</p> <p>Whilst efforts are made to bring any late comments from Ward Members to the attention of the Referral Panel members, it should be noted that if the comments are received after the notification of an item going to Referral Panel they cannot be considered by officers when making their recommendations or be included in the written report to the Panel, and there maybe instances where comments submitted at such a late stage do not reach officers in time for them to be reported verbally to the Panel meeting.</p>

2.2	<p>Why do we have a Referral Panel and how does the process work, how is it publicised to Members and who is involved?</p> <p>As set out in the report at Appendix B the referral system was implemented when East Suffolk Council was established to enable the caseload of the planning committees to be carefully managed so they were considering only those cases where there were clear planning issues which warranted further consideration and debate. Without such a system in place the planning committees would not be able to function effectively given the council receives a significant volume of planning applications (almost 4,500 in 2022).</p> <p>The Referral Panel process and who is involved is detailed on page 63 of the Constitution » East Suffolk Council.</p>
2.3	<p>Why do Ward Councillors not receive a further alert when a planning application is referred to the Referral Panel?</p> <p>They do. All Ward Members are alerted to the agenda of the following week’s Referral Panel through a Teams message sent every Friday afternoon. All Ward Members with Referral Panel items in their ward are ‘tagged’ in that message and offered the opportunity to join the meeting. This has been a successful method of alerting members and they have contributed to this Teams chat when wishing to join the meeting or sending apologies. Therefore, all ward members now are notified when an application in their ward is being considered.</p>
2.4	<p>Should there be a greater involvement of Ward Councillors in the Planning process e.g. Ward Councillors speaking at referral panel</p> <p>With the changes implemented by the Strategic Planning Committee in June 2022 ward members are invited to observe Referral meetings and to confirm whether there were any factual errors in what is being considered and Referral Panel members are also invited to ask questions of the ward member.</p> <p>This is also covered in the report at Appendix B. Ward members now can attend Referral meetings to be satisfied that there are no material errors of fact in what is being considered.</p> <p>Ward members should also take advantage of the opportunity to make comments within the consultation period if they have an opinion on an application (see paragraph 2.1).</p> <p>Based on Figures 1 – 4 of Appendix L of the Strategic Planning Committee Report (Appendix E to this report), the map in Appendix M of the Strategic Planning Committee Report (Appendix F to this report) and paragraphs 2.34 -2.36 of Appendix B the extent of Ward member engagement in the planning application consultation process has been consistently low in most wards over the three proceeding years (April 2019 to March 2022).</p> <p>Emerging figures for the current financial year (1 April 2022 to 31 March 2023) also show that there is limited Ward Member involvement through the submission of</p>

written comments on Referral Panel items, with just 8% of applications having a written comment from Ward Members during the consultation period/prior to the drafting of the Report to the Referral Panel (as of 7 February 2022). These are shown by ward in Figure 1 of Appendix I.

However, it is noted that Ward Members are engaging with the Referral Panel Meeting Process, with 40% of members having attended at least one Referral Panel Meeting where there has been an item in their ward (between 1 April 2022 and 7 February 2023). Although, it should also be noted that over this period there have been a number of Wards which have had items at the Referral Panel where no ward member attended the meeting (shown in grey in Figure 2 of Appendix I)

It appears that in many cases when Ward Members are not engaging with the Planning Application Process until they are notified that an item is to be presented to the Referral Panel. By not engaging earlier in the process and/or responding during the consultation period, they are missing their opportunity to trigger the referral process.

On applications which haven't triggered the referral process due to comments from the Town/Parish Council and/or statutory consultees, the Ward Member comments can still trigger the Referral Panel Process. However, it is extremely rare for this to occur, due to the lack of written comments received from Ward Members.

As outlined above, early engagement from Ward Members during the consultation period is key to ensuring their involvement has greatest impact of the process pathway that the application follows for determination (I.e. whether the item triggers the referral panel process, is heard at Planning Committee or is delegated to officers for determination). Therefore, yes they should be more involved with the process, but to do so they must engage with the opportunities that are already available to them.

2.5 **Should a limited call in provision for Ward Councillors be introduced to bypass the referral panel - similar to the former Waveney process?**

Such a former process also existed in Suffolk Coastal. The updated Referral panel system is working well and the feedback from visiting members has been that the changes have helped alleviate some of the perceptions as to how some thought the panel was operating. In addition, the Scheme of Delegation in the Constitution allows the Chairman of the Planning Committees and the Head of Planning to be able to directly require an application to be considered by Planning Committee where deemed appropriate (page 63 of [Constitution » East Suffolk Council](#)). The practices in place for the consideration of planning applications enables the council to maintain an effective process and to meet and exceed required government targets.

The Council must be conscious of officer resource. A considerable amount of extra time is spent producing committee reports, presentations and presenting to the Planning Committees. Officers have very high caseloads and have to prioritise a mix of committee and delegated decisions. An increase in Committee items may

	<p>not be sustainable in maintaining an efficient planning service with good quality decision making, particularly with extreme difficulty in recruitment of experienced planners.</p>
<p>2.6</p>	<p>Do all speakers have sufficient time (3 minutes for public etc and 5 for Ward Councillors)?</p> <p>This matter refers to the length of time for public speakers to address the Planning Committee when they hear and consider planning applications. It is nationally recognised that public speaking at planning committee meetings is generally allowing 3 minutes per representative. Those that can speak are the applicant/agent, relevant Town or Parish Council and an objector plus ward councillors and we allow them 5 minutes.</p> <p>The Committee members have a written report, PowerPoint presentation and public speaking, where they can also ask questions of officers and public speakers to clarify matters, and when assessed as a package there is more than sufficient opportunity to enable the Committee to make a sound lawful decision.</p> <p>In exceptional circumstances and where the Chairman allows, and only for the more complex applications the Chairman may agree before the meeting to lengthen the time for public speaking.</p> <p>The Head of Planning and Coastal Management has confirmed he is not aware of any criticism of the organisation and procedures for speaking at Planning Committee meetings in respect of Planning Applications.</p> <p>The opportunity for the Planning Committee to ask questions of speakers is not common in other Local Planning Authorities and often this can provide a great deal further insight and speaking time for the benefit of the Planning Committee.</p>
<p>2.7</p>	<p>Should there be more liaison with Town and Parish Councils e.g. Officers visiting Parish Councils when planning applications, particularly controversial ones, are discussed?</p> <p>Liaison with Town and Parish councils is generally good. The majority of representatives from Town and Parishes (usually the clerk) contact the relevant case officer and/or manager to be able to discuss applications and find out more information on the case. Case officers are organised on an area team basis and it is expected that good customer engagement works both ways with the councils and officers. The Town or Parish Council is the collective local representative and have the experience and knowledge to be able to understand and appreciate the material planning issues needing consideration. Given the statutory consultation periods and the need to meet and exceed government performance targets it is not possible to arrange such meetings in the consultation period given the volume of work. Ward Members are also able to engage and make the locals views available to case officers and all are able to review all the documentation and responses on the web site.</p>

	Officers have often made good efforts to attend Town and Parish Council meetings, including in the evening, when they are dealing with large or complex applications. If Town or Parish Councils request a meeting with the Planning Manager or Head of Planning, the majority of the time that is agreed and a range of very constructive meetings have taken place in recent months.
2.8	<p>What are Town and Parishes views about how they can participate in the planning process? (reference to SALC survey they did?)</p> <p>With the forthcoming elections in May the planning management team are putting together a package of engagement opportunities to meet and inform the new town and parish councils and offer further engagement and training (following District Councillor training). Due to Covid restrictions and staff changes the previous engagement forums had been stood down but they will be enacted from June this year and will no doubt again pick up matters raised in the Scrutiny Committees questions.</p>
2.9	<p>What democratic processes do other Councils have for the involvement of Members and participants?</p> <p>East Suffolk Council planning team regularly engages with colleagues in neighbouring councils and nationally to consider best practice elsewhere. The introduction of Ward Member participation in the Referral Panel was actually inspired by insights from a new Principal Planner in the Planning Team based on their experience of a similar process at West Suffolk Council.</p> <p>On the night of this meeting the Head of Planning and Coastal Management and the Planning Development Manager are away undertaking important work to learn from and observe best practice. The Head of Planning and Coastal Management is away leading an LGA Peer Review of a planning authority in the west country and the Planning Development Manager is at a national planning conference for 2 days being updated by the government and Planning Advisory Service on best and emerging practice to feed into the continuing improvements in the service.</p>

3 Reason/s for recommendation

3.1	This report provides detailed responses and provides evidence that the matters raised in the Scrutiny Committee's scope have been positively addressed. Noting the detailed responses any further comments from this Committee will be reported to the June 2023 Strategic Planning Committee as agreed.
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Appendices

Appendices:

Appendix A	Scrutiny Committee - Democratic Accountability within the Planning Process.
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Appendix B	Strategic Planning Committee 6 June 2022 – Report “Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022”
Appendix C	<p>Strategic Planning Committee 6 June 2022 – Report Appendices A to D</p> <p>Appendix A - Diagram explaining the process through which Planning Applications can trigger the Referral Process and reach the Planning Referral Panel.</p> <p>Appendix B - Major, Minors and Others at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.</p> <p>Appendix C - The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.</p> <p>Appendix D - The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, by ward on a map of the district.</p>
Appendix D	<p>Strategic Planning Committee 6 June 2022 – Report Appendices E to I</p> <p>Appendix E – Public Speaking on items at North and South Planning Committees between 1 April 2021 and 31 March 2022.</p> <p>Appendix F – The proportions of North and South areas at the Referral Panel between 1 April 2019 and 31 March 2022.</p> <p>Appendix G – The numbers and proportions of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.</p> <p>Appendix H – The timeliness of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.</p> <p>Appendix I – The number and proportions of ‘Planning Applications’ by ward, at the Referral Panel between 1 April 2021 and 31 March 2022.</p>
Appendix E	<p>Strategic Planning Committee 6 June 2022 – Report Appendices J to L</p> <p>Appendix J – The proportions of ‘Planning that were at the Referral Panel between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.</p> <p>Appendix K – Details by Parish of the number and proportions of ‘Planning Applications’ at the Referral Panel between 1 April 2021 and 31 March 2022.</p>

	Appendix L - Referral Panel items with comments from Ward Members between 1 April 2019 and 31 March 2022.
Appendix F	<p>Strategic Planning Committee 6 June 2022 – Report Appendices M to O</p> <p>Appendix M - Referral Panel items with comments from Ward Members between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.</p> <p>Appendix N – Referral Panel items with comments from Town/ Parish Councils between 1 April 2019 and 31 March 2022.</p> <p>Appendix O - Numbers and Proportion of Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by Parish.</p>
Appendix G	<p>Strategic Planning Committee 6 June 2022 – Report Appendices P to R</p> <p>Appendix P – Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.</p> <p>Appendix Q - The overall number of items at the Referral Panel with comments from Ward Members or the Town/Parish Council between 1 April 2019 and 31 March 2022.</p> <p>Appendix R – The outcomes of Referral Panel between 1 April 2019 and 31 March 2022.</p>
Appendix H	Strategic Planning Committee 6 June 2022 – Minutes of Meeting
Appendix I	Ward Member engagement with planning applications at the Planning Referral Panel 1 April 2022 – 7 February 2023

Background reference papers:

None

Appendix B Appendices to the “Democratic Accountability
within the Planning Process Report” Scrutiny Committee
Meeting – 2 March 2023

SCRUTINY COMMITTEE

2022/23 WORK PROGRAMME

MASTER SCOPING DOCUMENT FOR AGREED TOPICS

Date of Review	Title of Review	Reasons and Objectives of the Review	Lines of Enquiry	Responsible Cabinet Member and Officers	Guest Speakers	Outcome
2 March 2023 (RS)	Review of Democratic Accountability within the Planning Process	To ensure that the Council's democratic processes used when determining Planning Applications are robust and fit for purpose	<p>What democratic processes are there for Committee Members (including as a Ward Cllr), Ward Councillors not on Committee, T&PC, applicants and objectors?</p> <p>Why do we have a Referral Panel and how does the process work, how is it publicised to Members and who is involved?</p> <p>Why do Ward Councillors not receive a further alert when a planning application is referred to the Referral Panel?</p> <p>Should there be a greater involvement of Ward Councillors in the Planning process eg Ward Councillors speaking at referral panel</p> <p>Should a limited call in provision for Ward Councillors be introduced to bypass the referral panel - similar to the Waveney process?</p> <p>Do all speakers have sufficient time (3 minutes for public etc and 5 for Ward Councillors)?</p> <p>Should there be more liaison with Town and Parish Councils eg Officers visiting Parish Councils when planning applications, particularly controversial ones, are discussed?</p>	David Ritchie Philip Ridley Ben Woolnough	Paul Ashdown & Debbie McCallum SALC	The Council has a democratic planning process that all Members and participants have confidence in

			<p>What are Town and Parishes views about how they can participate in the planning process? (reference to SALC survey they did?)</p>			
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			<p>What democratic processes do other Councils have for the involvement of Members and participants?</p>			
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STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

Subject	Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officers	Ben Woolnough Planning Manager (Development Management) 01394 444681 ben.woolnough@eastsuffolk.gov.uk Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 katherine.scott@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	All Wards

Purpose of the Report and High-level overview

Purpose of Report:

This report provides a review of the work of the Strategic, North, and South Planning Committees, and the operation of the Referral Panel. It sets out the volume of application traffic and level of Ward Member comment. It includes a statistical analysis of the route of determination of all applications. It also makes some suggested amendments to the Referral Panel process.

Options:

Not applicable.

Recommendation/s:

1. That the content of the report be noted.
2. That it be agreed that with effect from 1 July 2022 Ward Members are invited to the Planning Referral meetings to answer questions on factual matters and this process change be reviewed by the Committee in June 2023.

Corporate Impact Assessment

Governance:

None.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

None.

Financial:

None.

Human Resources:

None.

ICT:

None.

Legal:

None.

Risk:

None.

External Consultees:	None
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How does this proposal support the priorities selected?			
To provide information on the performance of the development management and enforcement section			

Background and Justification for Recommendation

1 Background facts	
1.1	This report provides Members of the Strategic Planning Committee with an analysis of the work of the three planning committees and the Referral Panel for decisions in the year from April 2021 to March 2022. In January 2022 the role of Principal Planner (Technical Lead) was created and Katherine Scott took on this role. This includes a responsibility for monitoring of the referral process and reporting on it. Thanks to increased attention in this role the report is now able to present a more comprehensive set of data for the last year and this will continue going forward.
1.2	This report should be read alongside the reports on planning performance and appeals decision which are being presented to the Strategic Planning Committee.

2 Current position	
2.1	In April 2019, East Suffolk Council brought into force a new scheme of delegation aligning the former authorities of Suffolk Coastal District Council and Waveney District Council. This scheme sets out the means by which applications will be determined and seeks to clarify which applications will be determined by the Head of Planning and Coastal Management and which will be referred to the Planning Committee for consideration.
2.2	The scheme of delegation was established following extensive dialogue with former councillors of the Suffolk Coastal and Waveney DC's including reviewing established best practice nationally and it seeks to secure an appropriate balance between efficiency of the service determining applications to meet national targets and securing a robust process that allows public scrutiny in the planning service.
2.3	As part of the work programme of the Strategic Planning Committee it is to review the work of the Committees and the Referral Panel each year. When this has been discussed previously the reports were accepted but is acknowledged that there was some concern from some members about the Referral Panel process and some amendments have been made to improve it. The concerns being raised were relating to the transparency of resolving the determination route and the role of Ward Members in the process. Additionally, the Council has been made aware of concerns from some Town and Parish Councils regarding the Referral Panel process, forwarded to officers by the Suffolk Association of Local Councils.

2.4	<p>The scheme of delegation is laid out in the Council’s constitution and reads as follows:</p> <p>“All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Regulation Impact Assessments (HRA) are delegated to Head of Planning and Coastal Management UNLESS:</p> <ol style="list-style-type: none"> 1. The Planning Application is, in the opinion of the Head of Planning and Coastal Management and/or the Chair and Vice Chair of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect; or 2. The applicant or landowner is East Suffolk Council; 3. The applicant, or agent, is an East Suffolk Councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk Council employee; or 4. The referral process is triggered <p>In which case, if item 4 is invoked, the Planning Application will be referred to the Referral Panel – the panel will discuss with the Head of Planning and Coastal Management (based on planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Coastal Management.”</p>
2.5	<p>The diagrams in Appendix A to this report and Appendix A to the Performance Report (also on this agenda) show, in diagrammatic form, how the referral process is operated. In essence, the referral Panel process is triggered on any planning application where the view of the planning officer is contrary to that of either the Town or Parish Council, statutory party or Ward Member, where they relate to material planning considerations.</p>
2.6	<p>For the process to be instigated those comments need to be received during the prescribed consultation period, unless a formal extension of time has been granted in writing.</p>
2.7	<p>The Planning Service has undertaken training sessions both with Ward Members and representatives from Town and Parish Councils to help the understanding of the process and how to form consultation responses in the best way to aid the Referral Panel in determining the pertinent issues surrounding the application and whether those instigate sufficient weight to justify a round table discussion at Planning Committee. This is in addition to communicating such information by written notes.</p>

2.8	The Planning Service is committed to continuing working with our Ward Members and Town and Parish Councils. Further Town and Parish training is planned for this summer.
2.9	The potential routes for the determination of applications via the scheme of delegation are illustrated in Appendix A to the Performance Report on this agenda (Application Process Diagram).
2.10	<p><u>NOTIFICATIONS TO WARD MEMBERS, AND TOWN/PARISH COUNCILS</u></p> <p>Public Access is set to send out notification alerts to all those registered with a Public Access account within their saved geographical search area. These pre-set notification alerts check if an existing record (i.e. an application) that meets the search criteria has already been included (if not notification will trigger for it) and if the description or status has changed, it then sends out a notification alert.</p>
2.11	<p>All East Suffolk Councillors are set up with Public Access accounts, and as a result, all Ward Members are notified via email alerts from the Public Access System as a minimum when:</p> <ul style="list-style-type: none"> - An application is validated within their ward, and thus available for them to view online and submit comments if they wish, - If the address or description is revised during the application process, - When the application status is changed e.g., when an application is scheduled for a Planning Committee, and - When the application is determined.
2.12	<p>All ward members also receive a weekly message via Teams message on the “Notification of Upcoming Planning Referral Panel meetings” chat, which includes the agenda listing all the items to be considered at the next Referral Panel meeting and requesting them to reply if they wish to attend to observe. Ward members often respond to that weekly message to confirm that they wish to attend the meeting. They are subsequently informed via email from the case officer of the outcome of the Panel meeting.</p>
2.13	<p>Over 90% of Town and Parish Councils have a Public Access account set up through formal clerk email addresses. This is an expectation of Town and Parish Councils since notifications are not sent manually and Clerk’s/Town or Parish Councillors are expected to monitor notifications regularly. Those that have a Public Access are therefore notified via email alerts from the Public Access system as a minimum when:</p> <ul style="list-style-type: none"> - An application is validated within their area, and thus available for them to view online and submit comments if they wish, - If the address or description is revised during the application process, - When the application status is changed e.g., when an application is scheduled for a Planning Committee, and - When the application is determined.

	Town and Parish Councils are also formally consulted on all applications within their area (as required by the Development Management Procedure Order and our Scheme of Community Involvement).
2.14	All other parties (e.g. members of the public) who have signed up to Public Access and saved searches are also notified via Public Access email alerts of applications and updates to applications which meet the search criteria they have inputted and saved, in addition to any of the usual formal consultation processes.
2.15	<u>THE REFERRAL PANEL PROCESS</u> As outlined above the presentation of an application to the Referral Panel can take place as a result of the comments received from either the Ward Member, Town/Parish Council and/or a statutory consultee during the consultation process being contrary to the 'Minded to' recommendation of officers.
2.16	The Referral Panel meet every Tuesday and is made up of both the Chairs and Vice Chairs of the North and South Planning Committees. To aid a decision on the route of determination to be made by the Panel, Members are furnished with both a written report and a detailed visual and verbal presentation of the application by officers.
2.17	All ward members are also notified each Friday afternoon of the items on the agenda of the meeting scheduled for the following Tuesday and are invited to attend to observe they wish. This notification takes place via a Teams message on the "Notification of Upcoming Planning Referral Panel meetings" chat, (which all Councillors are members of).
2.18	All Ward Members, the Town/Parish Council and agent/applicant are also subsequently informed via email by the case officer of the outcome of any relevant items following each Panel meeting. In the case of Ward members this is any applications within their ward and with Town/Parish Councils any applications within their parish.
2.19	In June 2021 the Cabinet Member with responsibility for Planning took a report to the Strategic Planning Committee providing with a recommendation that no changes were made to the scheme. The Committee agreed with the recommendation but requested a further report be presented to the June 2022 Committee with relevant background information on how the Panel is performing.

2.20	<p>Between 1 April 2021 to 31 March 2022, East Suffolk Council has determined a total of 2714 formal planning applications* required on Government Quarterly returns, 289 more than the same period on the preceding year (2425 in 2020/2021 period). The detail surrounding the performance of such is laid out in the planning performance report tabled at the Strategic Planning Committee.</p> <p><i>(* Planning applications in this context being householder/other, minor and major applications and other forms of applications that grant formal consent such as prior notification applications and those for Listed Building Consent. This total does not include other forms of application such as discharge of conditions and non-material amendments)</i></p>
2.21	<p>During the same period, there were 2560 applications of a type that could have potentially triggered the Referral Process. For reference:</p> <ul style="list-style-type: none"> • In the preceding year, 1 April 2020 - 2021, 2,327 applications that could have potentially triggered the referral process were received, and • During the year 1 April 2019 – 1 March 2020, 2,529 applications that could have potentially triggered the referral process were received.
2.22	<p>From the 1 April 2021 until the 31 March 2022 a total of 244 planning applications have presented to the Referral Panel. For reference:</p> <ul style="list-style-type: none"> • in the preceding year, 1 April 2020 - 31 March 2021, 230 applications were presented, and • during the year 1 April 2019 - 1 March 2020, 295 applications were presented to the panel.
2.23	<p>Figures 1 and 2 in Appendix G show the number of items at the Referral Panel between 1 April 2021 and 31 March 2022, split into Major, Minor and Other, application scale types. There are more ‘Others’ at Referral Panel than ‘Minors’ or ‘Majors’. This is to be expected as more of this scale of application are submitted. The number of ‘Majors’ is significantly lower than ‘Minors’ or ‘Others’, however, this could be explained by two potential factors, there are less applications of that scale submitted, and many ‘major’ cases have been called directly to committee (see Appendices B and C)</p>
2.24	<p>In terms of the geographical spread across the district, between 1 April 2021 and 31 March 2022, there were an equal number of applications within north area and south area (the geographical areas that feed into those Planning Committees), with 122 in each. This is a significant change from the preceding two years, during which there were significantly more north area items than south area items (Appendix F).</p>
2.25	<p>It is also interesting to note that 28 (95.6%) out of the 29 wards had at least one item at the referral panel during 1 April 2021 – 31 March 2022. The spread of items at the Referral Panel across the wards is shown in Appendices I and J, and in Figure 1 below.</p>

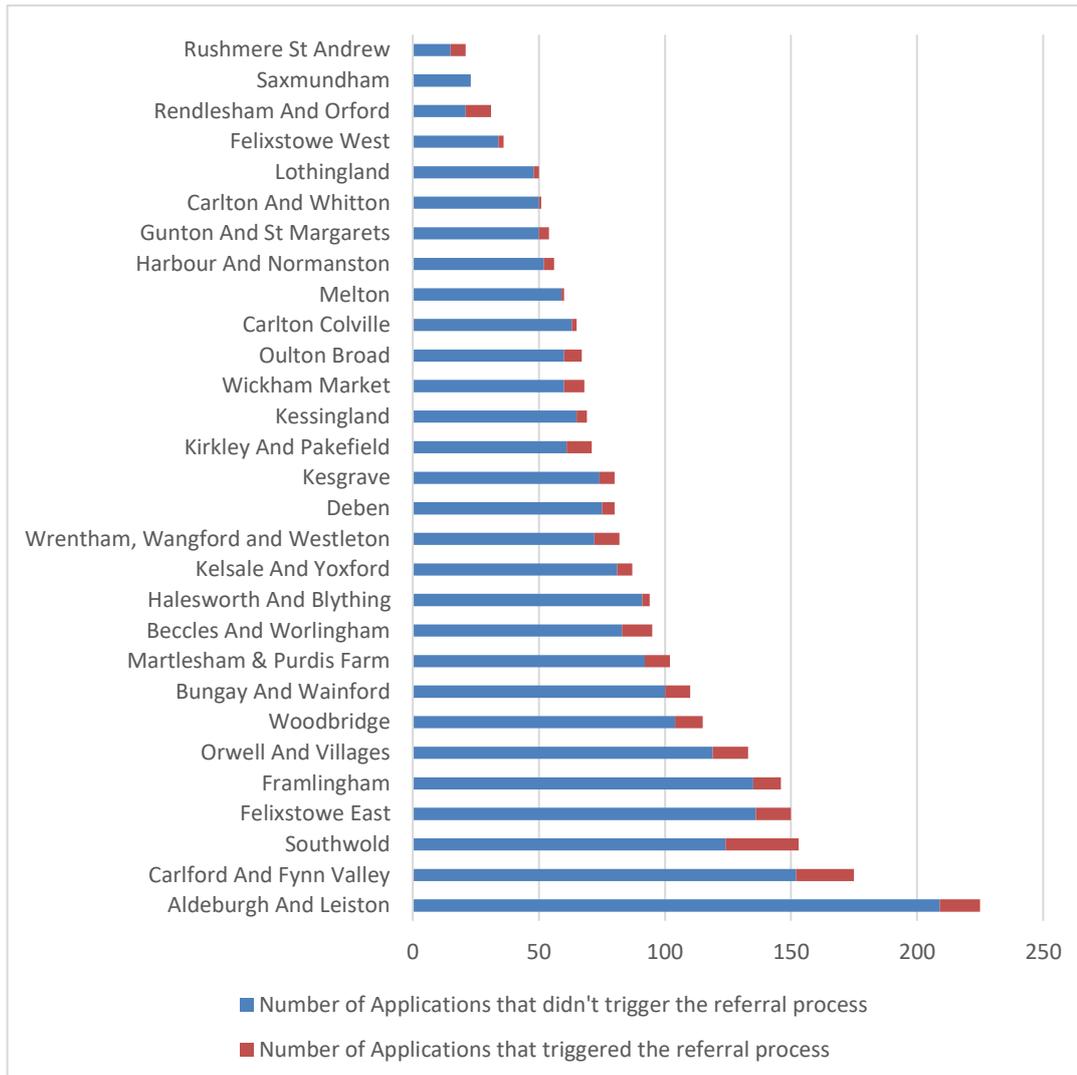


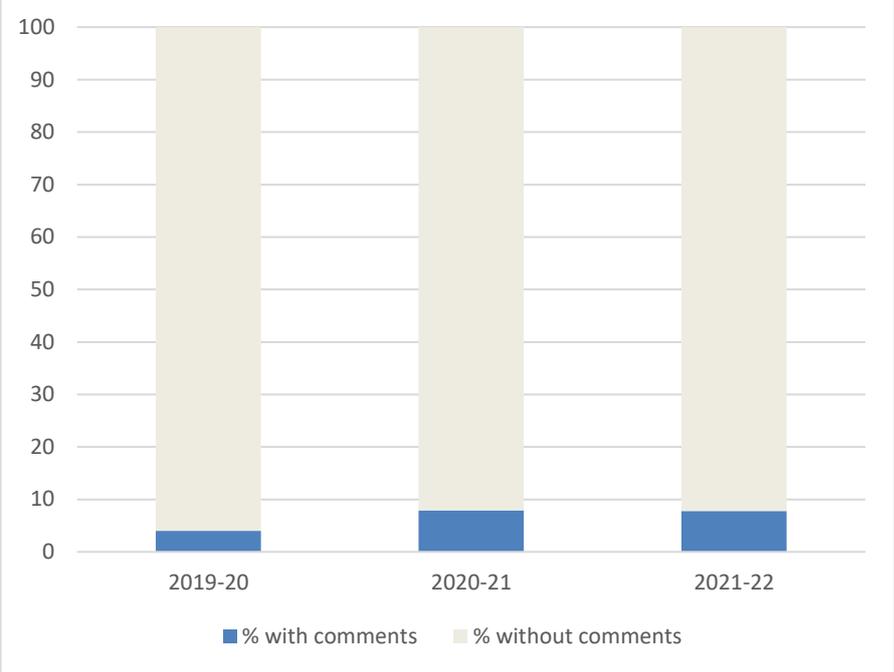
Figure 1: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)

2.26 There are a significant number of parishes within these wards, which have not had an item at the Referral Panel (see **Figures 1 in Appendix K**). However, this may be in part because many of these parishes are relatively small and therefore have not have many applications (**Figures 2 and 3 Appendix K**).

2.27 As shown in the graphs in the appendices, there are also particularly parishes which appear to have had a larger proportion of their applications triggered to the referral panel.

2.28 Of the 244 reports presented, the Referral Panel determined that 214 could be delegated to the Head of Planning and Coastal Management for determination and 29 applications were referred to the Planning Committee. The rate of delegation for these applications sits at 87.7%. For comparison, the delegation rate in the preceding year was 81% (2020-2021) and 85% for 2019-2020. A slightly lower percentage of applications are therefore being referred to the

	<p>Planning Committee. These figures are illustrated in the graphs/charts in Appendix R.</p>
2.29	<p>However, the percentage of items at the referral panel that are delegated/referred to committee should not be considered in isolation. It is important to bear in mind that the determination process route of an application decided by the panel is based to a significant degree upon the comments received from the Ward Members, Town/Parish Council and statutory consultees on that application, and whether the issues they raise are material planning issues that warrant referral to Planning Committee for debate and the determination of the application.</p>
2.30	<p><u>Ward Member comments</u> All Ward Members are set up on the Public Access System, so they receive notifications via email on all valid applications received within the geographical area of their ward. All members are therefore made aware of all applications within their ward and have the opportunity to review and comment on the application.</p>
2.31	<p>In order to influence the referral process, Ward Members should comment within the consultation period, the dates for which are published on Public Access for all to see, and therefore accessible online to Ward Members for all applications within their wards.</p>
2.32	<p>Where written comments are received from Ward Members which are contrary to the 'minded' to recommendation of officers, the Referral Process is triggered (i.e.. Ward Member Objection, and officer minded to support or Ward Member in Support and Officer minded to Refuse).</p>
2.33	<p>However, written comments are received from ward members on relatively few applications presented to the referral panel.</p>
2.34	<p>In the last financial year (1 April 2021 – 31 March 2022), only 19 of the 244 applications at referral panel had comments from Ward Members, a percentage of 7.8% of the applications before the panel (0.4% Support, 4.1% Objection, 3.3% No Objections/comments neither objecting or supporting), with 225 applications (92.2%) of the applications at the panel having no response from a ward member). These figures are set out in more detail in Appendix M.</p>
2.35	<p>In the preceding financial year (1 April 2020 - 31 March 2021), only 18 of the referral panel applications had comments from Ward Members. This is a percentage of 7.9% of the applications before the panel (1.3% Support, 5.8% Objection, 0.9% No Objections/comments neither objecting or supporting). These figures are set out in more detail in Appendix L .</p>
2.36	<p>In the year prior to that (1 April 2019 to 31 March 2020, only 12 of the 299 applications had comments from Ward Members, a percentage of just 4%. These figures are set out in more detail in Appendix L .</p>

2.37	As shown in figure 2 below, over the past three financial years there has consistently been a relatively low proportion of applications at the referral panel with comments from the ward members.												
	 <table border="1" data-bbox="405 344 1299 1016"> <caption>Data for Figure 2: Percentage of those applications at Referral Panel with and without comments from Ward Members</caption> <thead> <tr> <th>Financial Year</th> <th>% with comments</th> <th>% without comments</th> </tr> </thead> <tbody> <tr> <td>2019-20</td> <td>~4</td> <td>~96</td> </tr> <tr> <td>2020-21</td> <td>~8</td> <td>~92</td> </tr> <tr> <td>2021-22</td> <td>~8</td> <td>~92</td> </tr> </tbody> </table> <p data-bbox="347 1025 1359 1099">Figure 2: Percentage of those applications at Referral Panel with and without comments from Ward Members</p>	Financial Year	% with comments	% without comments	2019-20	~4	~96	2020-21	~8	~92	2021-22	~8	~92
Financial Year	% with comments	% without comments											
2019-20	~4	~96											
2020-21	~8	~92											
2021-22	~8	~92											
2.38	It is also interesting to note that the comments received are not spread across all of the wards/the district as a whole. During the past year (1 April 2021 - 1 March 2022) the comments received from ward members only came from 6 of the 29 wards. This means that in 79% of wards no comment has been received from a ward member in relation to an application at the referral panel. These figures are illustrated on figure 3 below and on the diagram in Appendices L and M which set out geographically the percentage of items at the Referral Panel on which written comments had been received from the ward member.												
2.39	In the preceding year (1 April 2020 - 31 March 2021) the Ward Members comments came from 11 out of the 29 wards. This meant that 62% of wards had no comments from a ward member in relation to an application at the referral panel.												
2.40	In the first year (1 April 2019-2020) the 12 comments from Ward Members comments came from 7 different wards. This meant that 76% of wards had no comments from a ward member on an application at the referral panel.												

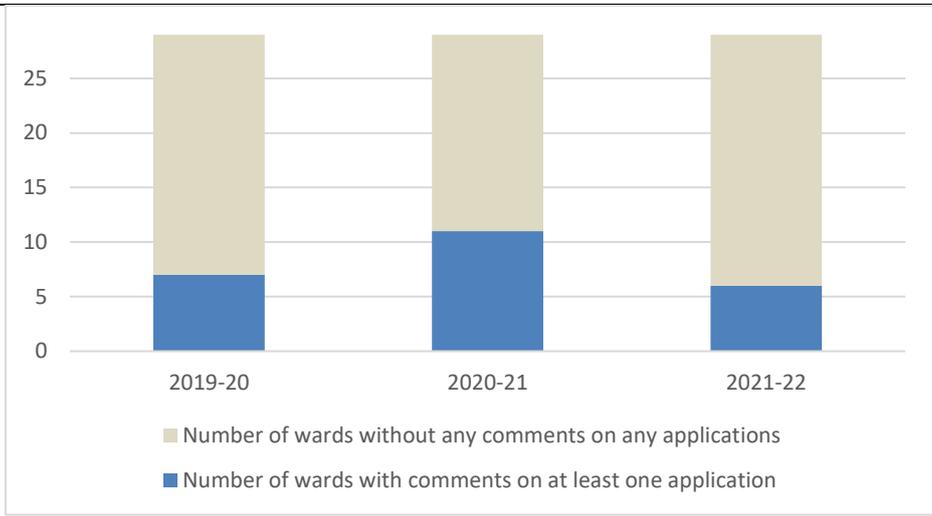


Figure 3 – Number of wards with and without any comments on at least one application at the Planning Referral Panel.

2.41 Over the three-year period (1 April 2019 – 31 March 2022) there has also been uneven distribution of comments received from each ward on applications at the Referral Panel, as illustrated in **Figure 4** below.

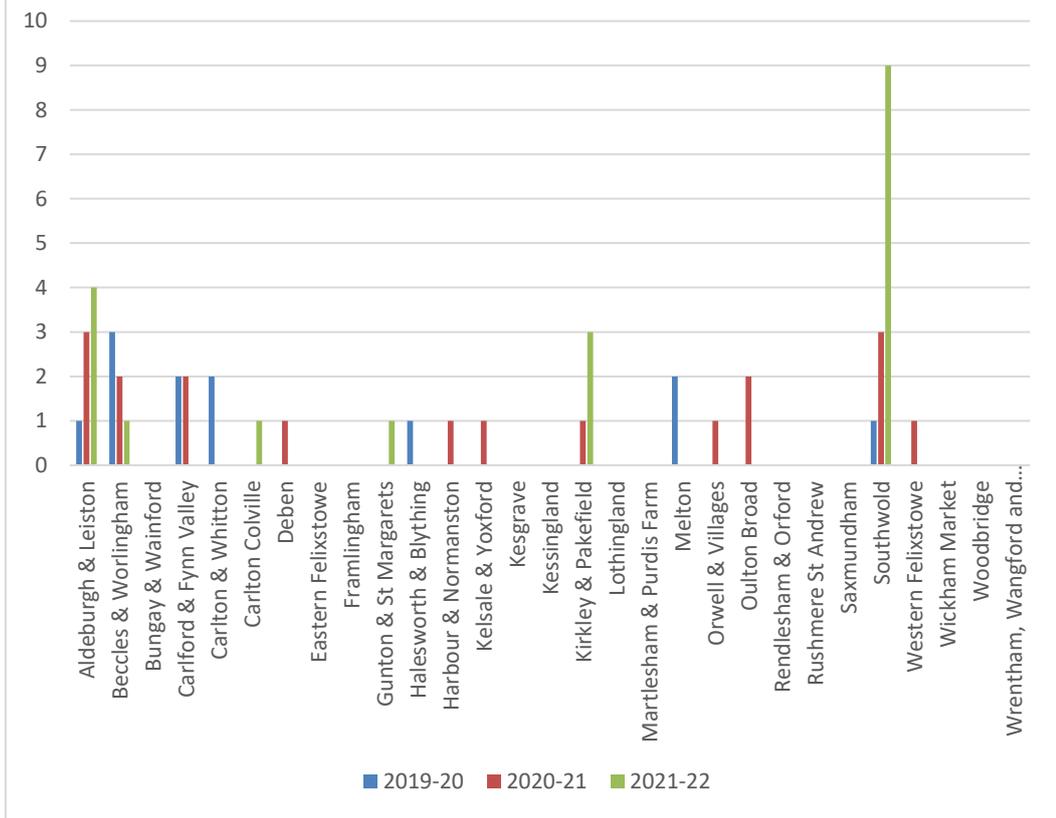


Figure 4: The number of applications with comments from the Ward Member at the Referral Panel shown by Ward

2.42 Based upon Figure 4 above, a significantly higher number of the comments on applications have been received from the Southwold Ward (Reydon, Southwold, Walberswick) (one ward member), Aldeburgh and Leiston Ward (three ward members) and Kirkley and Pakefield Ward (three ward members). A number of the wards have had no comments at all. This includes some larger wards such as Eastern Felixstowe, Kesgrave and Woodbridge.

2.43	Based upon the data, it appears that whilst some ward members are submitting written comments on at least some planning applications within their area, a significant number of Ward Members do not appear to be submitting any comments. Although this statement should be caveated by the fact that if a member submits comments on an application which accord with the recommendation of officers, and there are no contrary views from the Town/Parish Council or a statutory consultee, the referral process would not be triggered and therefore such applications do not show within the figures above.
2.44	<u>Town and Parish Council Comments</u> The majority of cases at referral panel have comments from the relevant Town or Parish Council. This has been the case not only for March 2021 – April 2022, but also the preceding two years.
2.45	The Towns and Parishes across the district vary significantly in size and there are also known to be variations in the way in which the Town/Parish Councils review and respond to consultations on applications. For example some have planning boards or planning committees who advise or provide the responses on behalf of the Town/ Parish Councils, or have other panels and/or an officer who assists with and advises the Town/Parish Council on planning matters. This appears to be reflected in the level of detail provided and the nature of the objections or support within the comments provided by the Town/Parish Councils.
2.46	Over the three-year period there has been a gradual increase in the percentage of cases at the Referral Panel on which Town/Parish Councils have made Objections and a decrease in the proportion of cases they have supported (as illustrated in Figure 5 below and in Appendix N).

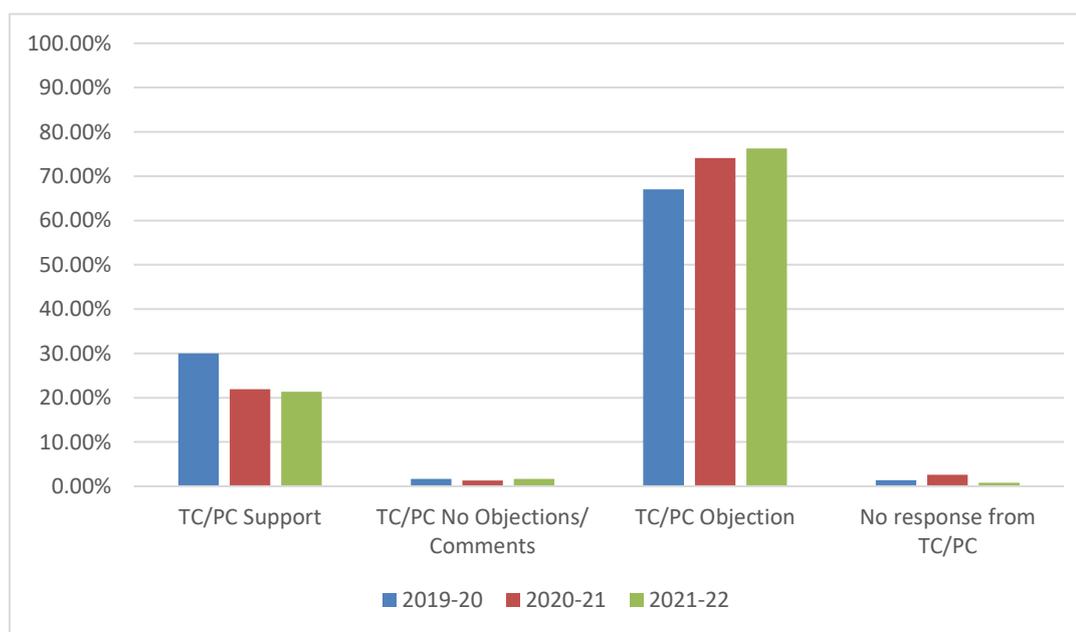


Figure 5: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020, 1 April 2020 – 31 March 2021, and 1 April 2020 – 31 March 2021.

2.47	During the 2021-2022 financial year, the highest number of 'planning applications' per parish were received within the parish area of Lowestoft, which received 220 applications. It had 18 items which triggered the Referral Panel process (8.2%).
2.48	The second highest number of 'planning applications' per parish were received within the parish area of Felixstowe, which received 188 applications. It had 16 items which triggered the referral panel process (8.5%).
2.49	Woodbridge received the third highest number of 'Planning Applications' at 110, and 12 triggered the process (11%). Aldeburgh received the fourth highest number of 'Planning Applications' at 99, and 5 triggered the referral process (5%),
2.50	Lowestoft and Felixstowe being the parish areas in which the largest number of 'planning applications' is to be expected as they are the largest settlements within the district. They also had a comparable percentage of items triggering the Referral Panel Process.
2.51	The overall percentage of 'Planning Applications' triggering the Referral Process during the period was 9.9%. Therefore, both Lowestoft and Felixstowe were slightly below this average.
2.52	In comparison, the parishes with the highest percentage of applications triggering the Referral Process were Aldringham-cum-Thorpe, Redisham, and Wrentham at 100% triggering the Referral Process. However, it should be noted that those parishes only received 3 or less 'Planning Applications' each during the period, and therefore they are not directly comparable with larger parishes where a greater number of 'Planning Applications' were received.
2.53	As illustrated in the figures within Appendix O , the next highest Referral Rate by parish were the parishes of Iken and Wissett, each at 50%. However, they also only received a small number of 'planning applications' at just 6 and 2 respectively for the period. There are also a number of parishes where no applications triggered the Referral Process, but they had relatively few 'planning applications' (e.g. Saxtead, Benacre etc) or they received no 'planning applications' at all (e.g. Sotherton, Great Glemham etc).
2.54	The parishes of significant note are those which received a larger number of 'planning applications' and either had a small percentage triggering the referral process or a larger percentage triggering the referral process. For example, during the 2021/2022 period: <ul style="list-style-type: none"> • Melton received 50 'Planning Applications', but none triggered the referral process. • Southwold received 69 'Planning Applications' and 11 triggered the process (16%), • Waldringfield received 21 Planning Applications' and 8 triggered the process (38%), and • Walberswick received 31 Planning Applications' and 12 triggered the process (38.7%).

2.55	The above patterns in the figures can be seen in the graphs/charts within Appendix O , and geographically in Appendix O .
2.56	<p><u>Statutory Consultees</u></p> <p>Unfortunately, the data collected for the past three financial years, does not include information on the number of items at the referral panel meeting which have been triggered by the comments/views of statutory consultees being contrary to the minded to recommendation of officers, and therefore a direct numerical comparison between the years and how that may have affected the number of items at the referral panel cannot be set out here.</p>
2.57	However, anecdotally based upon experience of reviewing many of the reports for the referral panel over this time, only a very small number of applications are triggered to the referral panel by the comments of a statutory consultee and in the few instances when they are, often the application has also been triggered to the panel by the comments from the Town or Parish Council.
2.58	This data is being collected for the financial year 1 April 2022 – 31 March 2023, so it can be provided within the report in June 2023, in a numerical format.
2.59	<p><u>NORTH & SOUTH PLANNING COMMITTEES</u></p> <p><u>Routes to Planning Committee</u></p> <p>Planning Applications are triggered directly to either the North or South Planning committee by one of the following:</p> <ul style="list-style-type: none"> - The Planning Application is, in the opinion of the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to members, due to its significance in some other respect; or - the applicant or landowner is East Suffolk Council; or - the applicant, or agent, is an East Suffolk councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk councillor or East Suffolk Council employee; or - the application is referred by the Planning Referral Panel
2.60	<p>In terms of the applications determined by either North or South Planning Committee during the last financial year, there were 111 agenda items (97 applications, as some were deferred and returned to later meetings). As illustrated in Figure 1 in Appendix C, the reasons items were at committee were:</p> <ul style="list-style-type: none"> - 34.2% were taken to Planning Committee directly by the Head of Planning and Coastal Management or the Chairman/Vice chairman of the Planning Committee, - 36.9% were at Planning Committee due to an East Suffolk Council connection (i.e. the applicant or landowner is East Suffolk Council; or the applicant, or agent, is an East Suffolk councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk councillor or East Suffolk Council employee) <p>And</p>

	- 28.8% were referred to Planning Committee via the Planning Referral Panel.
2.61	There was some variation in the proportion of items at committee for each reason per month but not to significant degree as to warrant concern, especially when the variation in the total numbers at committee each month is also taken into consideration (Figure 2 in Appendix C).
2.62	There is also some variation for the reasons items were taken to committee across the wards, as illustrated in Figure 4 in Appendix C .
2.63	The proportion of items taken to Planning Committee due to an East Suffolk Council connection within the Eastern Felixstowe ward appears to be particularly higher. However, this included a significant number of applications relating to beach huts, that were considered in March 2022, and thus potentially inflates the figures for that ward.
2.64	The proportion of items taken to committee due to being taken directly by the Head of Planning and Coastal Management or the Chairman/Vice chairman of the Planning Committee also appears high within the Carlford and Fynn Valley Ward. However, the above the graph in Figure 4 in Appendix C shows the number of agenda items, rather than individual applications, and includes the duplicate applications within Grundisburgh that were taken to committee by the Head of Service, and then were on the agenda numerous times as they were initially deferred for a site visit and further information, following which an appeal against non-determination was submitted and so the applications returned to committee for a decision on whether to defend the appeal and the determination of the other application.
2.65	There is also variation in the scale of applications going to committee. Appendix B illustrates the proportions of Majors, Minors and Others presented to North / South Planning Committees between 1 April 2021 and 31 March 2022. Figure 2 in the Appendix shows that 49% of cases at North/South Planning Committee are 'Minors', with 27 % of items being 'Majors' and 24% being others.
2.66	The split between Majors, Minors and Others at Planning Committee also varies geographically across the district. Figure 4 in Appendix B shows the proportions of Majors, Minors and Others within each ward.
2.67	<p><u>Public Speaking at Planning Committee</u></p> <p>As illustrated in Figure 1 in Appendix E, in terms of the levels of public speaking on all items at North or South Planning Committee:</p> <ul style="list-style-type: none"> - The Town or Parish Council spoke on 30.6% of items, - A third Party spoke on 28.8% of items, - The applicant or their agent spoke on 64% of items, <p>and</p> <ul style="list-style-type: none"> - The ward member is specifically referred to in the meeting minutes as speaking as the ward member on 19.2% of items (i.e. excluding a member of the Planning Committee who spoke during debate as a member of the committee rather than as the ward member) <p>-</p>

2.68	It is also interesting to understand the proportion of public speaking on items for each of the potential reasons they were determined at Planning Committee. Figures 7, 8 and 9 below show the proportion of speakers on items for each of the three reasons items were at committee.
2.69	In terms of the proportions of speaking on items at Planning Committee that had been referred by the Planning Referral Panel (illustrated in Figure 2 in Appendix E): <ul style="list-style-type: none"> - The Town/Parish Council spoke on 10 of the 32 Items, - A third party spoke on 11 of the 32 Items, - The Applicant/Agent spoke on 23 of the 32 Items, and - The Ward Member(s) spoke on 6 of the 32 Items.
2.70	In terms of the proportions of speaking on items at Planning Committee due to direct referral by the Head of Service or Committee Chairs (illustrated in Figure 3 in Appendix E): <ul style="list-style-type: none"> • The Town/Parish Council spoke on 18 of the 38 Items, • A third party spoke on 16 of the 38 Items, • The Agent/Applicant spoke on 30 of the 38 Items, and • The Ward Member(s) spoke on 30 of the 38 Items,
2.71	In terms of the proportions of speaking on items at Planning Committee due to an East Suffolk Council connection (illustrated in Figure 4 in Appendix E): <ul style="list-style-type: none"> • The Town/Parish Council spoke on 6 of the 41 Items, • A third party spoke on 3 of the 41 Items, • The agent/applicant spoke on 19 of the 41 Items, and • The Ward Member(s) spoke on 3 of the 41 Items,
2.72	In terms of items referred to Planning Committee by the Referral Panel, the Town or Parish Council spoke on just 31.25% of items, which is disappointing when the majority of the cases going via this route were referred to Referral Panel as a result of the comments from the Town or Parish Council. We will continue to monitor this level of participation to review.
2.73	It is also unfortunate that few ward members attended on applications referred to Planning Committee by the Referral Panel, with ward member speaking being just 18.75% of such cases.
2.74	The proportion of Town or Parish Councils speaking on items which were taken direct to Planning Committee by the Head of Service and/or the Planning Committee Chairs, is higher (47%) than that for items taken via the referral panel (31%).
2.75	The proportion of items which were taken direct to Planning Committee by the Head of Service and/or the Planning Committee Chairs, that the Ward Members spoke on (34%) is also higher than for items referred by the Referral Panel (18.75%).

2.76	The proportion of items with third party speaking was also higher on items taken direct to Planning Committee by the Head of Service and/or the Planning Committee Chairs (42%) than for items referred via the Referral Panel (34.38%) and those within and ESC connection (7.32%).
2.77	<p><u>Planning Committee Outcomes</u></p> <p>In terms of the proportions of applications at North / South Planning Committee that are Approved or Refused, in comparison with those that are delegated, during 1 April 2021 – 31 March 2022, details are provided in Appendix K of the Performance Report. In terms of applications determined at Planning Committee 12% were refused and 88% were approved.</p>
2.78	<p><u>Timeliness of Determination</u></p> <p>It is important to note that when determining the determination route on individual applications, all applications that trigger the Planning Referral Process are taken to the Planning Referral Panel and at those meetings when the Panel decide on the determination route, consideration is only given to whether there are material issues that require or justify referral to Planning Committee for debate, they do not consider the timeframe implications for the determination of the application.</p>
2.79	However, as this report is examining the Referral Panel Process and the Planning Committee process as a whole, it is important to understand both the democratic process and the potential implications upon the timeliness of decisions when items travel via the Planning Referral Panel and/or Planning Committee process. Therefore, this section of the report sets out the timeframe implications of the different determination routes.
2.80	The Referral Process can add to the determination timeframe for the determination of a Planning Application because after the expiry of the consultation period, there is a lead in time for the drafting of the report and the presentation of the item at the weekly panel meeting, and then if delegated the completion of the decision process, or if referred to Planning Committee, the reporting to committee process. Generally taking an application to referral panel will add 1-2 weeks to the determinations process, whereas taking an application to the Planning Committee can add 4-6 weeks to the application process.
2.81	<p>The statutory time periods for determination of planning applications are:</p> <ul style="list-style-type: none"> - 8 weeks for other/minor applications - 13 weeks for Major applications - 16 weeks for applications accompanied by an Environmental Statement (EIA development)
2.82	These time periods can all be extended with an agreed extension of time (EOT) from the applicant and for the purpose of government returns on application statistics, applications with EOTs are deemed to be determined ‘within time’. Generally, the majority of applicants/agents will agree EOTs however this is less likely to be agreed on refusals or applications which have generated concerns over delays. A minority of agents will not agree EOTs as a matter of principal, in some cases they believe that it misrepresents the performance of the Council.

2.83	As illustrated in the figure 2 within Appendix I of the Performance Report , in terms of applications passing through the Referral Panel and then delegated to officers for determination just 17% were determined within the government targets, 41% were determined within an agreed extension of time and 42% were out of time.
2.84	In comparison the overall figures for applications that are delegated to officers without triggering the referral process, are significantly higher in terms of the proportions in time, as illustrate but a visual comparison of figures 2 and 5 within Appendix I of the Performance Report .
2.85	As illustrated on the figure 4 of Appendix I of the Performance Report , in terms of applications determined via North / Planning Committee just 4% were determined within the government targets, 59% were determined within an agreed extension of time and 37% were out of time.
2.86	<p><u>OPTIONS FOR CONSIDERING FURTHER IMPROVEMENTS</u></p> <p>Based upon the figures for the period 1 April 2019 to 31 March 2022, the Councils planning service is determining application mainly within government determination targets, but it is noted that the figures for Minor and Other applications are only marginally above the set national targets in a number of quarters and were lower within the last two quarters (Appendix G of the Performance Report). Workloads also remain high (Appendices B, C, D and F of the Performance Report).</p>
2.87	It should also be noted that in terms of the national picture for all councils, East Suffolk Council is lower quartile for its speed of determining applications. Whilst this is acknowledged, and it is being managed, regard needs to be had to the size of the council area and the many differing constraints that have to be taken in to account to ensure we deliver quality development, or if an application is refused, to successfully defend the position.
2.88	Therefore, having regard to the speed of determination statistics and the rates of delegation it delivers outcomes which are above the threshold of the governments targets. Any further added processes into the system at the council will reduce the outputs and potentially put pressure on the council if it is deemed to be a poor performing council by the government. The sanction for this would be to allow applicants to make planning applications directly to the Planning Inspectorate for determination. This risk needs to be avoided otherwise local determination will be removed.
2.89	Therefore, whilst acknowledging the above are there any other improvements that could be introduced which would provide added value into the system and provide greater public confidence in the planning service we provide.
2.90	Of the concerns that have been raised the majority relate to the operation of the Referral panel. Acknowledging that this Committee have supported its operation in recent years there has again been a number of parishes raising concerns. These relate to the transparency of the process and whether the material

	<p>planning issues being raised are properly understood by the panel ahead of them determining the determination route.</p>
2.91	<p>The report has provided significant amounts of data on the participants in the panel process and whilst it can be seen there is mainly limited participation it may be that that participation is limited due to the inability to actively participate in the process. It is therefore recommended that ward Members are invited to the panel to be able to answer questions and provide factual updates on matters that have been raised regarding the locality of the proposal and its relationship with neighbours. In proposing this it must be understood that the panel are not considering the outcome of the application but the appropriate route for its determination (i.e. if there are sufficient material planning considerations to justify referral to planning committee). If accepted this amendment will be introduced from July 1st 2022 and will be subject to review again in June 2023.</p>
2.92	<p>It is also noted that the Council's Scrutiny Committee, in its work programme, is also wanting to review the planning service and in particular the determination process. It is to consider this at its meeting in March 2023. In discussing this with the Chair of the Scrutiny Committee it is suggested if the changes to the Referral panel are introduced in July then it will be able to consider the impact of those changes and make recommendations that can feed in to the meeting of this Strategic Planning Committee to be held June 2023 when it again considers the work of the Planning Committees and referral panel.</p>
2.93	<p>There has also been concern raised that the length of time available for public speaking at meetings is too short a time for participants to get their key messages across. Three minutes is allowed for all participants which must be seen alongside a detailed written report, officer presentation and the ability of members to ask speakers questions such that when debate on the application commences a full understanding of the material issues has been presented. As always there needs to be a balance between providing a robust process for determining planning applications and efficiently using council time. It is considered that three minutes enables this to be done and the Chairman and members have the ability with further questioning to seek further clarification. Most councils allow for three minutes of public speaking and this is understood to be the norm across Suffolk. Many Councils also do not allow questions to be asked of public speakers as is established here. This additional process is considered to be highly beneficial to the committee process and provides a thorough insight for members wishing to gain a deeper understanding of proposals and issues. It should also be noted that for the most complex of applications the Chairman has discretion to lengthen the speaking time where appropriate.</p>
2.94	<p><u>CONCLUSION</u></p> <p>The Council operates at a high delegation rate which enables the Planning Committee's to look at those applications that warrant wider debate in the public arena, hear the views of interested parties and allow public scrutiny of those important and significant applications. It is important that Planning Committees are not overburdened with volume of applications, and that</p>

	appropriate time is allowed for full and proper debate on those applications what warrant such.
2.95	Equally it is important to avoid overburdening officers with planning committee items since they can be incredibly time consuming, requiring more detailed reports, comprehensive PowerPoint presentation preparation and time attending the committee and associated prior meetings. Officers can find that time which can be applied to their delegated caseload can be compromised considerably in months when they have multiple planning committee items.
2.96	Overall, it is clear from this report that both the weekly scheduled 1.5 hour Referral Panel meetings and the monthly 3.5 hour North and South Planning Committees are not short of business. Considerable officer and member time is already committed to these meetings and the opportunity to add any greater amount of business to those meetings is limited without extra weekly Referral or monthly Committee meetings.
2.97	Officers are committed to working closely with our Town and Parish Council's and will provide further guidance and assistance to enable enhanced dialogue in the planning application process. It is intended that this report will provide a clear picture to communities of the scrutiny the Council already gives its applications and the significant influence Town and Parish Councils have on the decision making process, particularly the time given to cases through the Referral Panel process.
2.98	It is also important to note that there is limited communication from Ward Members on applications, which sits at just 19 applications of a total of 244 (7.8%) that were presented to the Referral Panel. All Ward Members are notified of all Planning Applications received within their ward, and contrary views of Ward Members is one of the key triggers of the Referral Process. Officers would welcome enhanced dialogue with Ward Members on planning applications.

3 How to address current situation

3.1	Yearly monitoring and reporting to Strategic Planning Committee
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4 Reason/s for recommendation

4.1	That the contents of the report are noted
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Appendices

Appendices:	
Appendix A	Diagram explaining the process through which Planning Applications can trigger the Referral Process and reach the Planning Referral Panel.
Appendix B	Major, Minors and Others at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.
Appendix C	The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.
Appendix D	The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, by ward on a map of the district.
Appendix E	Public Speaking on items at North and South Planning Committees between 1 April 2021 and 31 March 2022.
Appendix F	The proportions of North and South areas at the Referral Panel between 1 April 2019 and 31 March 2022.
Appendix G	The numbers and proportions of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.
Appendix H	The timeliness of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.
Appendix I	The number and proportions of 'Planning Applications' by ward, at the Referral Panel between 1 April 2021 and 31 March 2022.
Appendix J	The proportions of 'Planning that were at the Referral Panel between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
Appendix K	Details by Parish of the number and proportions of 'Planning Applications' at the Referral Panel between 1 April 2021 and 31 March 2022.
Appendix L	Referral Panel items with comments from Ward Members between 1 April 2019 and 31 March 2022.
Appendix M	Referral Panel items with comments from Ward Members between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
Appendix N	Referral Panel items with comments from Town/ Parish Councils between 1 April 2019 and 31 March 2022.

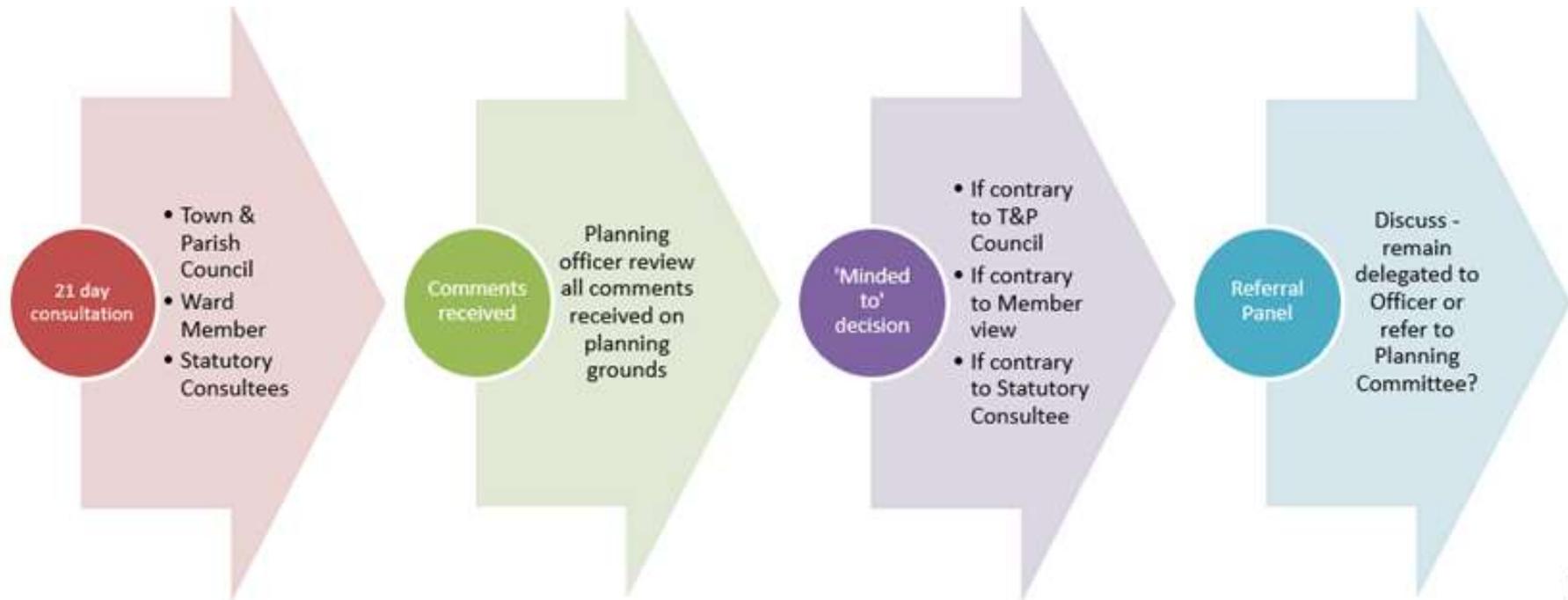
Appendix O	Numbers and Proportion of Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by Parish.
Appendix P	Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
Appendix Q	The overall number of items at the Referral Panel with comments from Ward Members or the Town/Parish Council between 1 April 2019 and 31 March 2022.
Appendix R	The outcomes of Referral Panel between 1 April 2019 and 31 March 2022.

Background reference papers:

None.



Referral Process



Appendix B: Major, Minors and Others at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.

Figure 1: Number of Majors, Minors and Others items at North/South Planning Committee between 1 April 2021 and 31 March 2022.

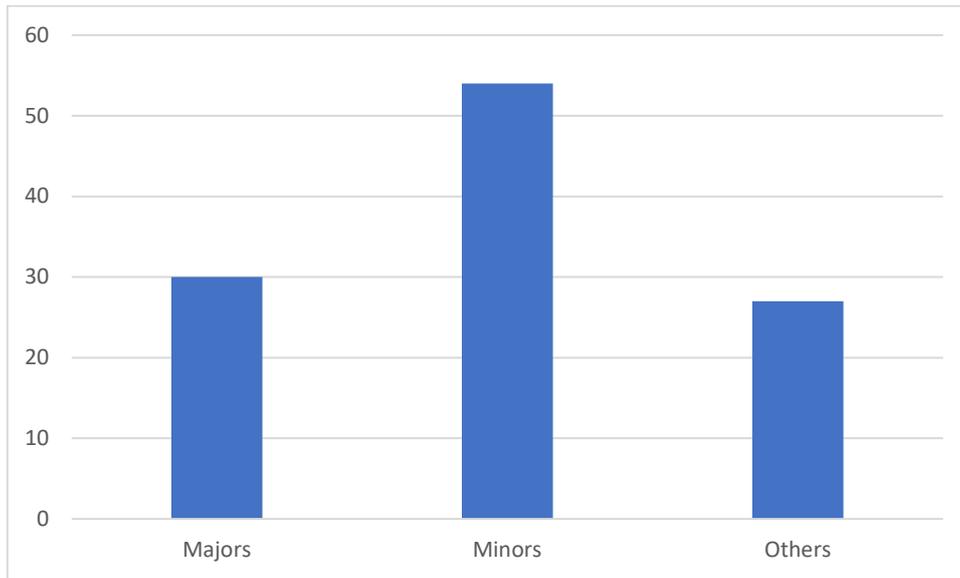


Figure 2: Items at North / South Planning Committees between 1 April 2021 and 31 March 2022, in terms of the proportion of Majors, Minors and Others

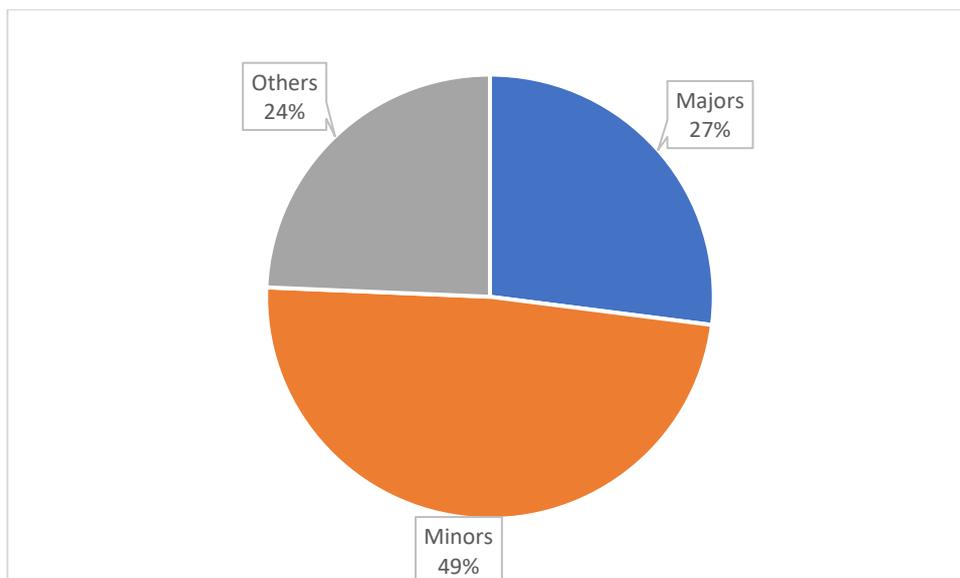


Figure 3: The proportions of Major, Minors and Other items at North / South Planning Committee within each ward between 1 April 2021 and 31 March 2022

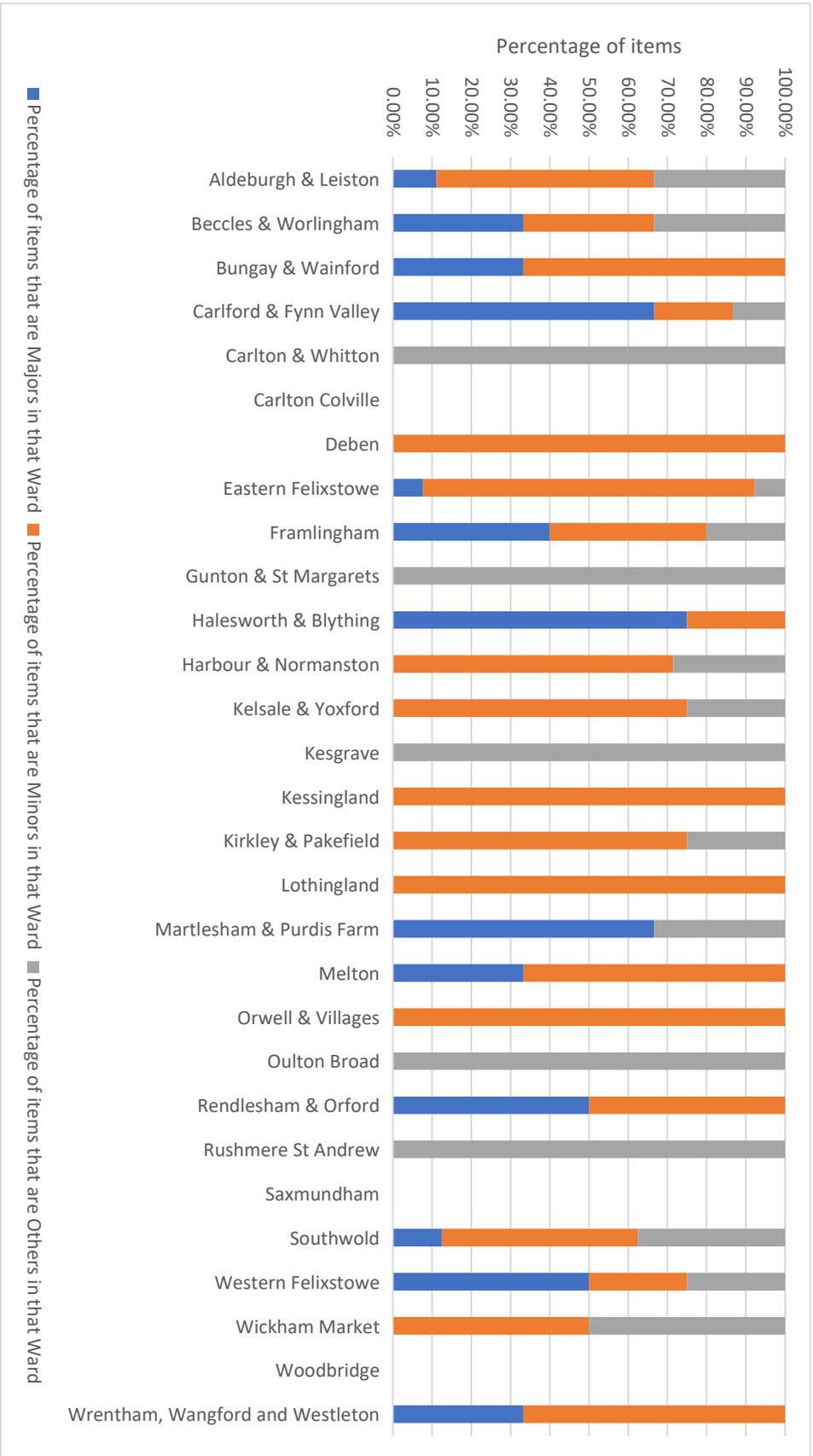
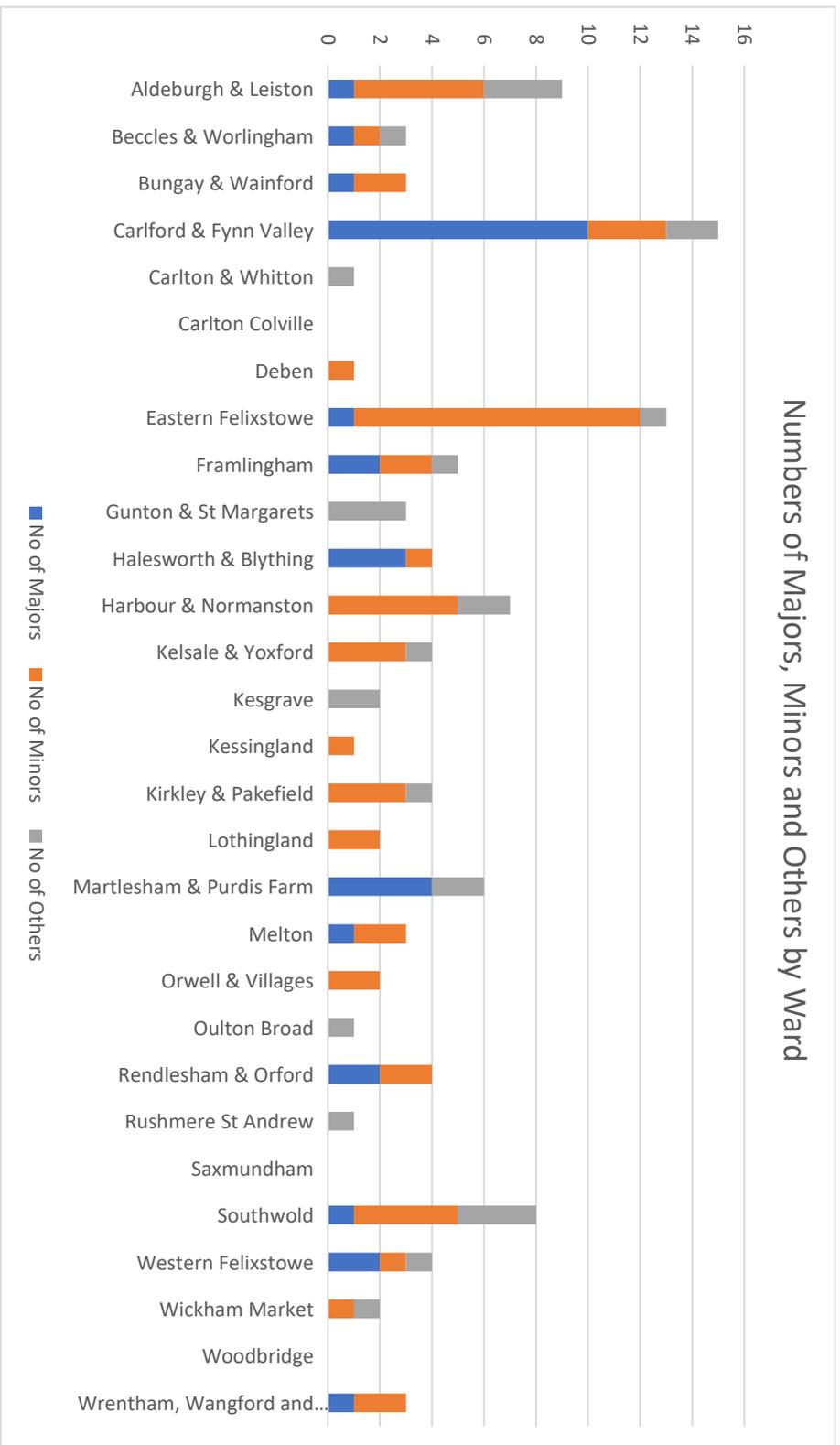


Figure 4: The numbers of Major, Minors and Other items at North / South Planning Committee within each ward between 1 April 2021 and 31 March 2022



Appendix C: The reasons items were at North and South Planning Committees between 1 April 2021 and 31 March 2022, with overall proportions, details by month and by ward.

Figure 1: The proportion of items at Planning Committee because of an ESC Connection / Referred by Panel /called in directly (e.g. referred by Head of Service) for the period 1 April 2021 - 31 March 2022

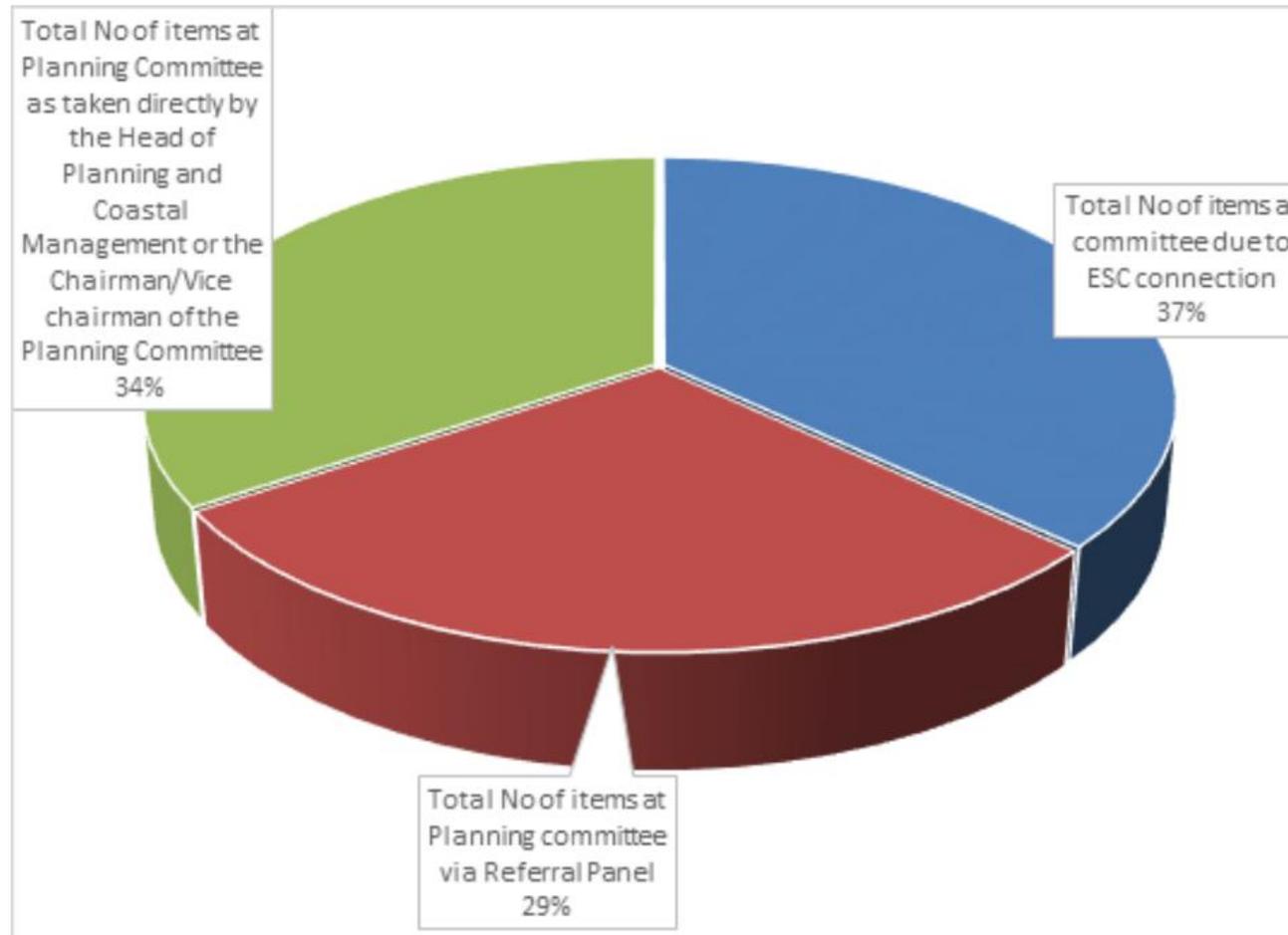


Figure 2: Reason items were at committee as a percentage of the number of items presented each month (1 April 2021 - 31 March 2022)

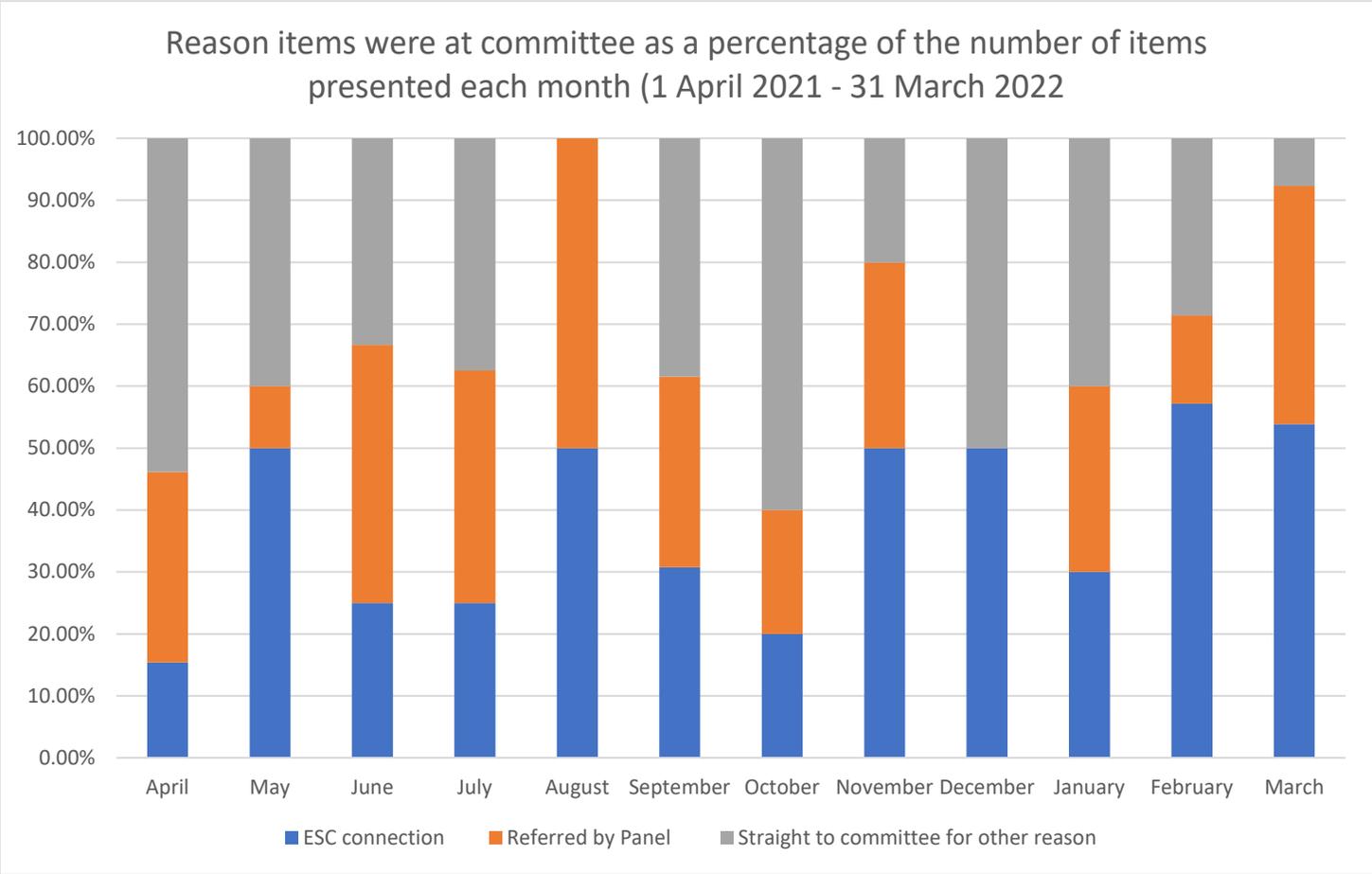


Figure 3: Number of items at North and South Planning Committees per month (1 April 2021 - 31 March 2022)

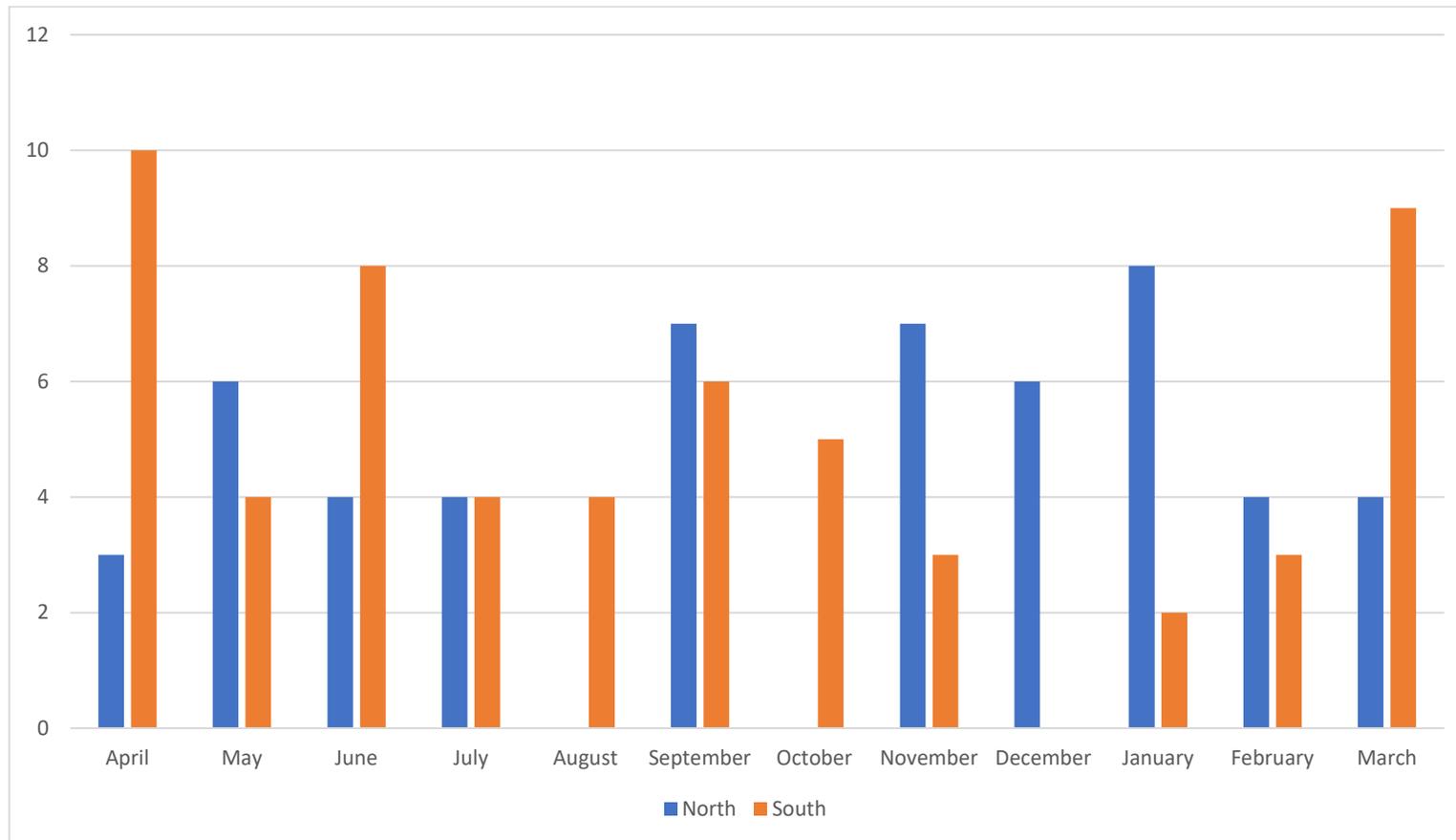


Figure 4: Number of Items at Committee by Ward (1 April 2021 - 31 March 2022)

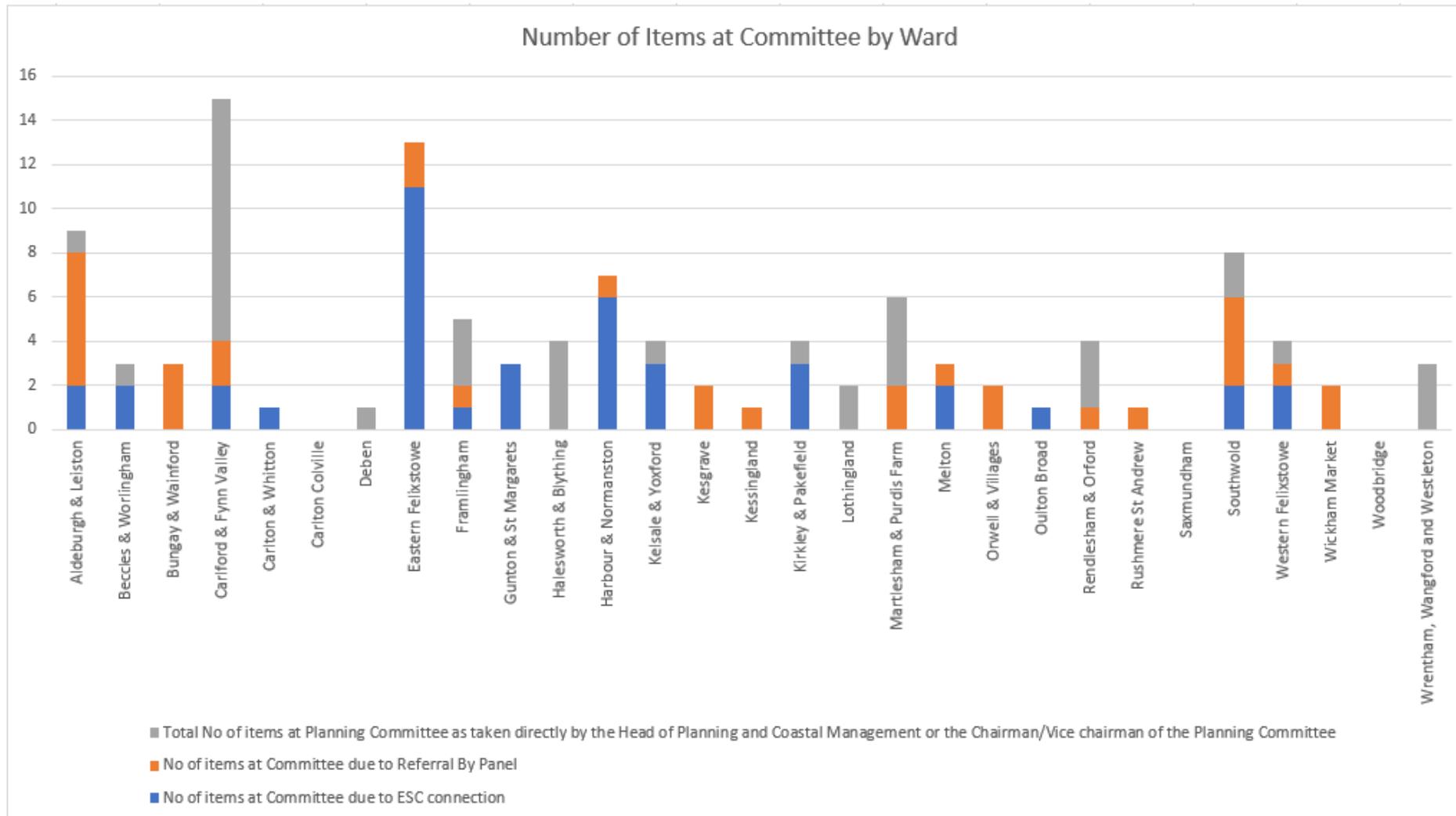
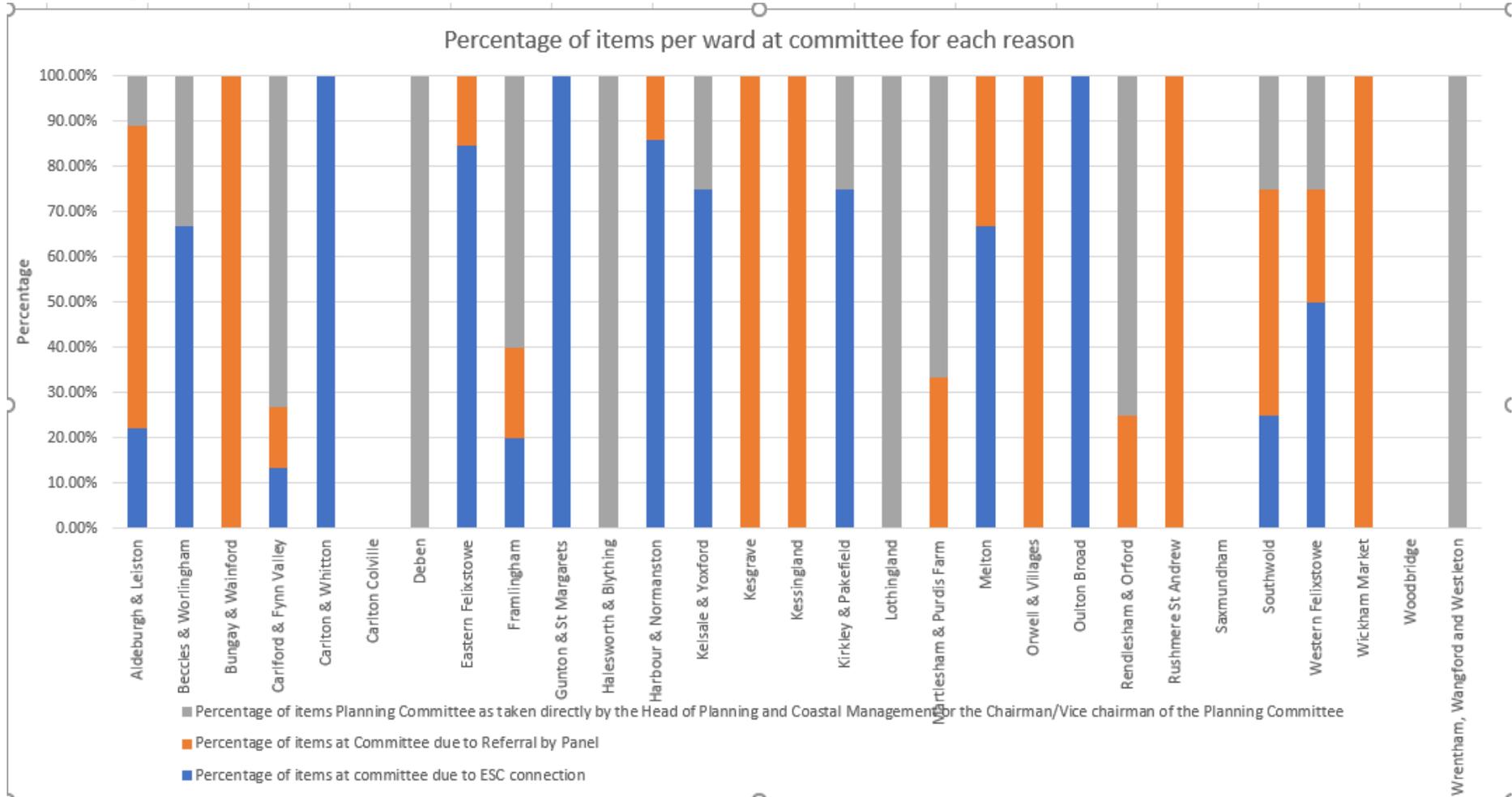


Figure 5: The proportion of items at Committee for each reason within each ward between 1 April 2021 and 31 March 2022

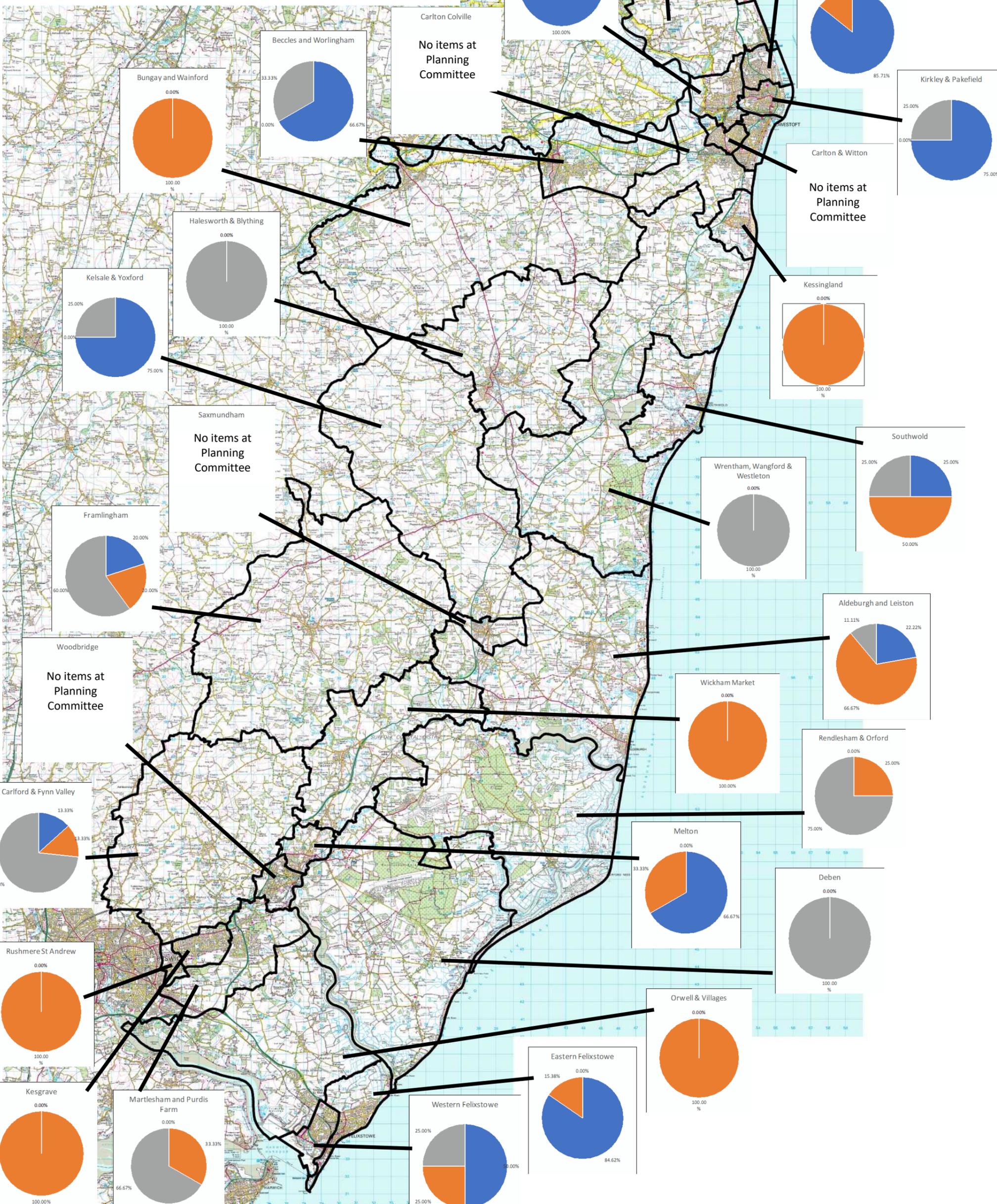


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Appendix D - Percentages of reasons why items in each ward were at North / South Planning Committee 2021-2022

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- Percentage of items at committee due to ESC connection
- Percentage of items at Committee due to Referral by Panel
- Percentage of items Planning Committee as taken directly by the Head of Planning and Coastal Management or the Chairman/Vice chairman of the Planning Committee



Appendix E: Public Speaking on items at North and South Planning Committees between 1 April 2021 and 31 March 2022.

Figure 1 : Overall percentage of Planning Committee items on which a potential speaker spoke 1 April 2021 – 31 March 2022

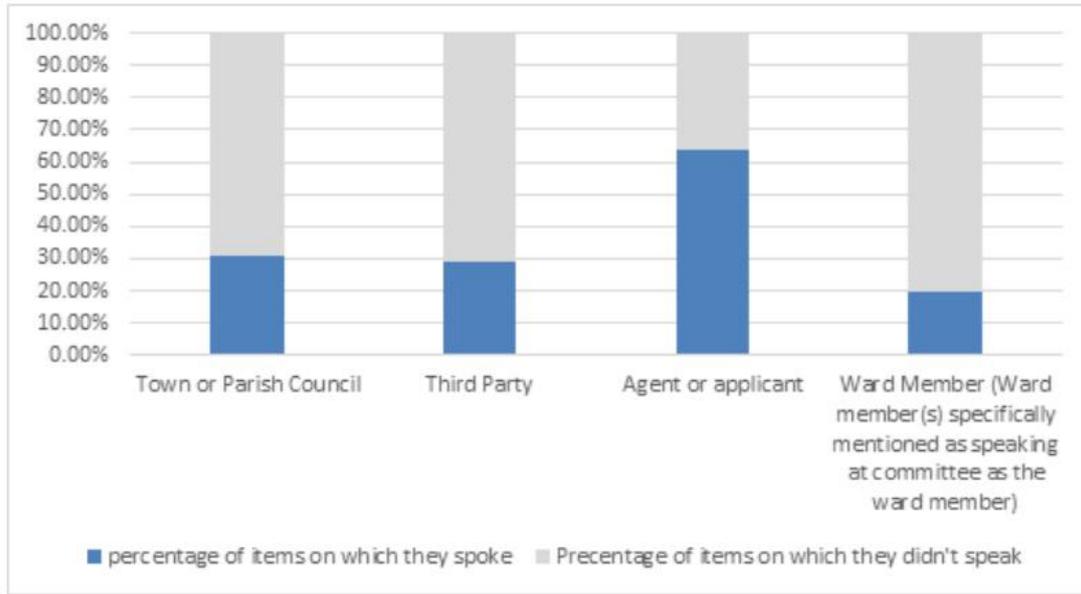


Figure 2: The percentage of items at committee via the Referral Panel on which each potential type of speaker spoke.

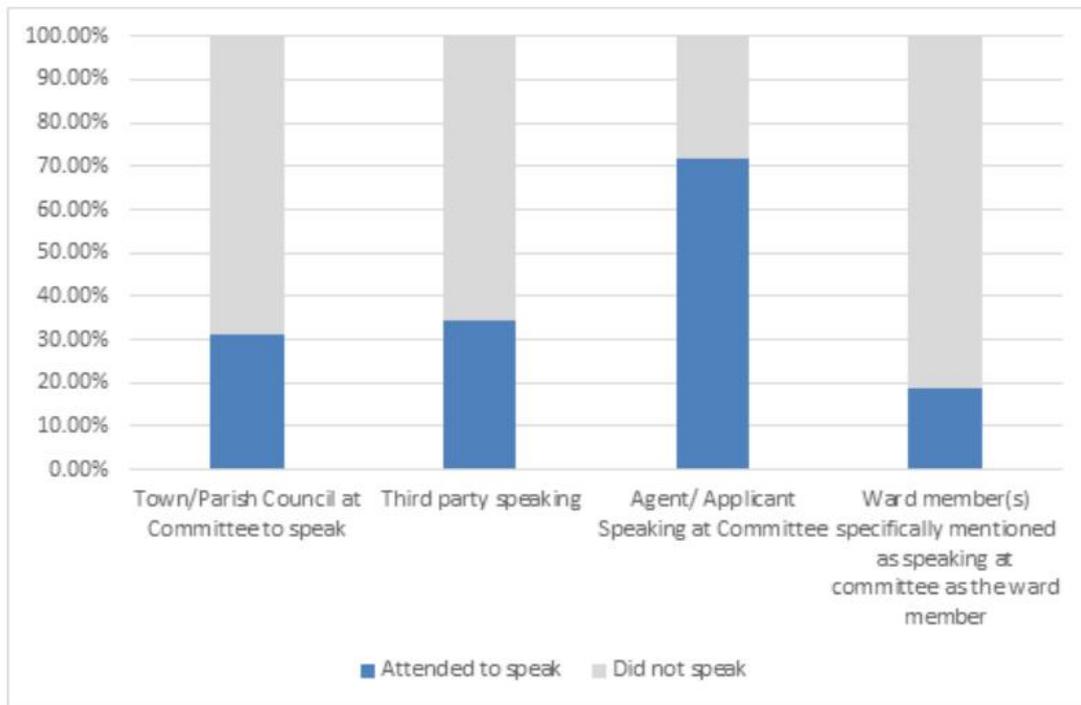


Figure 3: The percentage of public speaking on items at committee due to direct referral by the Head of Service or Committee Chairs

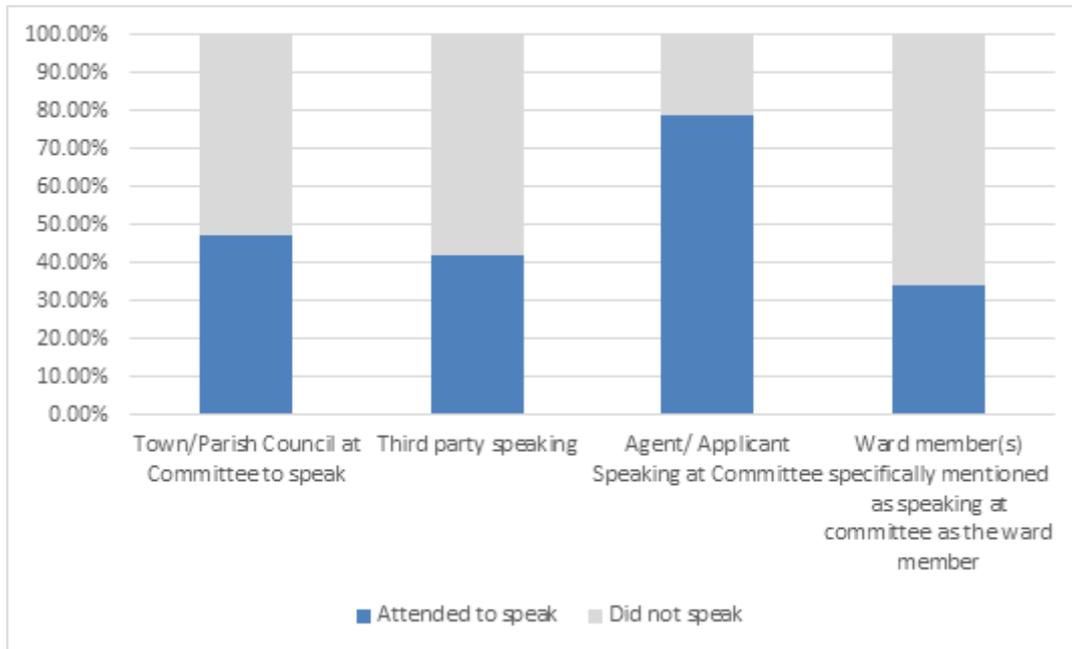
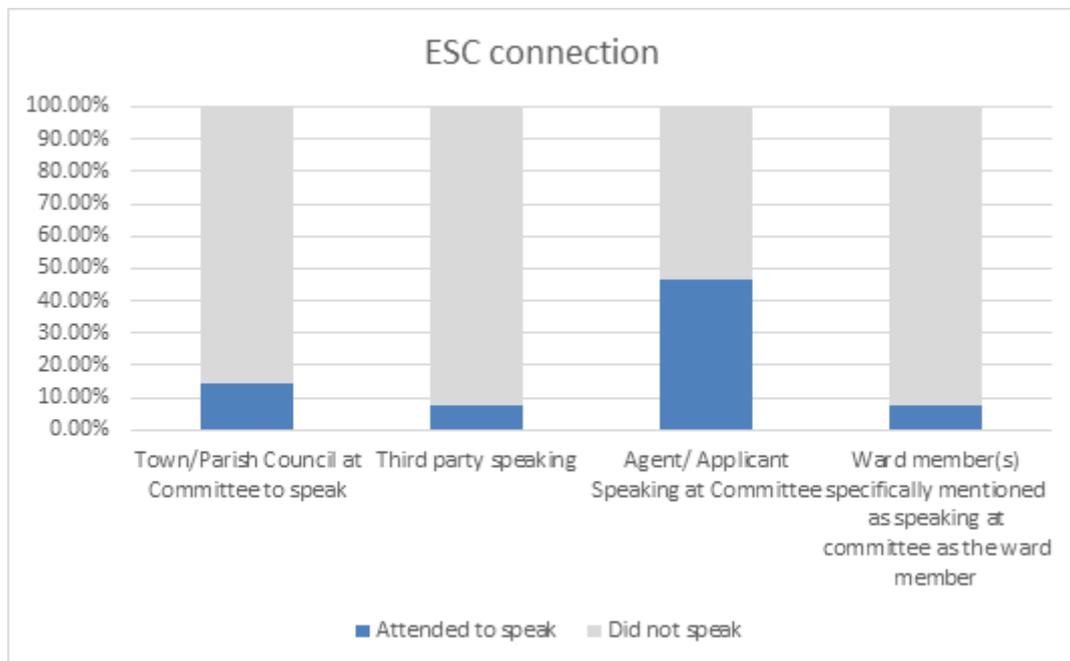
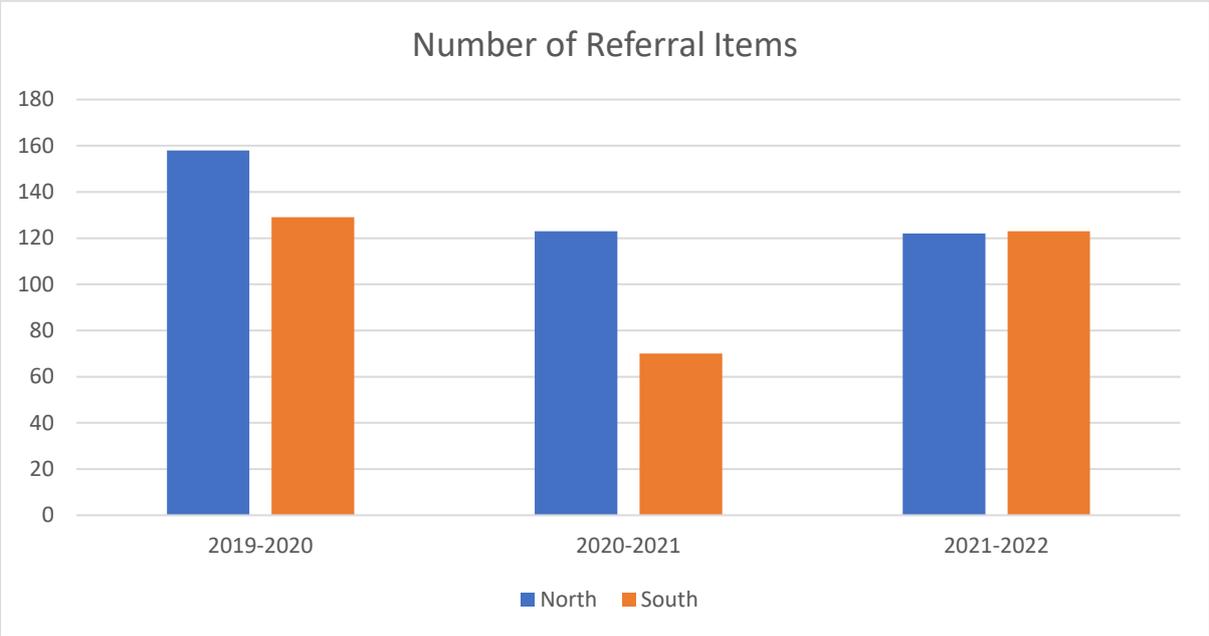


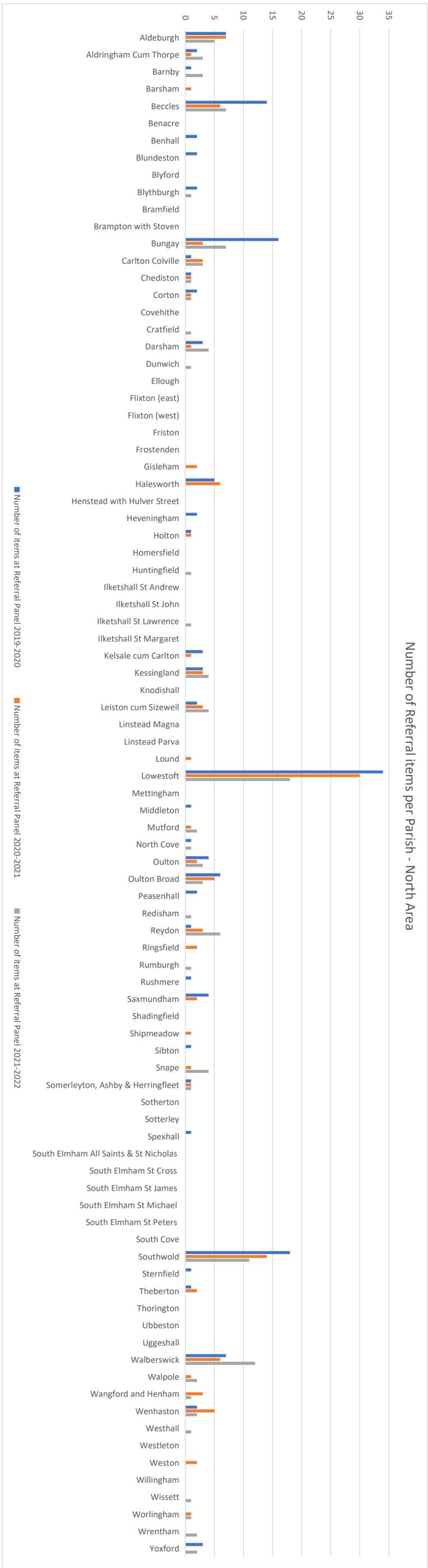
Figure 4: The percentage of public speaking on items at committee due to an East Suffolk Council connection (e.g. ESC were the applicant, or the applicant was an ESC elected member, member of staff or close relative).



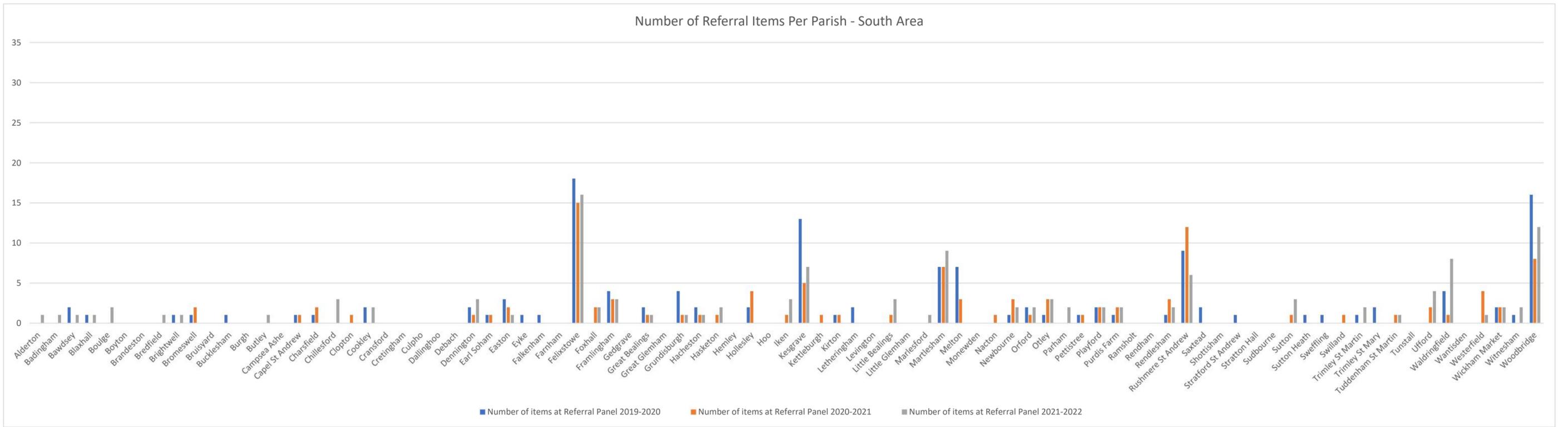
Appendix F: The proportions of North and South areas at the Referral Panel between 1 April 2019 and 31 March 2022.

Figure 1: The number of North/South Referral Items each year





Number of Referral Items Per Parish - South Area



Appendix G: The numbers and proportions of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.

Figure 1: The Number of Majors, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022

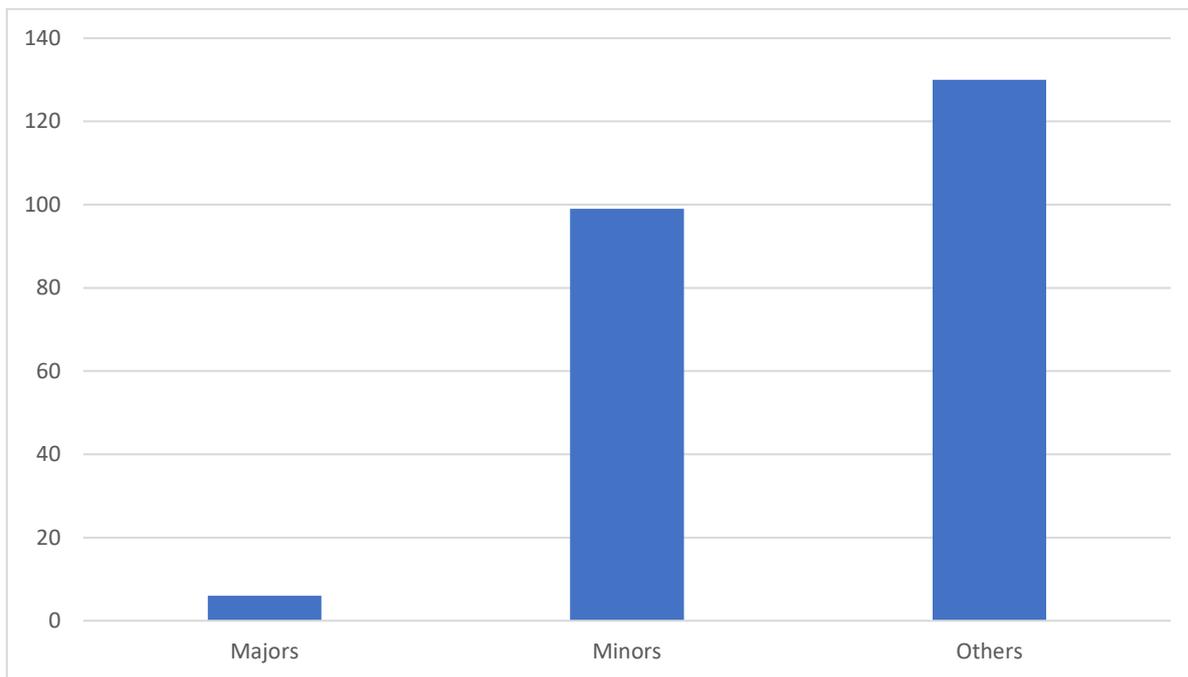
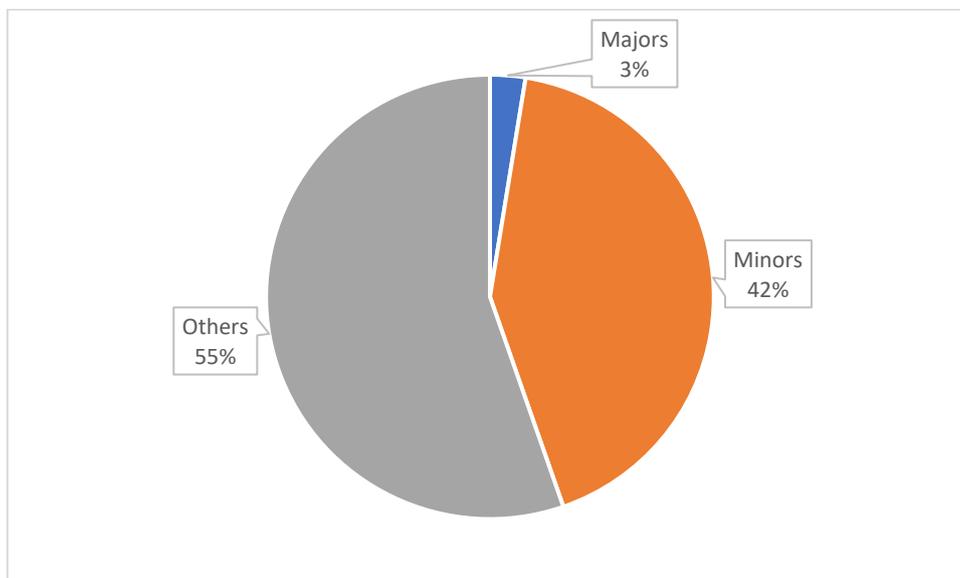


Figure 2: Items at Referral Panel between 1 April 2021 and 31 March 2022, in terms of the proportion of Majors, Minors and Others



Appendix H: The timeliness of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.

Figure 1: The proportions of Majors going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.

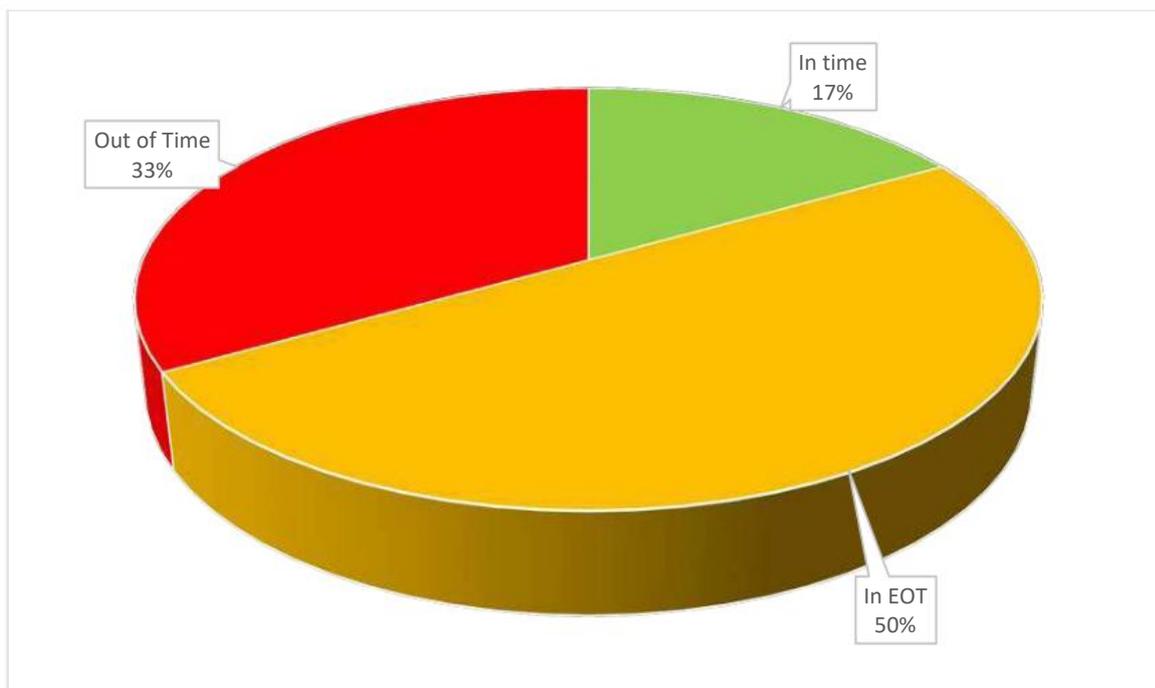


Figure 2: The proportions of Minors going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.

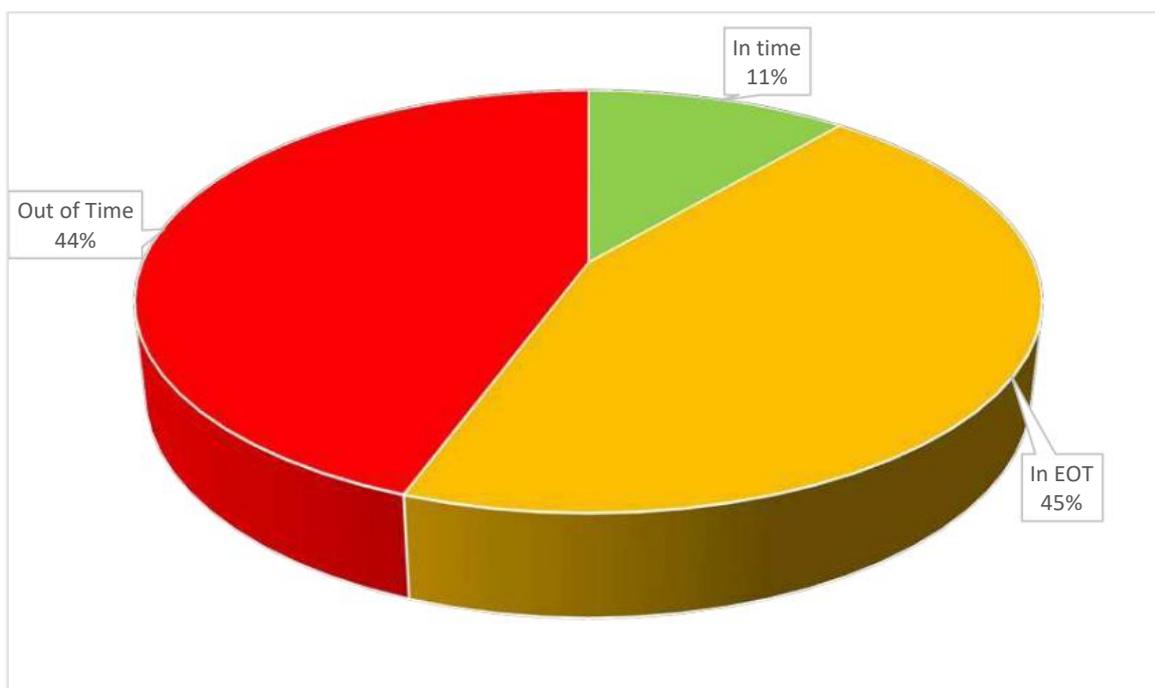
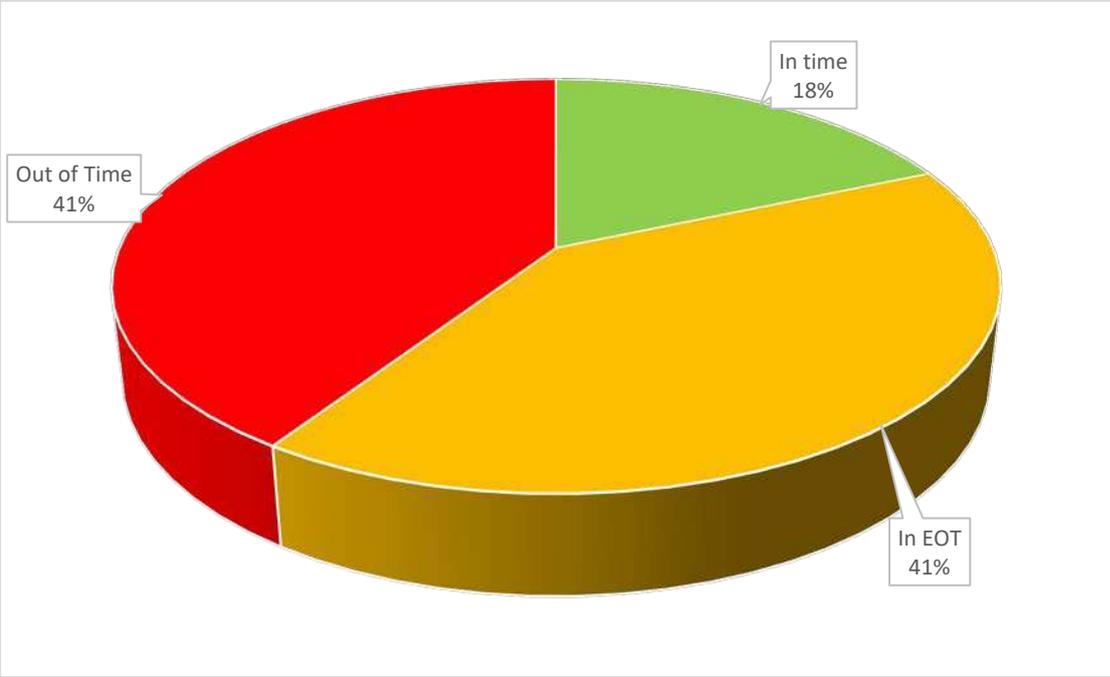


Figure 3: The proportions of Others going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.



Appendix I: The number and proportions of 'Planning Applications' by ward, at the Referral Panel between 1 April 2021 and 31 March 2022.

Figure 1: The percentage of applications within each ward that could have triggered the referral process between 1 April 2021 and 31 March 2022

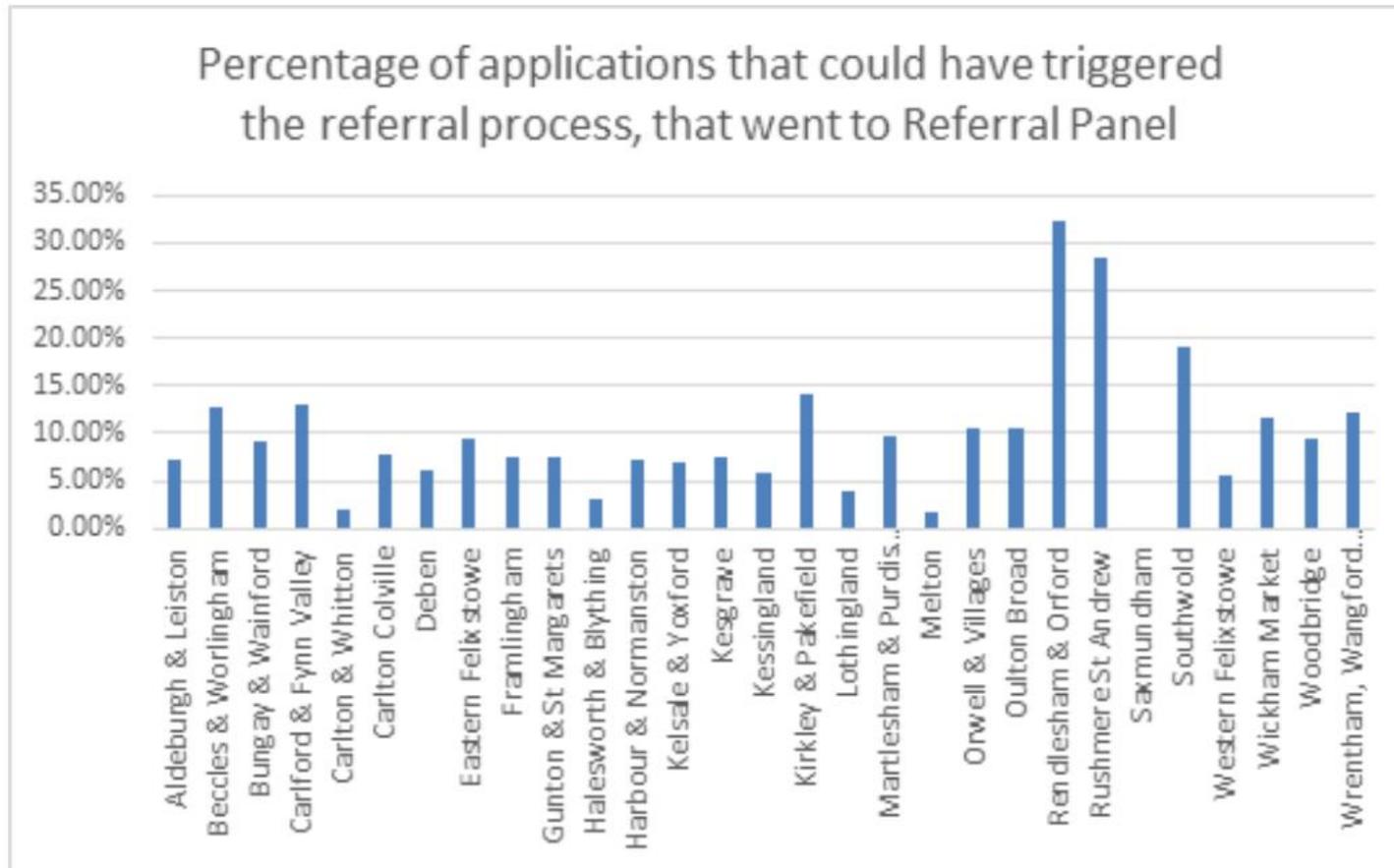


Figure 2: The total number of applications that could have triggered the referral process and did between 1 April 2021 and 31 March 2022

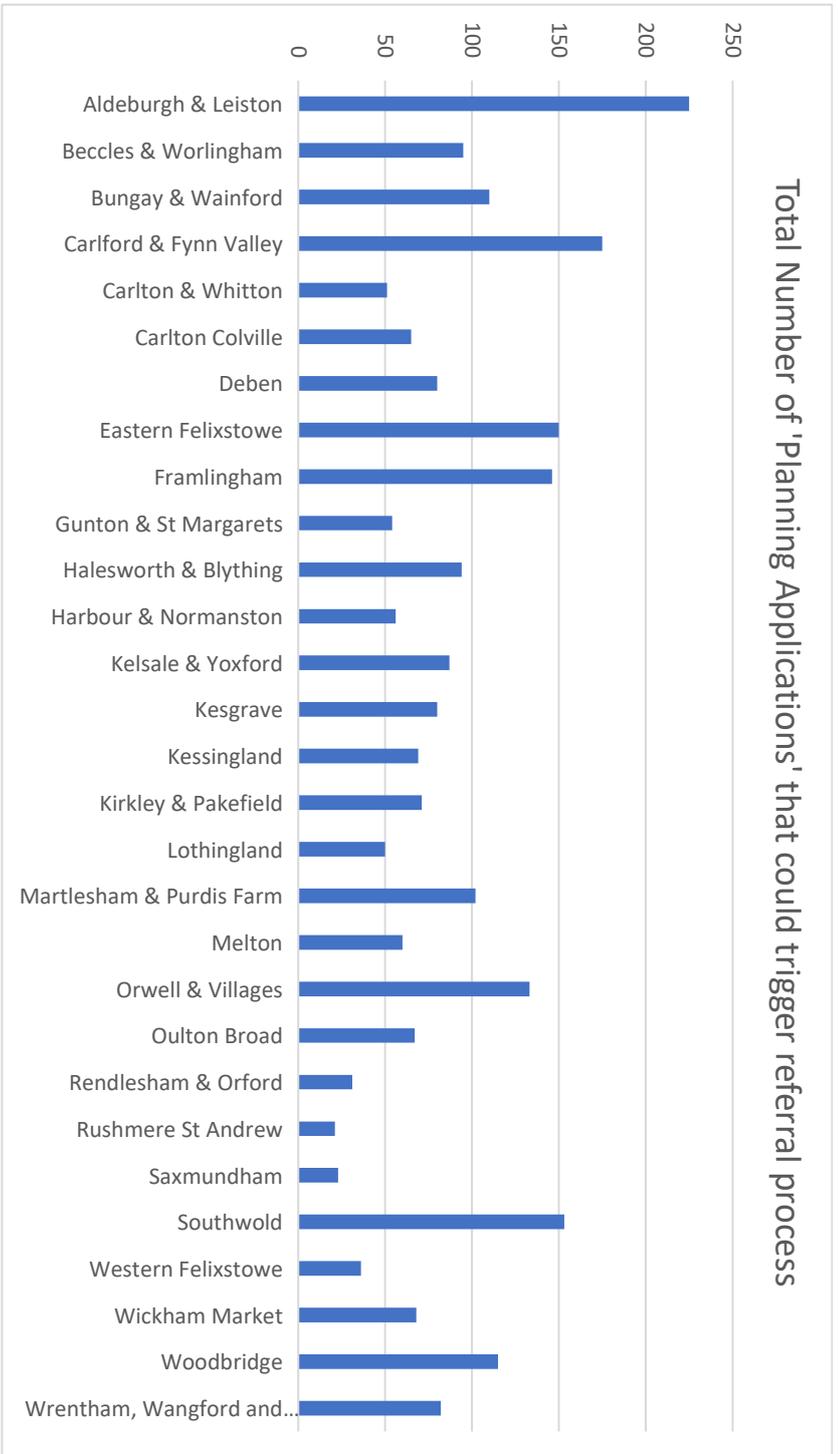


Figure 3 : The total number of applications within each ward that triggered the referral process between 1 April 2021 and 31 March 2022

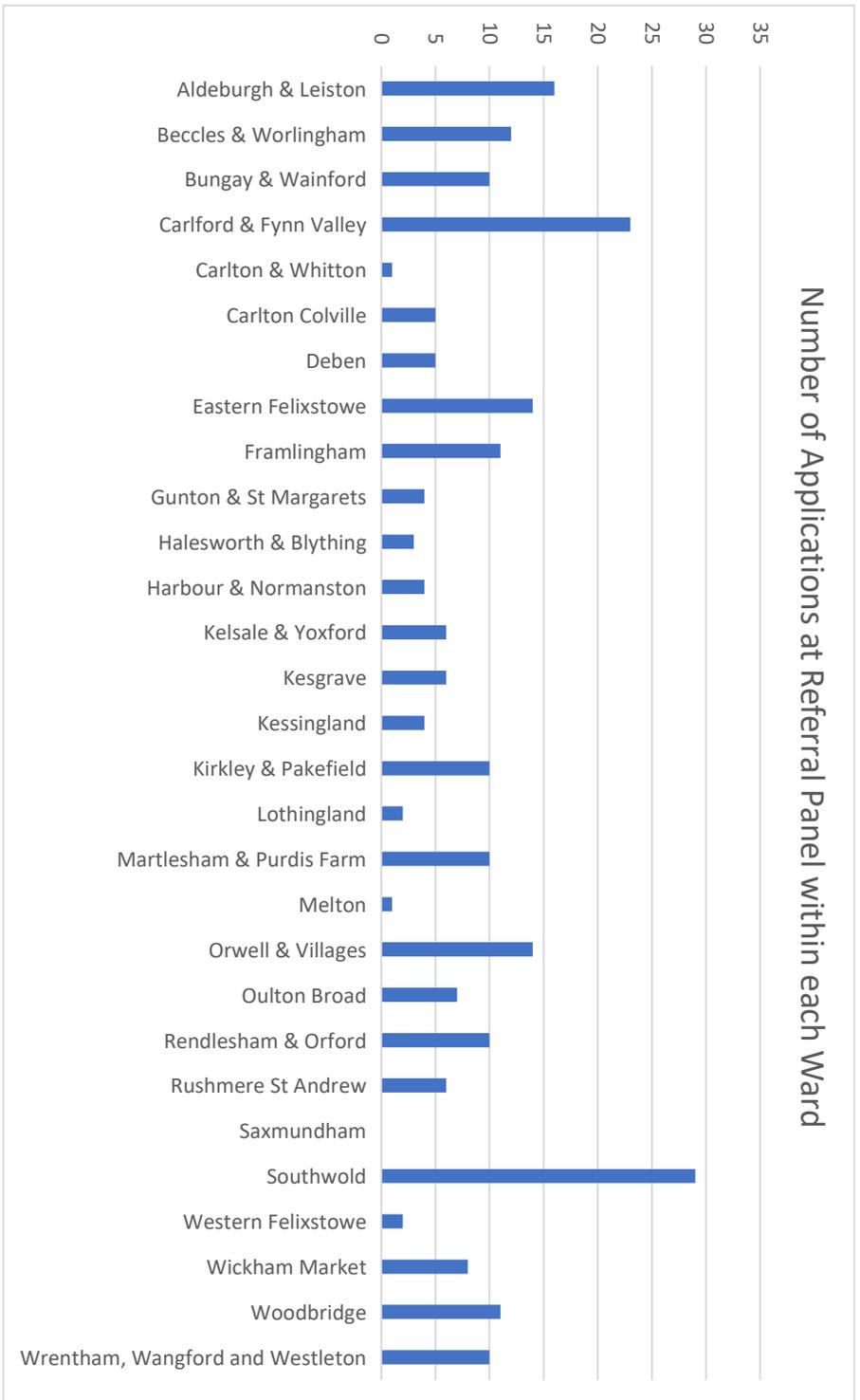


Figure 4: The proportion of applications within each ward that could have triggered the referral process and did between 1 April 2021 and 31 March 2022

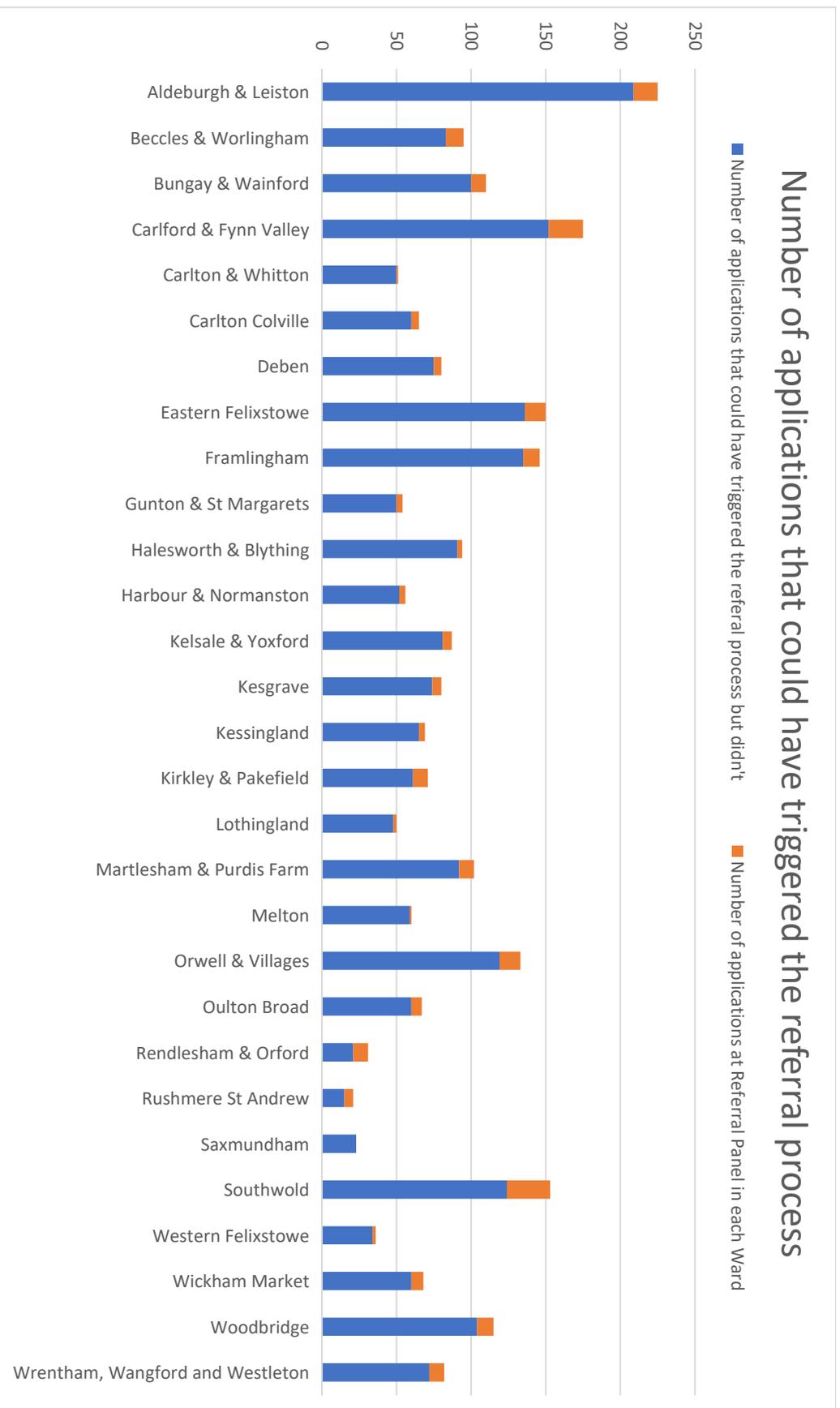


Figure 5: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)

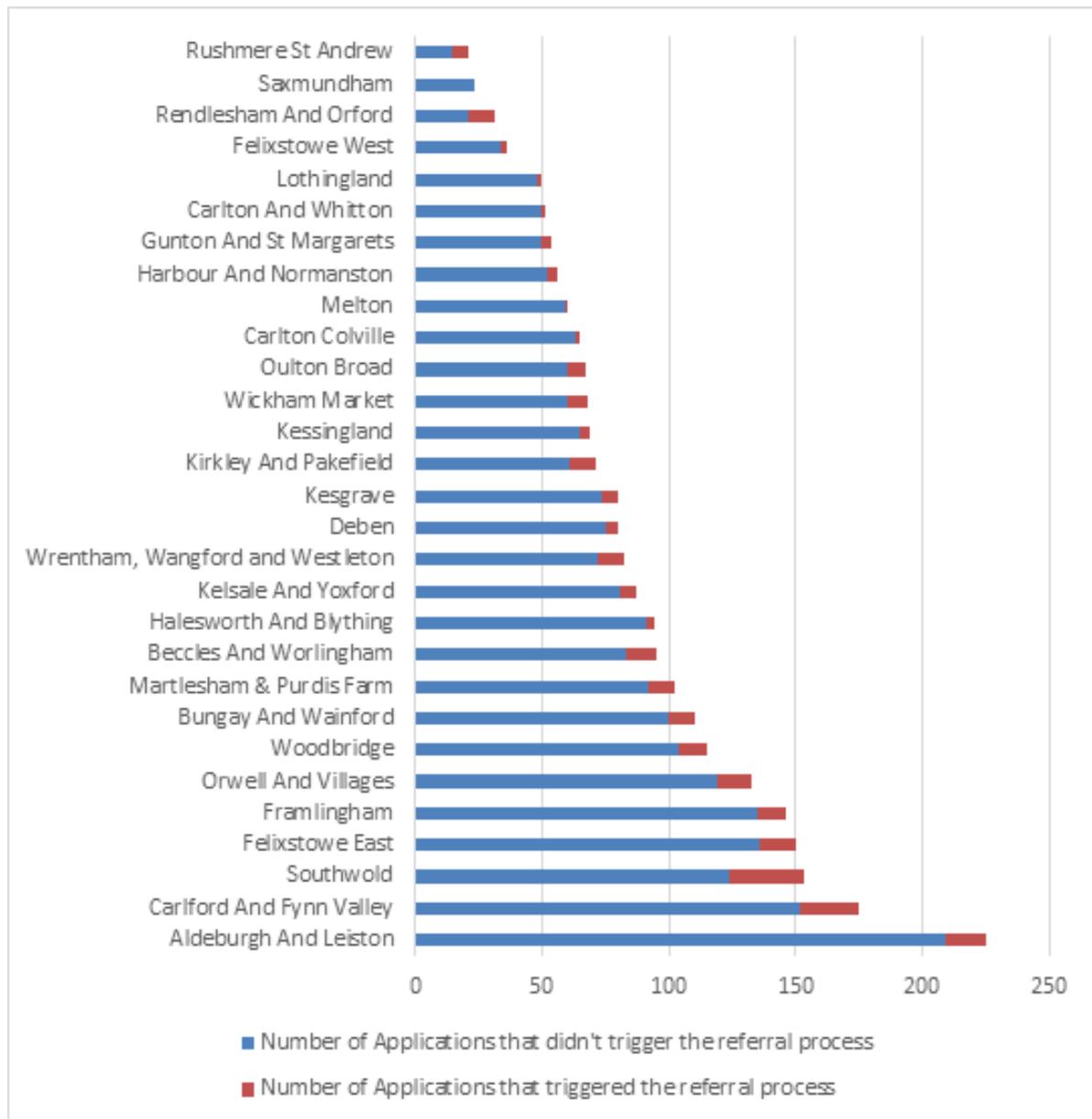
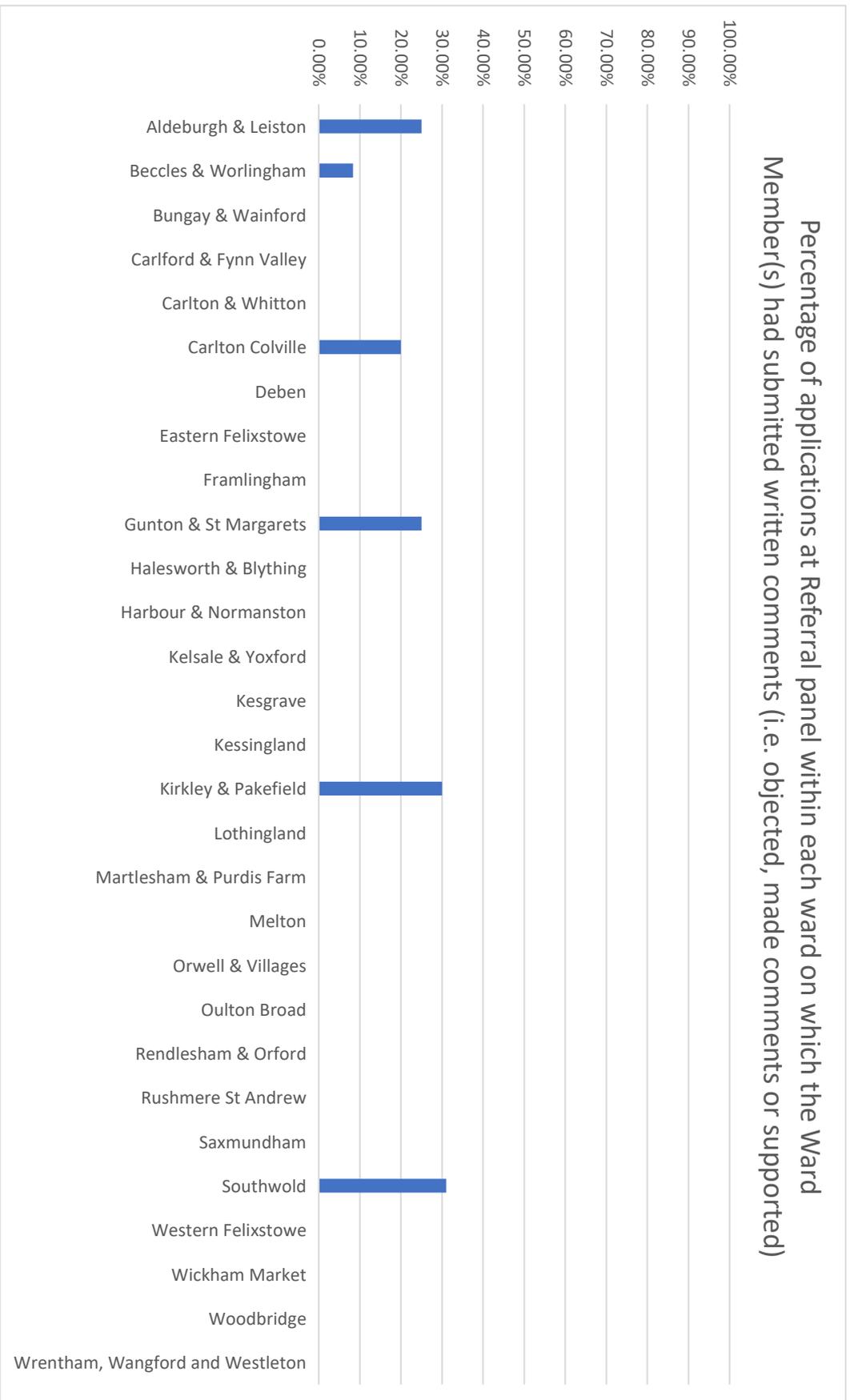


Figure 6: The percentage of applications within each ward at the referral panel which had written comments from the Ward Member between 1 April 2021 and 31 March 2022



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- Percentage that didn't trigger Referral Process
- Percentage that did trigger the Referral Process

1:200000

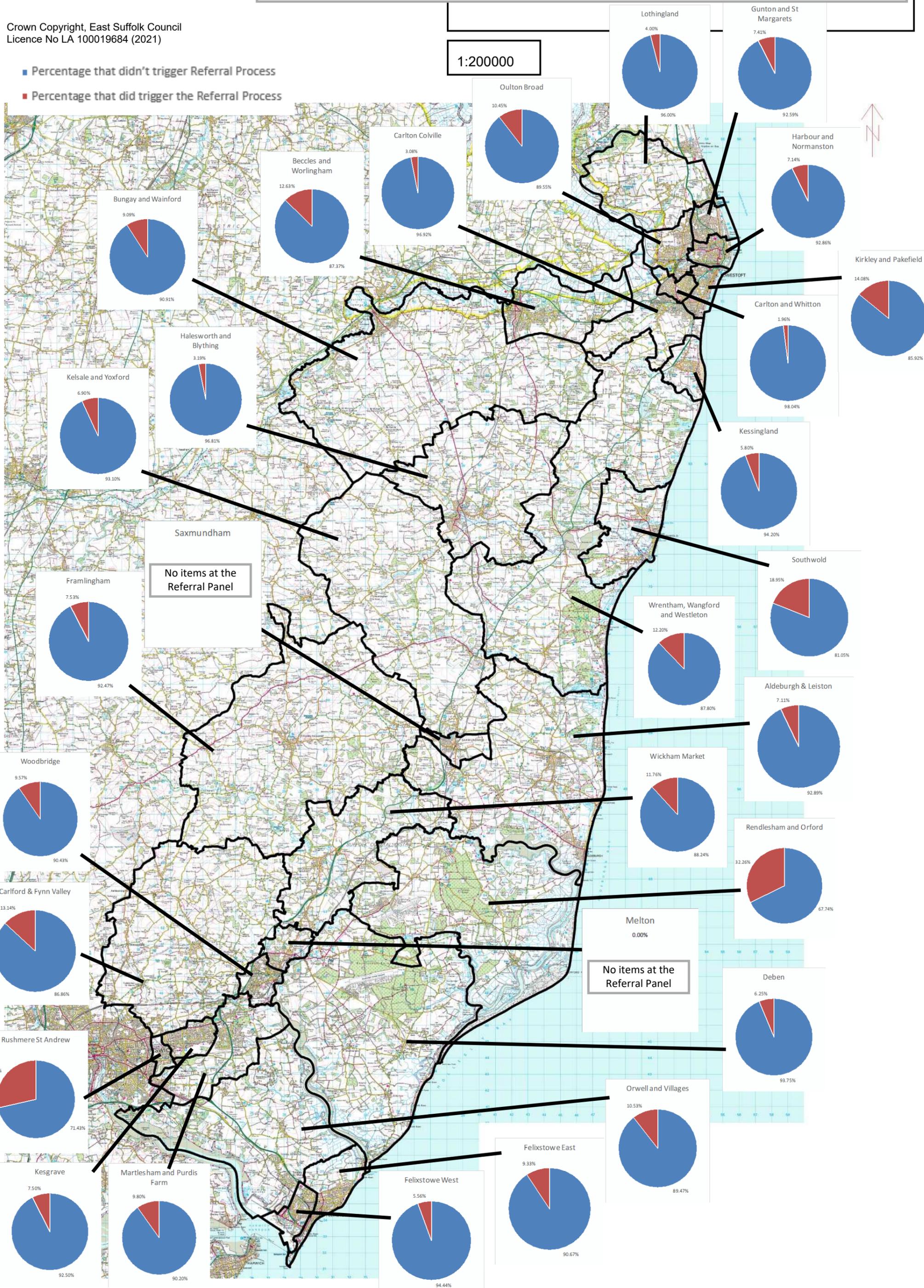


Figure 1 : Number of 'Planning Applications' and number triggering Referral Panel by Parish in alphabetical order

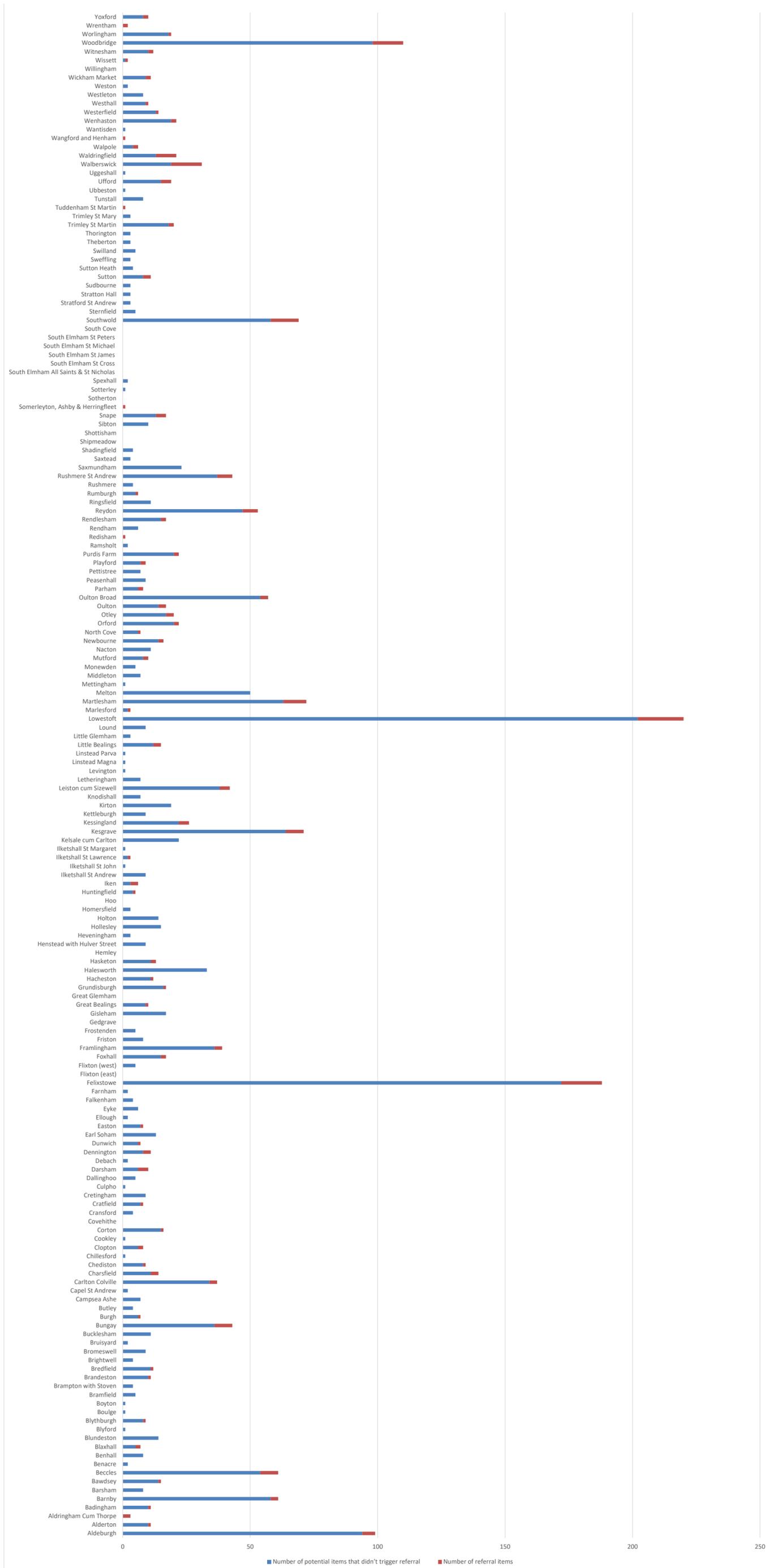


Figure 2 : Number of 'Planning Applications' and number triggering Referral Panel by Parish, in order of total number of 'Planning Applications'

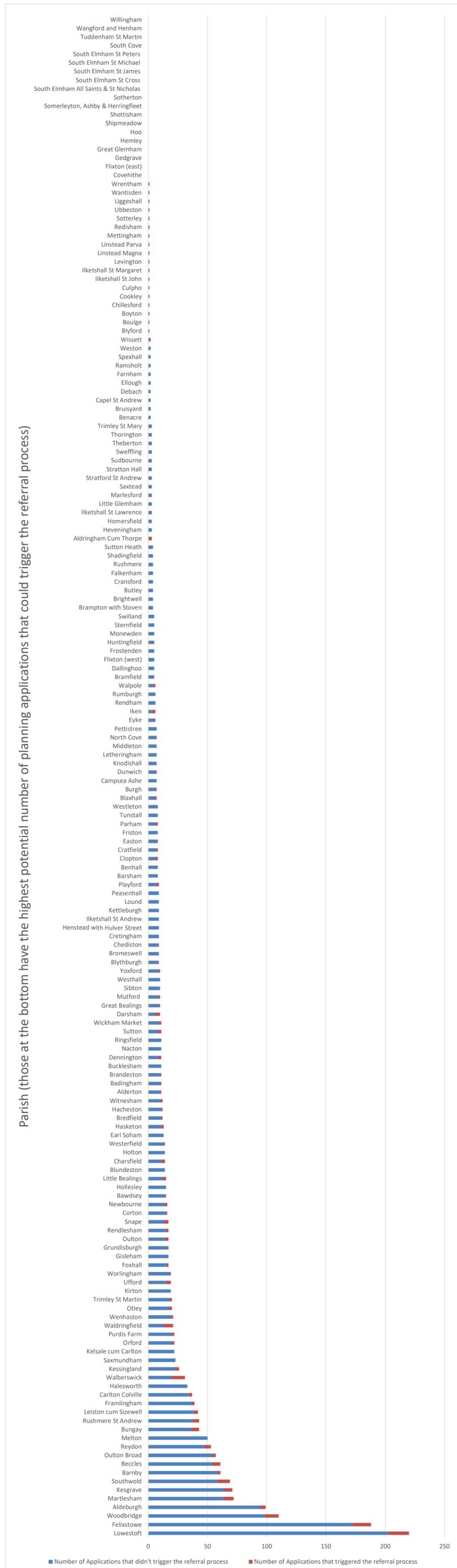


Figure 3: Percentage of 'Planning Applications' triggering Referral Process, ordered by number of planning applications received within each Parish

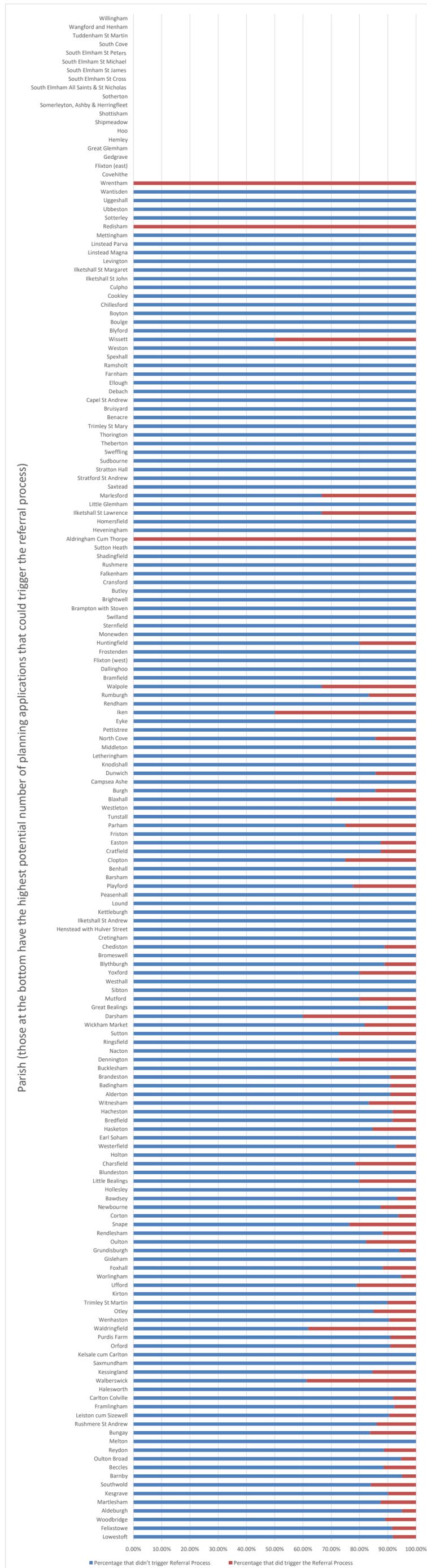


Figure 1: Percentage of those applications at Referral Panel with and without comments from Ward Members 1 April 2019 to 31 March 2022

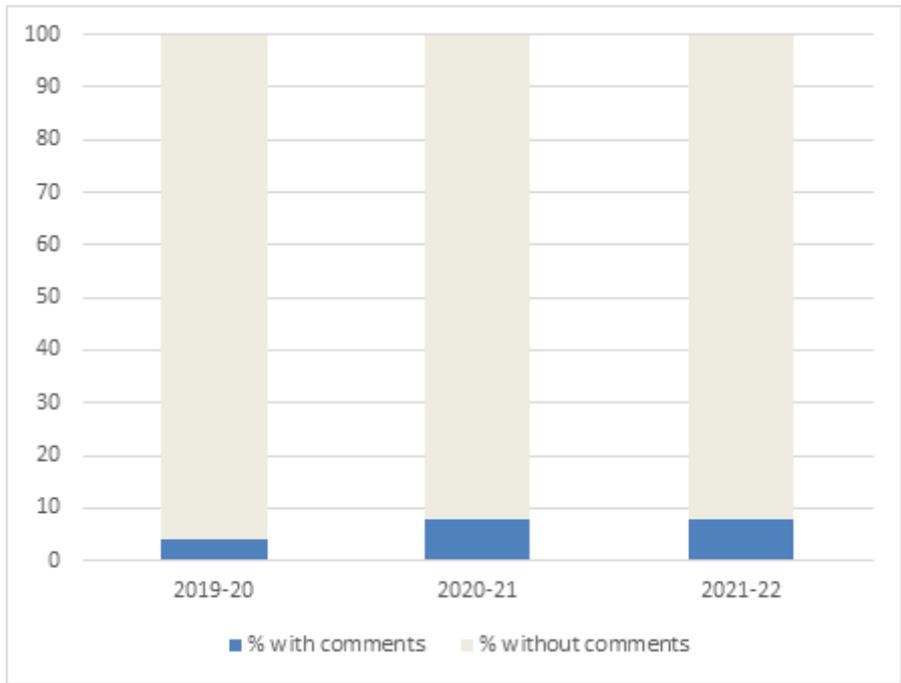


Figure 2 – Number of wards with and without any comments on at least one application at the Planning Referral Panel 1 April 2019 to 31 March 2022

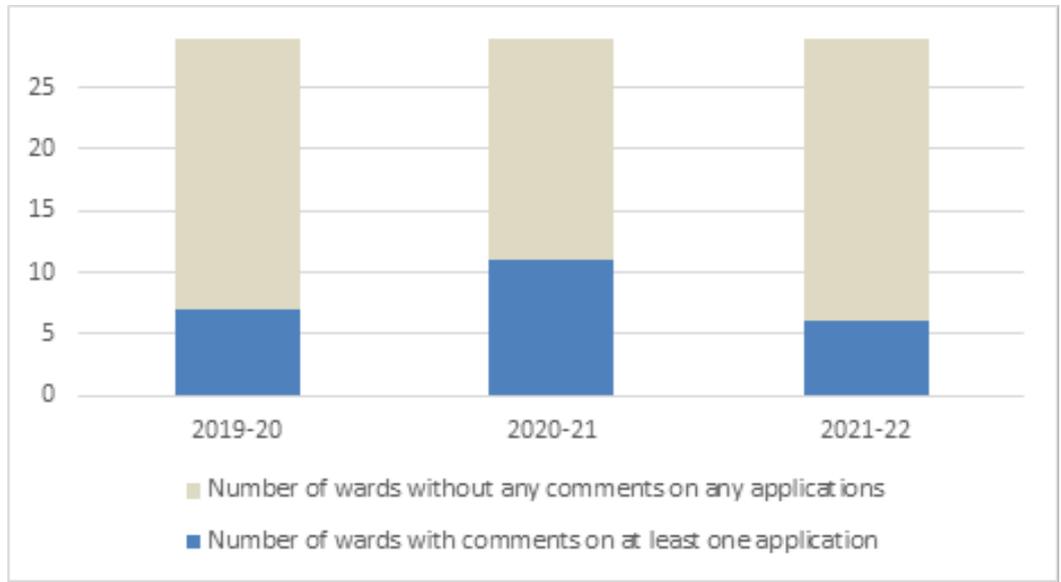


Figure 3: The number of applications with comments from the Ward Member at the Referral Panel shown by Ward 1 April 2019 to 31 March 2022

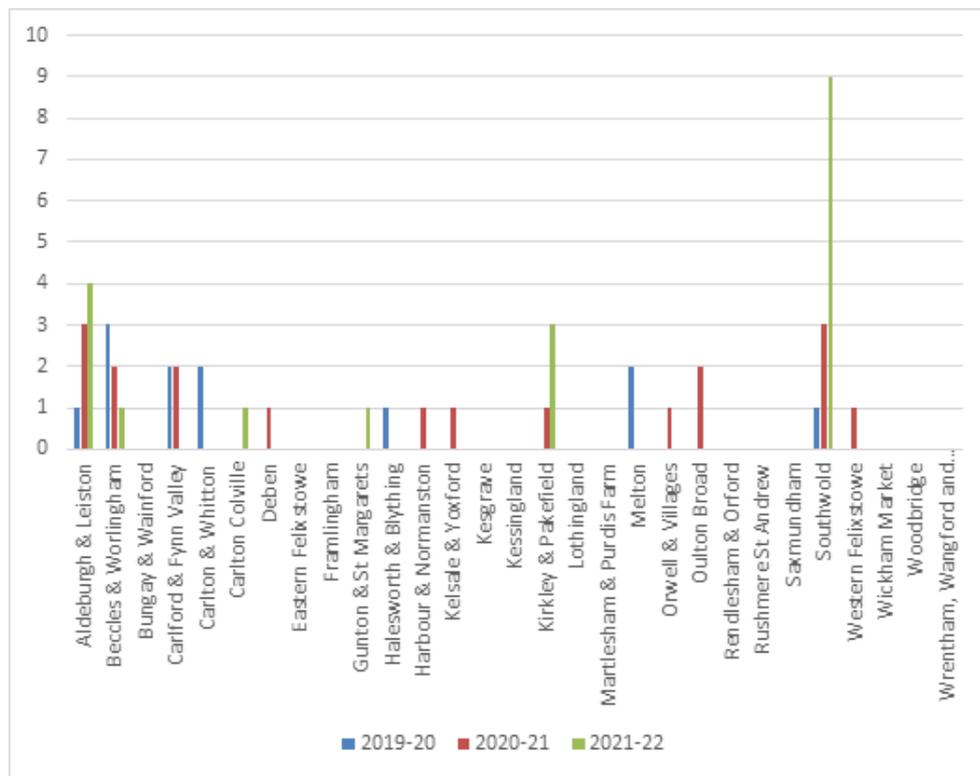
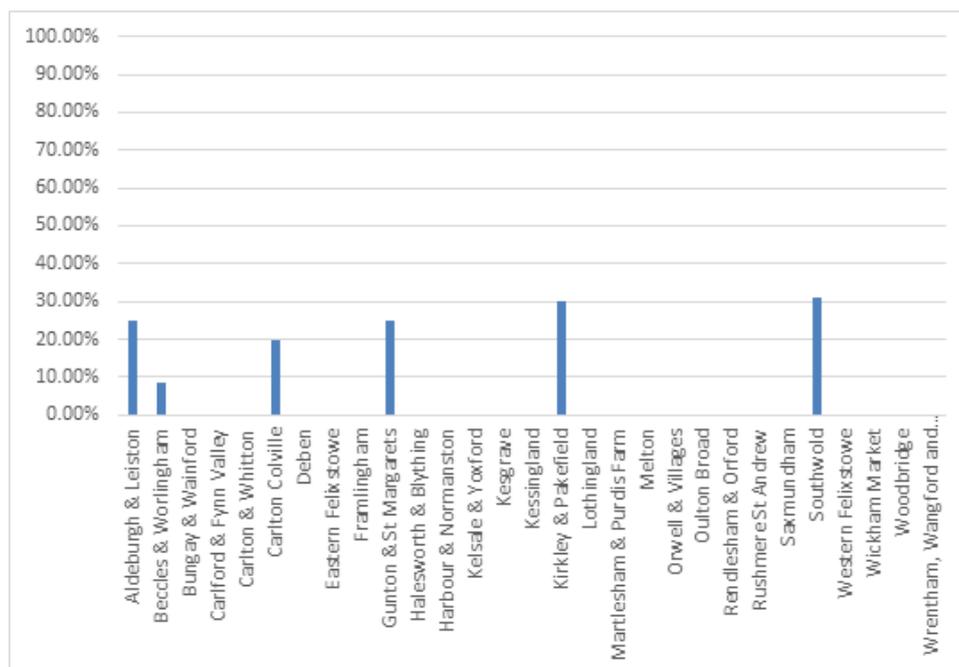


Figure 4: Percentage of applications at Referral panel within each ward on which the Ward Member(s) had submitted written comments (i.e. objected, made comments or supported) 1 April 2021 – 31 March 2022



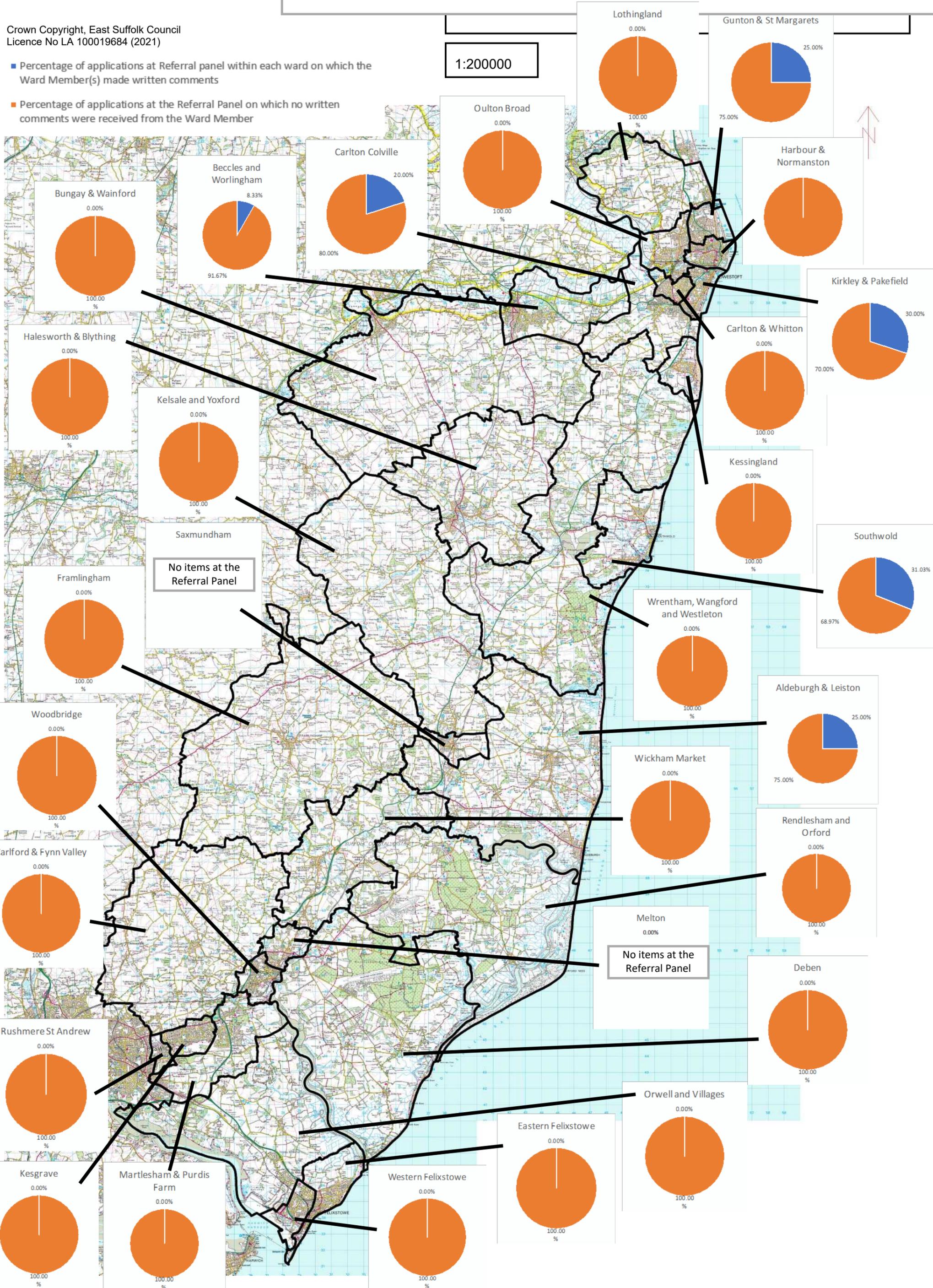
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Appendix M: Referral Panel items with comments from Ward Members between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.

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- Percentage of applications at Referral panel within each ward on which the Ward Member(s) made written comments
- Percentage of applications at the Referral Panel on which no written comments were received from the Ward Member

1:200000



Appendix N: Referral Panel items with comments from Town/ Parish Councils between 1 April 2019 and 31 March 2022.

Figure 1: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2021 – 31 March 2022

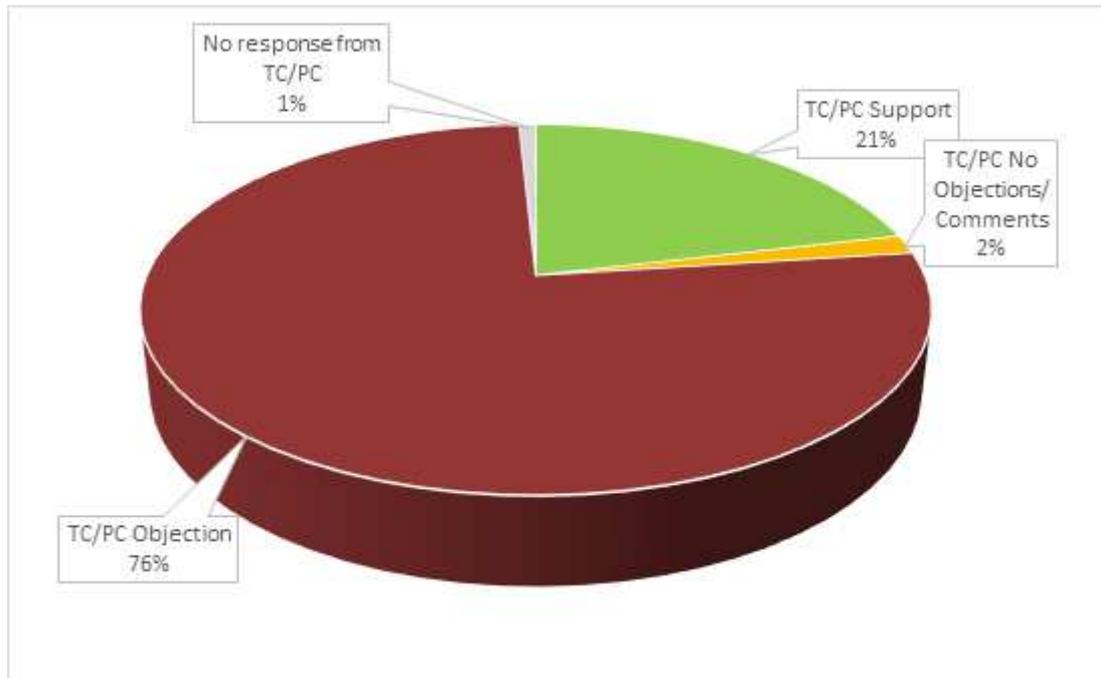


Figure 2: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2020 – 31 March 2021

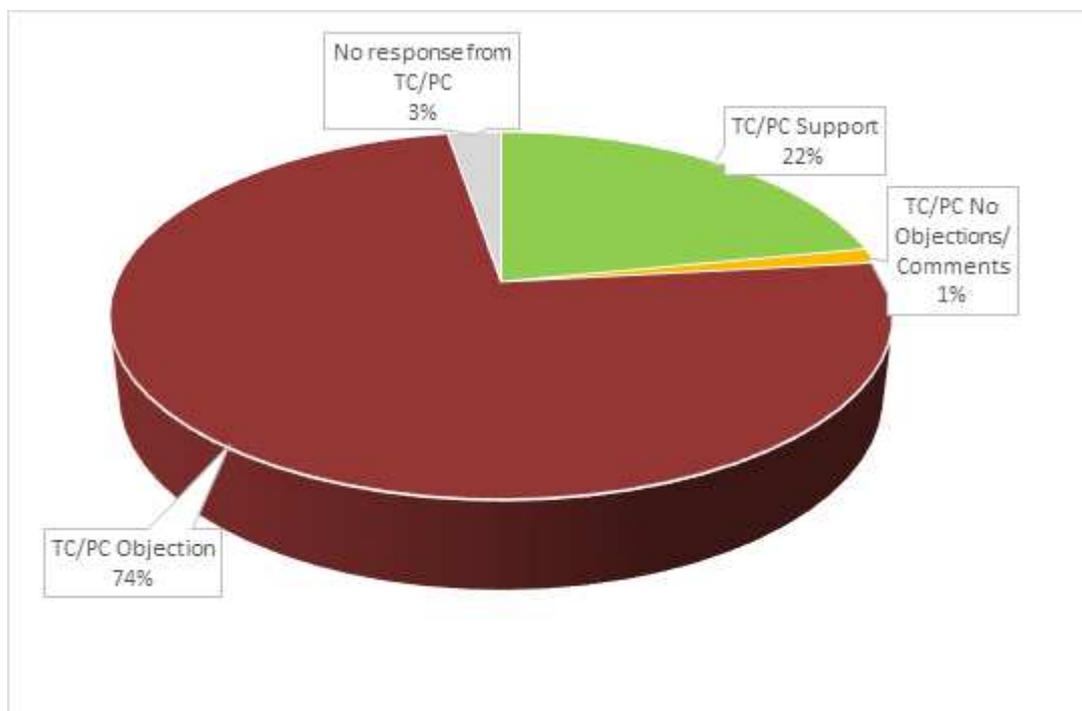


Figure 3: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020

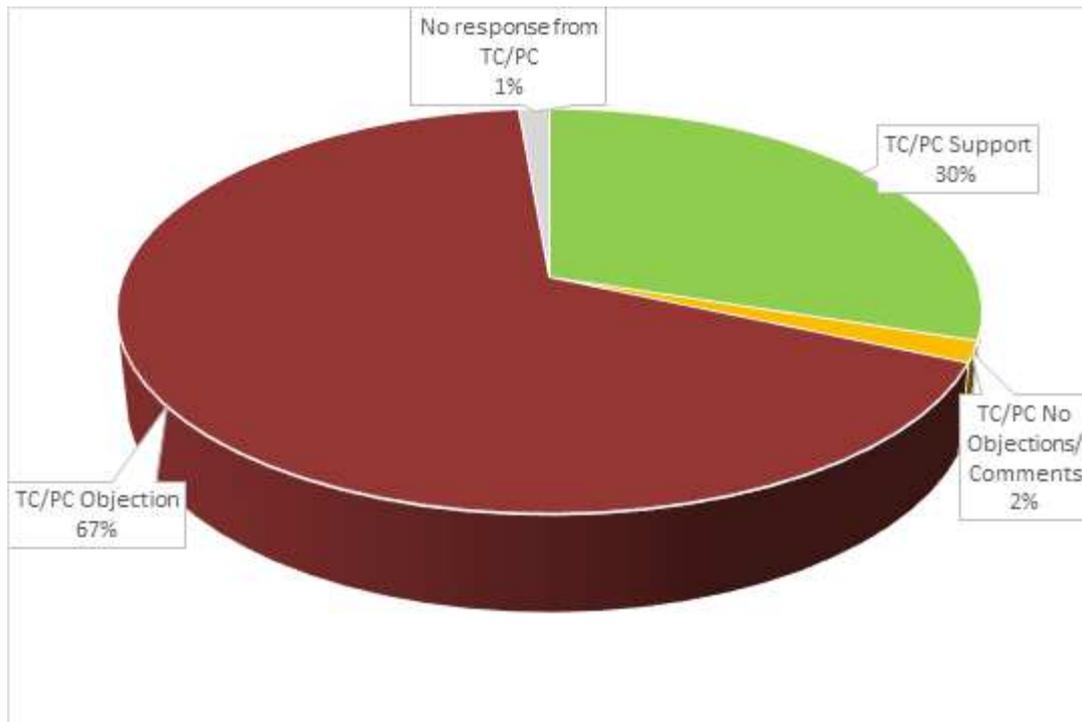
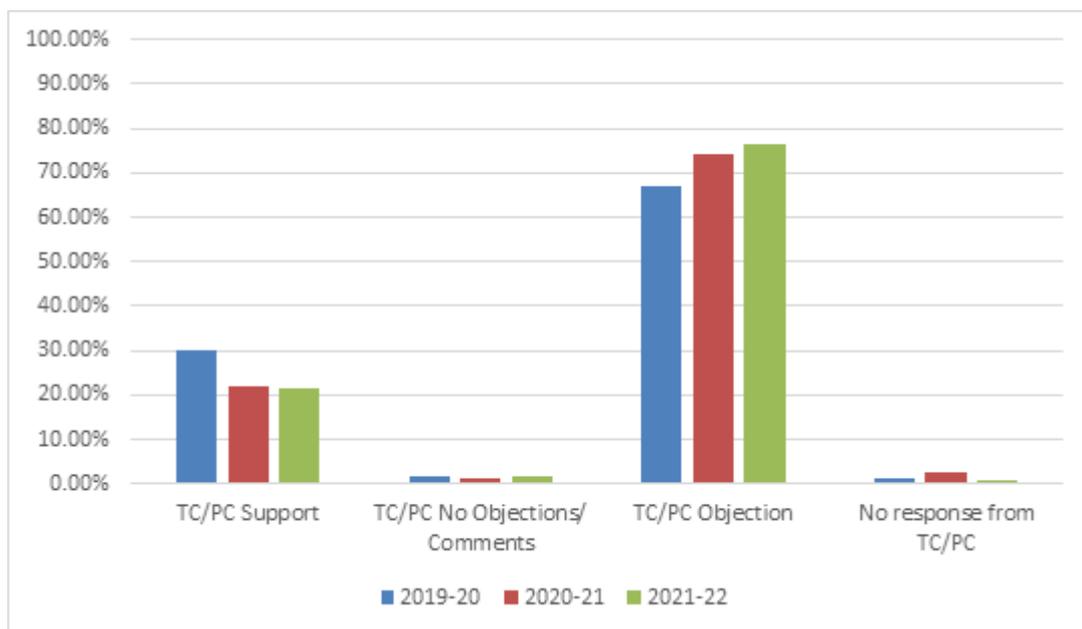


Figure X: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020, 1 April 2020 – 31 March 2021, and 1 April 2020 – 31 March 2021.



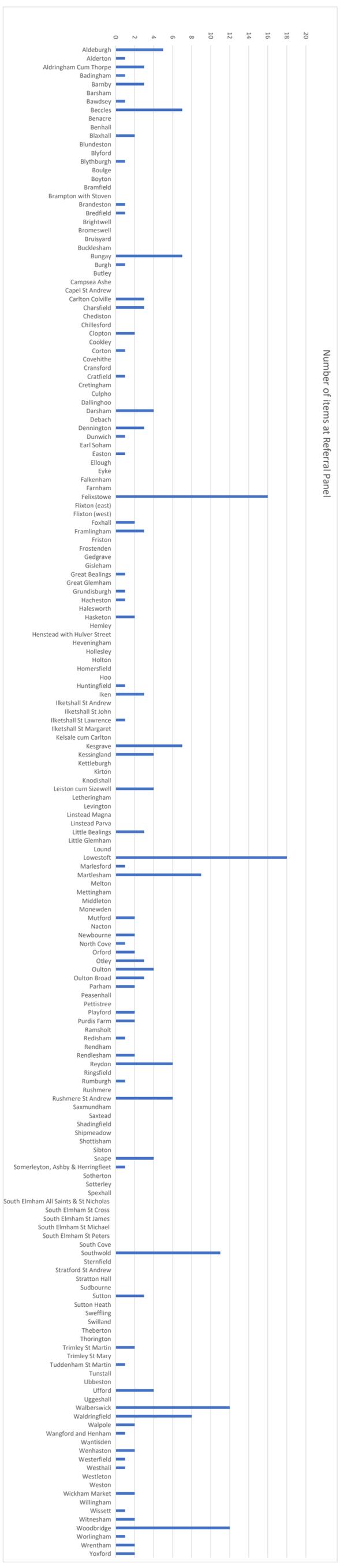


Figure 1: The total number of items at the Referral Panel shown by Parish between 1 April 2021 and 31 March 2022

Figure 2: The total number of items at the Planning Referral Panel by Parish, on which comments were received from the Town/Parish Council between 1 April 2021 and 31 March 2022

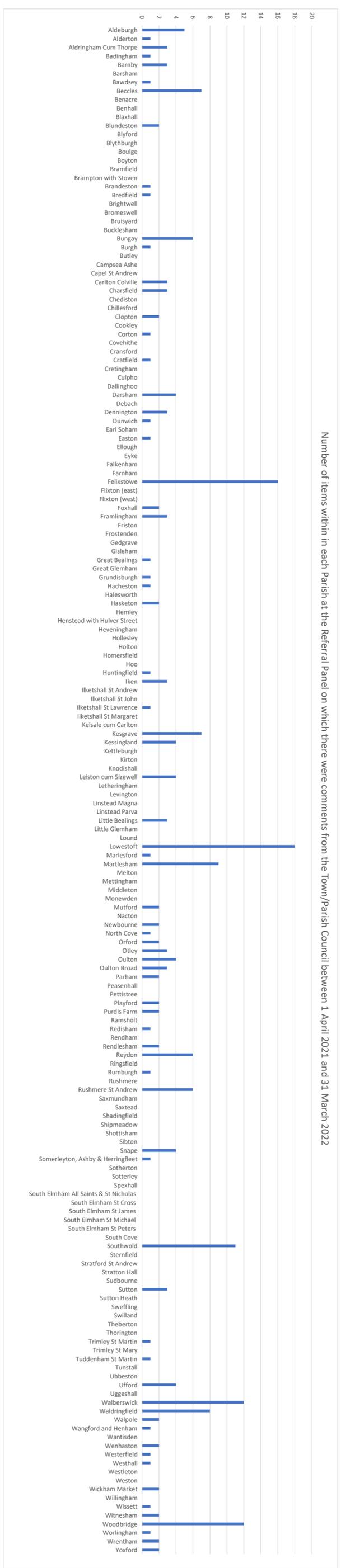
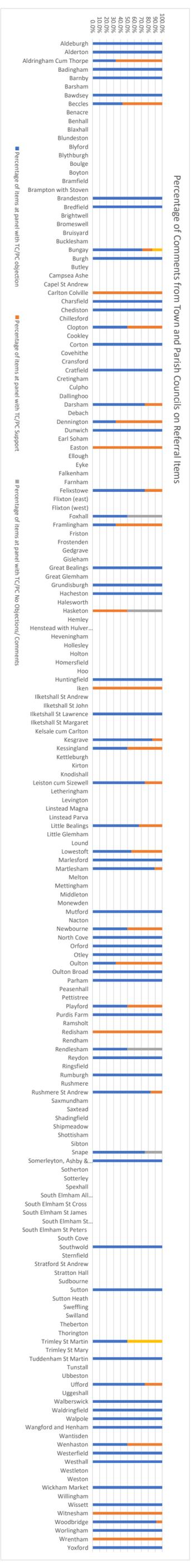


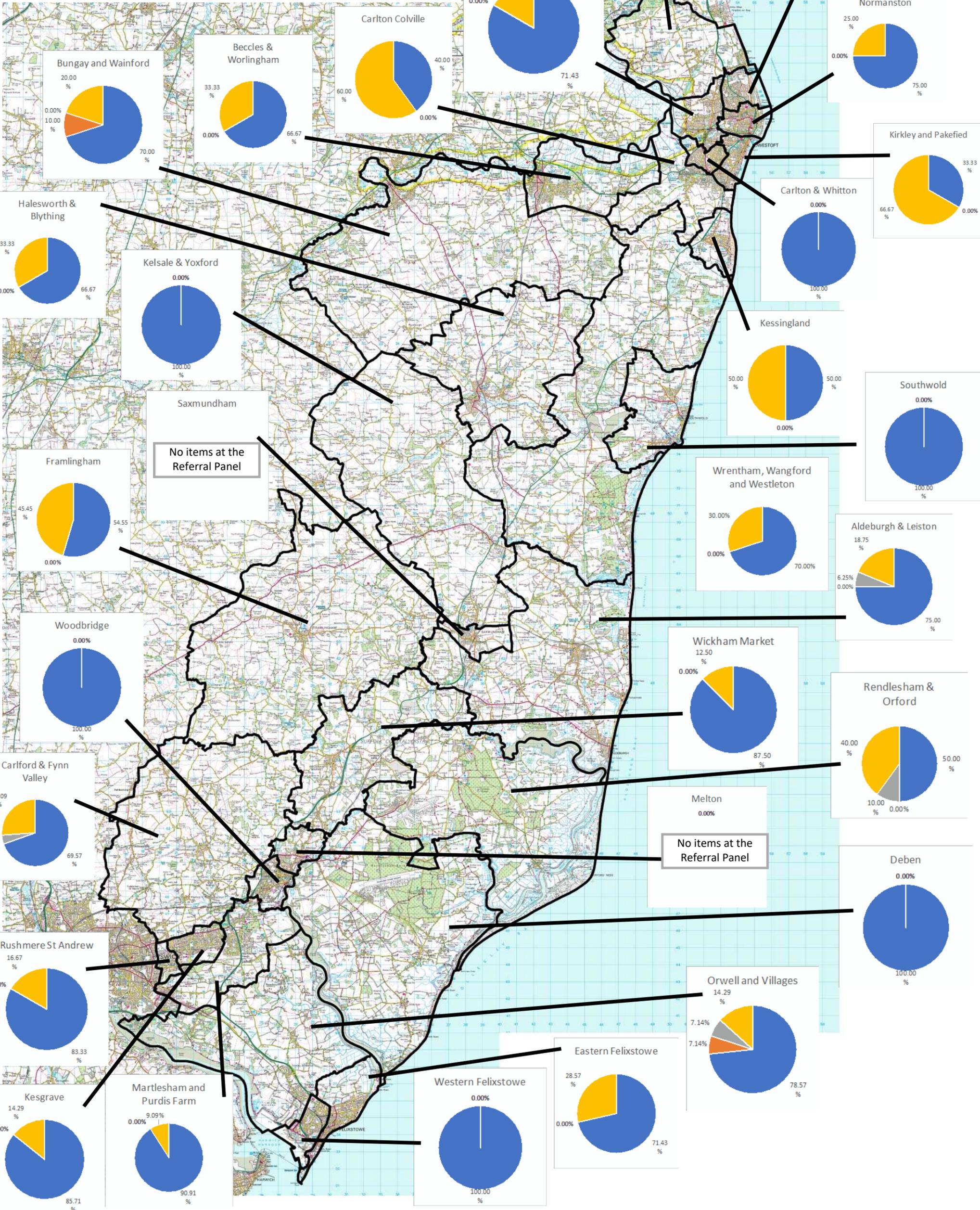
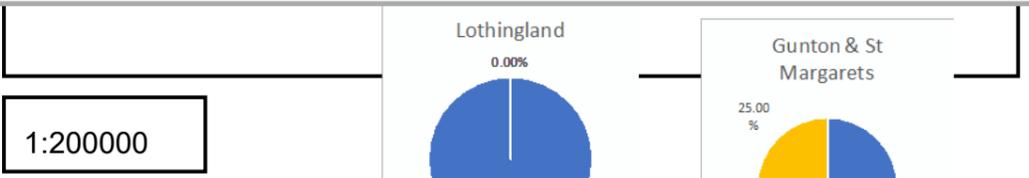
Figure 3: The proportions of Support, Objections or No Objections/Comments from Town/Parish Councils on Items at the Planning Referral Panel by Parish, between 1 April 2021 and 31 March 2022



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- Percentage of items on which the Town/Parish Council Objected
- Percentage of items on which the Town / Parish Council did not submit any comments
- Percentage of items on which the Town / Parish Council made comments / no objections
- Percentage of items on which the Town/ Parish Council supported



Appendix Q: Proportion of comments on items at the Referral Panel between 1 April 2021 and 31 March 2022

Figure 1: Proportion of items at the Referral Panel with or without comments from the Town or Parish Council between 1 April 2021 and 31 March 2022

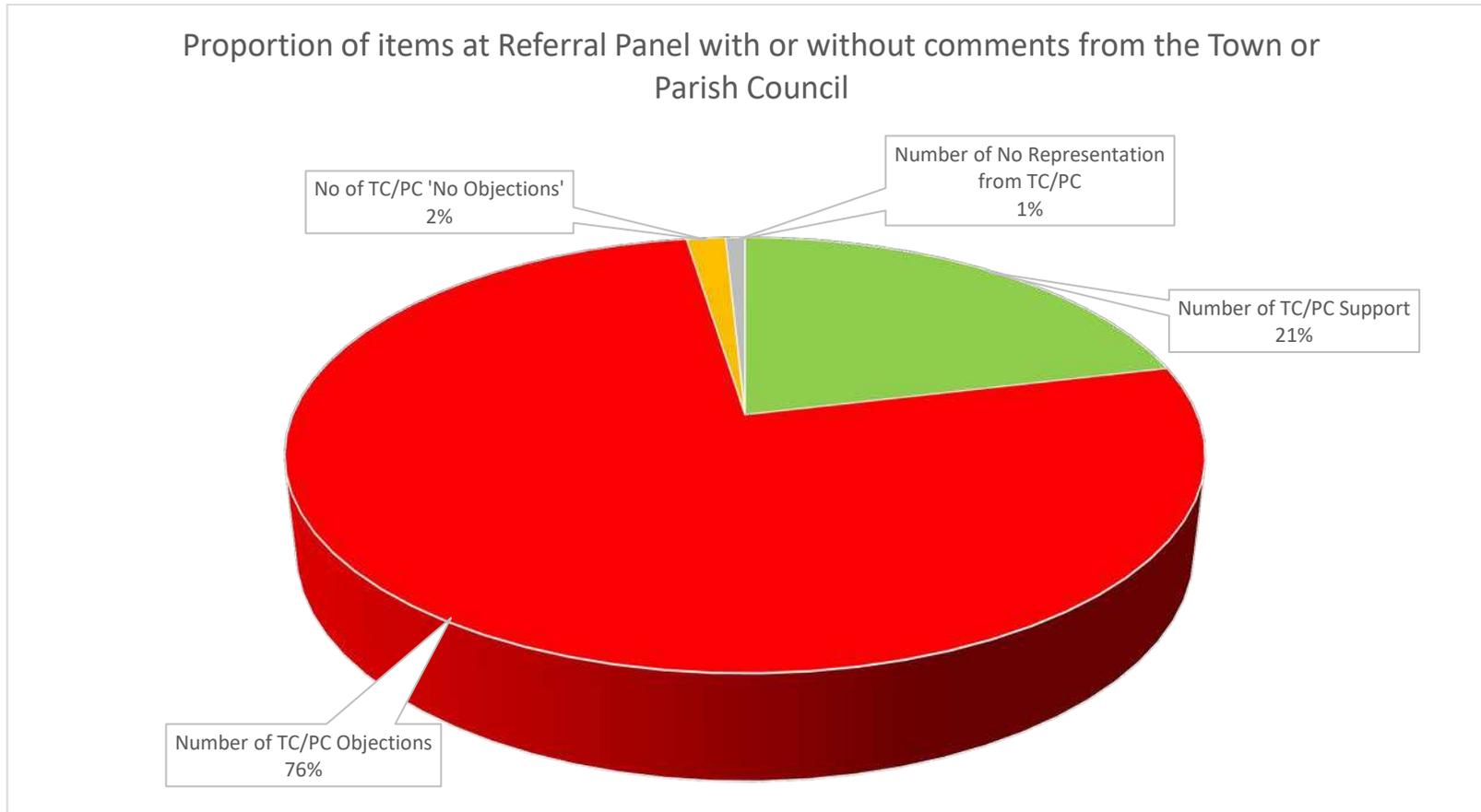
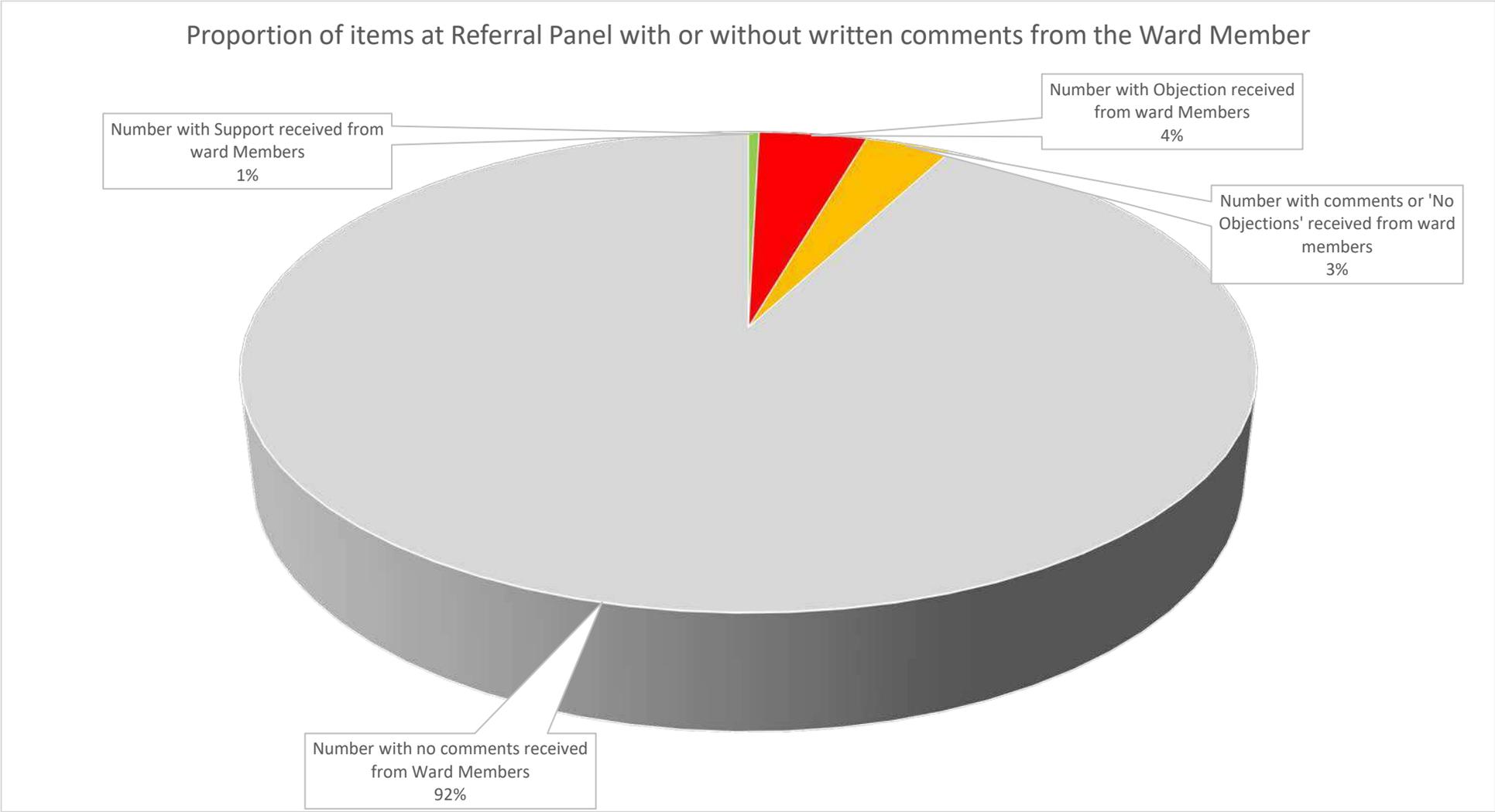


Figure 2: Proportion of items at the Referral Panel with or without written comments from Ward Member between 1 April 2021 and 31 March 2022



Appendix R: The outcomes of Referral Panel between 1 April 2019 and 31 March 2022.

Figure 1: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2021 and 31 March 2022.

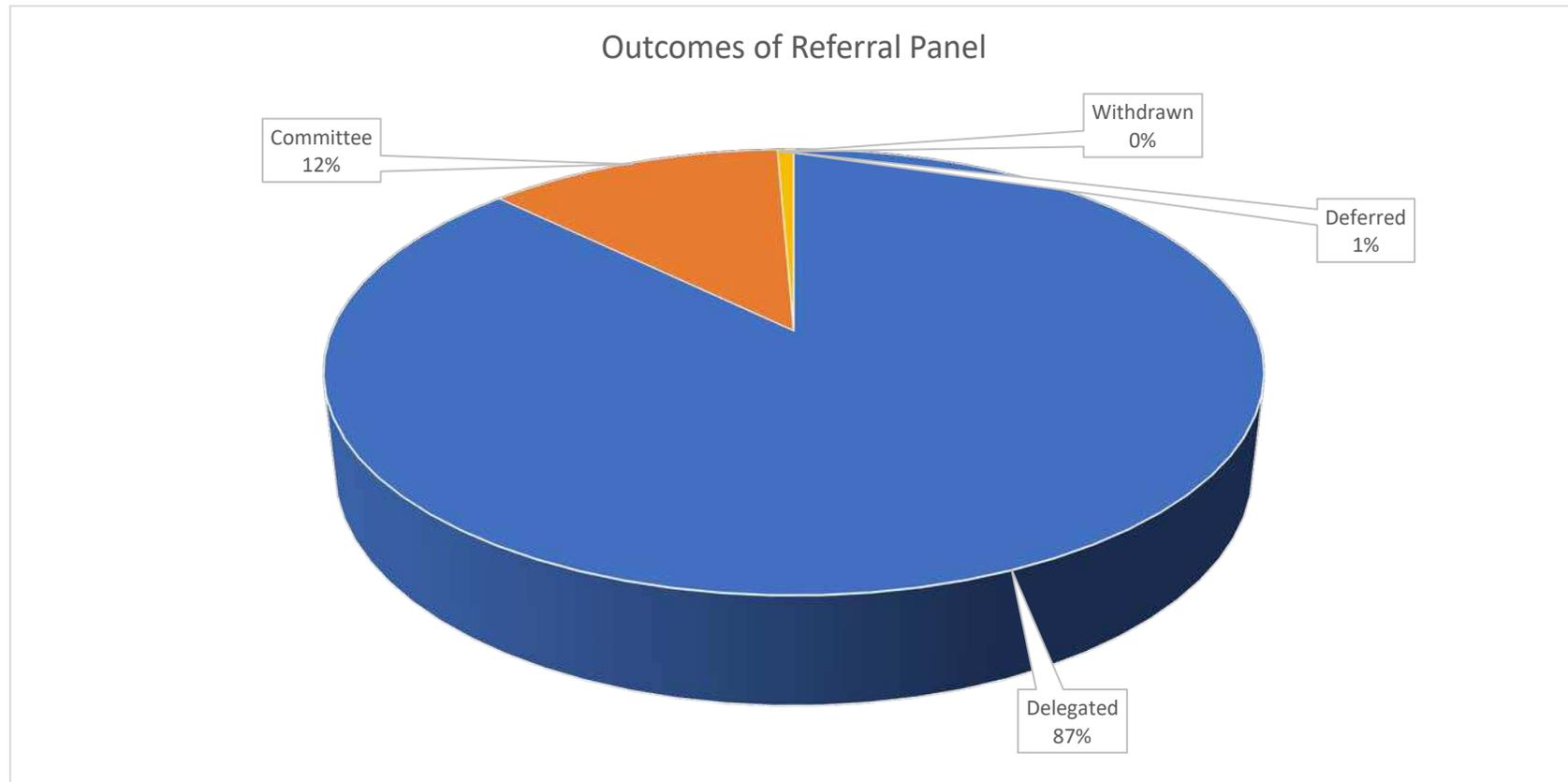


Figure 2: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2020 and 31 March 2021.

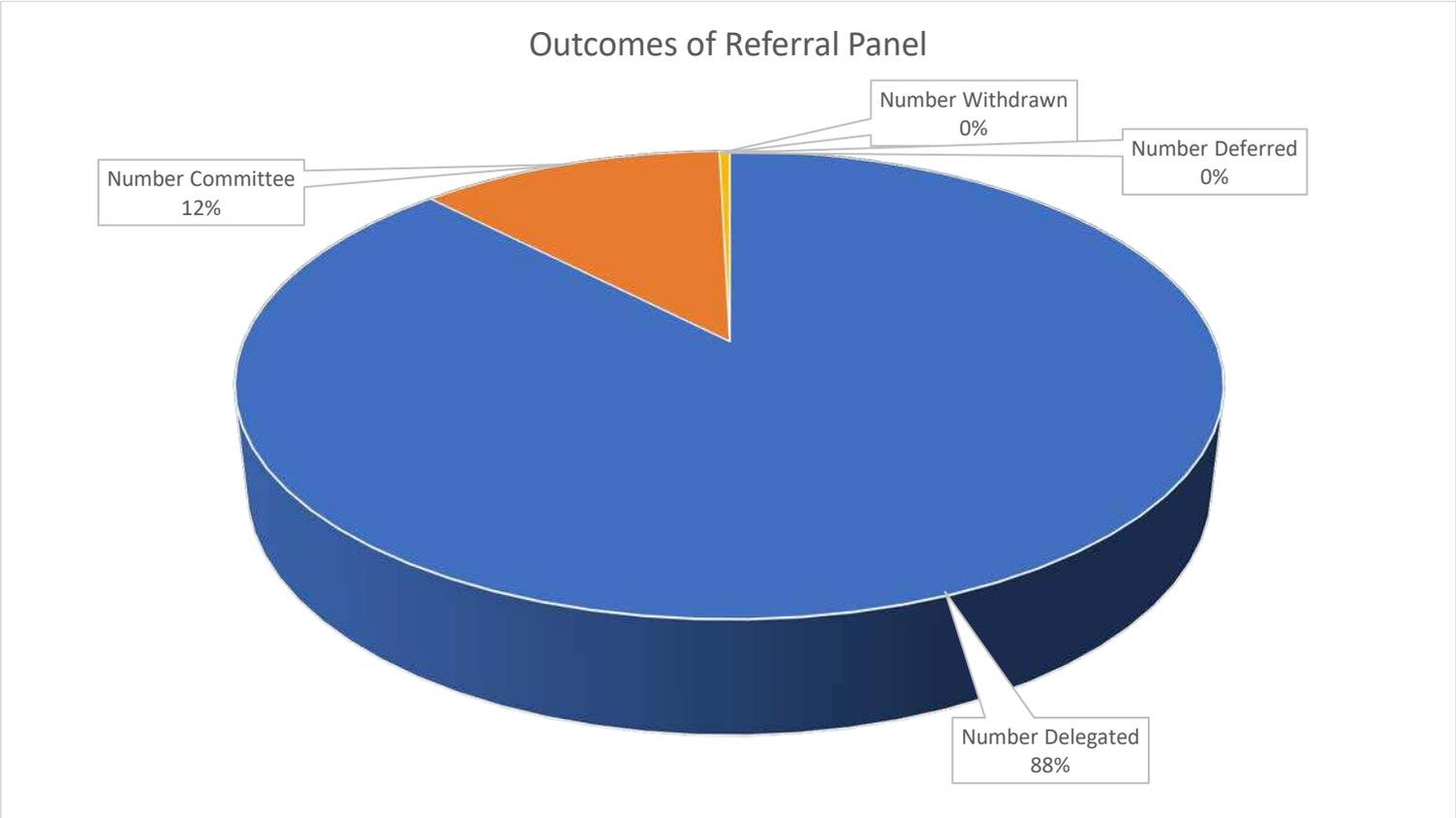
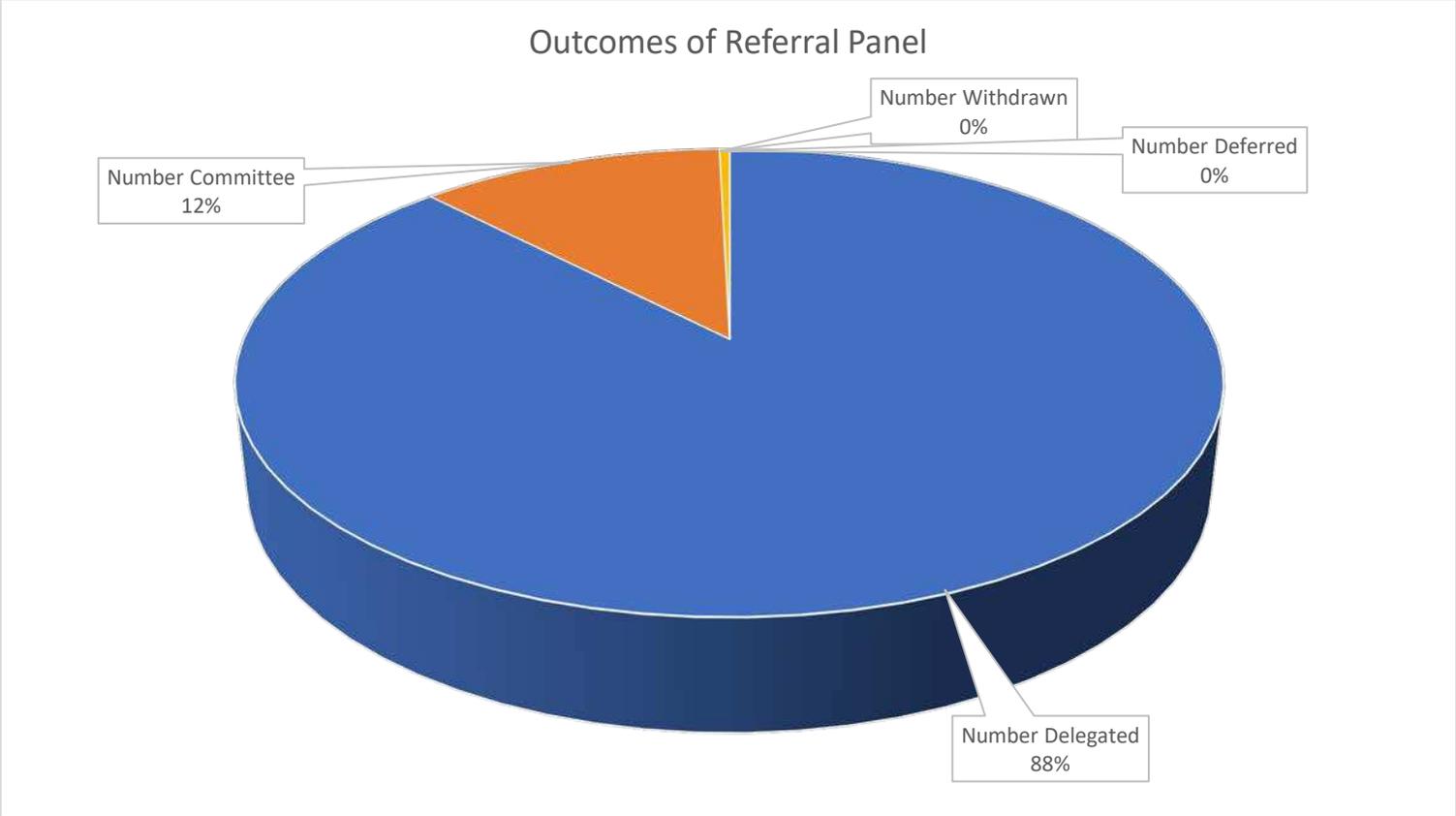


Figure 3: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2021 and 31 March 2022.



Confirmed



Minutes of a Meeting of the **Strategic Planning Committee** held in the Conference Room, Riverside, Lowestoft, on **Monday, 06 June 2022 at 10.30am**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Tom Daly, Councillor Andree Gee, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor David Ritchie, Councillor Craig Rivett

Other Members present:

Councillor David Beavan, Councillor Peter Byatt

Officers present:

Nicola Biddall (Rights of Way Officer), Cate Buck (Senior Enforcement Officer), Naomi Goold (Energy Projects Manager), Matt Makin (Democratic Services Officer), Andrea McMillan (Planning Manager (Policy, Delivery and Specialist Services)), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Robert Scrimgeour (Principal Design and Conservation Officer), Ben Woolnough (Planning Manager (Development Management)), Nicola Wotton (Deputy Democratic Services Manager)

1 Election of a Chairman

The Clerk sought nominations for the election of a Chairman for the 2022/23 Municipal Year. Councillor Paul Ashdown was nominated by Councillor Debbie McCallum and this nomination was seconded by Councillor David Ritchie. There being no other nominees, it was duly

RESOLVED

That Councillor Paul Ashdown be elected as Chairman of the Strategic Planning Committee for the 2022/23 Municipal Year.

2 Election of a Vice-Chairman

The Chairman sought nominations for a Vice-Chairman for the 2022/23 Municipal Year. Councillor Debbie McCallum was nominated by Councillor Paul Ashdown and this nomination was seconded by Councillor Stuart Bird. There being no other nominees, it was duly

RESOLVED

That Councillor Debbie McCallum be elected as Vice-Chairman of the Strategic Planning Committee for the 2022/23 Municipal Year.

3 Apologies for Absence and Substitutions

Councillor Coulam arrived at the meeting at this point (10.33am).

Apologies for Absence were received from Councillors Norman Brooks, Mike Deacon and Mark Newton. Councillor Peter Byatt attended the meeting as Councillor Deacon's substitute.

NOTE: Councillor Kay Yule submitted apologies for absence prior to the meeting, however these were not received by the Democratic Services Officer until after the conclusion of the meeting and were therefore not given to the meeting at this time.

4 Declarations of Interest

No declarations of interest were made.

5 Minutes

It was by a consensus

RESOLVED

That the minutes of the meeting held on 7 March 2022 be agreed as a correct record and signed by the Chairman.

6 Energy Projects Update

The Committee received a presentation on energy projects in East Suffolk from Councillor Craig Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development.

Councillor Rivett provided an update on the Nationally Significant Infrastructure Projects (NSIP) taking place in the district, providing a detailed update on Sizewell C. Councillor Rivett noted that a decision was still forthcoming on this project and that the Secretary of State had issued post-examination information requests; a six-week delay to the issuing of a decision was announced on 12 May 2022 and a new decision date would be no later than 8 July 2022.

The Committee was advised that the Secretary of State had approved the East Anglia One North and East Anglia Two offshore wind farms, following a recommendation of approval from the Examining Authority and the planning balance detailed by the Secretary of State was outlined. Councillor Rivett announced that the decisions were now subject to Judicial Review applications which were pending.

Councillor Rivett provided an update on the Offshore Transmission Network Review (OTNR), the British Energy Security Strategy and the Levelling Up and Regeneration Bill.

The Chairman invited questions to Councillor Rivett.

Councillor Rivett said that the goal to treble nuclear power output by 2050 was part of the government's energy strategy and further details would be forthcoming on how this would be achieved. Councillor Rivett acknowledged that the Development Consent Order (DCO) process was a slow and thorough process and was unsure how this could be sped up whilst retaining the ability for key stakeholders to contribute to the process in a meaningful way. Councillor Rivett was of the view that energy from a variety of different sources would be needed to increase capacity and noted that he and officers would be attending a briefing on the OTNR later that week.

In response to a question on modular reactors in relation to the United Kingdom's history of producing nuclear powered submarines, Councillor Rivett advised that any new reactor design needed to be rigorously tested and could take up to 10 years to be developed.

Councillor Rivett confirmed that East Anglia One North and East Anglia Two offshore wind farms remained subject to Judicial Review and decisions on these challenge were pending. Councillor Rivett advised that the Council continued to feed into the ONTR and that he had met with ministers to speak about the need for tangibles when looking at co-ordination.

Councillor Rivett answered a question on the possibility of onshore wind farms and noted the significant site area of East Anglia One North compared to the proposed final operational site area for Sizewell C. Councillor Rivett reiterated that one source of energy was not a "silver bullet" for reaching net zero and stated that the government had not approached the Council about possible onshore wind farm sites in the district. The Head of Planning and Coastal Management added that given the constraints of the district's geography it would be difficult to develop a policy to identify possible onshore wind farm sites.

Councillor Rivett outlined how floating, tethered offshore wind turbines would work, noting that it was not always possible to replace a wind turbine on the base of a previous one.

The Chairman thanked Councillor Rivett and the officers for the presentation.

7 Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2021-2022

The Committee received report **ES/1171** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Prior to introducing the report, Councillor Ritchie updated the Committee on changes to the senior structure of the Development Management team, noting that there were now three Principal Planners in the team and that Katherine Scott was now the Principal Planner with the technical lead for the team.

Councillor Ritchie considered that the statistics set out in the report showed that the Planning Referral Panel system was effective but acknowledged it had received some criticism from Members. Councillor Ritchie noted that the system was similar to the one operated by West Suffolk Council, but the chief difference was that West Suffolk Council allowed Ward Members to speak at Referral Panel meetings.

Councillor Ritchie said that the report proposed a change to the Planning Referral Panel process to allow Ward Members to answer factual questions only. Councillor Ritchie considered it was important that this was the limit of Ward Member involvement in Planning Referral Panel meetings as the Planning Referral Panel was not determining applications but only deciding the route they take for determination, either to the Head of Planning and Coastal Management for determination under his delegated authority or to the Planning Committee North or Planning Committee South for determination by Members.

Councillor Ritchie noted the thoroughness of the report presented to the Committee and invited the Principal Planner to give a presentation to the Committee on the statistics contained therein.

The Principal Planner outlined the life cycle of a planning application and highlighted the points where the Planning Referral Panel process could be triggered, as well as the process of the Referral Panel itself.

The Committee was advised that in the 2021/22 Municipal Year a total of 244 applications had been to the Planning Referral Panel, with 122 in the north area of the district and 122 in the south area of the district. 3% of these applications were majors, 42% were minors and the remaining 55% being other applications. The Principal Planner noted that there had been an increase in both the number and the proportion of applications in the south of the district going to the Planning Referral Panel compared to the previous two Municipal Years.

The Principal Planner provided an overview of the cases received at Planning Referral Panel meetings by Ward, with a further breakdown by parish and application type. It was noted that the geographical area with the most applications in the north of the district was Lowestoft and that the geographical area with the most applications in the south of the district was Felixstowe. The Principal Planner also highlighted the figures for areas adjacent to Ipswich and for market towns in the district.

The Committee was provided with the numbers and proportions of applications within each parish and how they had triggered the referral process for the previous three municipal years.

The Principal Planner outlined the Referral Panel outcomes for the previous three municipal years and noted there had been consistency over this period in the number of applications referred to either Planning Committee North or Planning Committee South for determination.

The Principal Planner provided a breakdown on the work of the Planning Committee North and the Planning Committee South and the reasons for applications being referred to Committee and detailed the proportion of business at each committee.

The Committee was shown a breakdown of public speaking at planning committees and the Principal Planner advised that the most common speaker was the applicant or their agents. The Principal Planner also noted the proportion of major, minor and other applications sent to the planning committees.

The Principal Planner outlined the determination route and effects upon time to determine applications.

Councillor McCallum left the meeting room at this point (11.23am).

The Principal Planner outlined the recommendations set out in the report.

Councillor Plummer arrived at the meeting at this point (11.24am).

The Chairman invited questions to Councillor Ritchie and the officers.

In response to questions on the changes to allow Ward Members to answer questions on factual matters, the Chairman reminded members of the Committee that they should continue make comments on applications during the consultation stage, as this would allow the Planning Referral Panel to direct questions to Ward Members when they considered a factual matter to be erroneous.

Councillor Cooper complimented the Principal Planner for the amount of work put into the report.

Councillor McCallum returned to the meeting room at this point (11.27am).

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Ritchie, seconded by Councillor Cooper it was by a majority vote

RESOLVED

1. That the content of the report be noted.
2. That it be agreed that with effect from 1 July 2022 Ward Members are invited to the Planning Referral meetings to answer questions on factual matters and this process change be reviewed by the Committee in June 2023.

NOTE: Councillor Plummer abstained from voting on this item as she had not been present for the presentation of the report.

8 Appeals Performance Report – 14 February to 19 May 2022

The Committee received report **ES/1172** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and highlighted that of the 17 appeals determined by Planning Inspectors during the period 14 February to 19 May 2022 13

had been dismissed and four allowed, which resulted in a dismissal rate of 76.5%. Councillor Ritchie invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager said there were no appeal decisions of note and recommended that members of the Committee read the appeal decision summaries at Appendix A to the report.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Rivett expressed his thanks to the Head of Planning and Coastal Management and his team and was of the view that the high rate of dismissals showed that excellent advice was being provided to the Council's planning committees.

Councillor Ritchie sought an update on the backlog of appeals to be considered by the Planning Inspectorate. The Planning Manager advised that appeals were still taking some time to be determined and that although the new fast track process for public inquiries had been successful, appeals going to hearings or written representations were still taking a long time to be concluded.

In response to a question on the split decision appeal summarised in the report, the Planning Manager explained that this was an application that had been directed to the Planning Referral Panel and delegated to officers for a decision, where it was apparent that there was merit to the equestrian element of the proposals but not the residential element so a split decision was issued resulting in one part of the application being approved and the other part refused, which was then appealed by the applicant.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor McCallum, seconded by Councillor Rivett it was by a unanimous vote

RESOLVED

That the content of the report be noted.

9 Enforcement Performance Report – January to March 2022

The Committee received report **ES/1173** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and noted that in the period January to March 2022 more enforcement cases had been closed than had been opened. Councillor Ritchie informed the Committee that there was the possibility to increase the capacity in the Enforcement team to further improve its performance and invited the Planning Manager (Development Management) to comment on the report.

The Planning Manager confirmed that officers were looking to improve the processes and services the Enforcement team provided and noted that a recent review of the service by the Council's Internal Audit team had assisted in highlighting where further improvements could be made. The Planning Manager advised the Committee that a

comprehensive report would be presented at its September 2022 meeting outlining how these improvements would be achieved, including enhanced enforcement update reporting to the Planning Committee North and the Planning Committee South.

The Chairman invited questions to Councillor Ritchie and the officers.

Councillor Blundell asked if reporting to committees could include information on cases where possible enforcement action was being investigated. The Planning Manager explained that reporting was currently only on cases where an enforcement notice had been served and that publicly reporting on potential enforcement cases did not take place. The Planning Manager advised that part of the improvements referred to would include how to process requests from Ward Members on possible enforcement issues outside of the committee process.

In response to a question on enforcement timeframes, the Planning Manager noted that no two cases were the same and that enforcement action is suspended when a planning application is made and this suspension can last until the application is heard on appeal by a Planning Inspector. The Planning Manager said that the focus needed to be on processing notifications of possible planning breaches and investigating them in a timely manner, adding that the priority was the quality of the investigation not the speed in which it was conducted. The Planning Manager acknowledged that the COVID-19 lockdowns of 2020/21 had created more complaints of planning breaches for the team to action.

Councillor Daly arrived at the meeting at this point (11.39am).

Councillor Bird highlighted that planning enforcement was being reviewed by the Scrutiny Committee at its meeting of 16 June 2022 and encouraged Members to visit and engage in this meeting.

In response to a further question on speeding up enforcement cases the Planning Manager reiterated the various complexities each case had and advised that future reporting would provide more detail on the status of each case. The Planning Manager noted that there were elements outside of the Council's control which delayed matters, such as court hearing dates, and said that a member of the Council's legal team would be present at the next meeting to cover this and other legal aspects of planning enforcement.

In response to a comment from Councillor Plummer, members of the Committee were advised by the Chairman to pass back enforcement issues to their town and parish councils wherever possible.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Pitchers it was by a majority vote

RESOLVED

That the content of the report be noted.

NOTE: Councillor Daly abstained from voting on this item as he had not been present for the presentation of the report.

10 Planning Performance Report - April 2021 to March 2022

The Committee received report **ES/1174** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report, which covered the whole of the 2021/22 Municipal Year, and focused on the figures for the fourth quarter of the year which showed that 90% of major applications had been determined in a timely fashion, ahead of both the national and the Council's own local stretched targets. Councillor Ritchie noted that in the case of minor and other applications this figure was lower, 64% for each, which was below the national and local targets.

Councillor Ritchie stated that 5,549 planning applications had been received in 2021/22 which represented an increased workload for the Council's planning service, particularly in relation to householder applications. Councillor Ritchie was confident that improved processes would be reflected in figures in the near future and invited the Principal Planner to give a presentation to the Committee.

The Principal Planner highlighted the quarterly returns summarised by Councillor Ritchie and provided a breakdown on the number of major, minor and other applications received in the last three municipal years; the Principal Planner noted this showed a consistent increase, particularly in other applications due to the number of householder applications received.

The Committee was shown figures on the number of planning applications validated in the previous three municipal years, the quarterly returns for the previous three years (since the formation of East Suffolk Council), the total number of applications received each municipal year, including the proportion of application types and the proportion approved and refused.

The Committee received statistics on the routes of applications to appeal, noting that 94% of applications appealed had been refused by officers under delegated authority, and the outcome of appeals in 2021/22.

The Principal Planner noted that in each of the last three municipal years the number of enforcement cases closed exceeded the number opened and there was a trend that showed the fewer received, the more closed. The Planning Manager (Development Management) added that the statistics showed that complaints peaked during the COVID-19 lockdowns of 2020/21.

The Principal Planner outlined the recommendation set out in the report.

The Chairman invited questions to Councillor Ritchie and the officers.

The Committee was advised that statistics on retrospective applications were not kept as they were not considered differently to other applications received. Councillor Ritchie advised that it was not illegal to build without planning permission and that to

do so was accepting the risk that planning permission may later be refused and development taken down.

At this point in the meeting Councillor Stuart Bird declared a Local Non-Pecuniary Interest in the item as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.

Councillor Bird sought clarity on how applications in conservation areas could be validated without this being acknowledged in the design and access statement, noting that since January 2021 Felixstowe Town Council had considered 78 such applications with 14 making no mention of the conservation area.

The Planning Manager advised that there was a more strenuous process for some applications in conservation areas, but this was not universal to every application in a conservation area, citing the example of a one-storey extension application not requiring anything additional to an application outside of a conservation area. The Planning Manager said that any discrepancies were picked up at the application stage and that officers were rigorous in ensuring applications were not validated incorrectly, advising that a piece of work was going to be undertaken to update the Council's local validation list.

In response to a question on updates on major sites, the Planning Manager noted that the statement of community involvement set out the expected engagement between a developer and the community at an earlier stage of planning but that more work was needed to encourage developers to keep the community informed when there were delays during development itself.

Councillor McCallum left the meeting room at this point (12.07pm).

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Bird it was by a unanimous vote

RESOLVED

That the content of the report be noted.

11 Planning Policy and Delivery Update

The Committee received report **ES/1175** of Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management.

Councillor Ritchie introduced the report and welcomed Andrea McMillan as the Council's new Planning Manager (Policy, Delivery and Specialist Services), having taken over from Desi Reed who had retired after 32 years of service with East Suffolk Council and its predecessor authorities. Councillor Ritchie took the opportunity to wish Ms Reed well for her retirement.

Councillor McCallum returned to the meeting room and Councillor Rivett left the meeting room at this point (12.10pm).

Councillor Ritchie noted the ongoing work of the Policy, Delivery and Specialist Services team and highlighted the recent expansion of the service. Councillor Ritchie said it was important that this service had been strengthened ahead of proposed changes to the planning system by the government and this would also reduce the Council's reliance on consultants for specialist pieces of work. Councillor Ritchie invite the Planning Manager (Policy, Delivery and Specialist Services) to comment on the report.

The Planning Manager noted that the Council's new Design Champion and Specialist Services Manager would begin employment the following week and this would bring the Specialist Services team to full complement.

Councillor Rivett returned to the meeting room at this point (12.13pm).

The Committee was advised that both the Sustainable Construction and Affordable Housing Supplementary Planning Documents (SPDs) had recently been adopted by the Cabinet and that an initial consultation on a Healthy Environments SPD would be undertaken shortly to inform the scope of the document. Consultation was also planned for the Draft Housing in Clusters and Small Scale Residential Development in the Countryside SPD.

The Planning Manager noted that approximately seven to eight of the Neighbourhood Plans in development in the district were reaching the latter stages of the process, as set out in the report.

The Committee was reminded that the Levelling Up and Regeneration Bill was due to receive its second reading later in the week and several changes to the planning system were anticipated based on the information in the Planning White Paper published in 202 and the more recent Levelling Up White Paper, to make the planning system more genuinely plan-led. The Planning Manager expected that secondary legislation and changes to national policy documents would be forthcoming.

The Chairman invited questions to Councillor Ritchie and the officers.

The Planning Manager explained that the changes to the planning system would require any material planning considerations to 'strongly indicate otherwise' if a decision was to be taken contrary to local and national planning policies. Councillor Daly, who had posed the questions, suggested that more training on this issue would be useful when the changes came into effect.

In response to a question on street votes, The Planning Manager (Development Management) highlighted that there had been some miscommunication on this proposed change and that they would be used for streets coming together for the gentle intensification of an area.

There being no further questions the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Cooper, seconded by Councillor Bird it was by a majority vote

RESOLVED

That the content of the report be noted.

NOTE: Councillor Rivett abstained from voting on this item as he had not been present for the entire duration of the presentation of the report.

12 Strategic Planning Committee's Forward Work Programme

The Committee considered its Forward Work Programme.

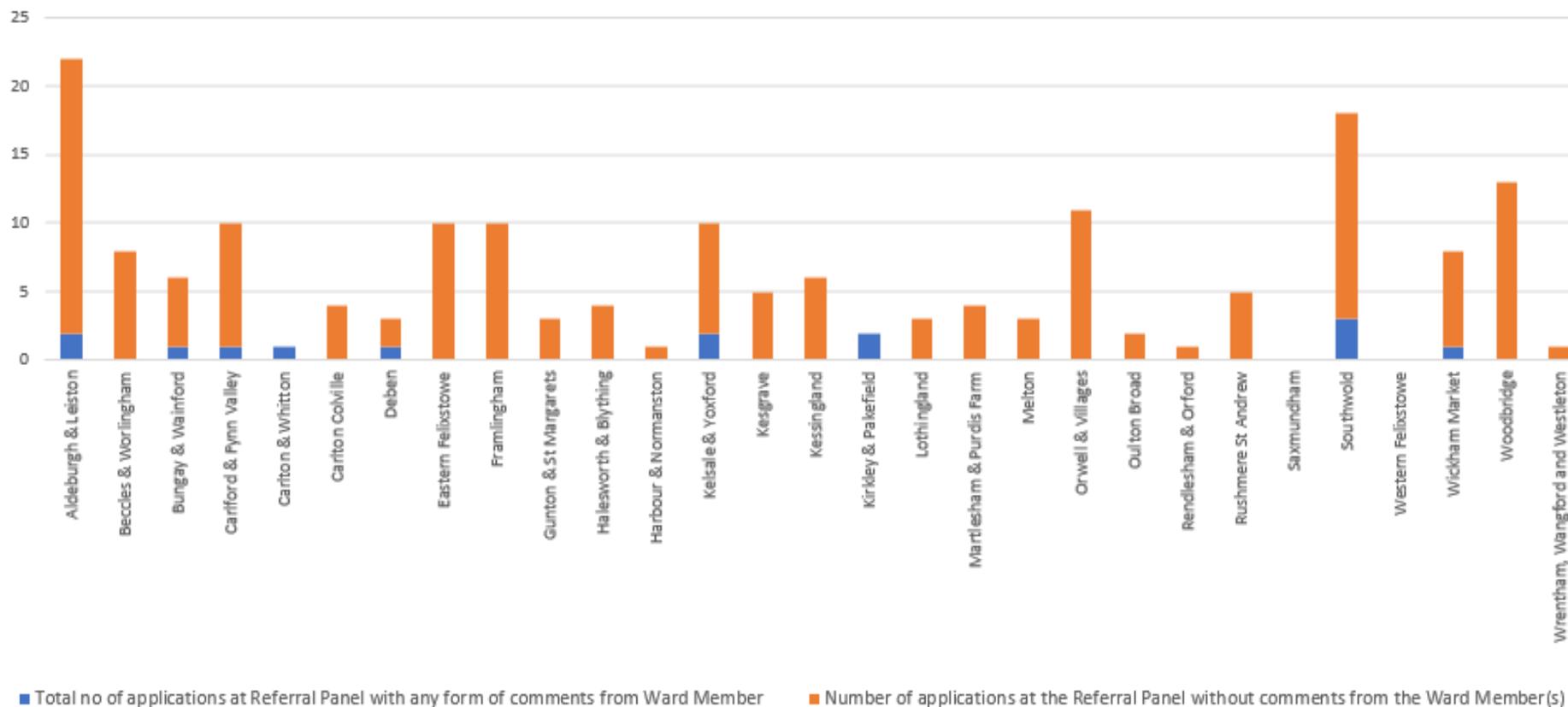
It was agreed that officers would produce a major application update on Brightwell Lakes to be presented to the Committee at its meeting being held on 5 September 2022.

The meeting concluded at 12.26pm

.....
Chairman

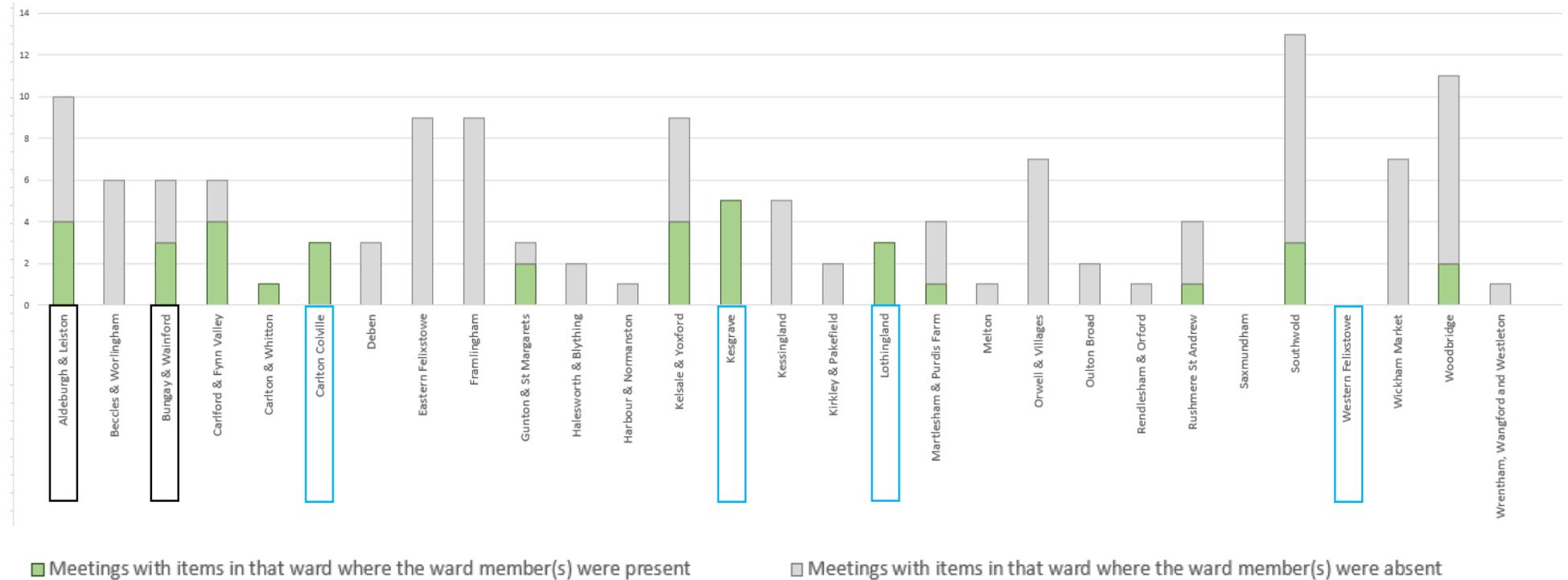
Appendix I: Ward Member engagement with planning applications at the Planning Referral Panel 1 April 2022 – 7 February 2023

Figure 1 - The number of applications at Planning Referral Panel with/without written comments from the relevant Ward Member(s) 1 April 2022 – 7 February 2023



Appendix I: Ward Member engagement with planning applications at the Planning Referral Panel 1 April 2022 – 7 February 2023

Figure 2 - The number of Referral Panel meetings with an application for each ward, where at least one of the relevant Ward Member(s) were present 1 April 2022 – 7 February 2023 (a relevant ward member is one who represents the ward in which there was an application).



**Appendix C SALC Written Submission to Scrutiny Committee
– 2 March 2023**

Written submission to East Suffolk Council Scrutiny Committee meeting 2nd March 2023

Democratic accountability in the planning process

Thank you for the opportunity to share with you our initial report on behalf of town and parish councils in relation to planning following the distribution by SALC of a survey to all town and parish councils and parish meetings in East Suffolk. This written submission has been made because SALC are unable to attend, having received very short notice of this meeting.

This piece of work was co-ordinated by SALC as a membership organisation. Our role was to co-ordinate the creation and distribution of a survey; no opinions in the survey were submitted by SALC and none of the content in the attached report should be taken to represent the views of SALC itself.

In summary, the report headlines are:

- there was an excellent response rate (8 towns, 46 parishes and 5 parish meetings) submitting their impressions of how the process was working for them.
- A large evidence base was received for the views of the councils who were reporting issues (both as free text comments and some specific planning cases).
- There were three clear themes that run throughout the responses where significant improvements might be made, namely:
 - communication
 - transparency
 - consistency
- There were some positives for East Suffolk Council, namely:
 - accuracy of working and being in line with policy never appeared in the top three issues on any topic.
 - Timing and being in line with perceived good practice only cropped up in the top three issues twice during the survey and,
 - the three themes that are an obvious concern (as above) are all ones that could be significantly improved relatively easily.

With goodwill, SALC believes it should be possible to agree a way forward with East Suffolk Council to significantly improve the perceptions of the planning processes among many councils.

SALC provided all parishes with a verbal update at their November 2022 area forum and circulated the initial report across the network as a follow up. In addition, on behalf of parishes SiALC shared the initial report with East Suffolk Council on 1st December 2022 and asked if there was an opportunity to agree a way forward.

A preliminary meeting took place on 15th February 2023 with East Suffolk Council and SALC. It enabled a discussion on how the suggestions in the survey could be taken forward recognising benefits of working together. The representatives were:

East Suffolk Council - Nick Khan (Strategic Director), Philip Ridley (Head of Planning and Coastal Management) and Emma Cankovic (Planning Services Business Support Manager).

SALC - Sally Longmate (CEO of SALC) and Andrew Lewis (Chair of the SALC Board).

There was an agreement to meet again after the May elections.

Follow-up questions

If the Scrutiny Committee wish to raise any follow-up questions with SALC please send these through to admin@salc.org.uk.



East Suffolk Planning Survey

INITIAL REPORT

Background

- Through the East Suffolk Local Forums, SALC became aware that there was:
 - A significant level of dissatisfaction among both Towns & Parishes with the way in which East Suffolk District Council planning processes operated
 - A potential “**disconnect**” between the experience of Parishes and Towns in East Suffolk with those in West & Mid Suffolk (in particular the experience in West Suffolk appeared anecdotally much more positive)
- A group of Parishes in East Suffolk created a survey to gauge the level of dissatisfaction, but it was felt that this did not have a wide enough evidence base to be able to engage with ESDC in a constructive way
- SALC therefore co-ordinated the creation and distribution of a wider survey to all Towns, Parishes and Parish Meetings
 - **SALC’s** role was purely one of co-ordination; no opinions in this Survey were submitted by SALC and none of the content of this presentation should be taken to represent the views of SALC itself

Methodology

- A working party from the East Suffolk Joint Forum was created consisting of representatives of eight different Parishes/Towns + two members of the SALC board (CEO & Chair)
- The ESDC planning process was split into 10 sequential process steps for the purposes of survey, and based on a cluster analysis of examples raised at area forums, seven themes emerged: communication, transparency, consistency, accuracy, timing, in line with policy and in line with good practice,
- A 38 question “**Survey Monkey**” survey was sent to all Towns, Parishes and Parish Meetings in East Suffolk, asking about their experience with each of the 10 process steps
- 8 Towns, 46 Parishes and 5 Parish Meetings responded (after removal of duplicates, blank responses, etc), which equates to a circa. 40% response rate
 - The survey was designed to draw out issues arising at each process step by testing them against the seven themes.
- Percentages shown in the analysis represent the % of respondents to that particular process step stating they have issues related to one or more of the criteria above
- No questions were compulsory, meaning that some questions elicited much greater response levels than others
- Analysis of the responses was done by the working party
- This current presentation represents a draft of final conclusions and proposed next steps



East Suffolk Planning Survey

EXECUTIVE SUMMARY

Executive Summary

- The response rate for the survey was impressive - 8 Towns, 46 Parishes and 5 Parish Meetings submitted their impressions of how the process was working for them
- A large evidence base was received for the views of the councils who were reporting issues (both free as text comments and some specific planning cases)
- Issues - there are three clear themes that run throughout the responses where significant improvements might be made:
 - Communication
 - Transparency
 - Consistency
- There are some positives for the ESDC planning team in the findings:
 - Accuracy of working and being in line with policy never appeared in the top three issues on any topic
 - Timing and being in line with perceived good practice only cropped up in the top three issues twice during the survey
 - The three themes that are an obvious concern (Communication, Transparency & Consistency) are all ones that could be significantly improved relatively easily
- The survey evidences a wide variation in knowledge between Councils with significant mis-understandings of the process in some- this would point to the need/desirability for training materials & support to be available
- Consistency issues indicated by the survey relate to consistency between Planning Officers, not the consistency of particular individuals; this suggests that work on establishing common ways of working between Planning Officers should be very beneficial
- With goodwill, it should be relatively easy to agree a way forward with ESDC to significantly improve the perceptions of the planning process among many Councils

Next Steps

- Forward the finalised report to interested parties at ESDC
- Approach ESDC with a view to discussing the issues arising
- Try to find common ground on how to improve the areas where issues clearly exist
- Think about training materials and who/how to both engage with Councils on this and how best to present the training materials



East Suffolk Planning Survey

FINDINGS

Process Step 1 – Pre-application advice

- Communication is by far the biggest issue raised (86%) with this process step, followed by transparency (49%) then consistency (31%)
- Most Councils have experienced the pre-application process. There is a strange split over whether pre-application advice is being shared. Most Councils do not know if pre-application advice has been given to an applicant. Most Councils think that pre-application advice is not made publicly available
- The survey reveals a lack of understanding; ESDC input required on defined process as comparator
- Sample free text comments:

“It appears that communication from the Planning Officers seems to be biased towards the applicant, with important developments/changes often not communicated to the PC. A small PC like ours does not have the resources to constantly check the portal or try and contact the relevant officer. Publication of material on the portal is often published with a delay that affects efficient workings of the PC”

“We are aware of how we can determine when Pre-Application Advice has been given but it is not always available to us to see. There have also been occasions when advice has been 'edited' by the applicant, to make it look more in their favour”

Process Step 2 – Validation

- Communication is by far the biggest issue raised (73%) with this process step, followed by consistency (43%) then transparency (37%)
- Most Councils believe there is a validation document, but have never seen one
- Sample free text comments:

*“If we try to correct errors, our responses are usually ignored. Sometimes they're contested by the **applicant**”*

*“We recently found that an application was filed though legally it should not have been accepted, as certain -legally relevant -detail was missing. We are puzzled why this is the case and it leaves a huge question mark re the efficiency and the -supposedly- unbiased approach of officers/department. Querying such events do not seem to get an appropriate **response**”*

Process Step 3 – Uploads

- Communication is by far the biggest issue raised (68%) with this process step, followed by consistency (64%) then transparency (55%)
- The survey shows this stage of the process to be working well for most councils, other than not being aware of the criteria that the District Council uses to select people and bodies who receive notice of an application, so a small piece of education would resolve this
- The backlog of time to upload inputs is a major concern for a number of Councils, due to deadlines for responses
- Sample free text comments:

*“**The** loading of comments has become sporadic recently and as a Clerk I have to double check our comments have been posted. We have seen occasions where documents have been posted and then **removed**”*

*“**We** have to check to see if our response is posted on the portal as sometimes it is not. Sometimes documents are posted and then removed and sometimes the wrong document is posted on to the portal. A timetable is usually set but this can be deceiving as the public notice is usually not published until the following weeks so perhaps the timetable should not be published until the notice is **up?**”*

Process Step 4 – Site Visits

- Communication (78%) followed by transparency (64%) are the two large issues and the survey evidences that this is all around knowing when a case officer will visit and the chance to be there
- While the posting of notices etc seems to work well, a large majority of Councils do not know when case officer will visit and are not given the opportunity to attend
- Potentially also important for other stakeholders (e.g. neighbours)
- Sample free text comments:

“Some notices are posted very late”

“we are not made aware of such visits”

“ESDC do not involve local Councils in site visits, and do not always post notices”

Process Step 5 – Route for determination

- Communication (77%) and transparency (73%) are the largest issues, followed by timing (53%) and consistency (53%)
- The survey shows this is a pivotal point in the process, with the majority of Councils having no insight into the opinions of the case officer or having any interaction with the officer as the application comes towards decision.
- Timing for amendments to plans is evidenced by the survey to be an issue
- The survey reveals inconsistency between planners and Councils, the latter feel **“unwelcomed”** in the process from here on
 - it would help a lot if Councils were at least made aware of how the planners are minded
- Sample free text comments:

*“**Where** a proposal is controversial or receives many objections we often find it goes in to a dormant state and then, all of a sudden, new plans are posted and a decision is made. This means you have to watch all major applications at least once a week for new plans and **documents**”*

*“**It** appears that we often have to chase rather than being pro-actively informed by officers. We are certainly not informed re changes in time frame. If comments are made, most often we do not receive a comment back from **officers/department**”*

Process Step 6 – Recommended Route

- Communication (76%) and transparency (80%) are by far the largest issues
- Councils **don't** know when a "minded to" report will be prepared
- Councils should be able to have an agreed timeline for most applications
- Sample free text comments:

*“**We** only hear about cases that have gone to the Referral Panel and been refused permission to go on to the Committee, once this has happened. We feel we should be consulted at this stage and given a chance to speak to the Referral **Panel**”*

*“**The** Parish Council is not privy to the route proposed by the case officer and we are not aware of how we may find out, short of contacting the case officer every week for every planning application which would be counter **productive**”*

Process Step 7 – Review

- Communication (79%) and transparency (63%) are the two stand-out issues with this stage of the process
- The survey reveals the review process is largely opaque to Councils and the majority said they are not pro-actively informed if an application is going to committee
- Sample free text comments:

*“If the officer is minded to go against the wishes of the PC it would be nice to be **told**”*

*”**The** Planning process is a public process except for the work of the Planning Panel, which is held in private; who they are and how they reach a decision on whether to refer or not is a **mystery**”*

*“**District Councillors**’ power: Very little. Planning Officers are in control as they control the interpretation of planning **law**”*

Process Step 8 – Planning Committee

- Communication (84%) and transparency (64%) are the two stand-out issues with this stage of the process
- In general Councils seem content with the working of the Planning Committee itself, it is the process by which applications do, (or most often do not), get there that is the source of frustration
- Sample free text comments:

*“When a proposal is decided at Committee I feel the process is very good. It is open, transparent, and usually people who wish to speak are permitted to. The Chair keeps good **order**”*

*“There is no consistency in applications that get to go to **Committee**”*

*“We know little of the planning authority's internal decision**making**”*

*“**Planning** is not a democratic process as it is controlled by a few appointed planning officers. Many decisions are delegated. This is the general situation so most questions are irrelevant as the questions assume we are dealing with a democratic process. Where local influence is acknowledged developers can use the ministerial route to reverse local **decisions**”*

*“**Despite** raising a number of material concerns in my 13 page submission to the Planning Committee there was little evidence that most of them had read it and I was unable to voice all of these issues in the 3 minutes I was allocated to speak at the planning meeting. I was not permitted to ask any direct questions or otherwise raise material issues at the **meeting**”*

Process Step 9 – Decision

- Communication (72%) is the biggest single issue identified, followed by transparency (56%) then consistency (44%)
- It is unclear whose responsibility it is to inform Councils of outcomes; Councils feel the process is largely “**find** out for yourself”
- While Councils view that decisions are uploaded in a timely fashion, pro-active communication of them to Councils is evidenced to be lacking, along with any amends made
- The survey reveals there is frustration around knowing what process was used to arrive at a decision (i.e. delegation, referral, committee) and this could (presumably) be easily advised to Councils
- 2:1 those that have an approved NDP believe they are taken into account, but only 25% of respondents have one

- *Sample free text comments:*

*“**We** are in the process of developing our NDP. However, we have seen a number of occasions where decisions have gone against existing NDPs and more recently where decisions have been in line with **NDPs**”*

*“**The** planning officers interpret Neighbourhood plans as they think **fit**”*

Process Step 10 – Community Involvement

- Communication (75%) is the biggest single issue identified, followed by transparency (50%) then consistency (50%)
- The survey evidences the appeals process is largely opaque to Councils
- Sample free text comments:

*“**Regularly** frustrated, as serious concerns seem often not to be taken into consideration. That seem to apply especially to larger **projects**”*

*“**Communication** a problem with scarce staff and timescale for dealing with applications, but the more informed we are the more transparent the **process**”*

*“**Unpaid**, lay members of the Council are expected to read and understand large documents of specialised technical data. In the absence of assurances from 'experts' (the Planning Officers?) that they have validated or challenged data as put forward we have no choice but to take up the gauntlet if we are to properly represent and support our **residents**”*

*“**Breach** of conditions; It is my opinion that ESC has neither the appetite nor resources to carry out effective **enforcement**”*

**Appendix D Minutes of the Scrutiny Committee Meeting 2
March 2023 and the Matters Arising Response Sheet**

Unconfirmed



Minutes of a Meeting of the **Scrutiny Committee** held in the Conference Room, Riverside,
on **Thursday, 2 March 2023 at 6.30pm**

Members of the Committee present:

Councillor Edward Back, Councillor David Beavan, Councillor Stuart Bird, Councillor Judy Cloke, Councillor Linda Coulam, Councillor Tony Goldson, Councillor Louise Gooch, Councillor Geoff Lynch, Councillor Keith Robinson

Other Members present:

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Mick Richardson, Councillor David Ritchie

Officers present: Kate Blakemore (Strategic Director), Sarah Davis (Democratic Services Officer), Matt Makin (Democratic Services Officer (Regulatory)), Katherine Scott (Principal Planner)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Deacon, with Councillor Byatt attending as substitute; and Councillor Hedgley with Councillor Richardson attending as substitute.

2 Declarations of Interest

There were no Declarations of Interest.

3a Minutes

RESOLVED

That the Minutes of the Extraordinary Meeting held on 26 January 2023 be approved as a correct record and signed by the Chairman.

3b Minutes

RESOLVED

That the Minutes of the Meeting held on 16 February 2023 be approved as a correct record and signed by the Chairman.

4 Matters Arising Update Sheet

The Committee noted the Matters Arising Update Sheet in relation to queries raised at the last meeting of the Committee.

5 Democratic Accountability within the Planning Process

The Committee received report ES/1489 from the Cabinet Member with responsibility for Planning and Coastal Management.

The Chairman informed the Committee that, in accordance with the agreed scoping document, SALC and Councillors Ashdown and McCullum, as the Chairmen of both Planning Committees, had been invited to speak, however, Councillor McCullum had submitted her apologies and, unfortunately, due to the relatively short notice of the invitation, SALC had not been able to attend but had submitted a written paper which had been circulated prior to the meeting.

The Cabinet Member stated that he welcomed scrutiny, explaining that the Local Plan Working Group (LPWG) provided a lot of scrutiny in planning policy matters and the Strategic Planning Committee was another level of scrutiny, which looked forensically at how the Service operated. He asserted that all scrutiny helped and pointed out that there was a lot in the paperwork about transparency, and scrutiny was a way in which to spread the word about how it all worked. The Cabinet Member continued that Planning was a rule based system in that the Government, which was democratically elected, set the National Planning Policy Framework which had to be adhered to. Occasionally the Government reformed Planning rules and Officers would draft a response to the consultation which was considered by the LPWG and himself. He explained that East Suffolk had two Local Plans, which took about three years to produce and at every stage was reviewed by the cross party LPWG, but they had to be accountable to the National Framework. He added there were also Neighbourhood Plans, which were largely produced by voluntary Town and Parish Councils who might not be elected, although there was a referendum in the Parish to adopt the Plans e.g. the recent ones at Oulton and Halesworth had high turnouts. He stressed that Councillors on a Planning Committee had a quasi judicial role and had to work within the law and the rules, and they were supported by Officers because sometimes there were material planning considerations for and against, so Officers were needed to provide advice to Councillors.

The Chairman invited Councillor Ashdown to speak. Councillor Ashdown stated he felt the East Suffolk process was very democratic and pointed out that, although the Planning Committees had nine Councillors each, all Councillors could use Public Access to view applications and put their comments in writing, or they could call the relevant Planning Officer if there were any issues. He added it was the same for Town and Parish Councils and Councillors could pass their comments on too. Everyone had a 21 day window to get comments in and, even after that, they could email Committee Members. He explained that applications were delegated to Officers if no problems or issues were identified but the ones Members considered were those applications that had issues, or where contrary comments/recommendations to those of the Officers had been received. These were then referred to the weekly Referral Panel, which

comprised the Chairmen and Vice-Chairmen of both Planning Committees, who decided if the application should be considered by the Committee or delegated to Officers. He stressed that Members had been encouraged to attend Referral Panel to listen but stressed they could not comment on applications, although Ward Councillors were asked if the Officer's report was accurate and the Panel could also ask them if there was any other information they should know before they determined the route of the application. He commented that, if the Panel disagreed on the route of an application, it then went back to the Head of Planning for a decision and he looked at the report and presentation as well as the material planning considerations. It was stressed that he did not always decide to delegate applications back to Officers, some had been referred to Committee. Similarly, some applications were automatically referred to Committee for decision to ensure transparency e.g. major applications, any that concerned the Council's land or our applications, Member's applications or their close relatives, and employee's applications.

In response to the Chairman's question, Councillor Ashdown clarified the Referral Panel's role was not to determine the merits of applications but only the route, so if the Panel felt the application warranted debate then it would go to Committee but if the Panel were content that the information they had did not require any further debate then it would be delegated to Officers. He stressed the Referral Panel did not decide applications, that was left to the Planning Committees or Officers.

In relation to a query on Government targets for the number of Officer delegated decisions, it was noted that approximately 95% of all applications should be dealt with under Delegated Powers. The Principal Planner clarified that the Government set targets over a two year period based on the scale of applications e.g. majors, and minors and others such as household extensions. If the Council did not meet the targets for that two year period then the Planning Inspectorate could come in and take the power away, usually based on a particular class of application rather than all of them, and the Inspectorate would then make the decisions.

Councillor Goldson queried how the Referral Panel could be a democratic process if the Panel was split and the decision was then given to an Officer and he asked why the Panel Chairman could not have a casting vote. Councillor Ashdown responded that this process was set out in the Council's Constitution. The Cabinet Member agreed that this was something that could be looked into and suggested that maybe it should be the Cabinet Member who made the decision rather than an Officer. He echoed the invitation for all Councillors to attend Referral Panels to give them an insight into the process. The Chairman clarified that if Members wished to change the Constitution to enable the Cabinet Member to decide in the event the Panel was split, then that would need to be considered by Strategic Planning Committee, Audit and Governance Committee and Full Council.

In response to Councillor Beavan's query, Councillor Ashdown confirmed Ward Councillors could attend Referral Panels but they could not voice an opinion on the route of the application. Councillor Beavan also queried if the 95% target for delegation included applications by Council employees etc and, if so, did that mean if there were a lot of such applications then that would skew the figures and be difficult to achieve the target. The Cabinet Member stated the aim was to be transparent so if applications were submitted by staff or Councillors, or their close connections, then they should go

to Committee. He added he was confident any applications that needed to be discussed by Committee would be and stressed there was room in the 5% for the Committee to consider the other three types of applications. The Principal Planner stated that, in the last financial year ending March 2022, 34.2% items at Planning Committee were those called in by the Head of Planning or Planning Committee Chairmen/Vice-Chairmen because there was significant public interest, 36.9% were at Committee because there was an East Suffolk connection, e.g our application or staff etc, and the remaining 28.8% were items that went via the Referral Panel and were then considered by the Planning Committees, so it was roughly a third. She stressed that if a certain percentage in a year went to Committee, it did not mean others would not be taken because if it triggered then it went.

Councillor Lynch stated that targets and percentages should not be considered and applications should be decided purely on their merits. Councillor Ashdown responded that, although they wanted to see 95% of decisions delegated as that was the Government's target, that did not mean it would be achieved because every application was treated in exactly the same way and so if it was felt a Committee decision was needed then that was where it would go. He explained that the majority of applications that came before the Committee, or even those that went before the Referral Panel, did not have any material planning reason to take them to the Committee. The Cabinet Member reassured Members that, whilst the Government set targets about what they would like to be delegated, applications were decided entirely on their merits so if we had many more applications coming before Committee that would not meet the target. He suggested the Government set targets because many other Councils brought forward applications that did not really need to go before Committee. He pointed out that 90% of applications were uncontentious and Town and Parish Councils were happy and it would seem Ward Councillors were in favour as very few comments were received from them. Councillor Ashdown agreed that the majority of Ward Councillors did not comment on applications. The Chairman pointed out that the report stated that, in 2021/22, 244 applications went to Referral Panel and only 19 (7.8%) had comments from Ward Councillors.

Councillor Coulam stated that she had attended Referral Panel for a year or so but was disappointed that she was no longer able to see the paperwork. The Cabinet Member thanked Councillor Coulam for her regular attendance but responded that papers had previously been made available to visiting Councillors in error. The Principal Planner explained that sharing paperwork with all Members at Referral Panel stage meant agents, applicants and the Parish Council etc did not get them at the same time, so paperwork should not be given out that early in the process. The Cabinet Member reiterated that the Panel was only determining the route so this was the same reason why Ward Councillors had to limit their comments at the Panel because they were not there to discuss the merits of the actual application. Councillor Ashdown pointed out that, if an application went to Committee, everyone could speak for three minutes and Committee could then question them, and Ward Councillors actually got five minutes plus questions.

Councillor Byatt referred to page 16 and suggested that, at some point, Officer resource needed to be reviewed. He queried how many referrals that came from Parishes, which were objections, were then rejected and also what training was given to them to understand the process. The Cabinet Member agreed more training was

needed for District Councillors and others but acknowledged there were Officer capacity issues. He added there had always been training for Town and Parish Councils and usually about 40/50 attended. He suggested there was a disconnect between the way Planning worked and the way many of the Parishes saw it, with many thinking that the Planners ignored their comments. He stressed, however, that Planners did consider material considerations brought up by Parish Councils and similarly Planning Committees were quasi judicial so again they had to consider material considerations.

Councillor Gooch referred to paragraph 2.34 on page 32 regarding the lack of comments from Ward Members and suggested it would have been useful for the report to include details of the Wards of Planning Committee Members as she queried if there were two Ward Members sitting on a Planning Committee this might be why they did not make comments. She also queried if Ward Members needed more training. The Cabinet Member pointed out that Ward Councillors could still comment for or against an application even if they sat on Committee as long as they were not predetermined. He added that the make-up of the Committee might be unbalanced which was why it was so important that Members were not there in their Ward capacity but looked at applications impartially, therefore, it should not matter that there might be someone on the Committee for a particular Ward. He reiterated he wished to encourage as much involvement of Ward Councillors as possible. Councillor Gooch expressed concern that a particular application she had submitted an objection to as Ward Councillor had been delegated to Officers rather than going to the Referral Panel and she queried how often this happened. The Cabinet Member stated that he had not known this to happen before and acknowledged it sounded like this was a technical mistake and the application should have been considered by the Panel.

Councillor Beavan suggested that, if the Panel wanted Ward Councillors to comment on accuracy, it would make sense for them to have the paperwork in advance of the Panel. He also queried if Members had been asked why they were not engaging in the process and, given this was a quasi judicial process, he queried if the role of the Ward Councillor was to be an advocate. The Cabinet Member pointed out that Ward Councillors were an advocate when they spoke at Committee. In relation to the documents being given in advance, he acknowledged the point, adding that this could be considered, but cautioned that there could not be wide distribution for the reasons stated earlier.

Councillor Lynch suggested there was not enough guidance on the website as to what constituted an objection on planning grounds and added that it would be useful for Councillors to have somewhere to direct the public for more information. The Principal Planner confirmed there was a Council website page that set out how to make comments on applications, how we consult, what material considerations were, and a list of things to try to avoid. The Cabinet Member added that Councillors and the public could also talk an application through with the Case Officer. Councillor Lynch pointed out that Officers were only available during the day and suggested a simpler page of information was needed. The Cabinet Member acknowledged the point but suggested that, as each case was individual, it was unlikely all the information could be condensed in just one page. Councillor Gooch suggested an advisory note be added to contact the Ward Councillor because if they contacted a Committee Member they might not respond in case they were seen as pre-determined. Councillor Ashdown pointed out he was in a single Councillor Ward so any queries came to him and he

always listened, looked at Public Access, spoke to the Case Officer, then went back to that person and answered any queries they had but still did not give a decision on his views on the application. Councillor Richardson suggested a QR code or hyperlink on the public notice to take the public directly to a page or YouTube video to show them what they could or could not object to. The Principal Planner stated that she would have to find out if this was technically possible because there was already a QR code on the notice to take them to the application.

The Chairman queried if having Ward Councillors at Referral Panel created an expectation that could not be fulfilled as they were limited to a yes/no response in relation to the accuracy of the officer's report. The Cabinet Member responded that he felt it was an essential improvement that worked really well as Ward Councillors could give factual clarity to the Officer's presentation so he did not feel it muddied the water. Councillor Ashdown agreed, adding that, whilst most Ward Councillors commented that the Officer's presentation was accurate, if the answer to that question was no then the Panel could ask the Ward Councillor the reason.

In response to Councillor Byatt's earlier question in relation to the disputed view between the Parish and Officers and what number of cases were approved and declined, the Principal Planner reported that, not including those that went to Committee, the Referral Panel had three applications that the Town/Parish Council had objected to which were subsequently refused between 1 April and 31 March 2022. In terms of applications that went to Committee, 21 had been objected to by the Town/Parish Council and referred to Committee.

The Chairman thanked Councillor Ashdown who left the meeting at 7.37pm.

Councillor Goldson referred to the comments in the SALC survey report relating to Neighbourhood Plans and pointed out that they were done through the Parishes and the Planning Authority had to comply with the Plan, however, Officers interpreted the Plans so this was not seen by Parishes to be very democratic. The Cabinet Member clarified that, once adopted, Neighbourhood Plans were a material consideration in the same way as Local Plans and the National Policy Framework. He explained that most applications had various material considerations, some of which would say it should be accepted and some would say it should be rejected, so Neighbourhood Plans should not be seen as the letter of the law. He added that occasionally there would also be exceptions to Policy that had to be made by the Committee not Officers. The Cabinet Member reiterated that Parishes could always contact the Case Officer for advice.

Councillor Beavan asked if any applications had been called in within the last year at Waveney and he also queried if the 21 day consultation period could be extended as most Parish Councils met monthly. The Principal Planner confirmed that Parishes could request extensions but clarified that 21 days was set in law, which was 15 working days, as a minimum. She added that the site notice and press notice went out after the letter, so that extended the consultation period and the date on the website was the expiry date, so provided Parishes got their comments in before that date they were within the timescale. The Cabinet Member stated that the Constitution delegated power to the Head of Service unless the planning application was, in the opinion of the Head of Service or Chairman/Vice-Chairman to be of significant public interest, it had environmental impact or had significance in some other respect. He suggested,

therefore, that it was now simpler than the old call in system and if Ward Councillors felt an application should go to Committee then they could contact the Chairman/Vice-Chairman. In response to Councillor Beavan's query, the Principal Planner stated she was not aware of any applications called in within the last year of Waveney. The Cabinet Member gave an example that the Referral Panel had sent three applications to Planning Committee South last week because the Parish Council had objected but pointed out that none of them had attended or spoke at the Committee, which meant they did not hear the facts as to why the applications were allowed, although he acknowledged they might have listened in to YouTube.

Councillor Gooch referred to the report which stated that 90% of Parishes were on Public Access and queried if that had a material impact on engagement. The Cabinet Member pointed out that some Parishes were tiny and did not have a lot of resource so were not on Public Access. The Principal Planner explained that it was mainly the small parishes that did not necessarily have a full Parish Council, but Officers had helped them to create accounts during the first Covid lockdown. She added that the percentage might be different now as those figures were based on last year.

Councillor Gooch referred to paragraph 2.59 of the report relating to routes to Planning Committees and suggested that applications for fast food outlets, where there was usually considerable public objection due to the impact on the environment or even public health, should automatically go to Referral Panel or Committee rather than being delegated to Officers. The Cabinet Member stated that fast food was not a primary planning consideration and only the Government could change the rules not the Council. He acknowledged, however, that, whilst he would probably have agreed with Councillor Gooch on the particular case she cited, clearly the Head of Service had felt it was not of significant public interest to be put to Committee.

Councillor Goldson referred to the previous call in process at Waveney which he felt had worked and reiterated that he did not feel it was democratic if an application only went to a four person Panel and then an Officer made the decision if they were split. The Chairman informed the Committee that East Suffolk had a four person Panel, West Suffolk had something similar called a Delegation Panel but he was unsure about Babergh and Mid Suffolk and he queried, therefore, if this Council's solution was democratic and how it compared to elsewhere eg Babergh. The Cabinet Member responded that he was not sure about Babergh but, as he had said earlier, the Strategic Planning Committee could consider changing the Constitution at its next meeting so it was the Cabinet Member rather than the Head of Service who decided. He added that the Planners had a wide knowledge of how other Councils operated e.g. the Head of Service was currently doing a peer review, and the Planning Development Manager was at a national planning conference.

In response to Councillor Byatt's query of where in the process the Parish Council could change their mind and object, the Cabinet Member stated that if something was wrong with the process it could go to a judicial review.

Councillor Coulam asked for clarification on the distinction between minor and major applications. The Principal Planner stated that the definition of a major, minor and others was defined by the Government and was based on the site area or floor area, and "others" were specifically householder developments and change of use.

In response to a comment from Councillor Beavan in relation to the absence at this Committee of the Council's two most senior Planning Officers, the Cabinet Member explained that they had wanted to be present but had other commitments. The Chairman clarified that Officers had been notified of the date of this meeting in September 2022 and the date had been publicly notified, so he was disappointed that the commitments of the two Officers had taken precedence over this Committee given the length of notice they had been given. The Cabinet Member apologised and pointed out that he and the Principal Planner were present to answer any questions.

In response to Councillor Gooch's query, the Cabinet Member clarified that objectors had three minutes in total to speak so if there was more than one objector it was split. Councillor Gooch referred to the comments in the SALC report that this was too short a timescale and queried when it would be reviewed. The Chairman also asked where the three minutes came from and specifically did the Cabinet Member feel it was long enough to give their views on an application. The Cabinet Member responded that, in his experience, objectors who kept their comments within the three minutes tended to influence the Committee rather than if they took longer. He added this Council allowed Committee Members to question objectors which could take another ten minutes and a lot of other Councils did not allow that. He stated this could be looked at again at the next Strategic Planning Committee.

The Chairman referred to the results of the SALC survey in that many were happy in terms of accuracy and timing but communication was where they felt the Planning Service fell down. He also referred to the recent meeting with SALC and queried what happened at that meeting and if there were any further actions arising from it. The Cabinet Member stated that it was an initial meeting with Officers after the survey had been carried out but unfortunately the full survey results had not been given and the summary did not tell all the responses, so he did not want to get too much into the results. He added that the Council had offered to help with the survey wording because SALC were not Planners but they had refused the offer. He concluded it had been useful to meet with them to find common ground and to speak to them about democratic accountability. Notwithstanding the Cabinet Member's comments regarding not having the full results, the Chairman pointed out that the summary respected anonymity and still summarised the results. He added that the Committee had asked for the report to include comments on the SALC survey but Officers had declined to do so. He repeated his question about what had happened at the meeting with SALC, had anything been decided and would there be any further meetings. The Cabinet Member responded that he had been told it was a useful meeting and found common ground, so it was a good thing to meet. He added that he wanted to improve on communication and transparency. The Chairman requested that the Committee be provided with a summary of what had happened at the meeting as part of their matters arising.

In response to Councillor Byatt's query regarding Officers no longer going on site visits due to Covid, the Principal Planner explained that they had been paused for the extent of the first lockdown, they had then been prioritised with Officers taking precautions e.g. they could not go into buildings until later on, however, she assured Members that site visits had been undertaken again as normal for some time.

In relation to Planning Enforcement, Councillor Gooch queried how often developers were asked to take developments down. The Principal Planner explained that, if a report was received, it would be logged and investigated, however, it could be difficult to sustain taking enforcement action as a large proportion were not planning breaches.

In response to the Chairman's query on how awareness could be increased to encourage Members to get involved, the Cabinet Member responded that Councillors had training when they were first elected and they could get to know Officers, and in future there would be area based Planning Officers. Councillor Gooch asked if more training was needed and the Cabinet Member responded that those sitting on the Planning Committees were required to go to the training but he suggested it would be beneficial for all Members to attend. It was clarified that Planning Committee Members would be required to attend two training sessions as part of the Induction Programme in May 2023 and all Members would be invited to attend them as well.

The Chairman invited the Cabinet Member to sum up and he stated that he thought the Scrutiny review had been useful and brought up some interesting points.

The Chairman invited the Committee to debate what they had heard.

In response to the issue of non-engagement by Town and Parishes in the process, Councillor Beavan suggested there was a need for a channel for Ward Councillors who, if concerned, could call in an application, given it had been confirmed there was room in the 95% delegation target for a call in process. He referred to the fact that Officers had not found any incidences where an application had been called in previously and the only one he knew about was from former Councillor Elliott. He referred to several other Councils that had a call in process. He suggested a "triple lock" process whereby a Ward Member, a member of Planning Committee who knew Planning rules and who might also be the Ward Member, and the Parish/Town Council could call in an application to the Planning Committee thus bypassing the Referral Panel.

It was clarified that if the Committee wished to make this a formal recommendation it would need to go to the Strategic Planning Committee rather than Cabinet, and then on to Full Council if it was not approved. If a change of Constitution was then required it could go to Audit and Governance or Full Council could decide.

Councillor Lynch agreed to the principle of the "triple lock" but sought clarification on what would happen in a single Member Ward and if they happened to be on the Planning Committee, as that would no longer be a "triple lock" and he expressed concern it would be unequal if some applications only needed two elements of the lock but others needed three. Councillor Beavan clarified that he proposed that if the Ward Councillor was a member of a Planning Committee then it only needed them and the Town/Parish Council to call it in to the Committee.

Councillor Goldson pointed out that Planning was one of the most contentious issues so the democratic process needed to be transparent. He expressed concern that the Referral Panel was not democratic because Ward Councillors could not express a view but suggested it would be better if the Chairman became the arbiter instead of an Officer. He added that he agreed with Councillor Beavan and a Ward Member and Town/Parish Council should have some power to call in applications to Committee but

queried if it was for the new Council to decide after May. Councillor Gooch agreed the process needed looking at to improve accountability and transparency.

The Chairman stated that he would not support the proposed recommendation because the concern from Ward Councillors was that they felt they did not have sufficient input into the current process, however, the Referral Panel only determined the application's route and Ward Councillors could submit views in the consultation period but most did not, so, as far as he was concerned, that was the issue that needed to be addressed.

Councillor Coulam stated that constituents felt the process was not transparent enough so bypassing Referral Panel and going straight to Committee was more transparent, especially if lots of people complained.

In response to a query, the Democratic Services Officer clarified that if Councillor Beavan's proposed recommendation was agreed by the Committee, the Strategic Planning Committee would receive a report which would include the minutes of this meeting to explain the reasons for the proposal.

On the proposition of Councillor Beavan, seconded by Councillor Byatt it was

RESOLVED

1. That the Strategic Planning Committee in June 2023 be recommended to change the Planning Procedure Rules to allow an application to bypass the Referral Panel process and automatically be considered by the Planning Committee in the event of a "triple lock" style request being received by ALL of the following:

- A Ward Councillor
- The Town/Parish Council
- A Member of the Planning Committee, unless they are also the same Ward Councillor in which case it would be two (Ward Councillor and Town/Parish Council).

2. That, as agreed by the Cabinet Member with responsibility for Planning and Coastal Management, the Strategic Planning Committee in June 2023 also consider amending the Planning Procedure Rules to allow the following:

- If a Member should have a casting vote if the four person Referral Panel is tied 2-2 rather than an Officer deciding.
- If 3 minutes was sufficient time for an objector to speak at Committee.

3. That the Cabinet Member with responsibility for Planning and Coastal Management and Officers provide the Scrutiny Committee with a written response to the following two questions ASAP:

- If it was possible to have another QR code on site notices to take members of the public to a simple guide on what constitutes a relevant planning objection?
- What was the outcome, and were there any further actions arising, from the recent meeting between Officers and SALC in relation to their survey?

6 Scrutiny Committee Annual Report 2022/23

The Committee received report ES/1490 which was the Scrutiny Committee’s Annual Report for 2022/23. The Chairman explained that the draft Report would be updated following this meeting and requested that the Committee grant him delegated authority to finalise the document so it could be considered by Full Council on 15 March 2023. Councillor Gooch commented that it was a good report which detailed the Committee’s achievements.

On the proposition of Councillor Lynch, seconded by Councillor Robinson, it was

RESOLVED

That delegated authority be granted to the Chairman to finalise the draft Annual Report for 2022/23 to enable it to be considered by Full Council on 15 March 2023.

The Chairman confirmed that there was no forward Work Programme on the agenda because this was the last formal meeting of this four year term. He reminded Committee Members that a review meeting was being held on 20 April 2023 and thanked everyone for attending and their co-operation.

The meeting concluded at 8.50pm.

.....
Chairman

MATTERS ARISING UPDATE SHEET

FROM SCRUTINY COMMITTEE MEETING ON

2 MARCH 2023

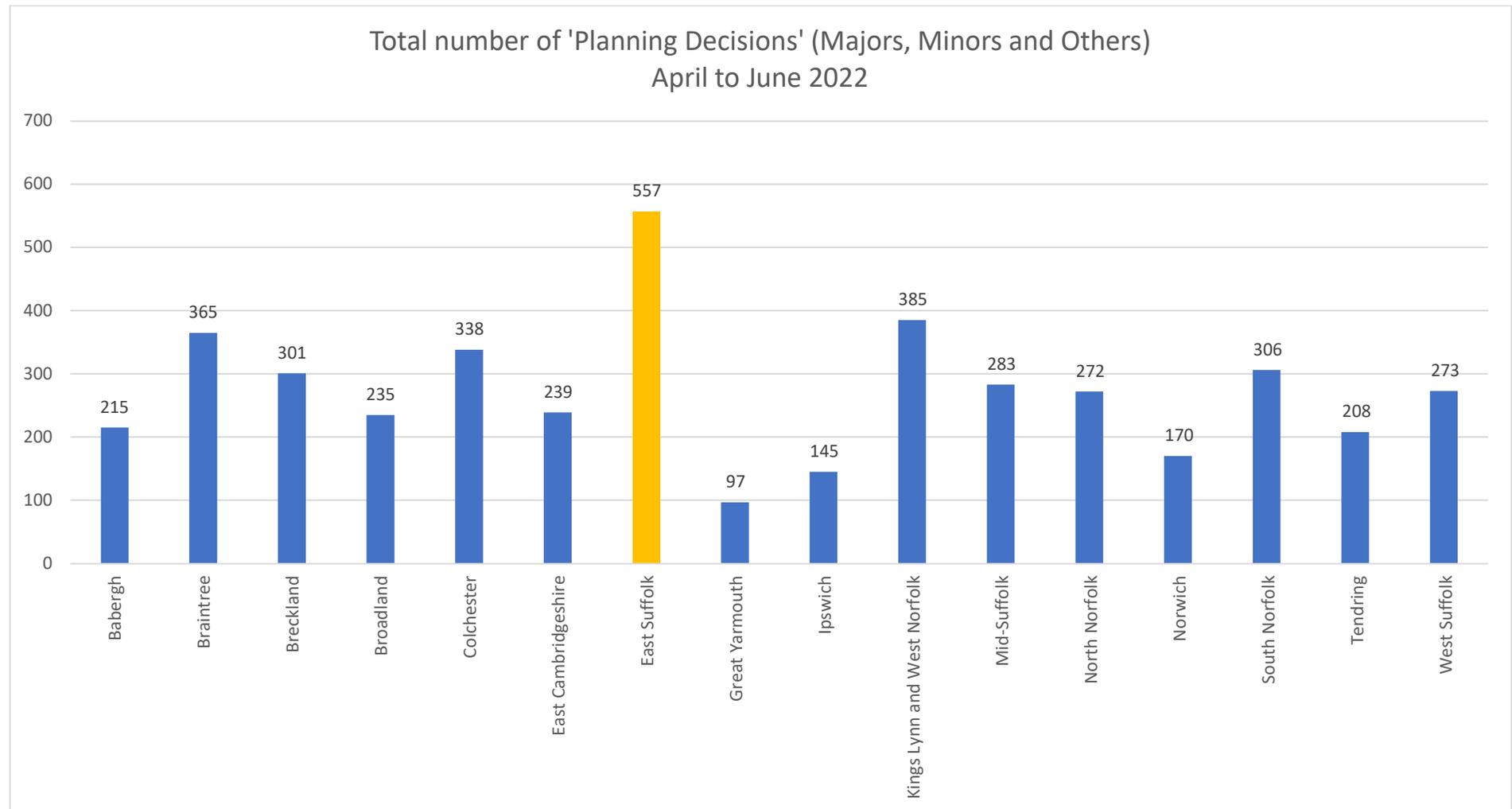
Updates		
Minute Item Number	Member Query Raised	Cabinet Member/Officer Response (no more than a paragraph required)
5	Is it possible to have another QR code on site notices to take members of the public to a simple guide on what constitutes a relevant planning objection?	<p>This is not feasible. Space is already very tight on site notices which would make it difficult to include anything additional.</p> <p>It could also lead to confusion with customers as there is already a QR code that links specifically to that application in public access that is automatically added to the site notice by the uniform software, so with this proposal there would then be two QR Codes, potentially resulting in confusion in terms of which one a customer needs to scan.</p> <p>There are also potential technical problems in terms of ensuring such a QR remains stable particularly if the website/page it links to is ever changed, because it could not be set to automatically update as unlike the existing embedded QR code it can not be automated.</p>
5	What was the outcome, and were there any further actions arising, from the recent meeting between Officers and SALC in relation to their survey?	<p>Following circulation of the SALC planning survey summary report on behalf of town and parish councils, East Suffolk Council and SALC have recently met and have agreed that opportunities exist to potentially work more closely together to enable ESC to develop solutions to further improve processes which will address some of the key findings of the survey. As always in planning, key to this is focussing on looking forward to address issues such as communication and transparency to enable all parties to better understand the planning decision process and reasons for outcomes acknowledging these need to be made solely on planning grounds. Both organisations recognise that closer working with all participants and networks including SALC will add value.</p>

		<p>ESC are constantly updating processes to improve the service and a number of changes have already taken place recently and ambitions to re-start other engagement initiatives are in the process of being implemented post the forthcoming elections. This commitment includes to re-group following the May elections with a view to supporting town and parish councils in their representative role at community level in the handling of planning applications</p>
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Appendix E A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at [DLUHC - Planning Application Statistics](#)

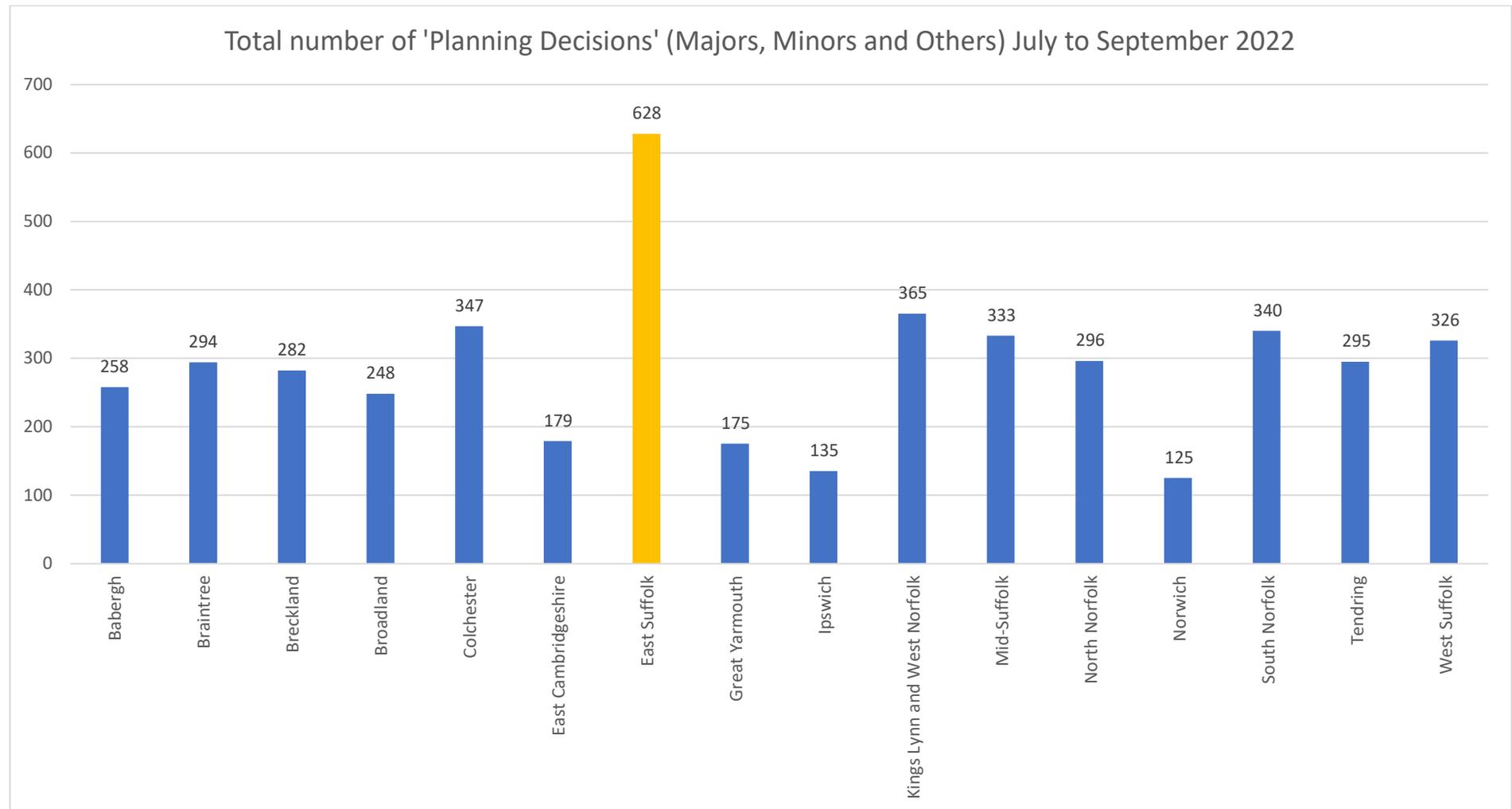
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Figure 1: Number of 'Planning Decisions' issued 1 April 2022 to 30 June 2022



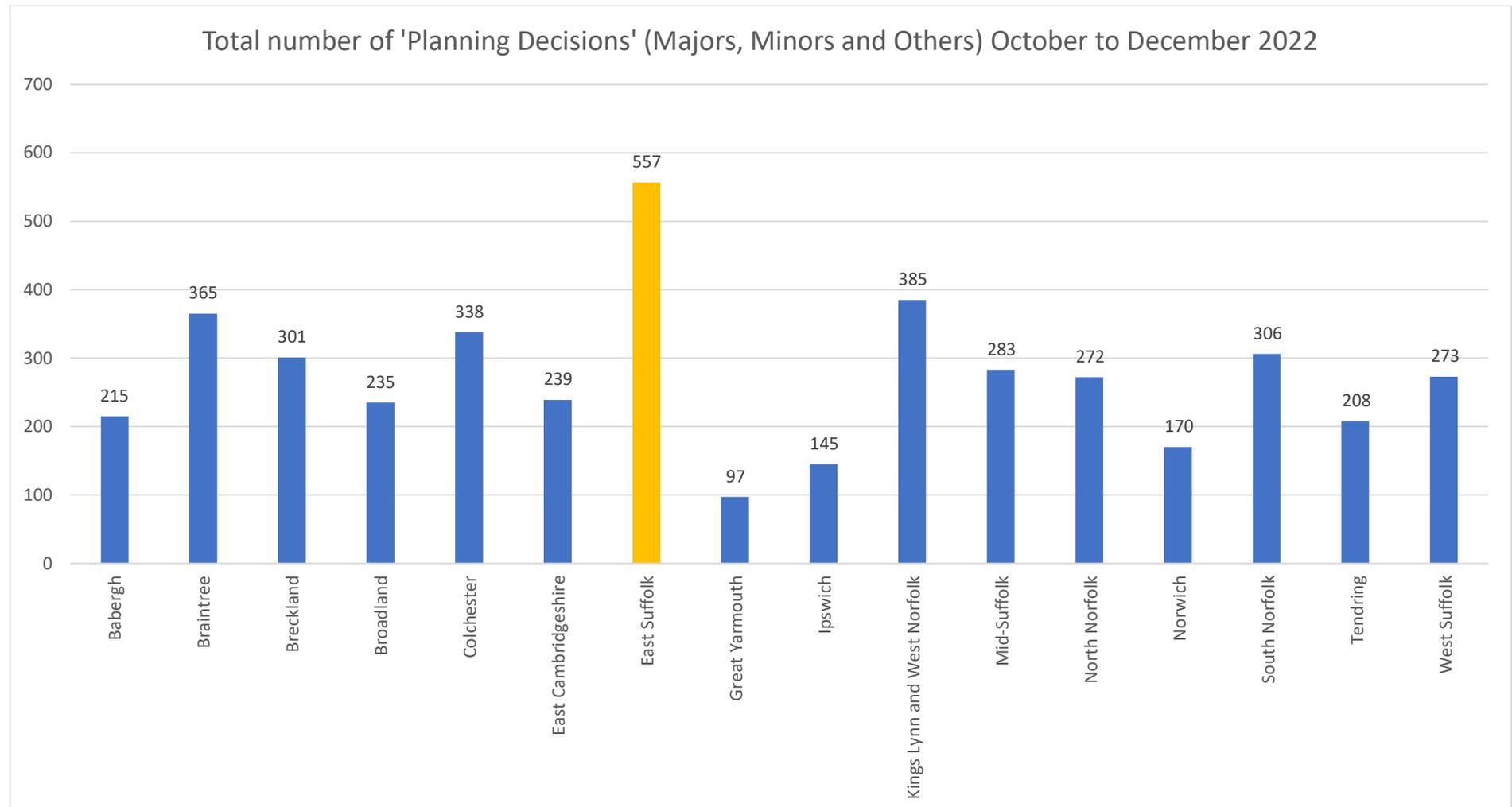
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Figure 2: Number of 'Planning Decisions' issued 1 July 2022 to 30 September 2022



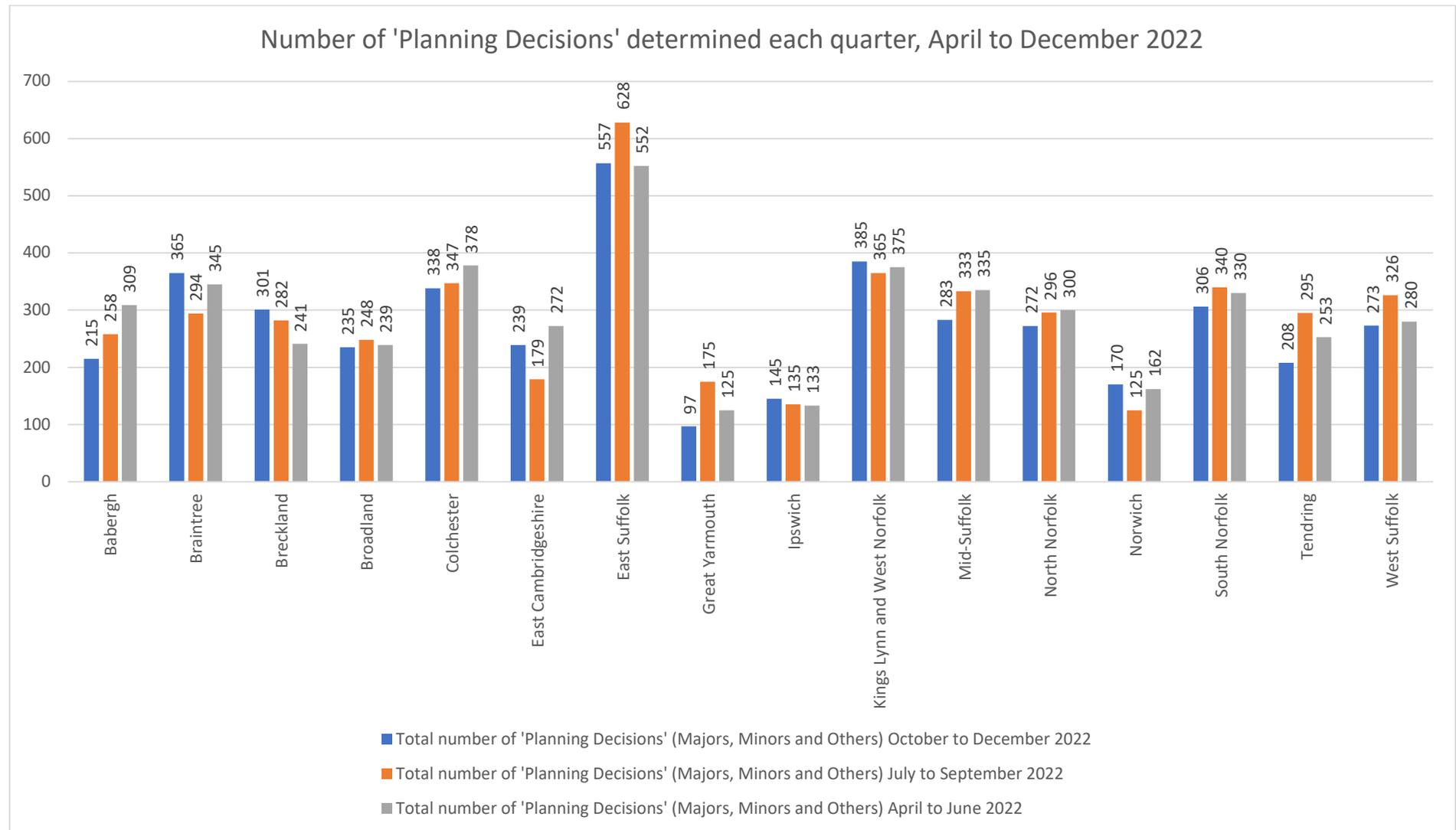
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Figure 3: Number of 'Planning Decisions' issued 1 October 2022 to 31 December 2022



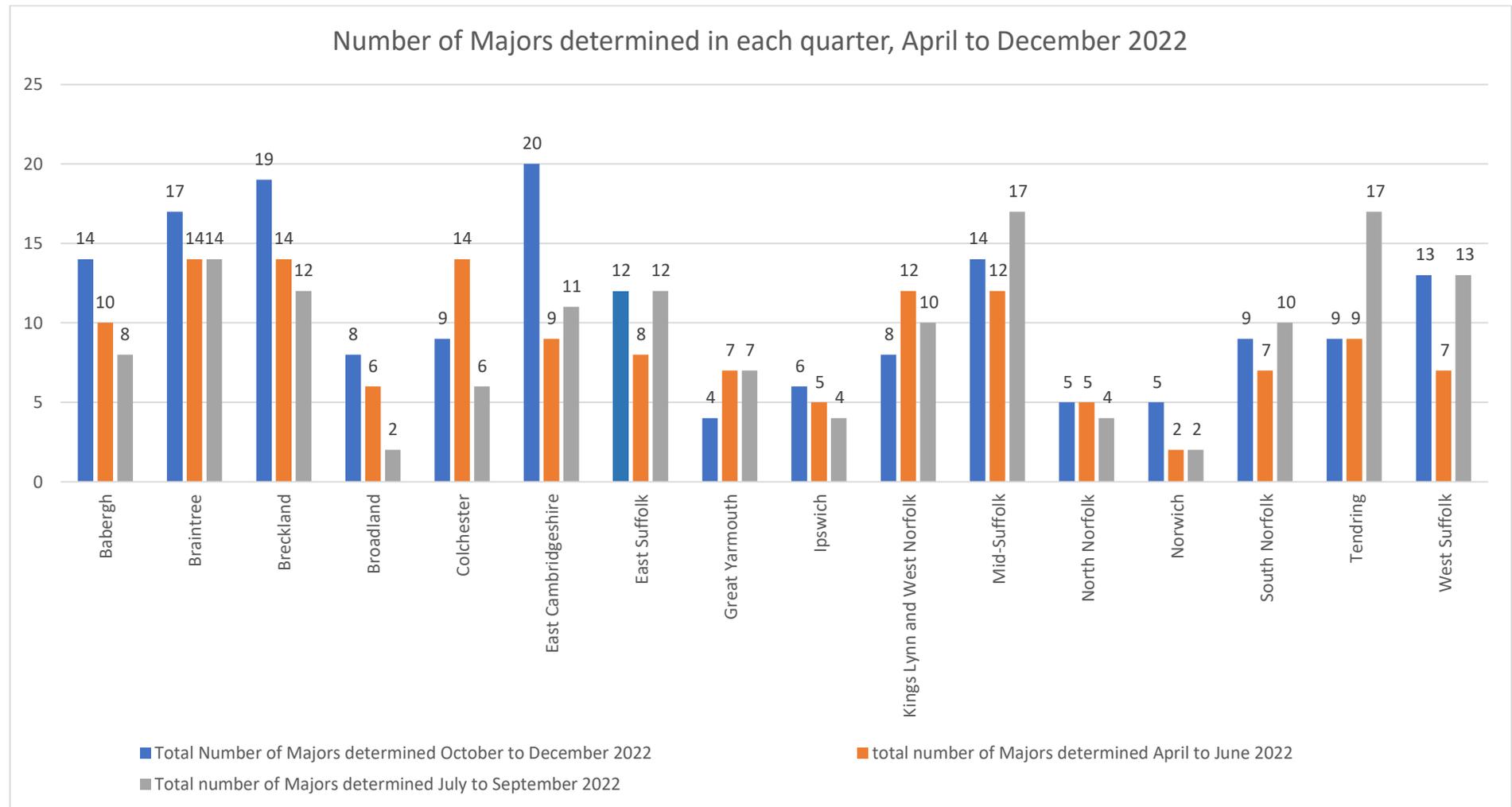
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Figure 4: Number of 'Planning Decisions' issued each quarter April to December 2022.



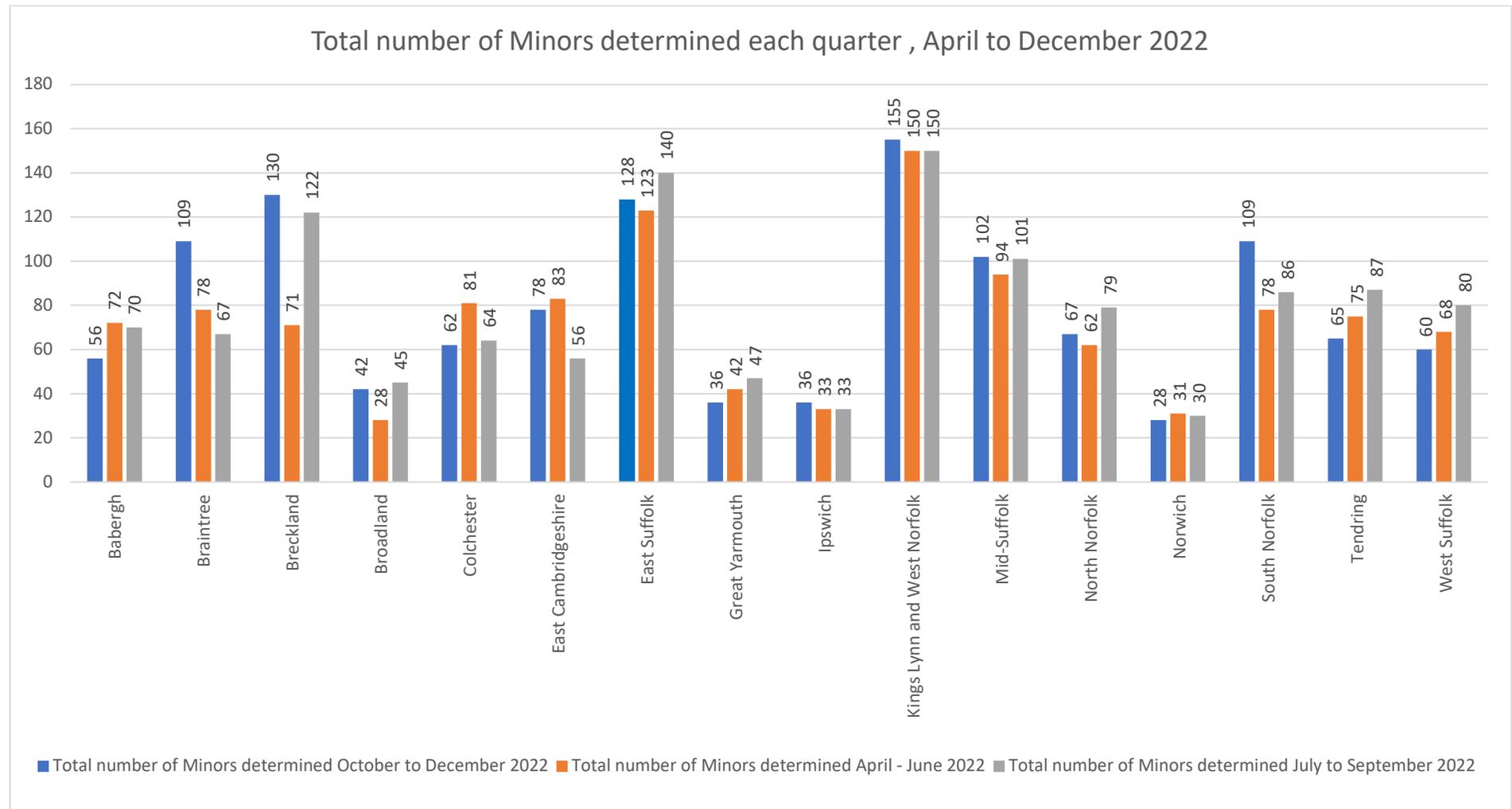
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Figure 5: Number of ‘Major’ ‘Planning Decisions’ issued each quarter April to December 2022



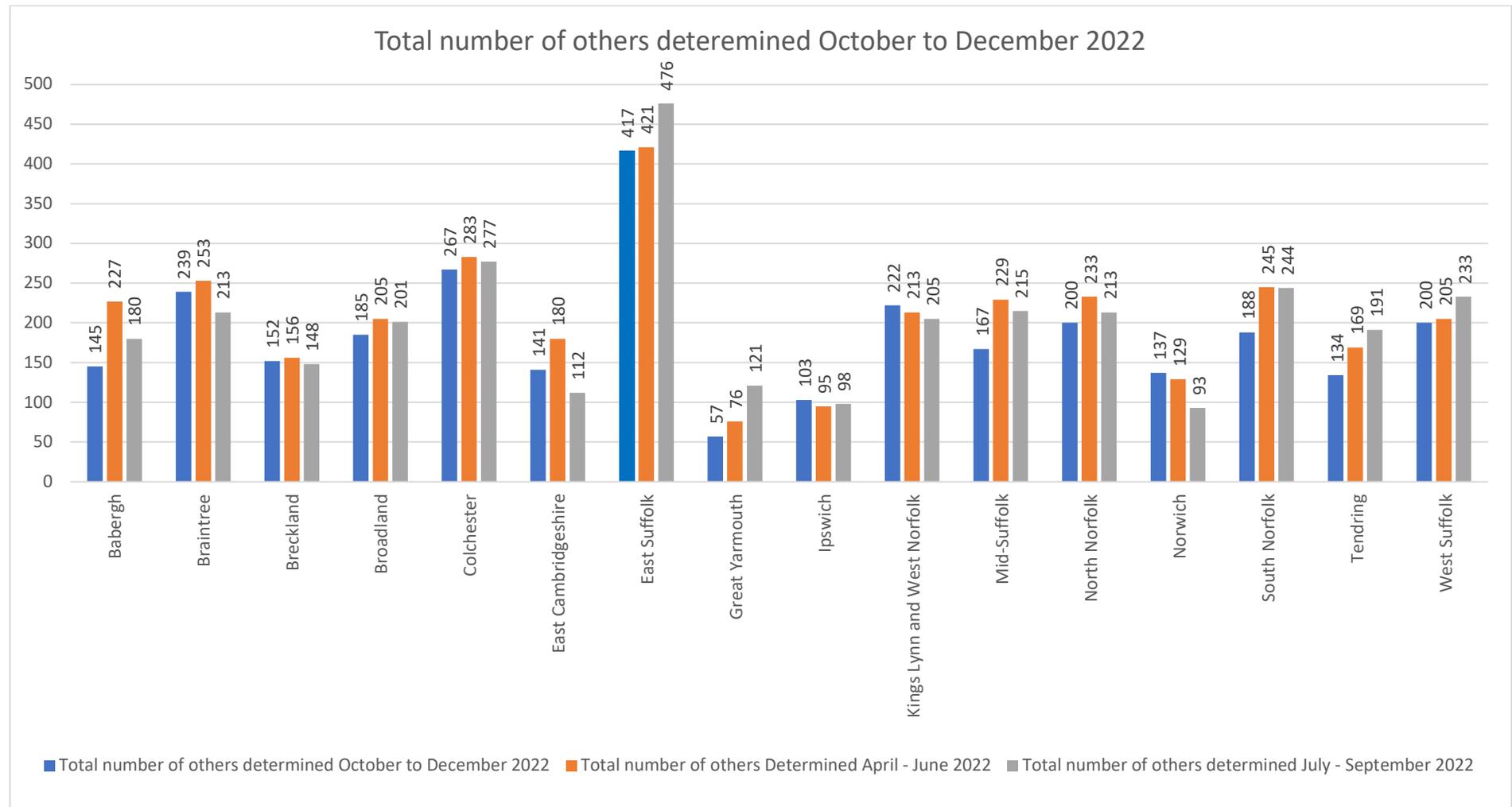
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Figure 6: Number of ‘Minor’ ‘Planning Decisions’ issued each quarter April to December 2022.



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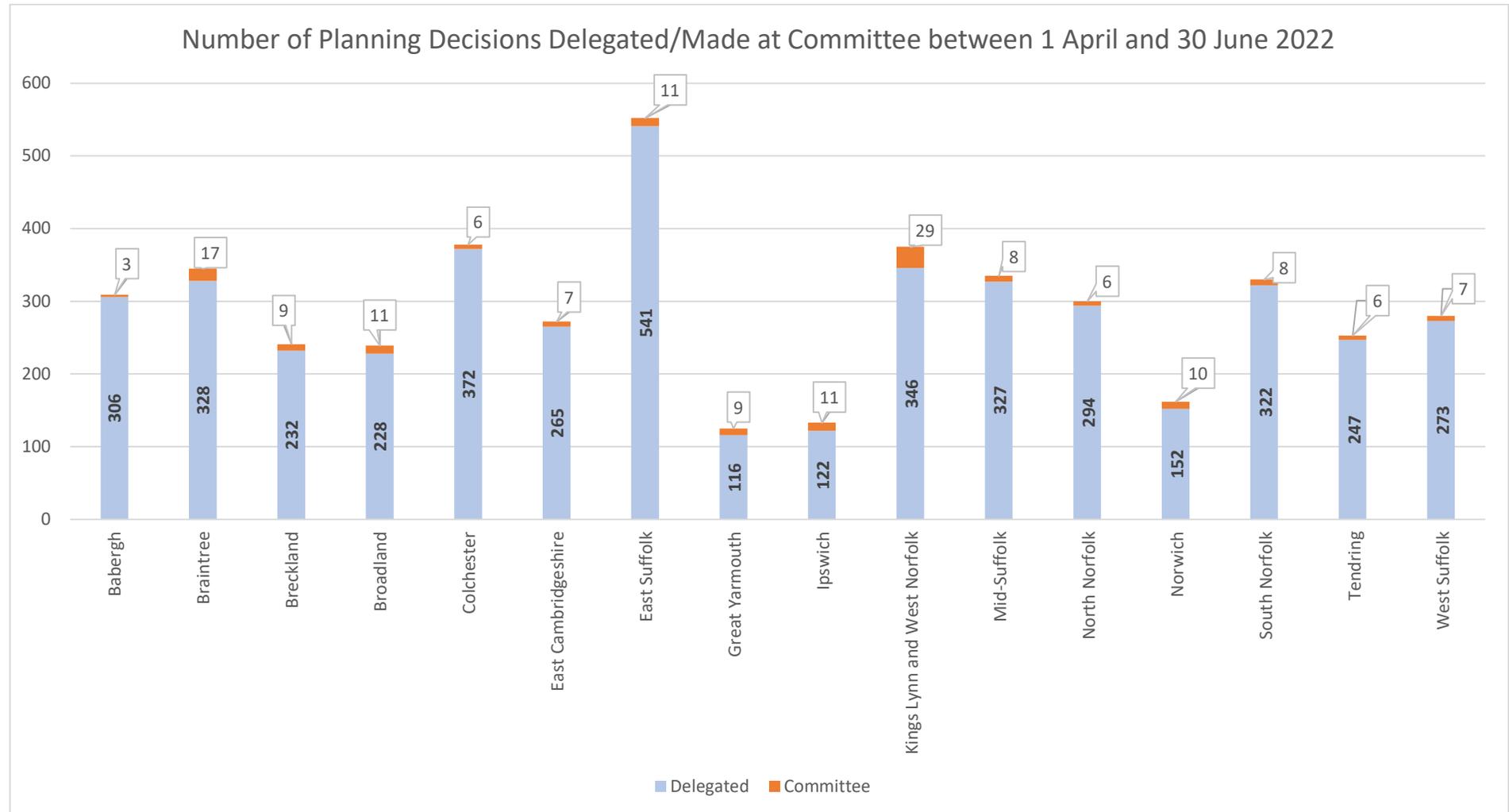
Figure 7: Number of ‘Other’ ‘Planning Decisions’ issued each quarter April to December 2022.



Appendix F A comparison with other Suffolk /Neighbouring Authorities in terms of the Number/Proportion of Planning Decisions Delegated/Made by Planning Committees, using data published at [DLUHC - Planning Application Statistics](#)

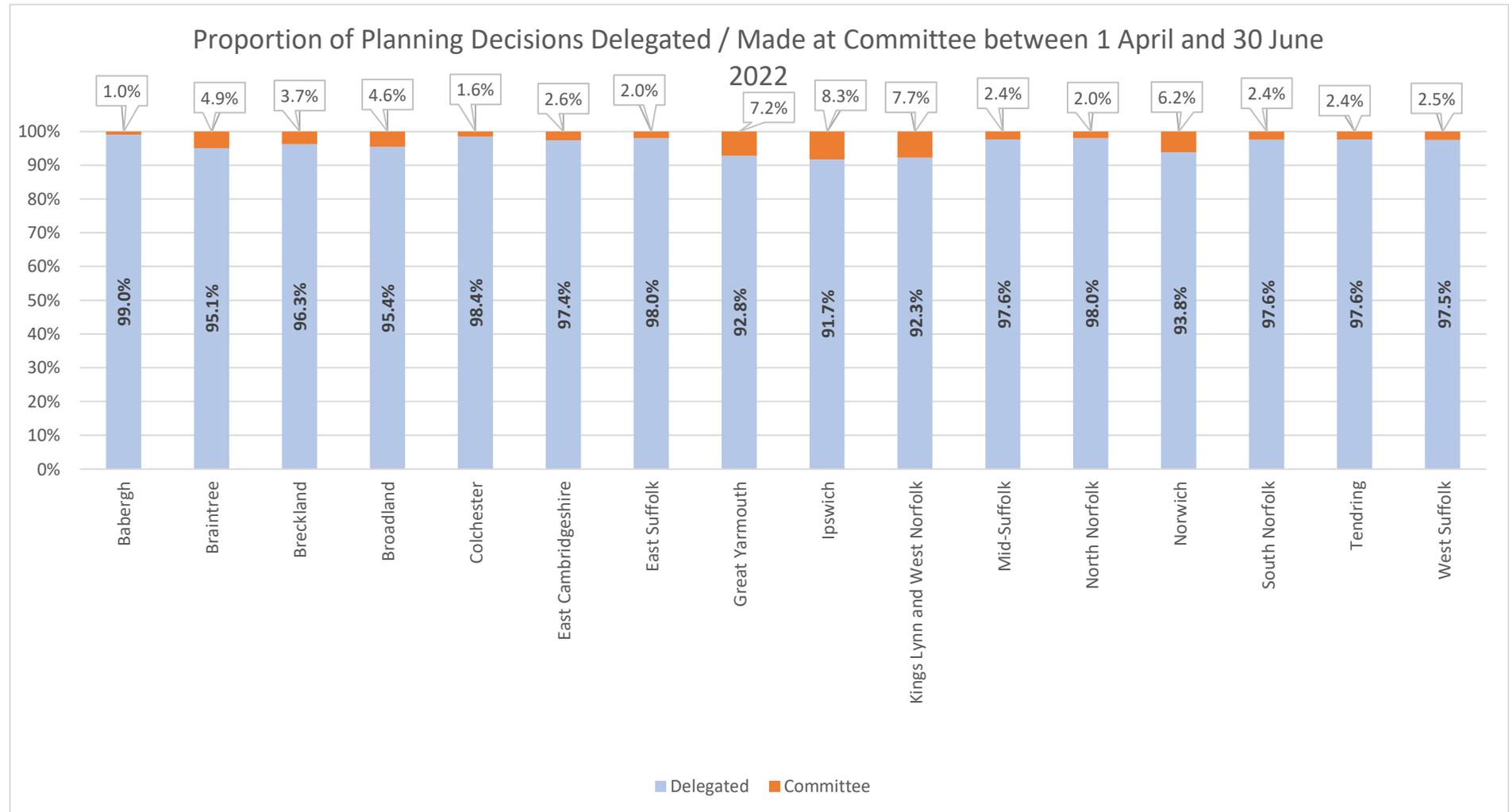
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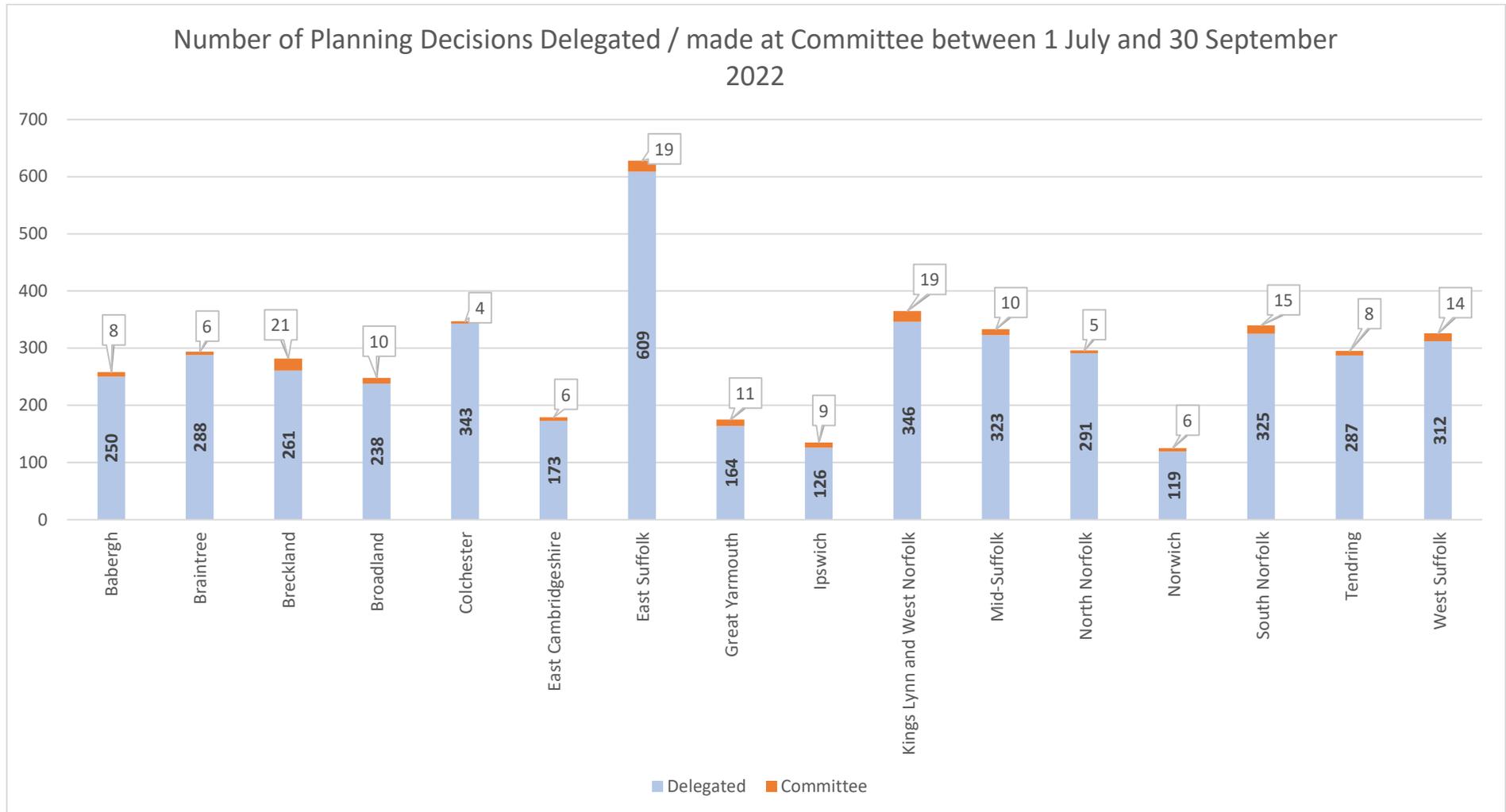
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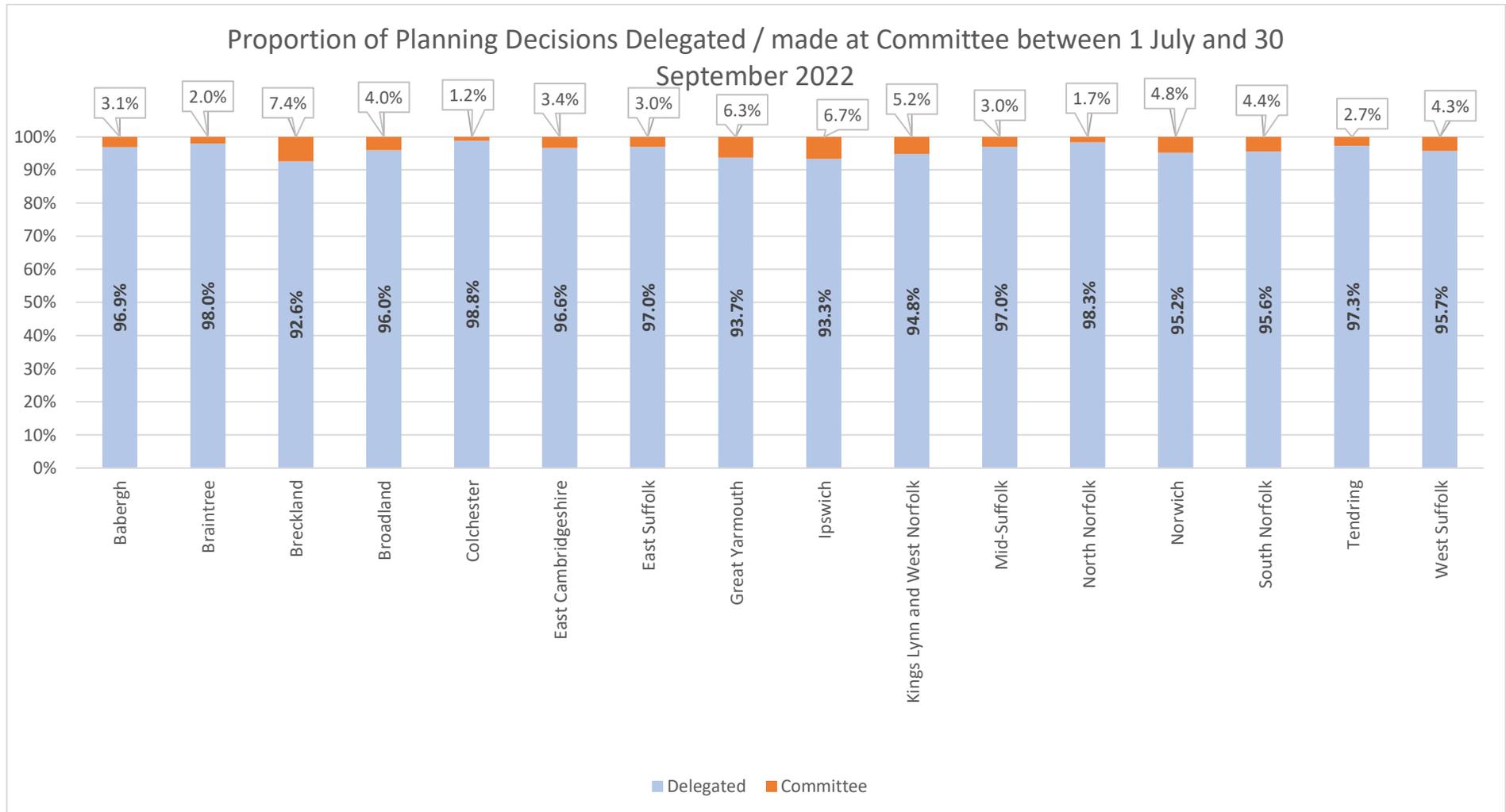
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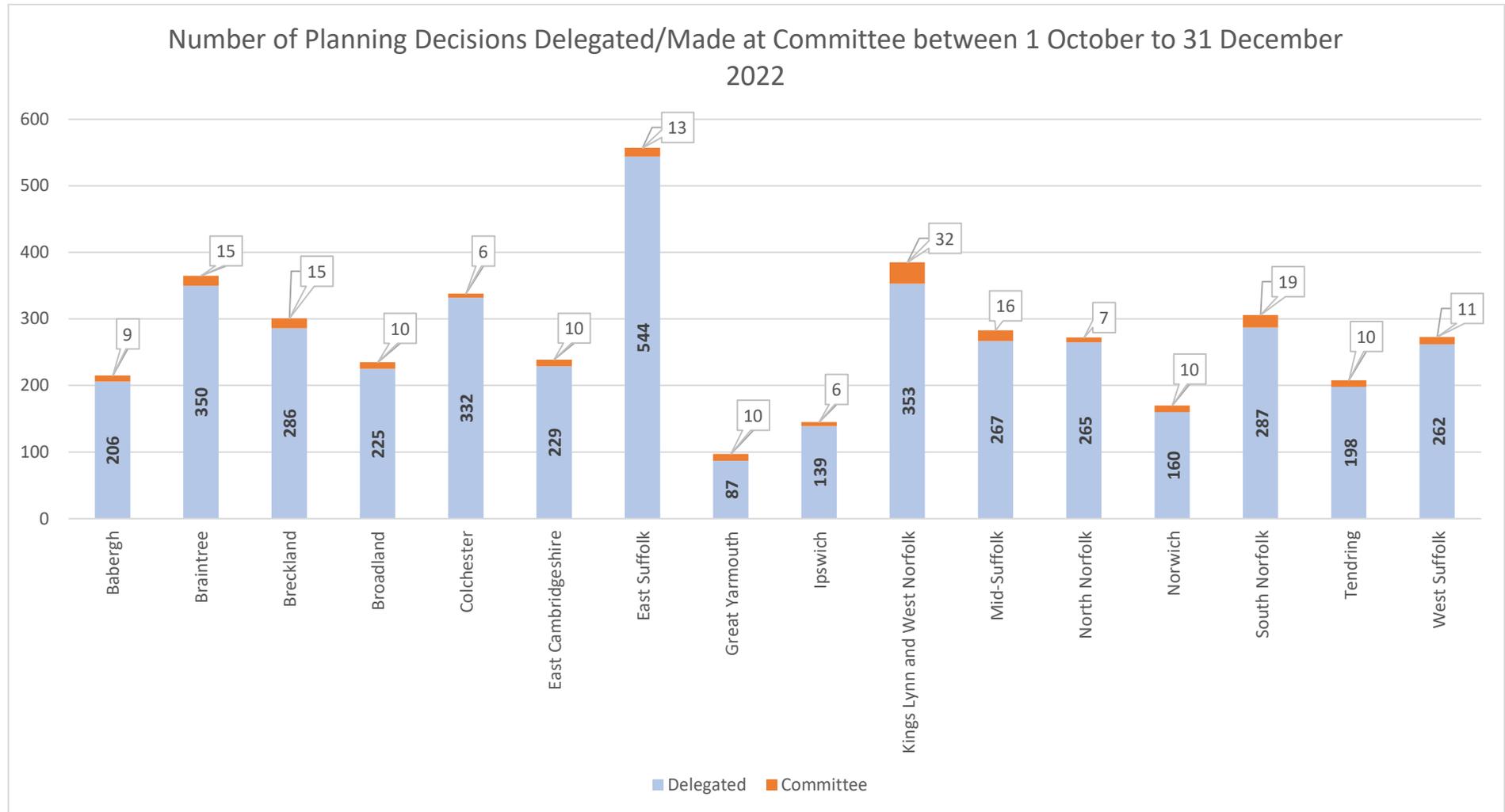
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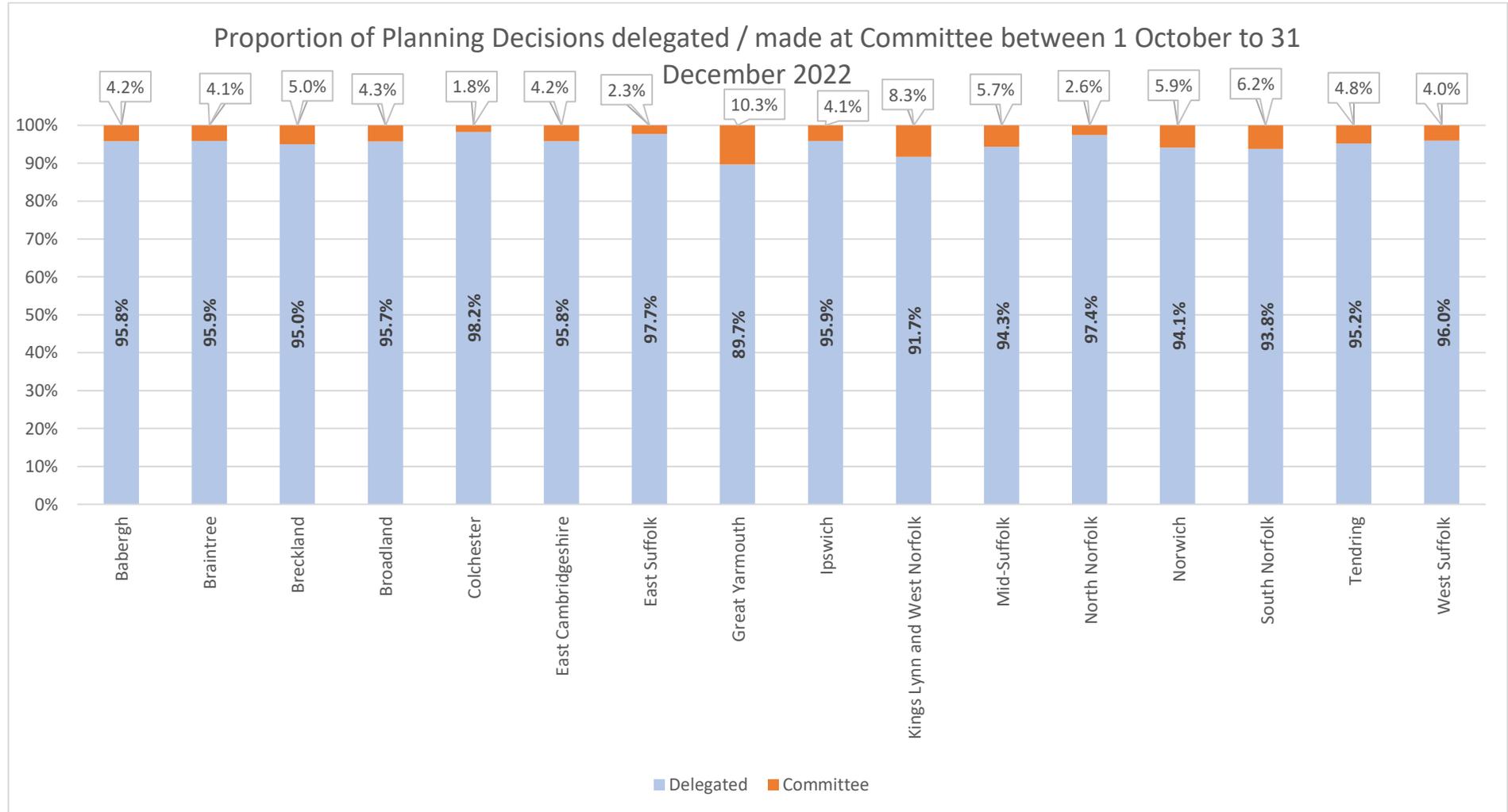
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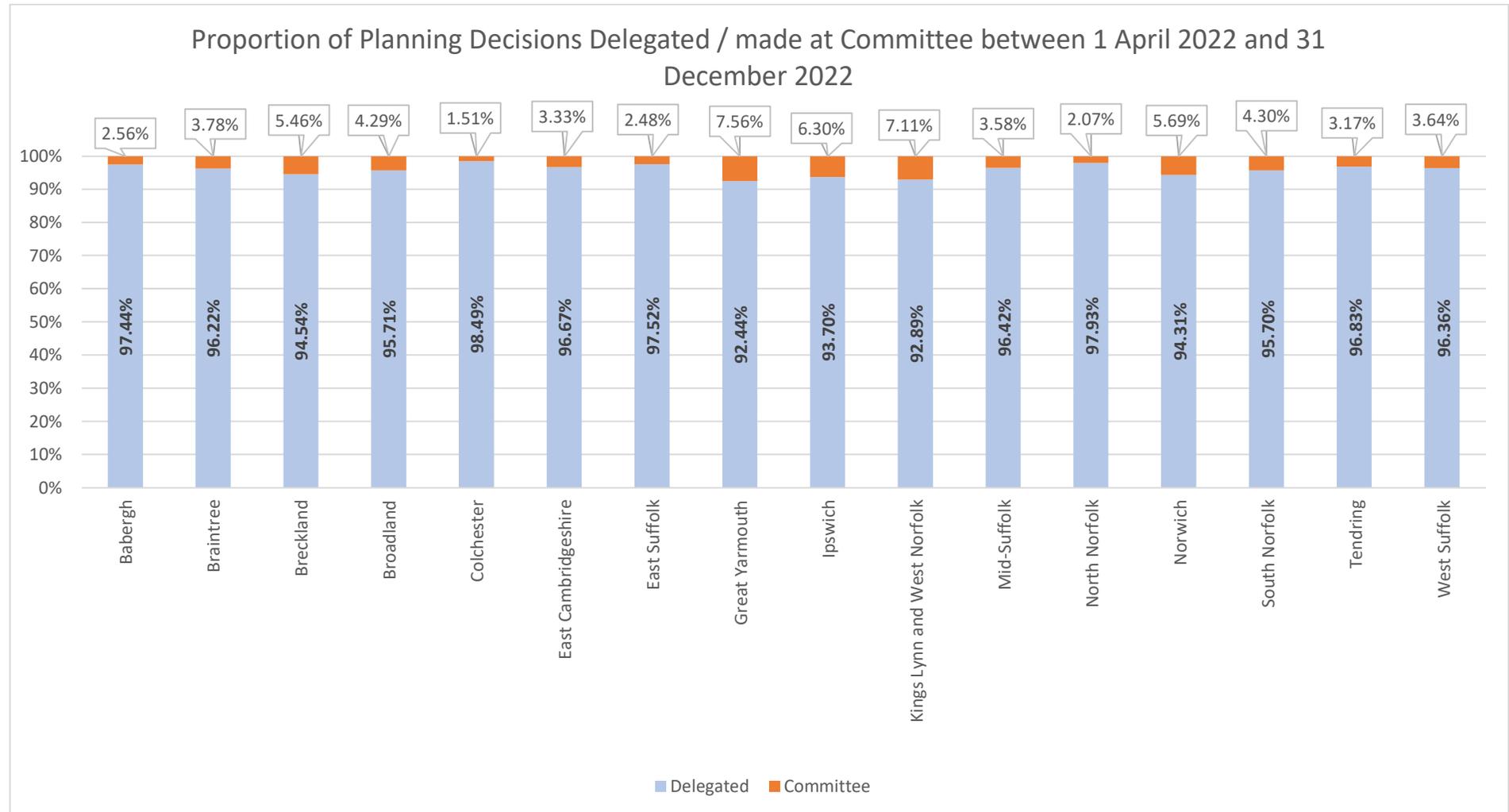
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Figure 7: Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2022-23 financial year published so far (1 April 2022 – 31 December 2022)



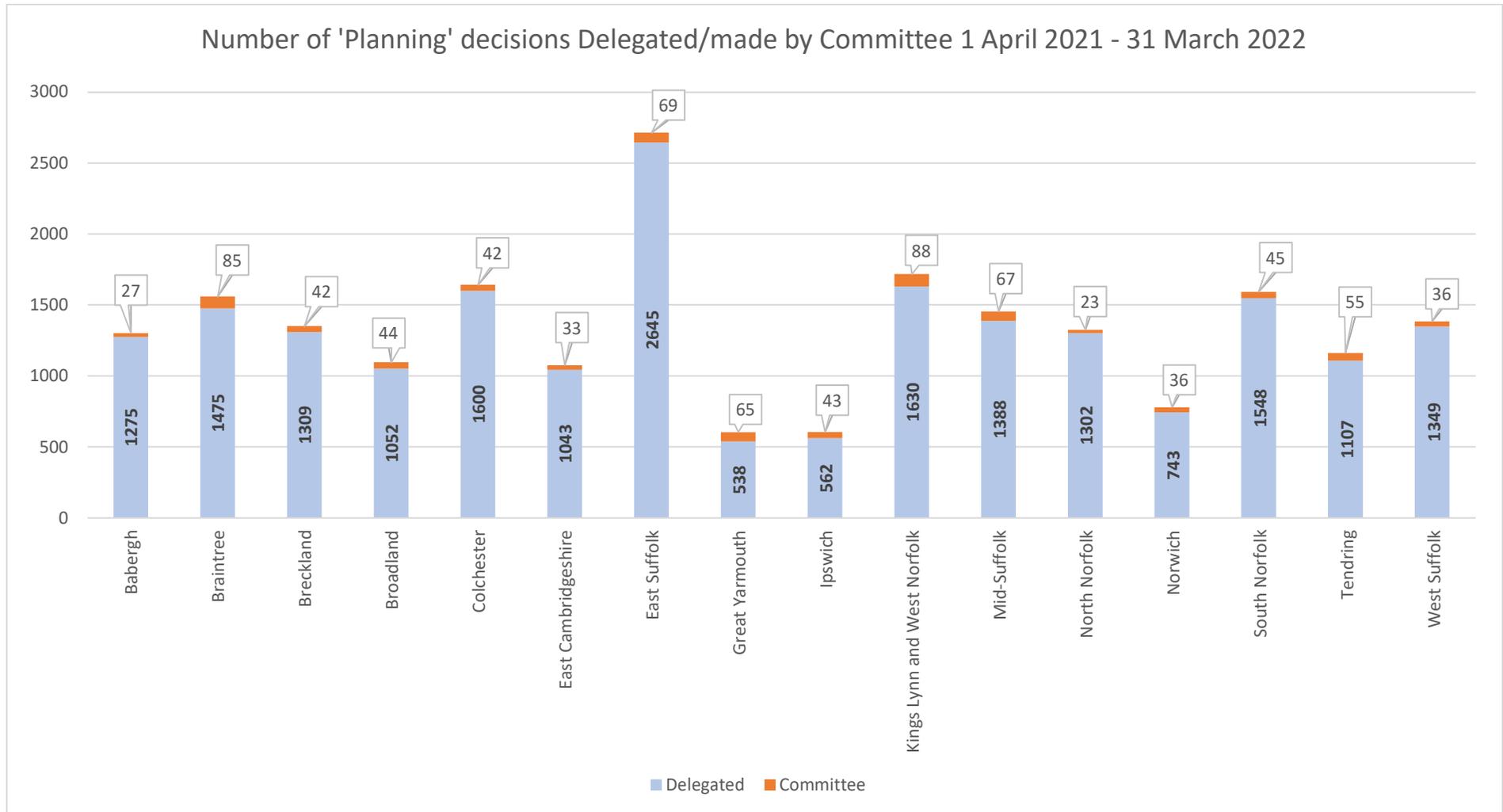
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Figure 8: Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2022-23 financial year published so far (1 April 2022 – 31 December 2022)



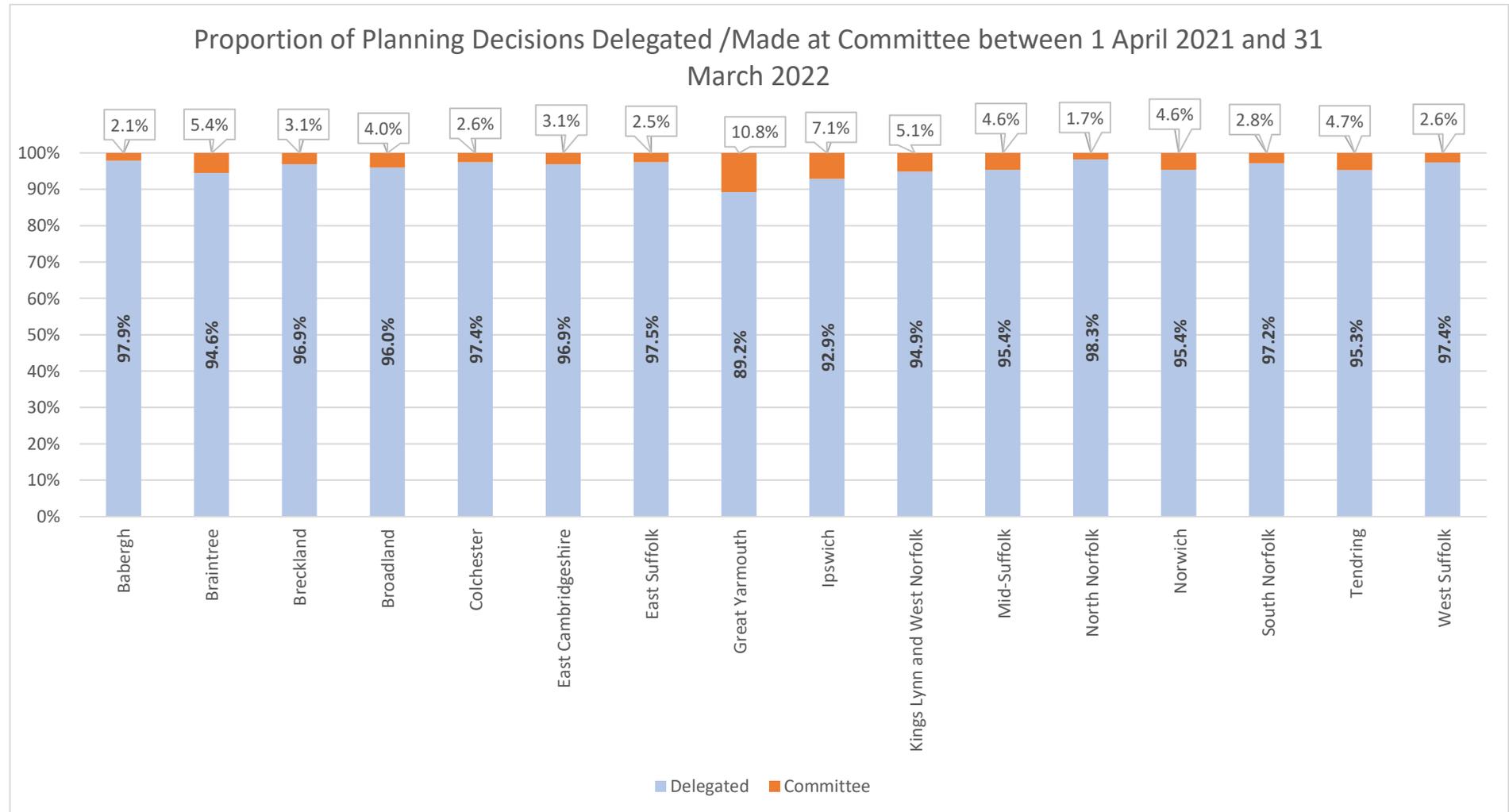
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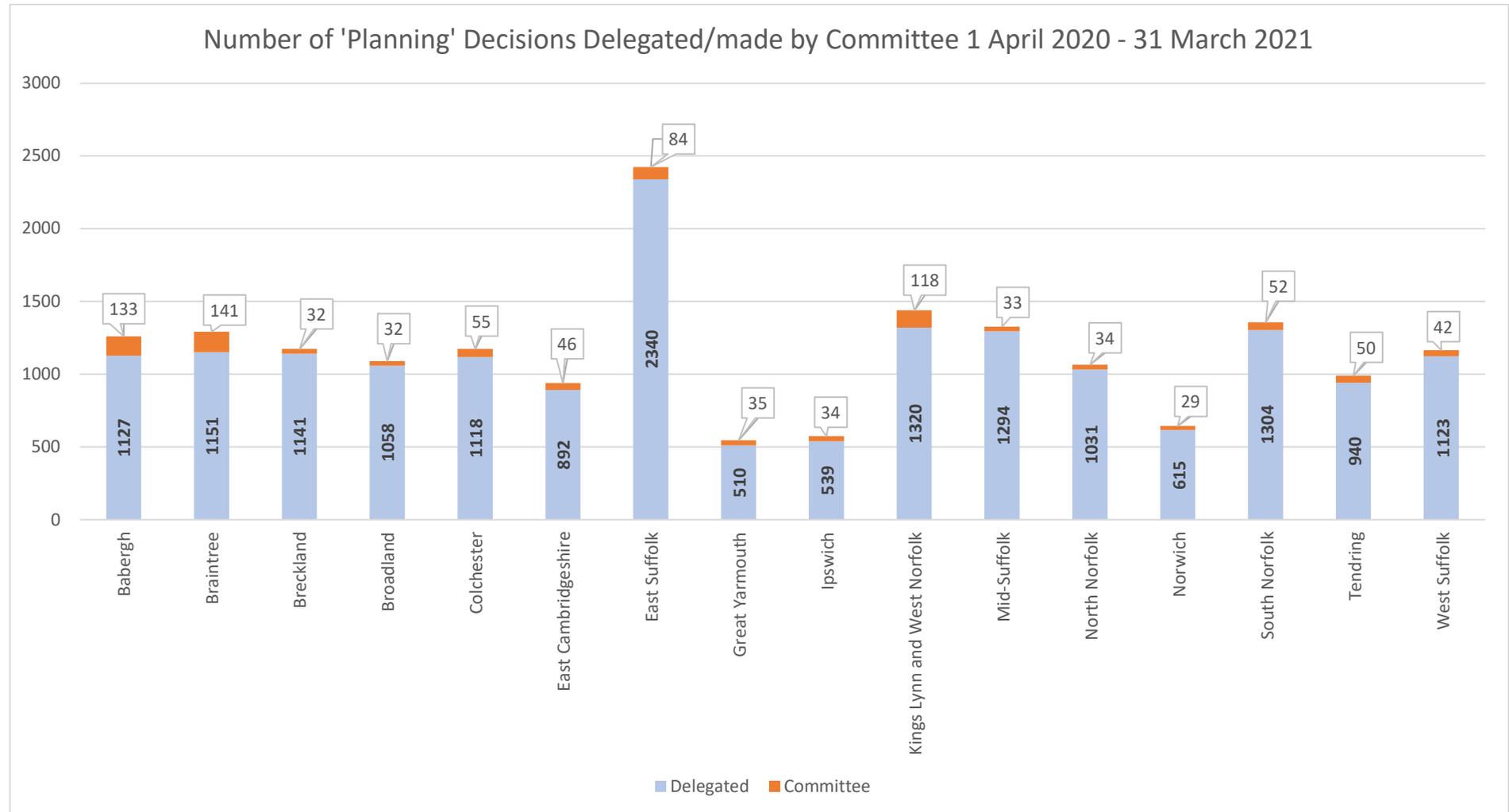
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Figure 10: Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2021-22 financial year (1 April 2021 – 31 March 2022)



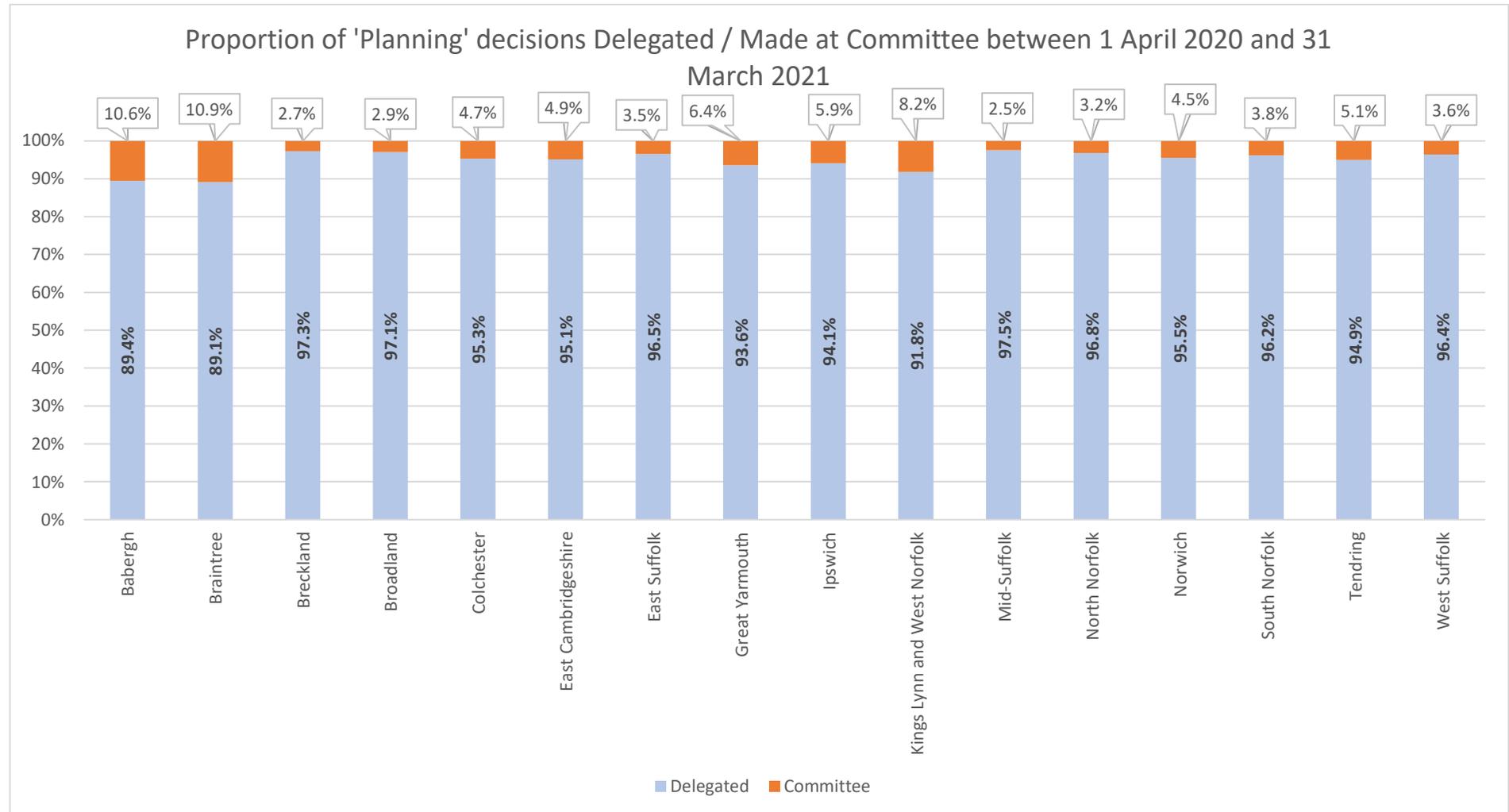
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Figure 11: Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2020-21 financial year (1 April 2020 – 31 March 2021)



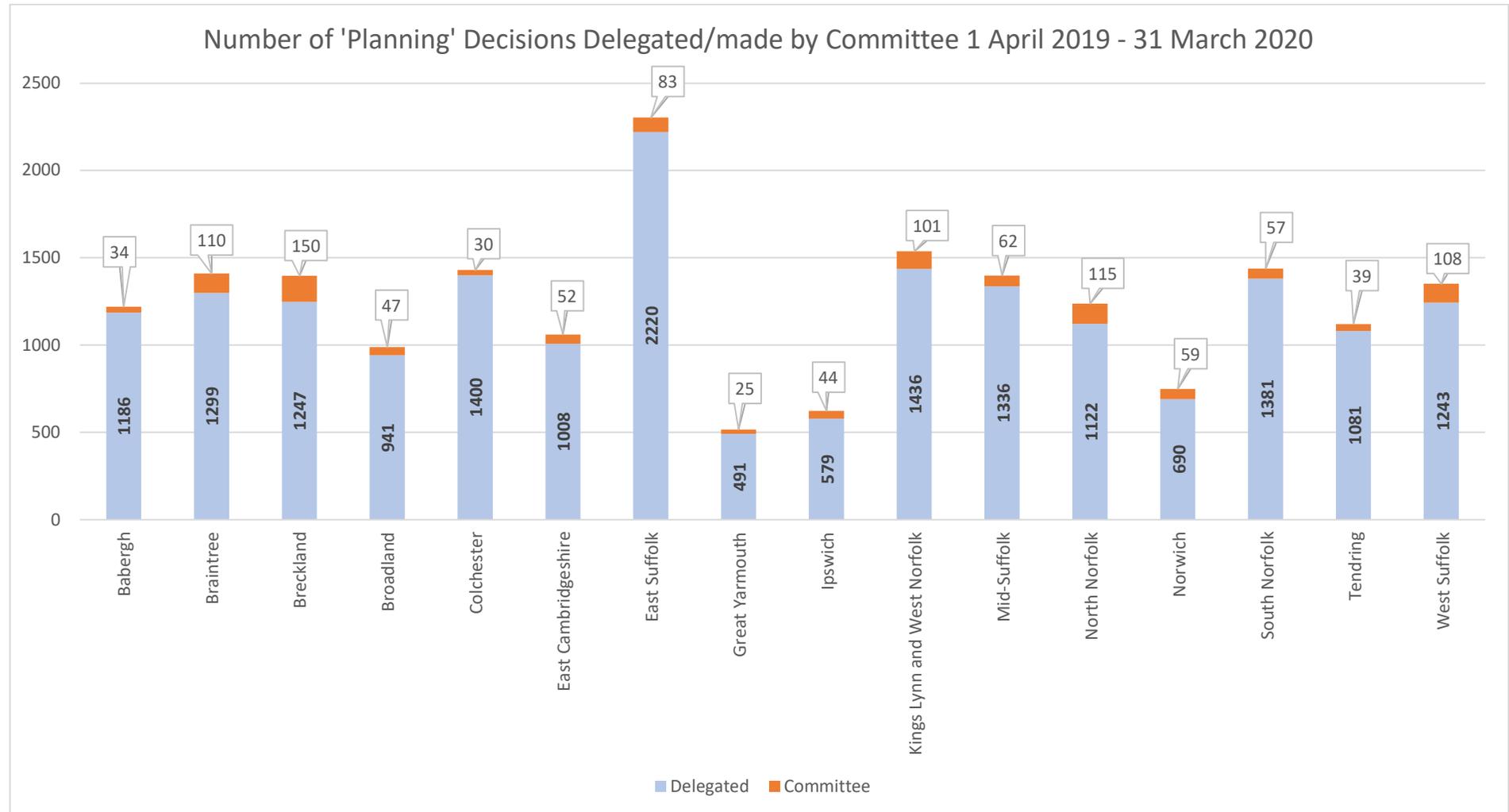
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Figure 12: Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2020-21 financial year (1 April 2020 – 31 March 2021)



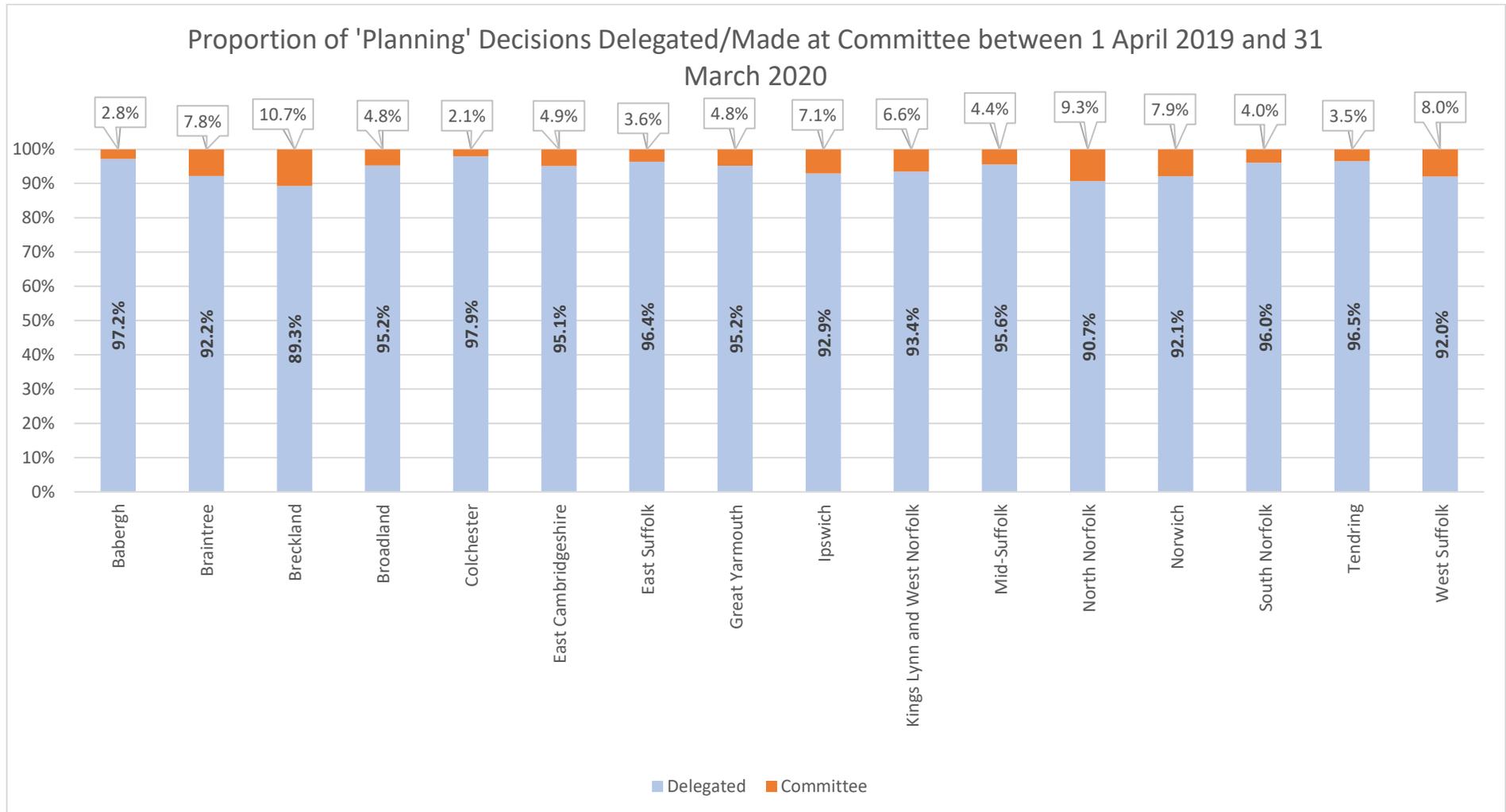
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Figure 13: Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2019-20 financial year (1 April 2019 – 31 March 2020)



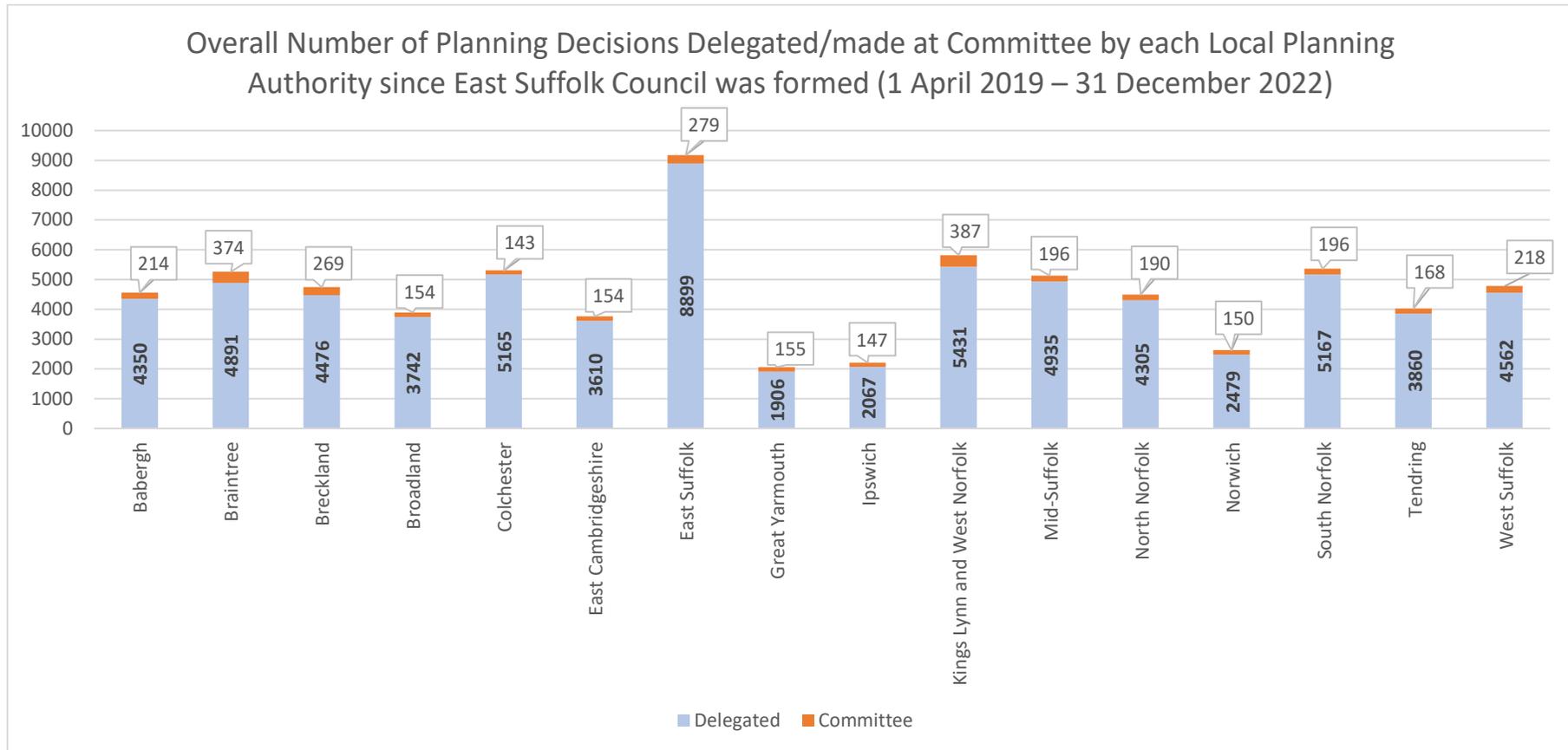
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Figure 14: Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2019-20 financial year (1 April 2019 – 31 March 2020)



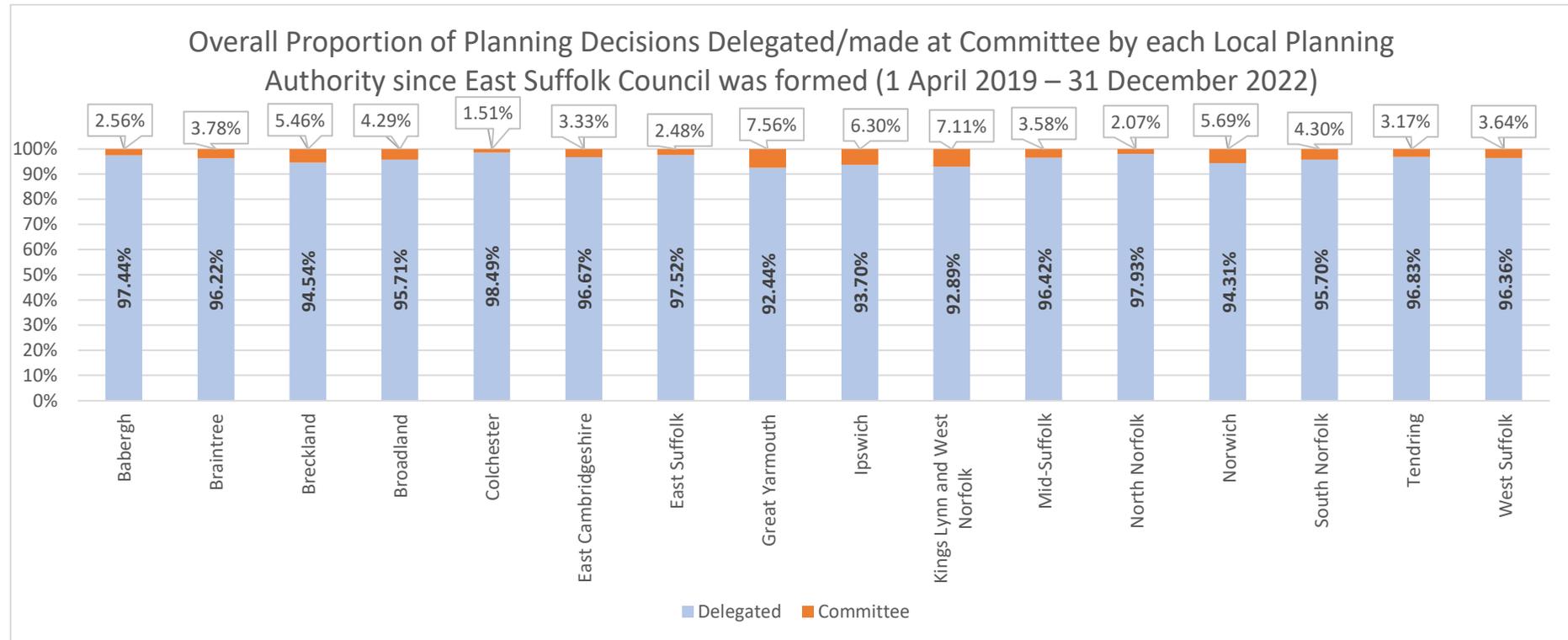
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Figure 15: Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority since East Suffolk Council was formed (1 April 2019 – 31 December 2022)



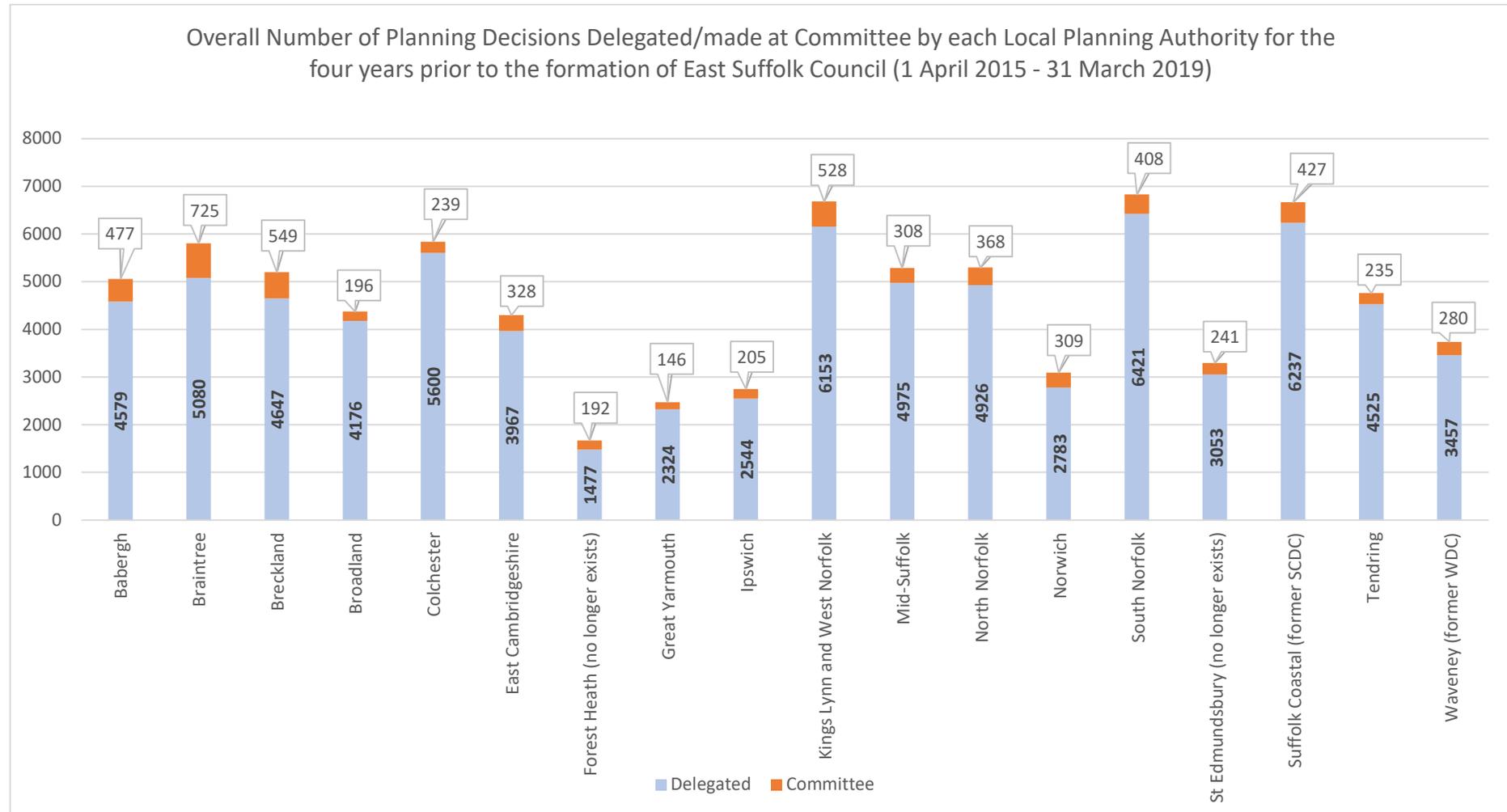
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Figure 16: Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority since East Suffolk Council was formed (1 April 2019 – 31 December 2022)



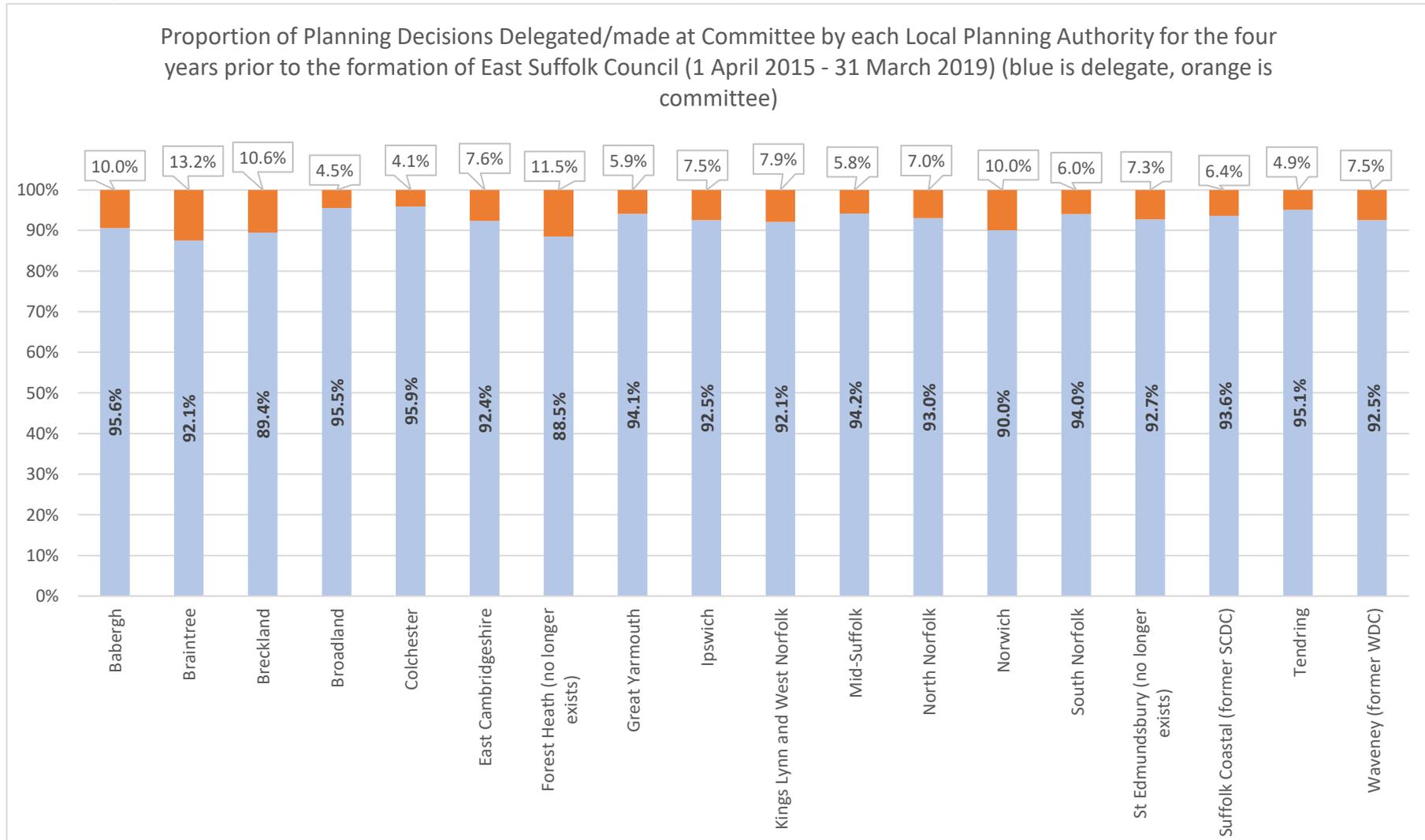
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Figure 17: Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the four years prior to the formation of East Suffolk Council (1 April 2015 – 31 March 2019)



Appendix F: A comparison with other Suffolk /Neighbouring Authorities in terms of the Number/Proportion of Planning Decisions Delegated/Made by Planning Committees, using data published at [DLUHC - Planning Application Statistics](#)

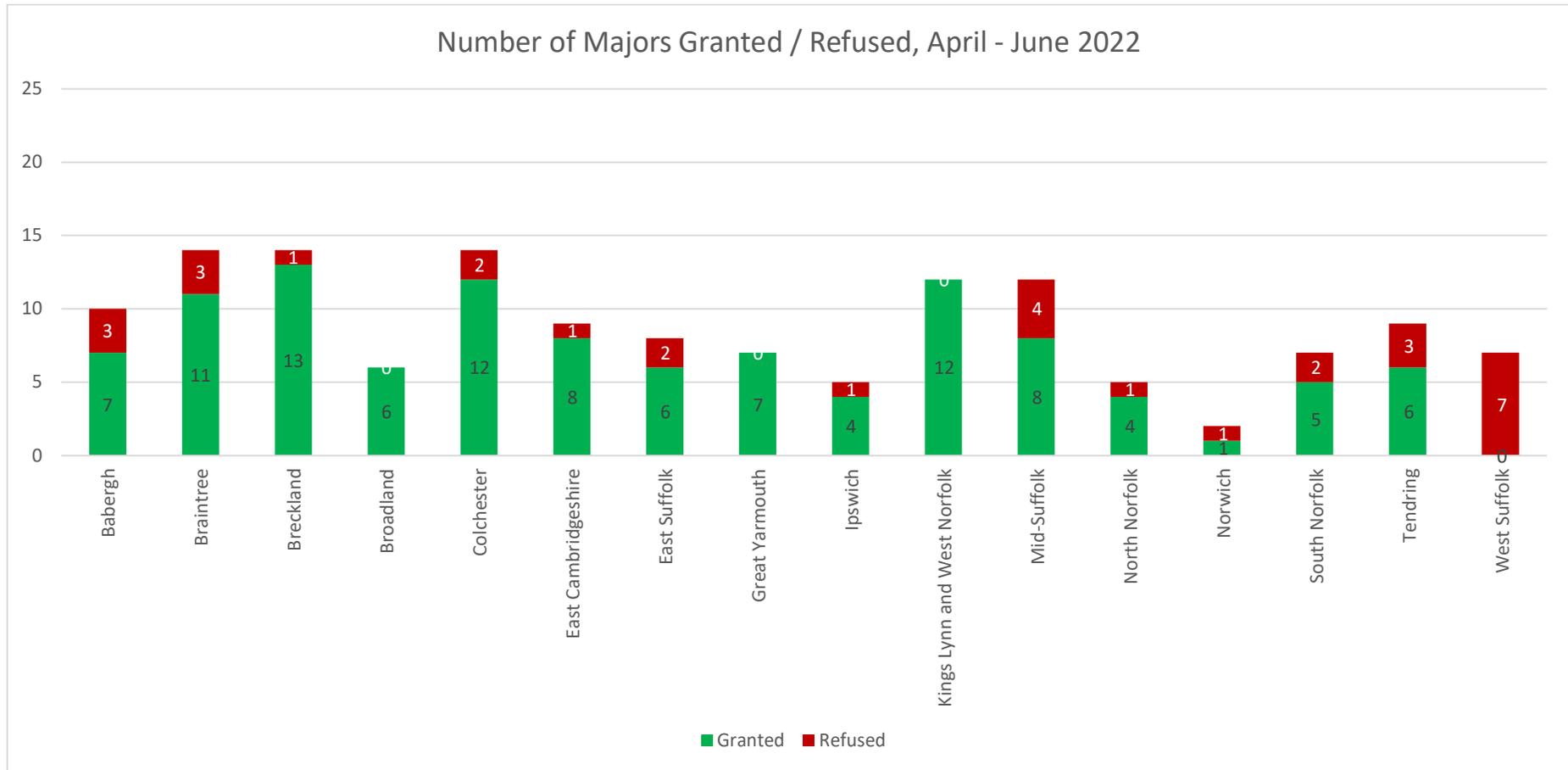
Figure 18: Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the four years prior to the formation of East Suffolk Council (1 April 2015 – 31 March 2019)



Appendix G A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications granted/refused, using data published at [DLUHC](#) - [Planning Application Statistics](#)

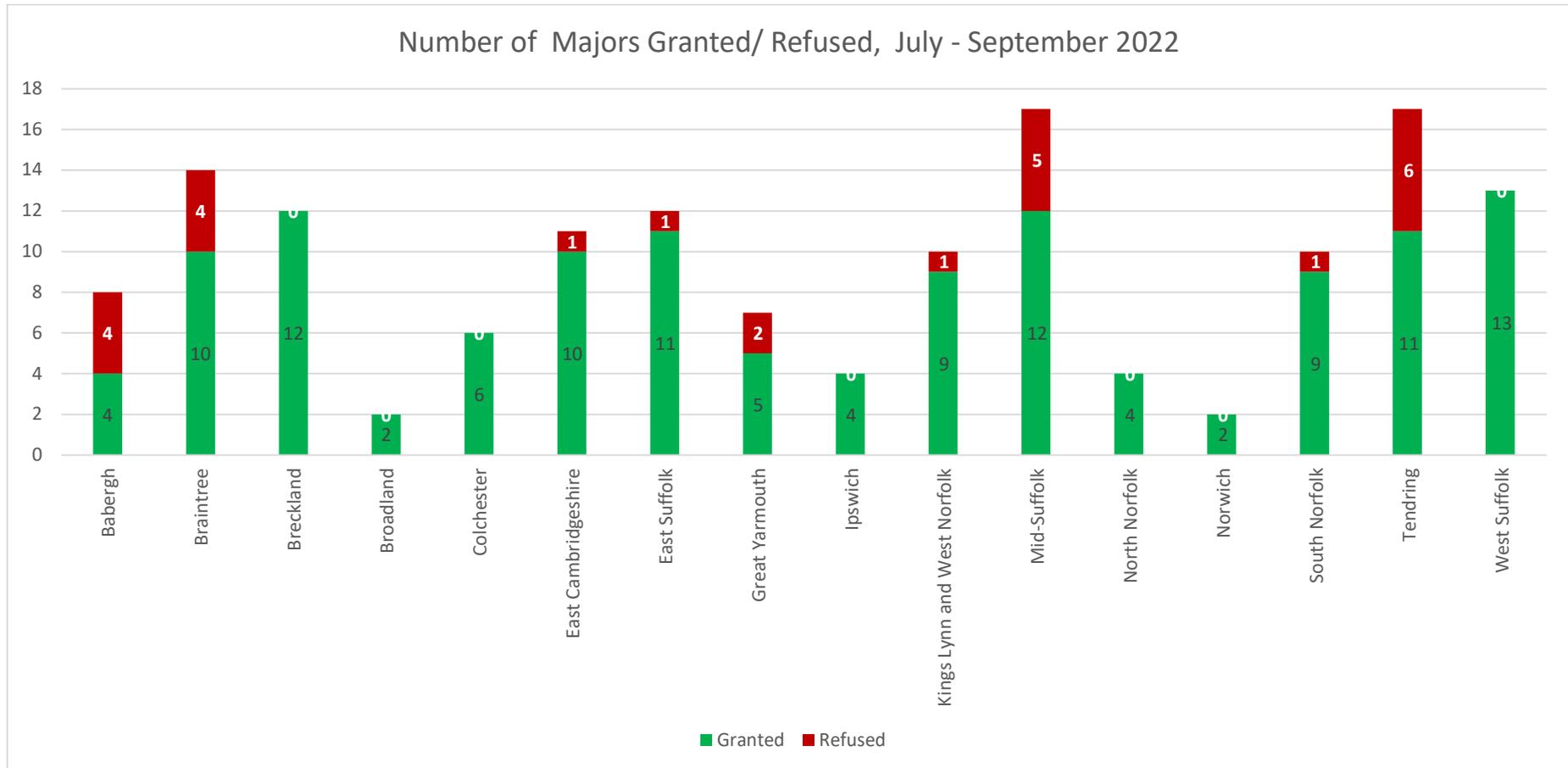
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Figure 1: The Number of 'Majors' Granted / Refused for each Local Planning Authority between 1 April 2022 – 30 June 2022



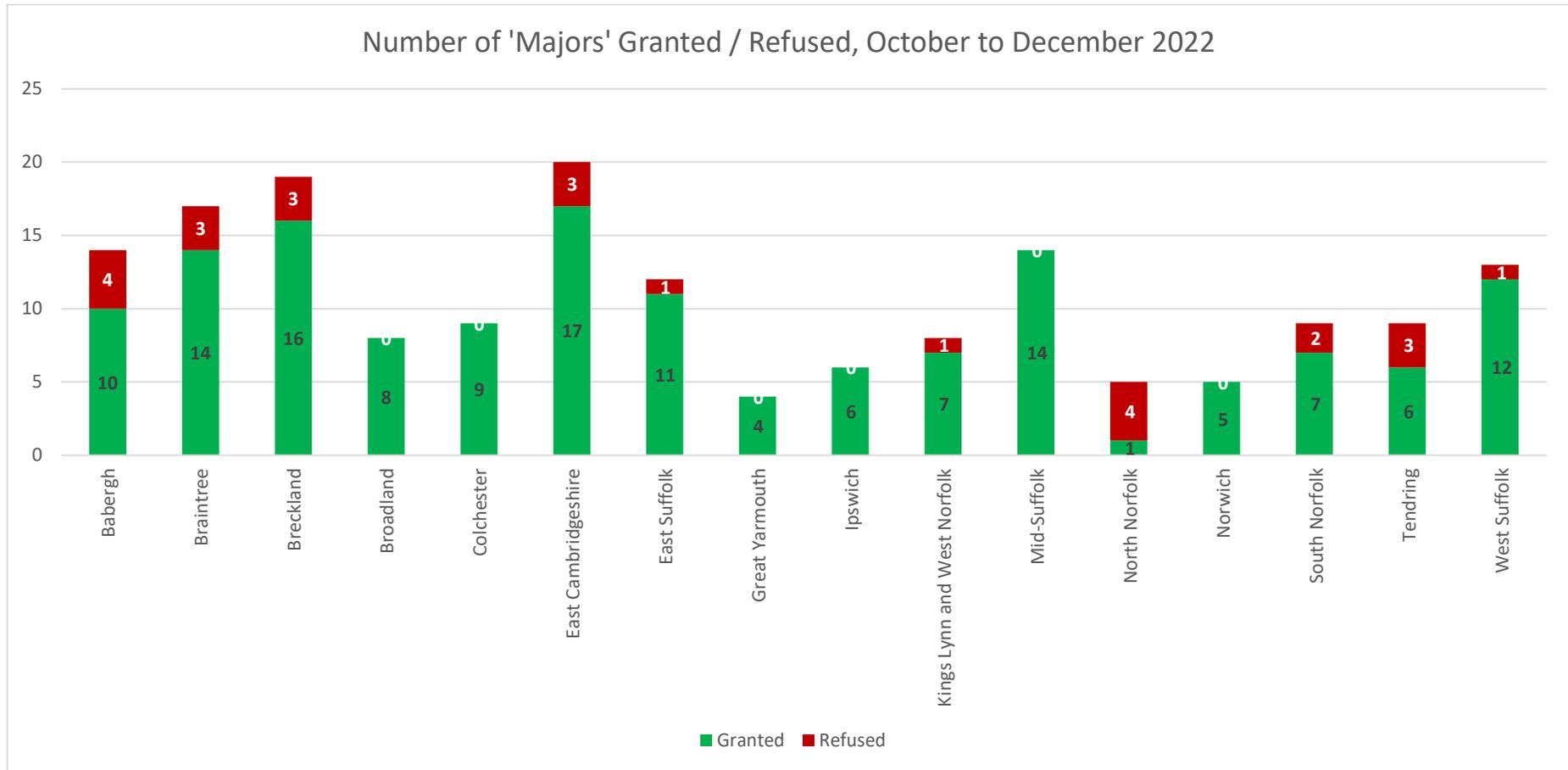
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Figure 2: The Number of 'Majors' Granted / Refused for each Local Planning Authority between 1 July 2022 and 30 September 2022



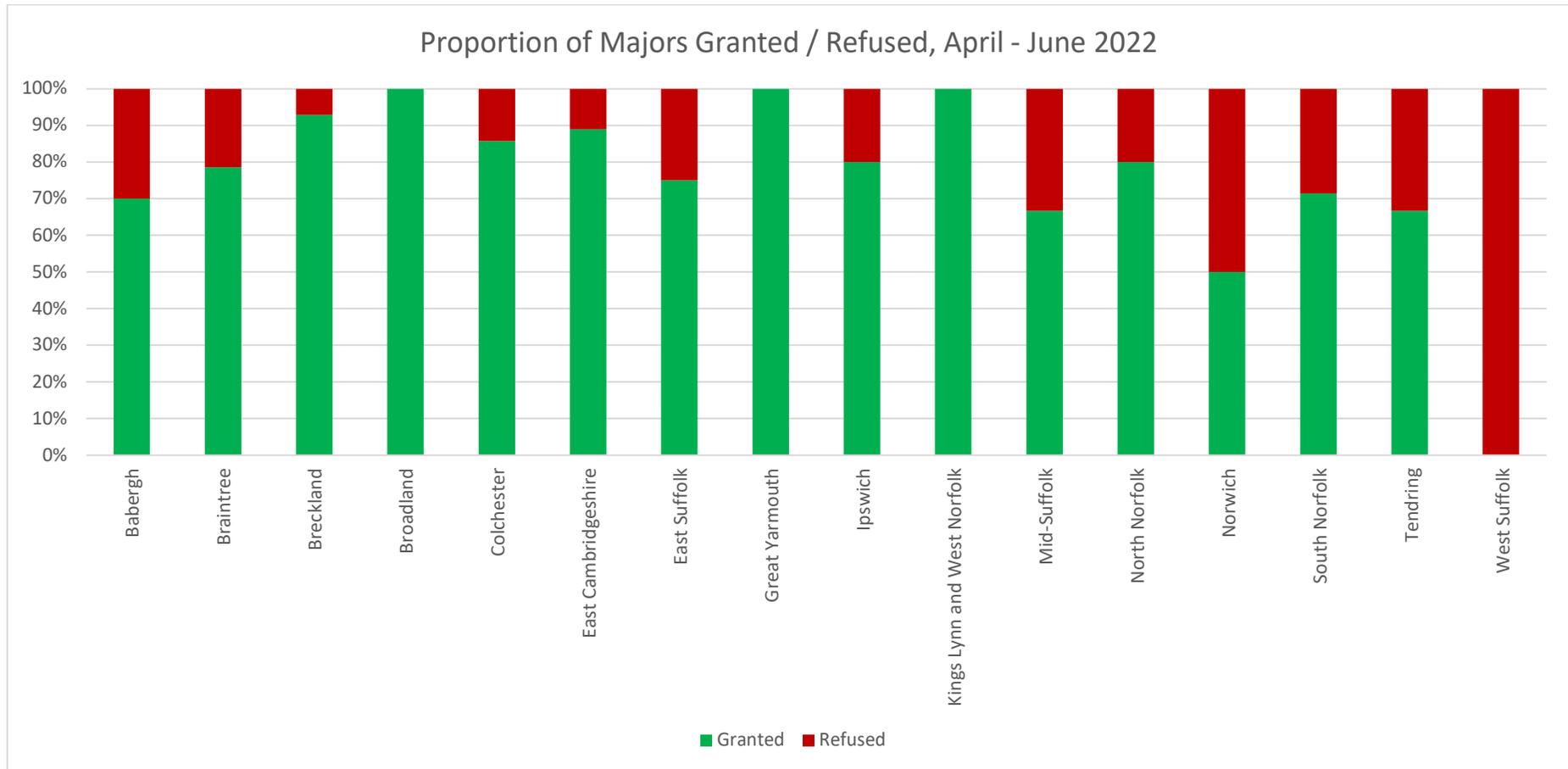
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Figure 3: The Number of Majors Granted / Refused for each Local Planning Authority between 1 October 2022 and 31 December 2022



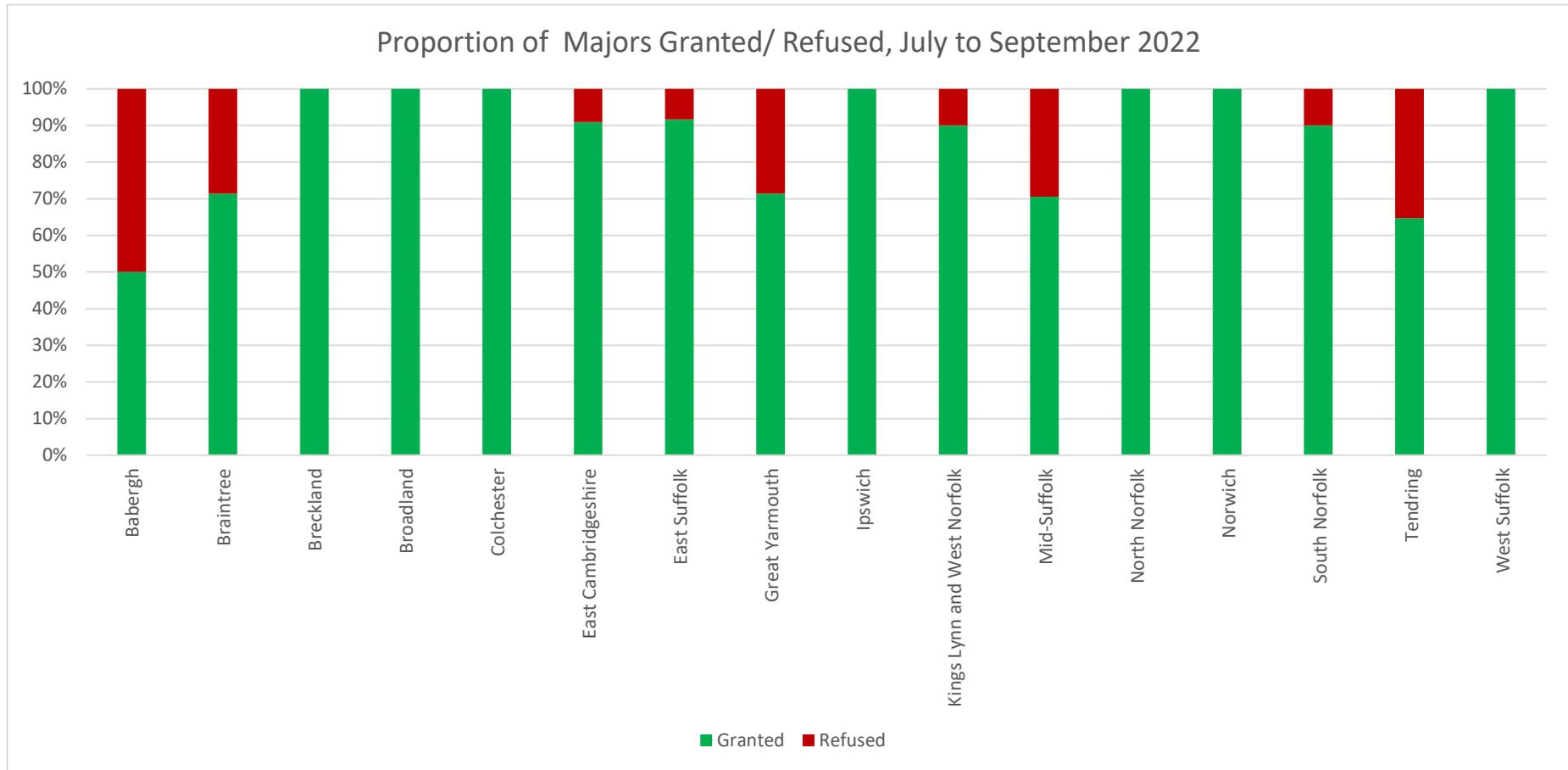
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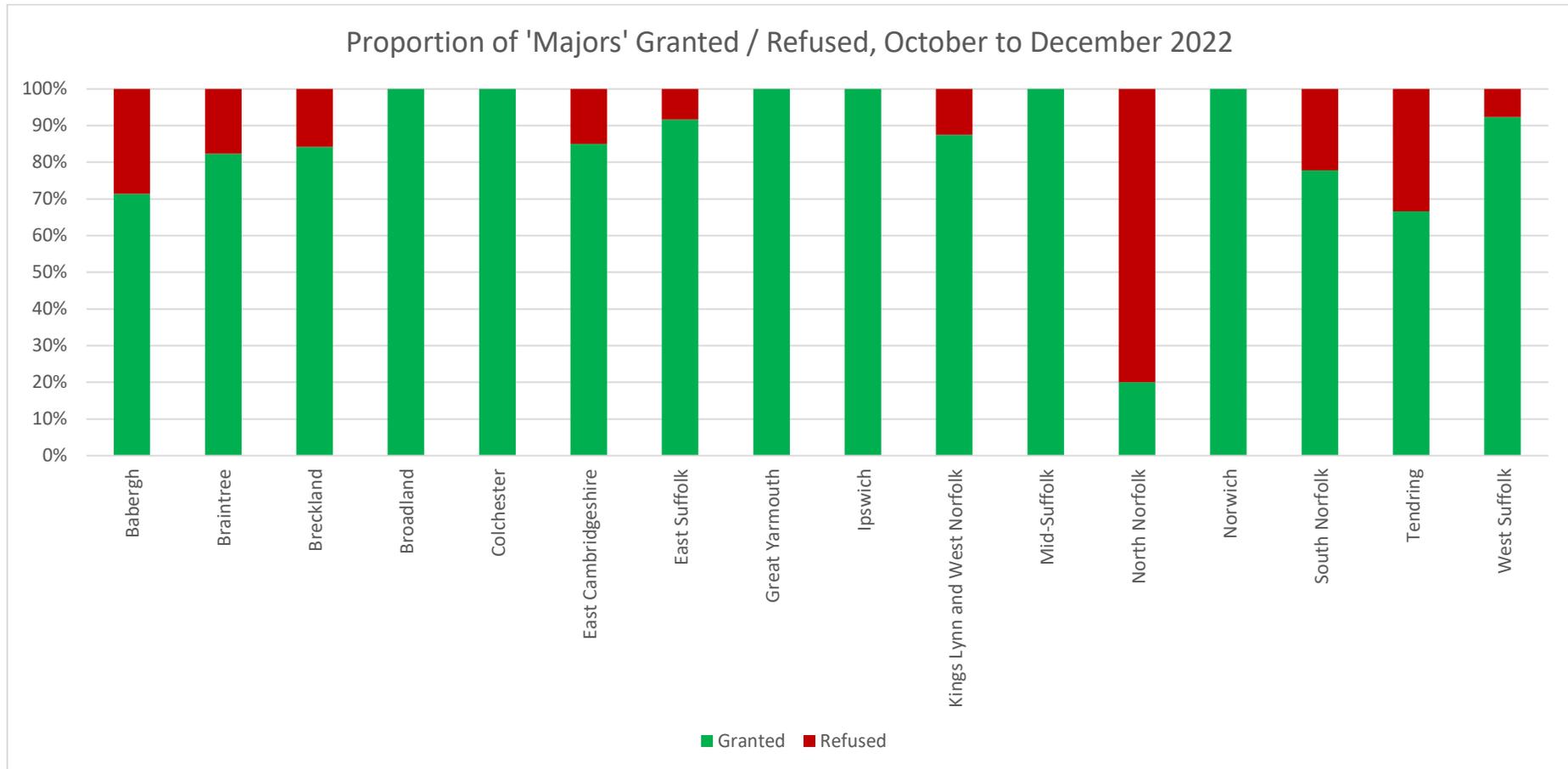
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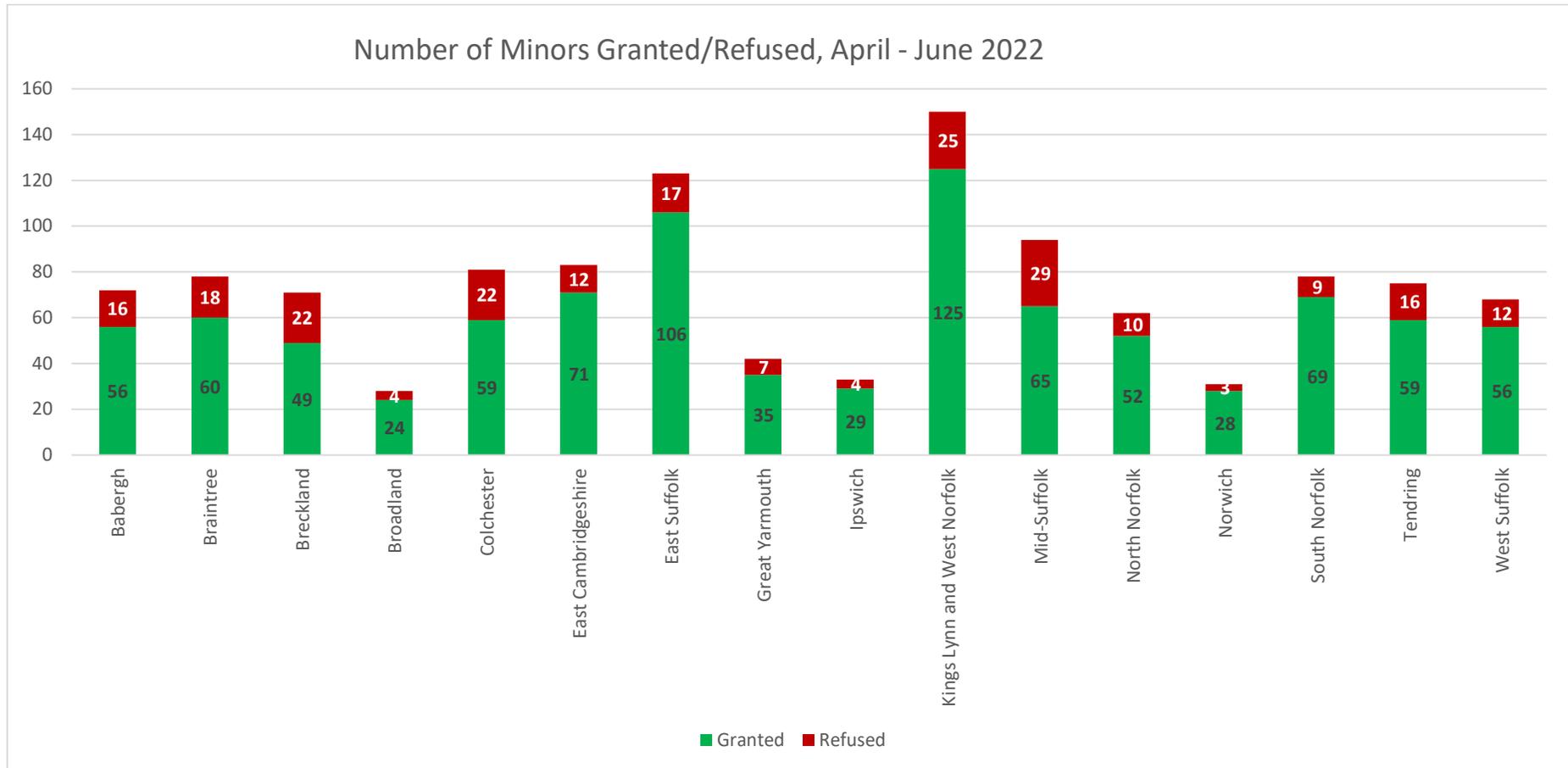
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Figure 6: The Proportion of 'Majors' Granted / Refused for each Local Planning Authority between 1 October 2022 and 31 December 2022



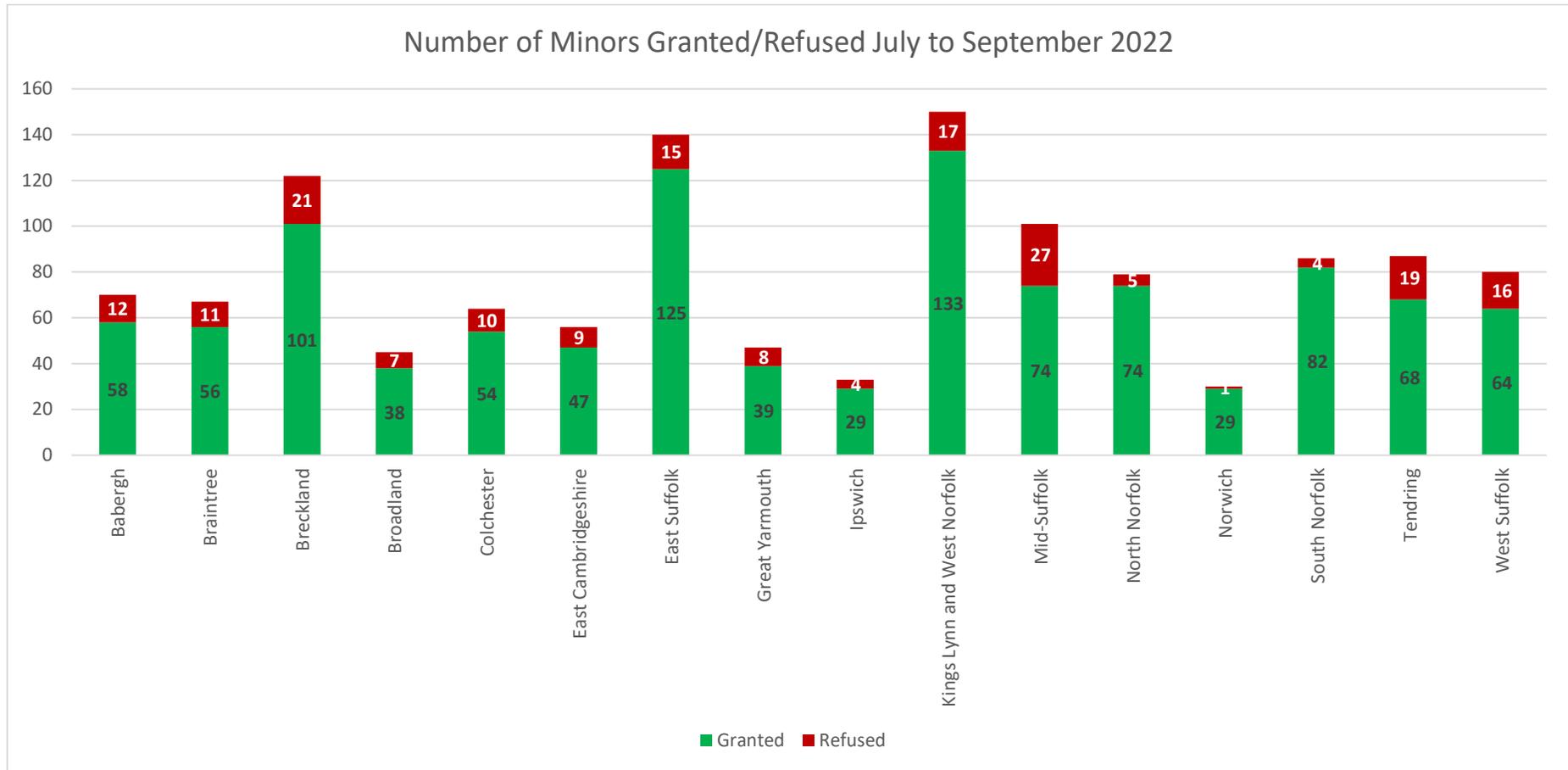
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Figure 7: The Number of 'Minors' Granted / Refused for each Local Planning Authority between 1 April 2022 and 30 June 2022



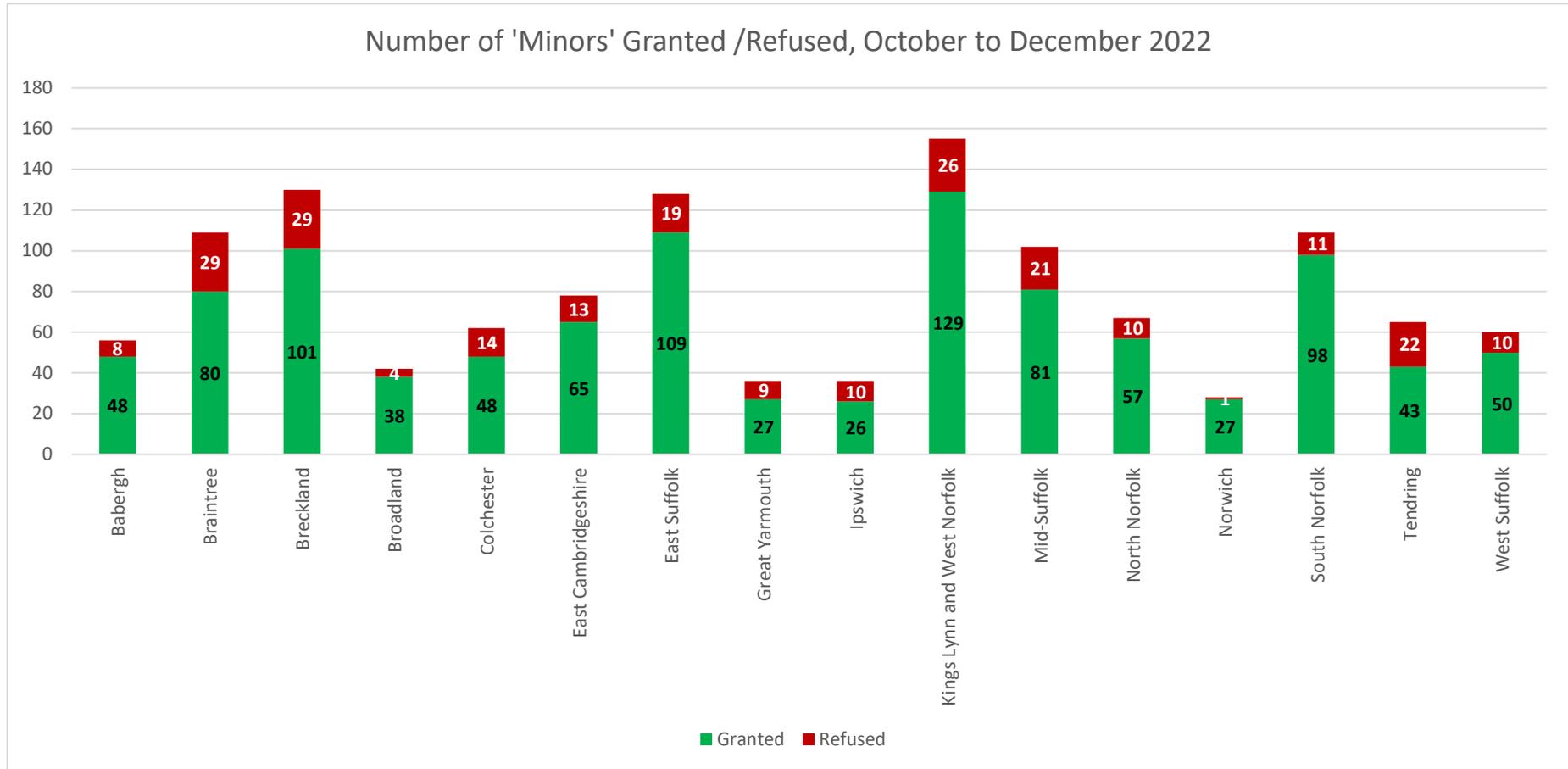
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Figure 8: The Number of 'Minors' Granted / Refused for each Local Planning Authority between 1 July 2022 and 30 September 2022



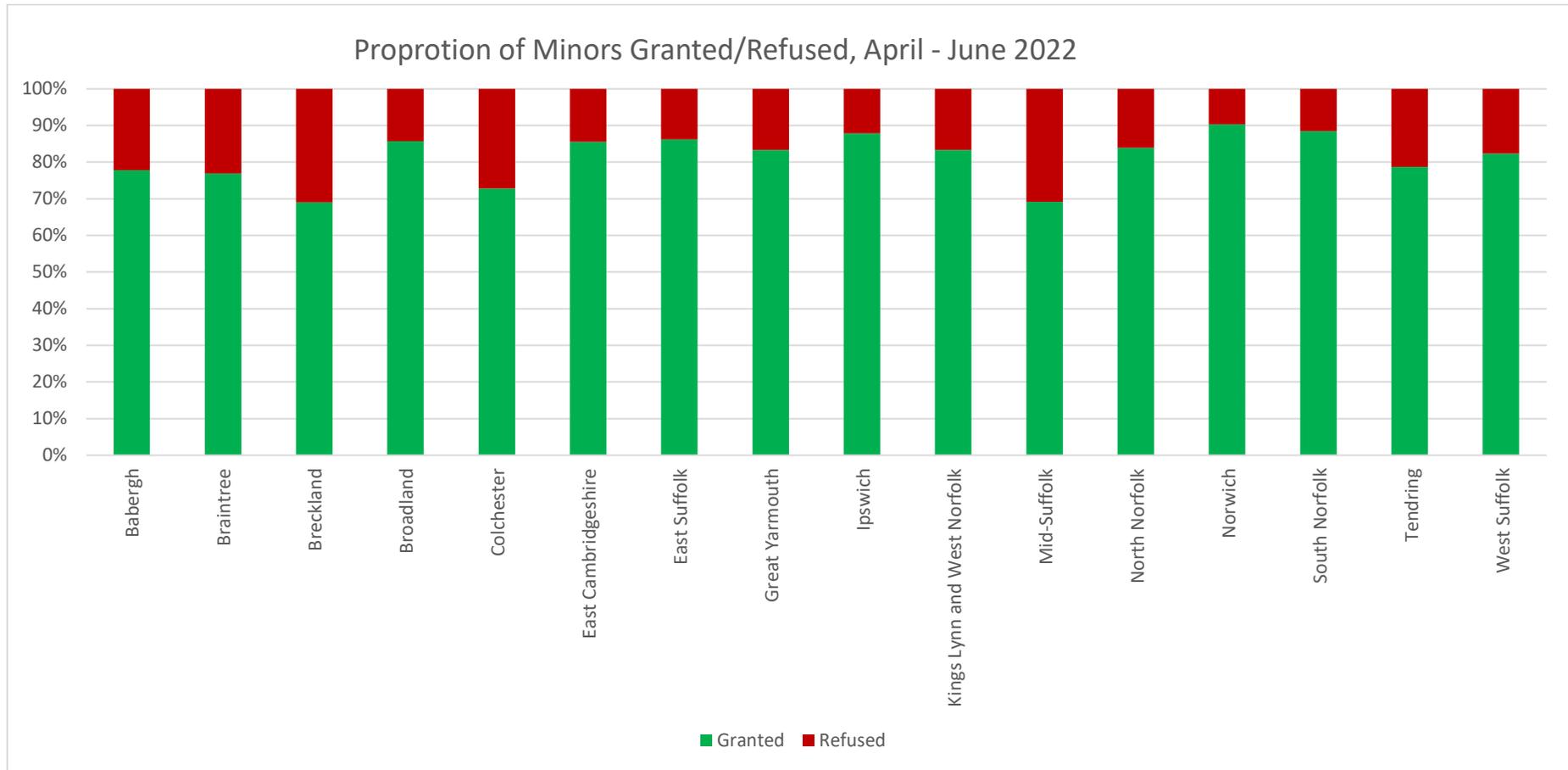
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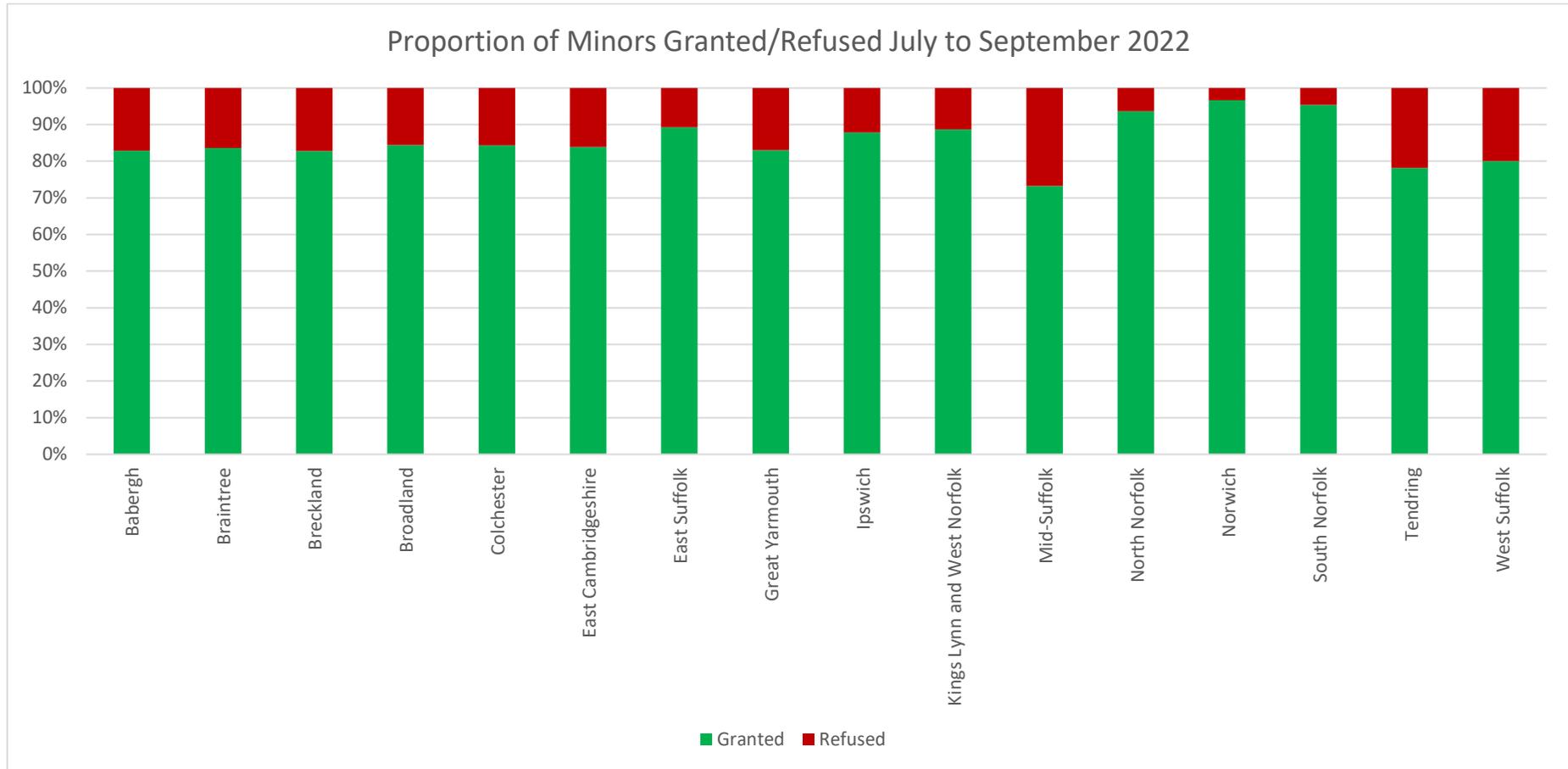
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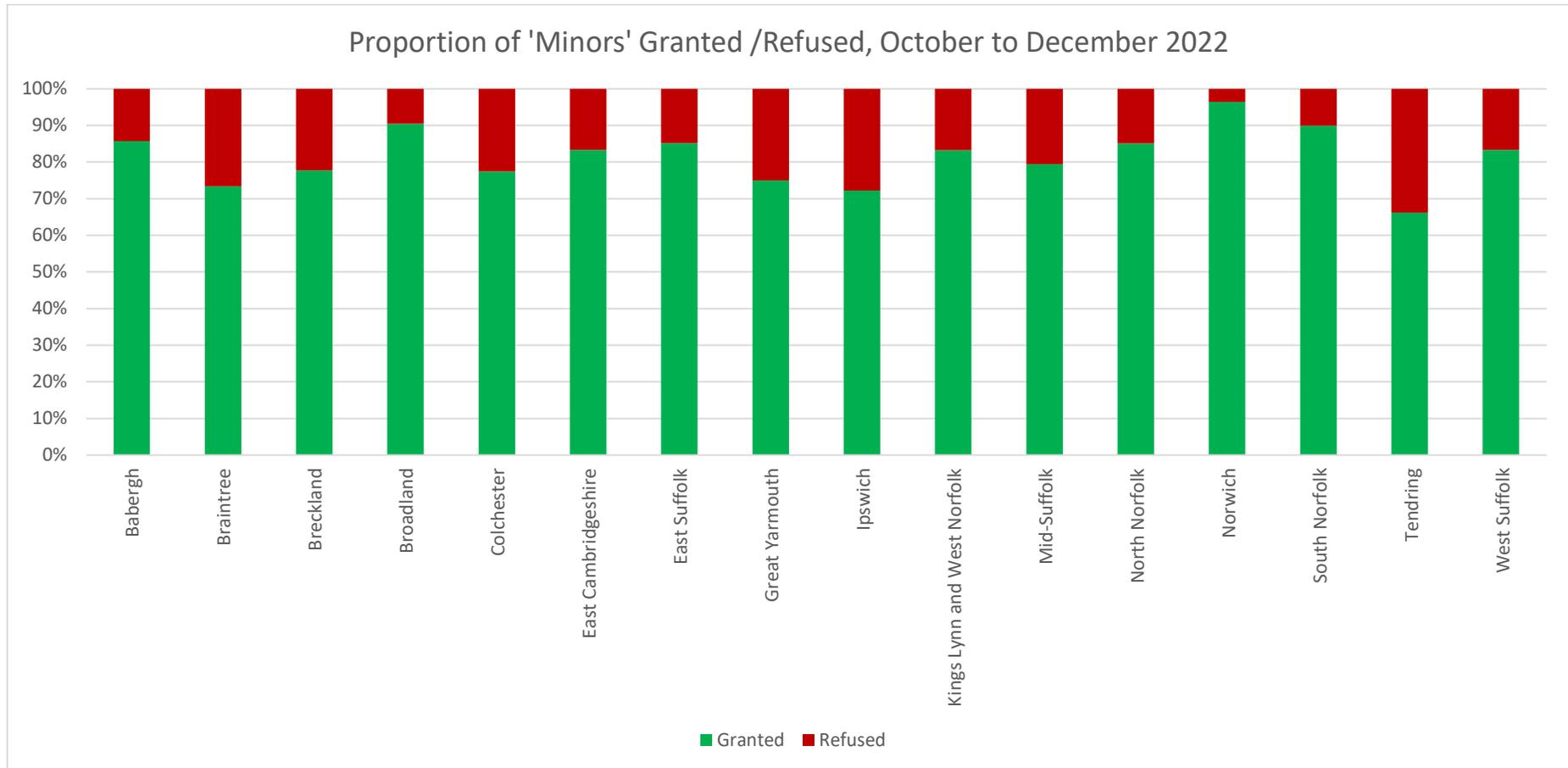
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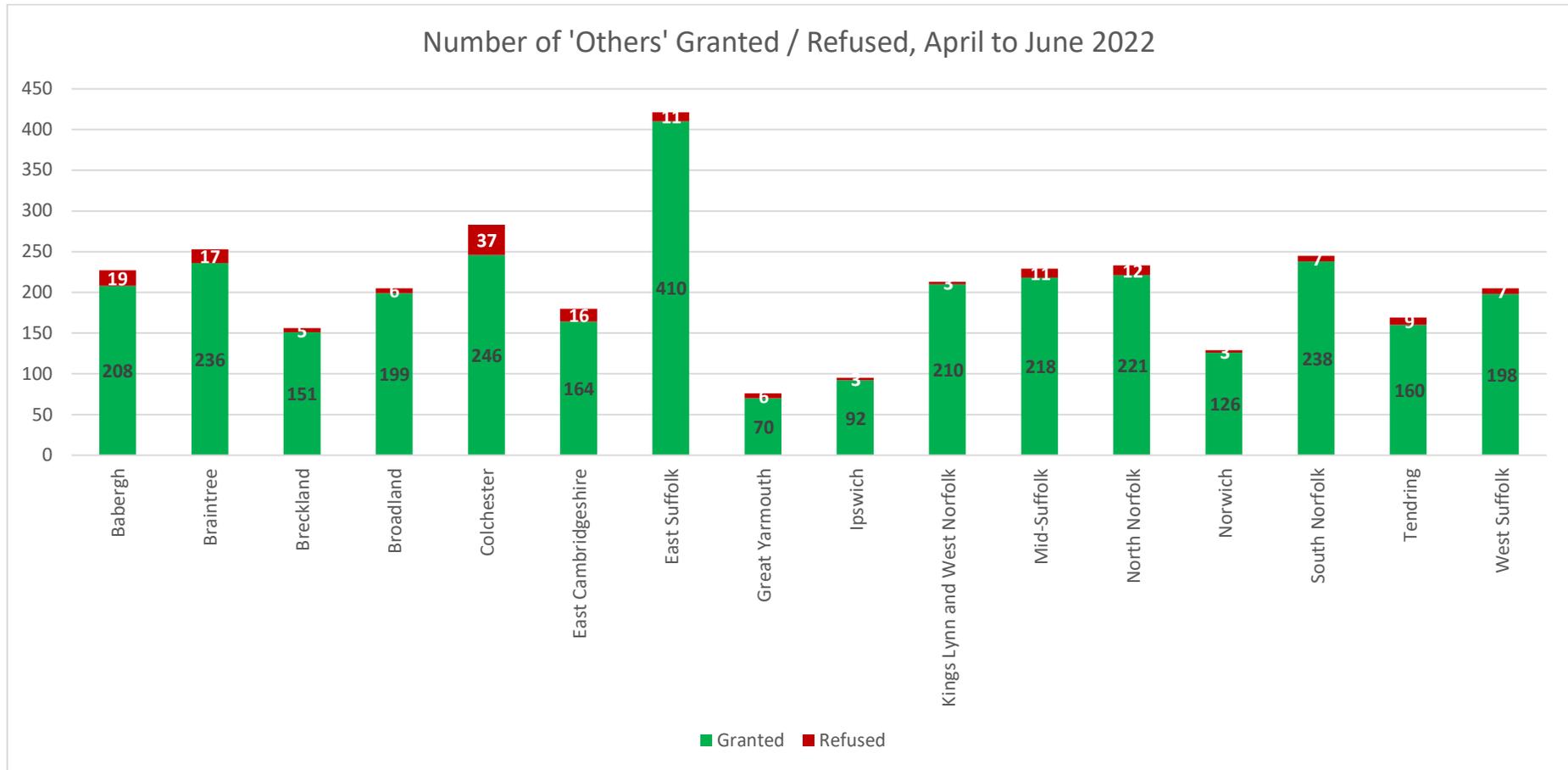
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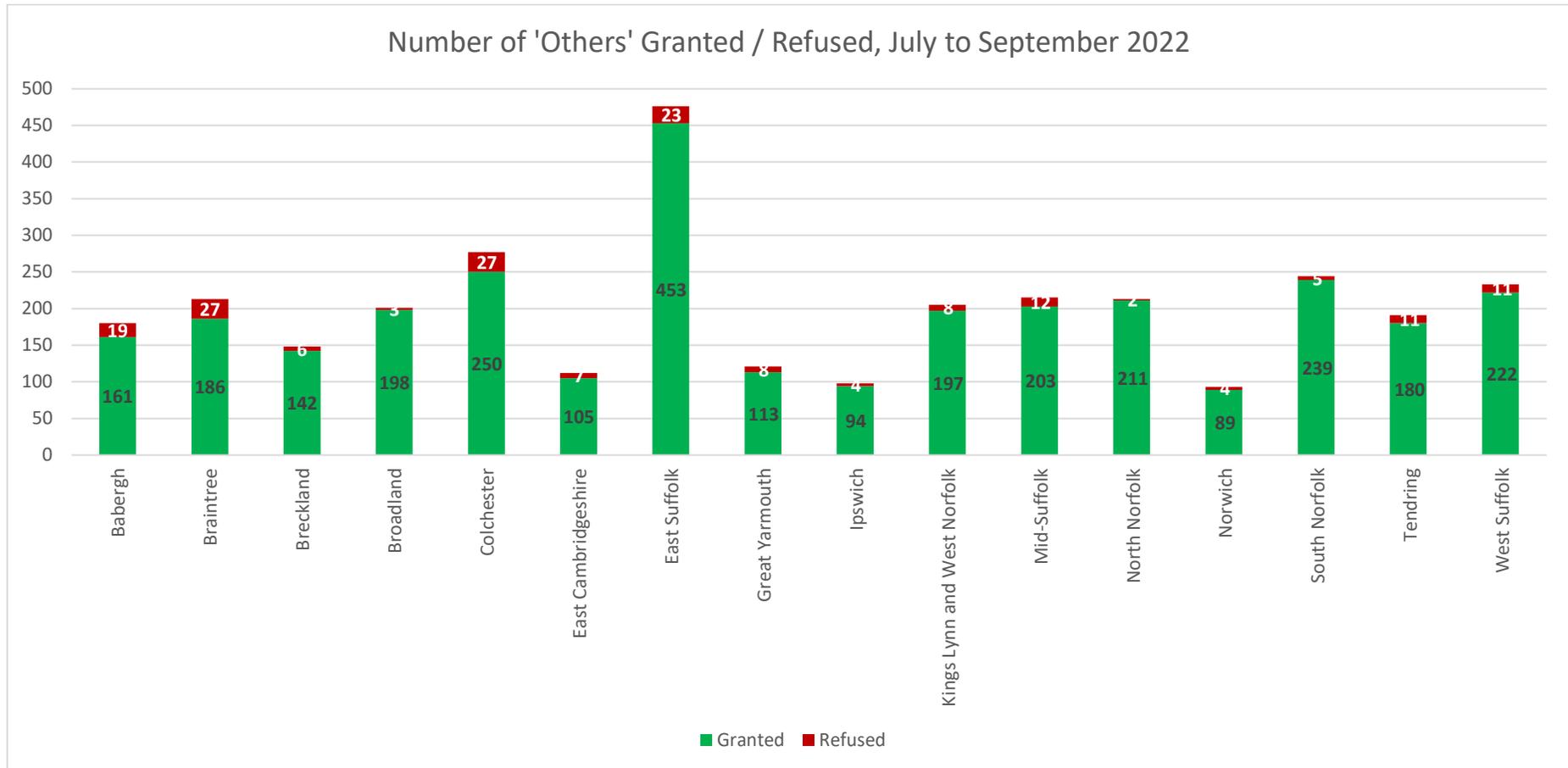
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Figure 13: The Number of 'Others' Granted / Refused for each Local Planning Authority between 1 April 2022 and 30 June 2022



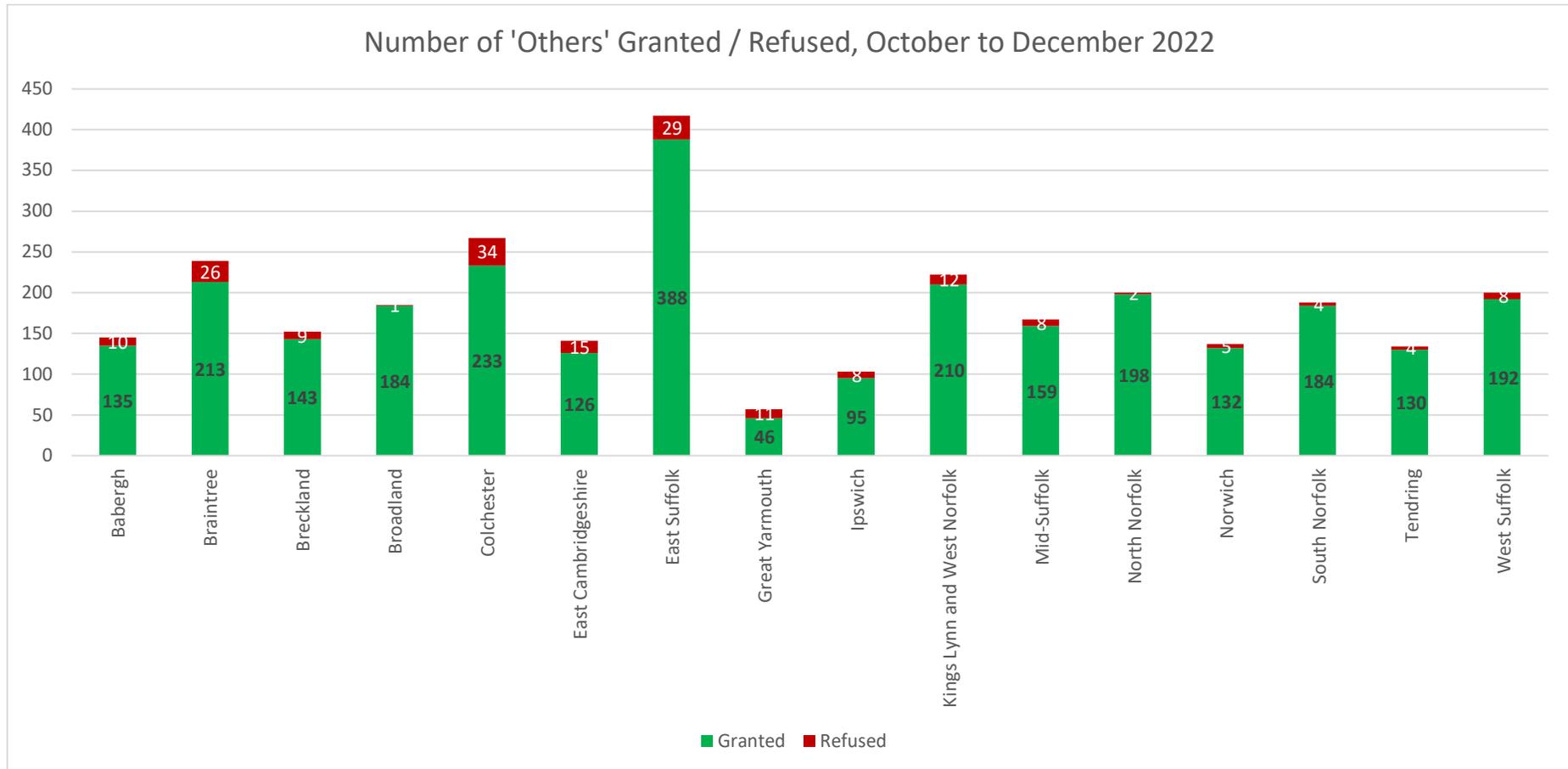
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Figure 14: The Number of 'Others' Granted / Refused for each Local Planning Authority between 1 July 2022 and 30 September 2022



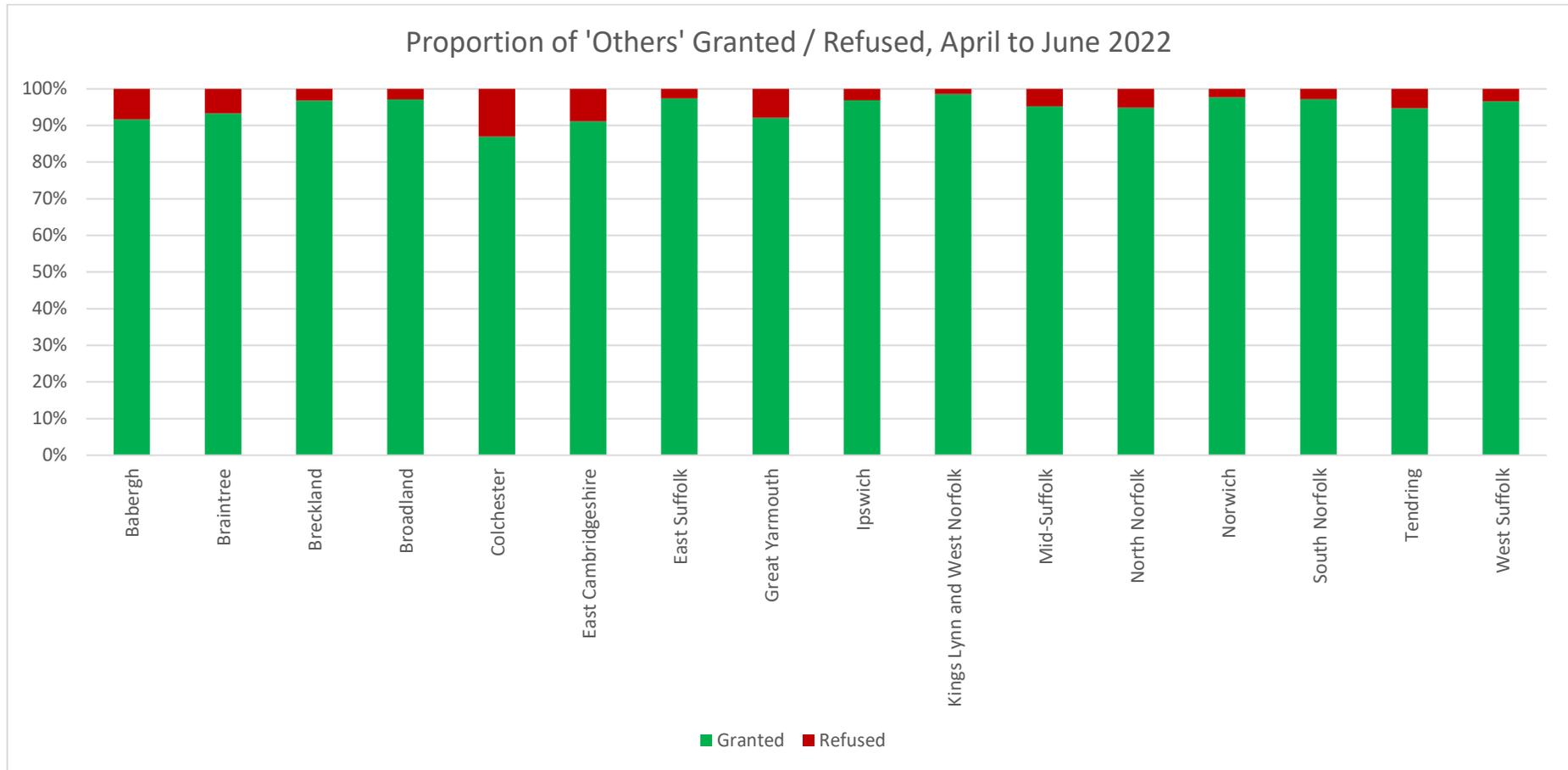
Appendix G: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications granted/refused, using data published at [DLUHC - Planning Application Statistics](#)

Figure 15: The Number of Others Granted / Refused for each Local Planning Authority between 1 October 2022 and 31 December 2022



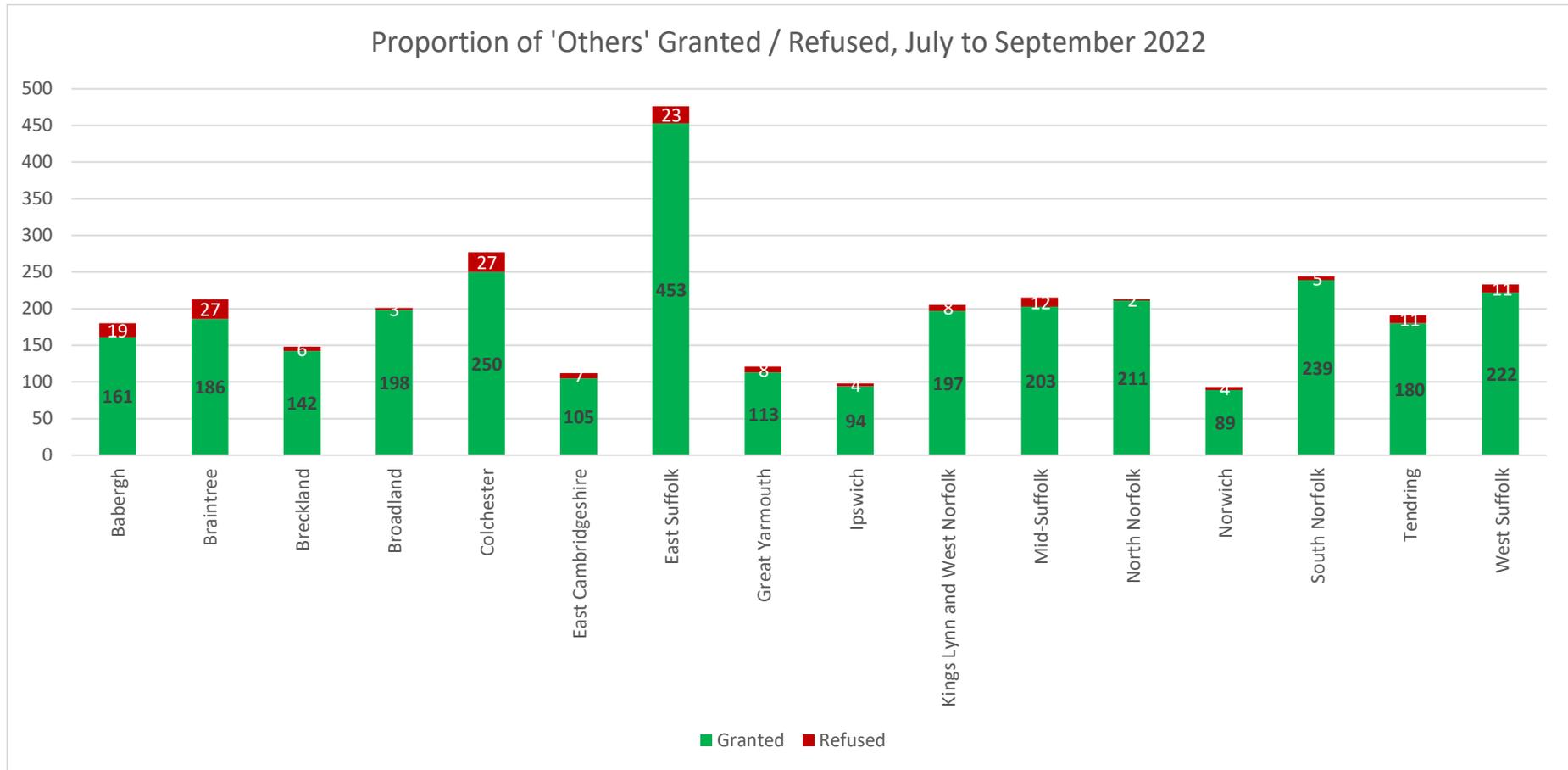
Appendix G: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications granted/refused, using data published at [DLUHC - Planning Application Statistics](#)

Figure 16: The Proportion of 'Others' Granted / Refused for each Local Planning Authority between 1 April 2022 and 30 June 2022



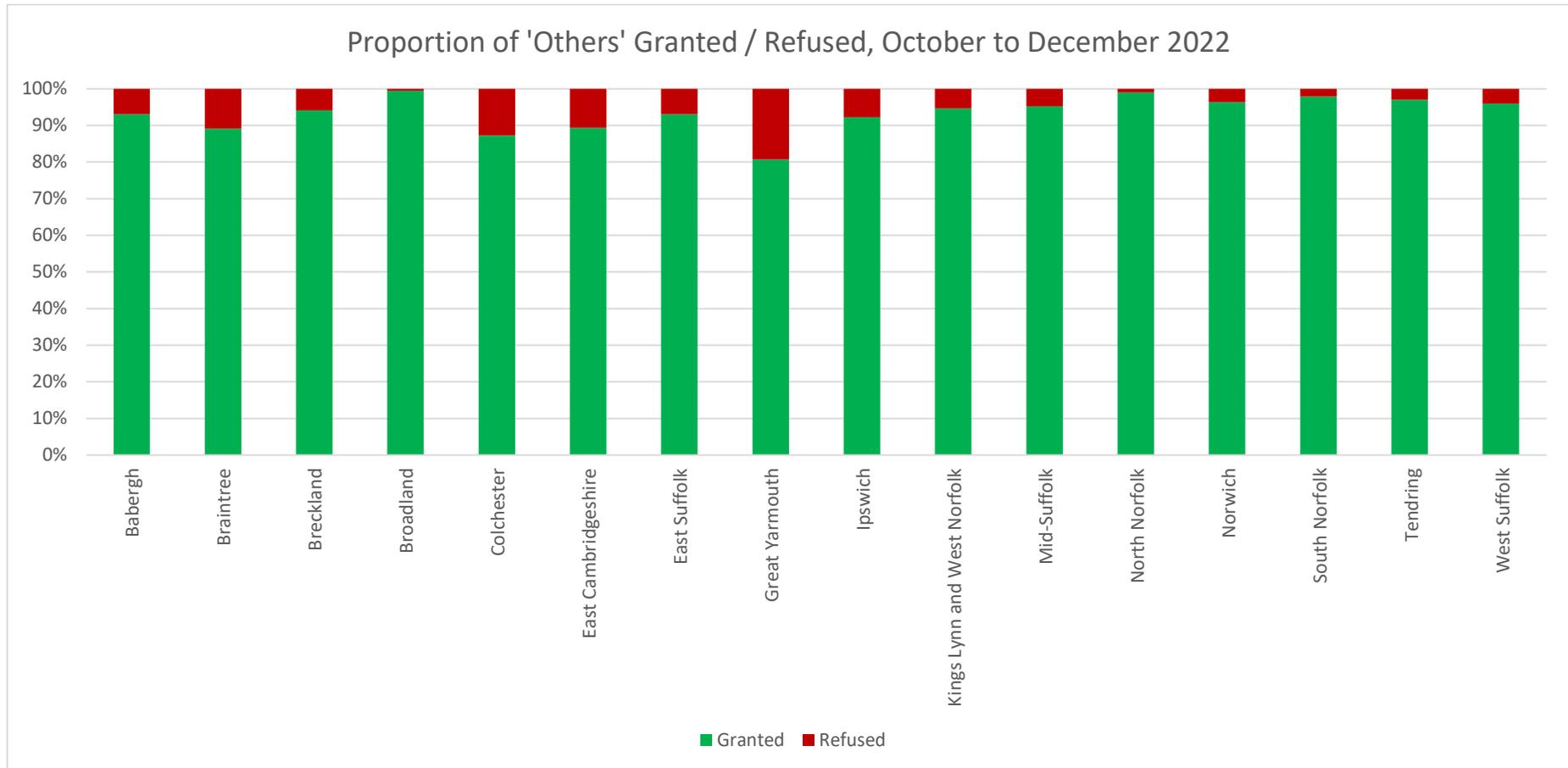
Appendix G: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications granted/refused, using data published at [DLUHC - Planning Application Statistics](#)

Figure 17: The Proportion of 'Others' Granted / Refused for each Local Planning Authority between 1 July 2022 – 30 September 2022



Appendix G: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications granted/refused, using data published at [DLUHC - Planning Application Statistics](#)

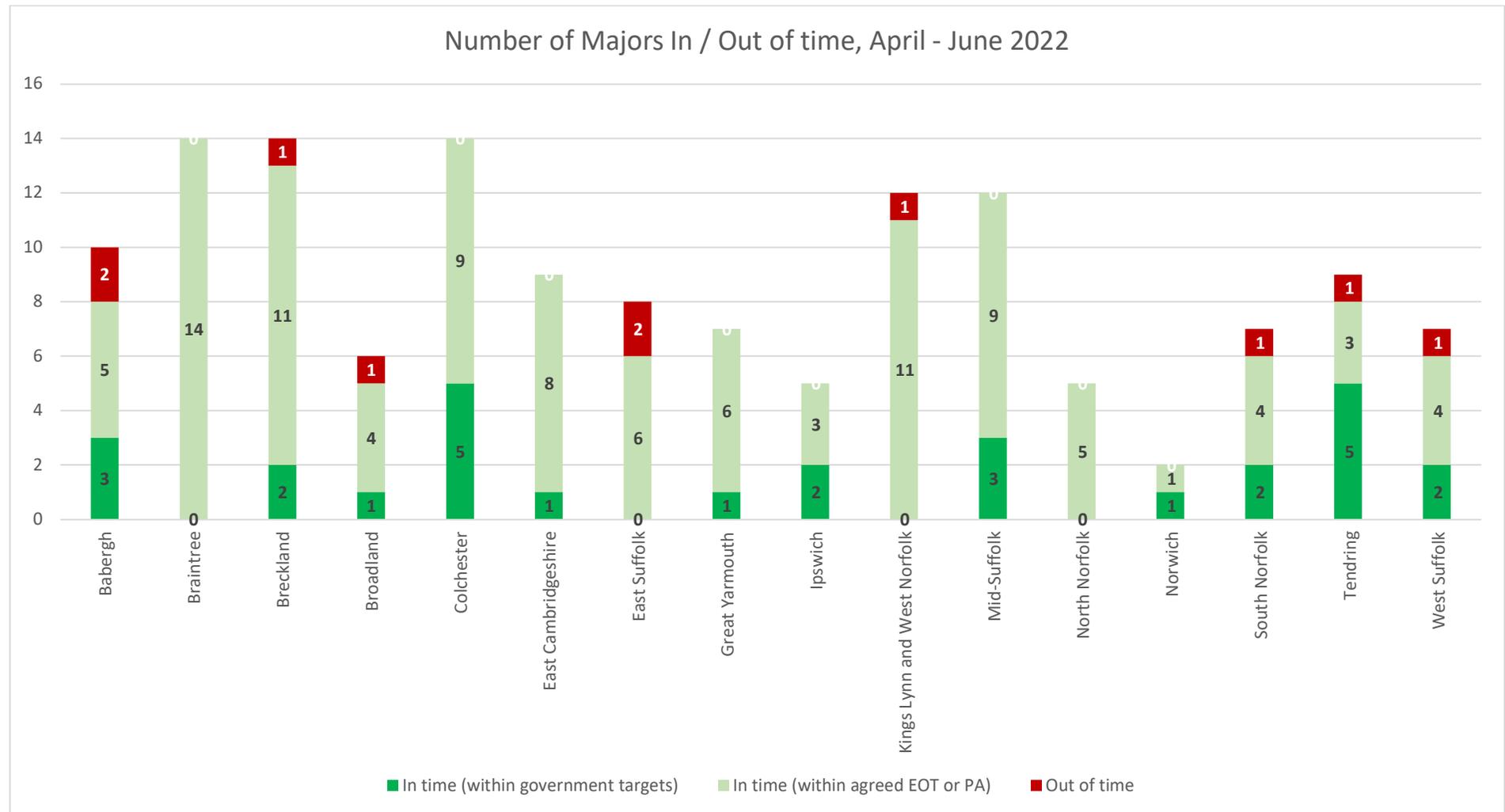
Figure 18: The Proportion of 'Others' Granted / Refused for each Local Planning Authority between 1 October 2022 and 31 December 2022



Appendix H A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

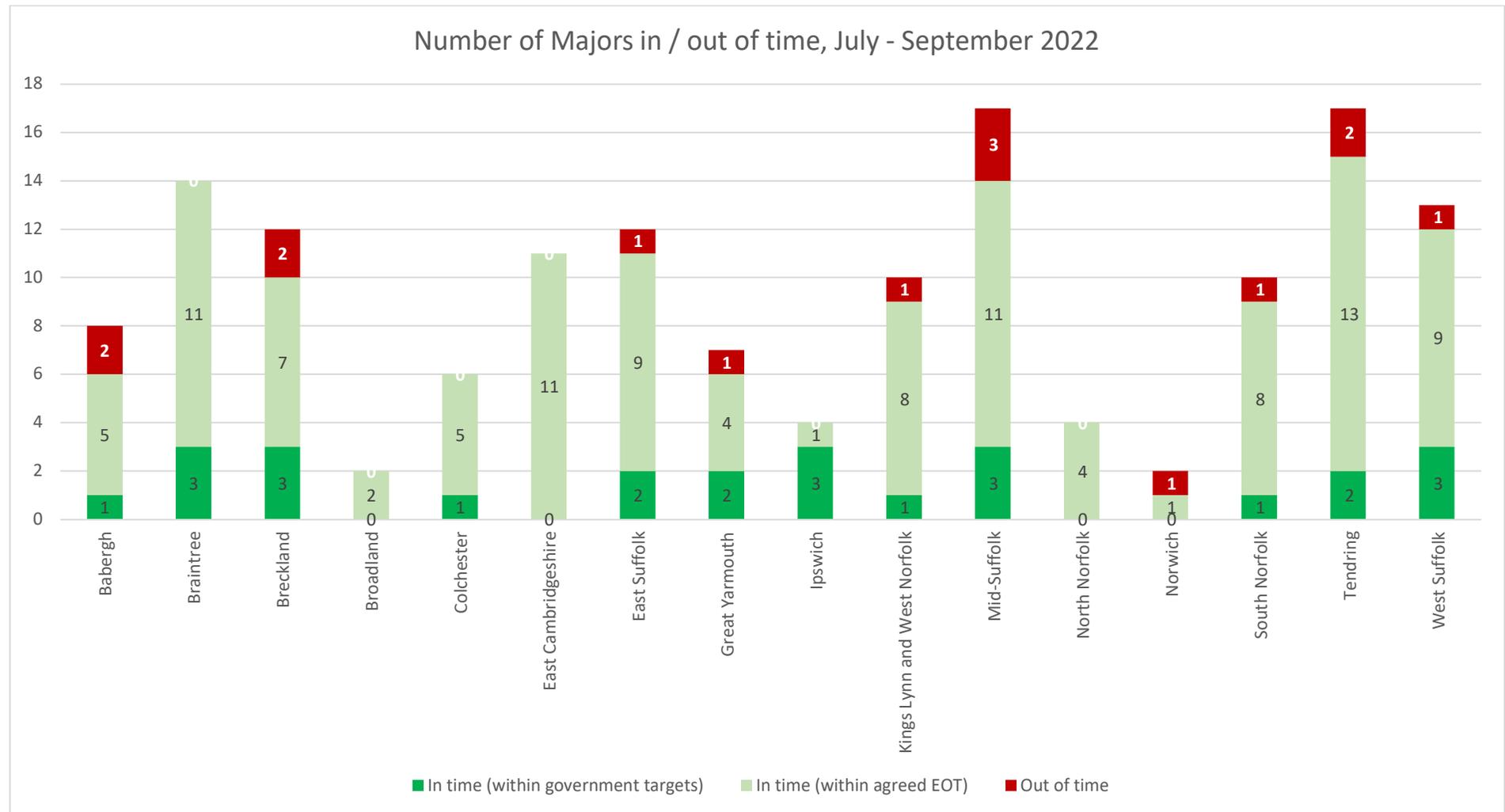
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 1: Number of 'Majors' In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022



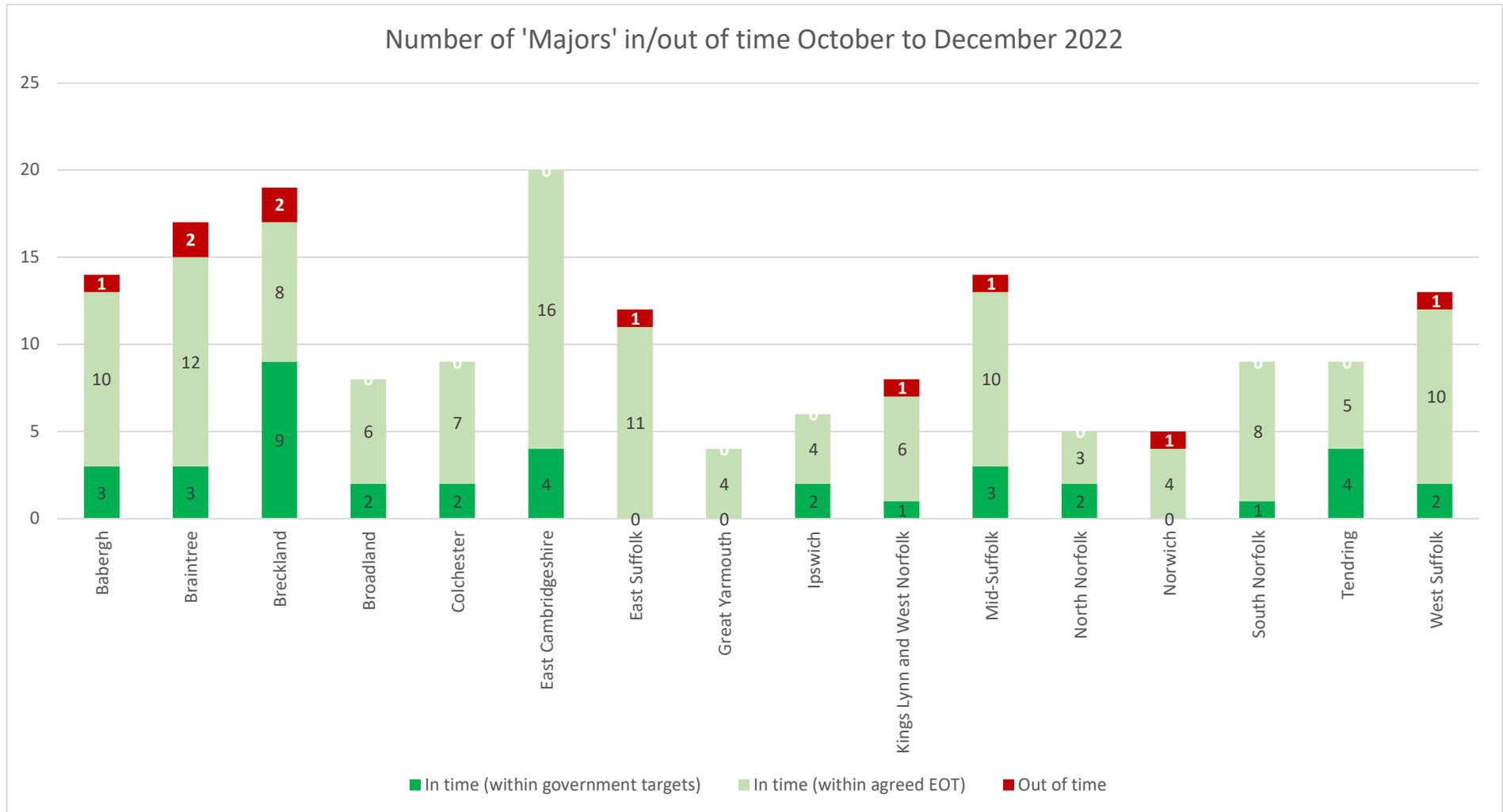
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 2: Number of ‘Majors’ In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



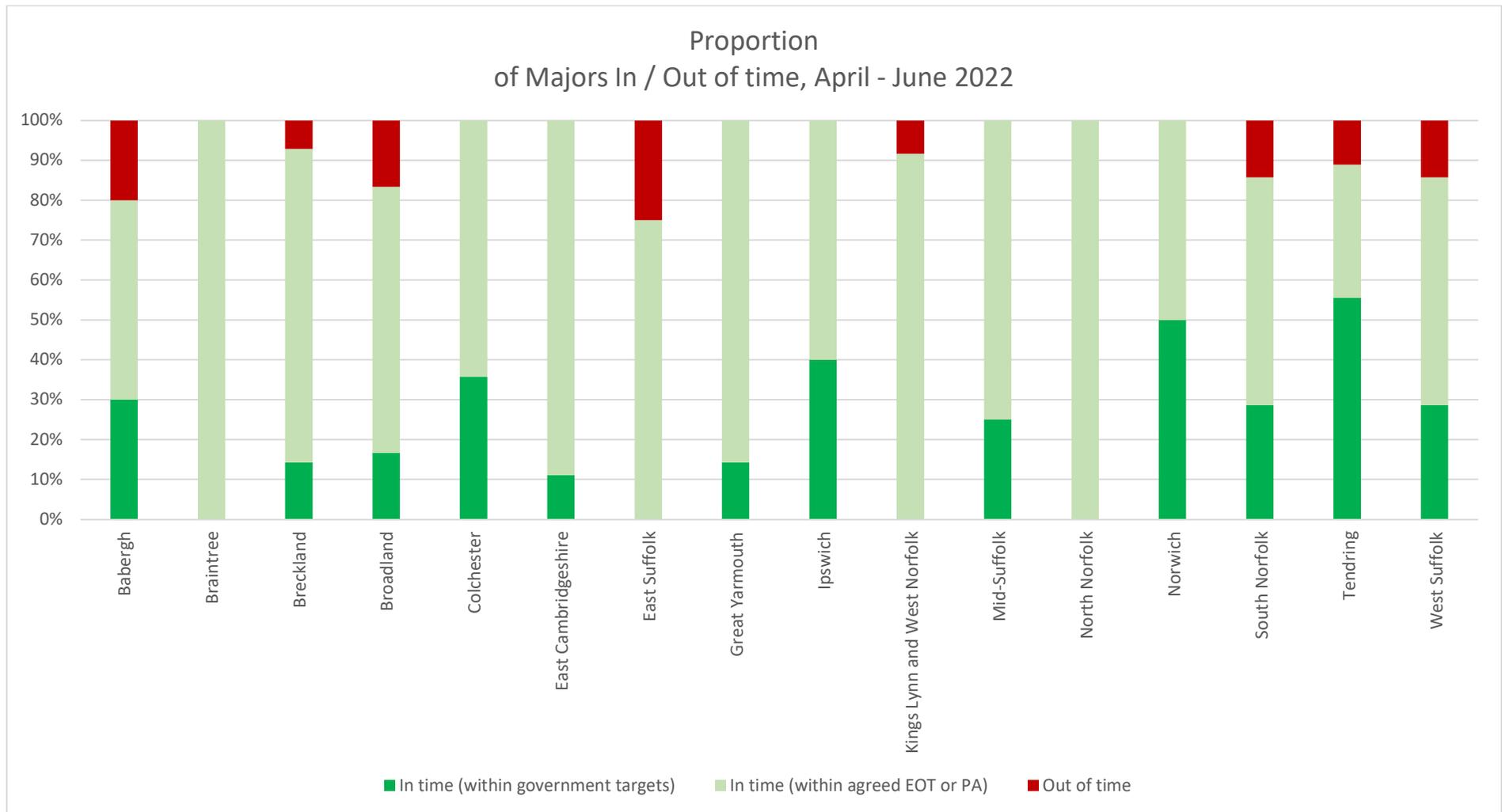
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 3: Number of 'Majors' In/out of Time, for each Local Planning Authority between 1 October 2022 – 31 December 2022



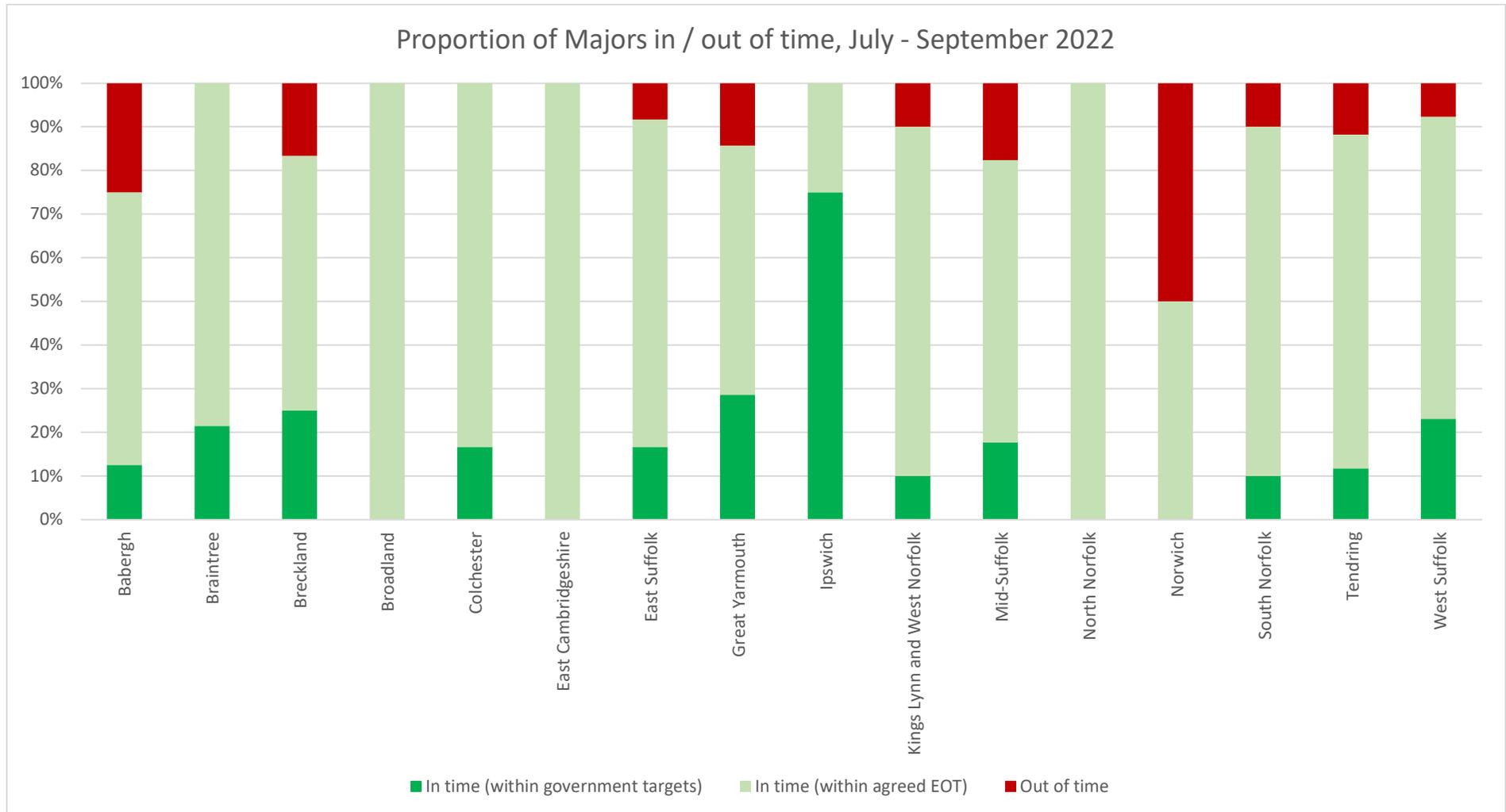
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 4: Proportion of ‘Majors’ In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022



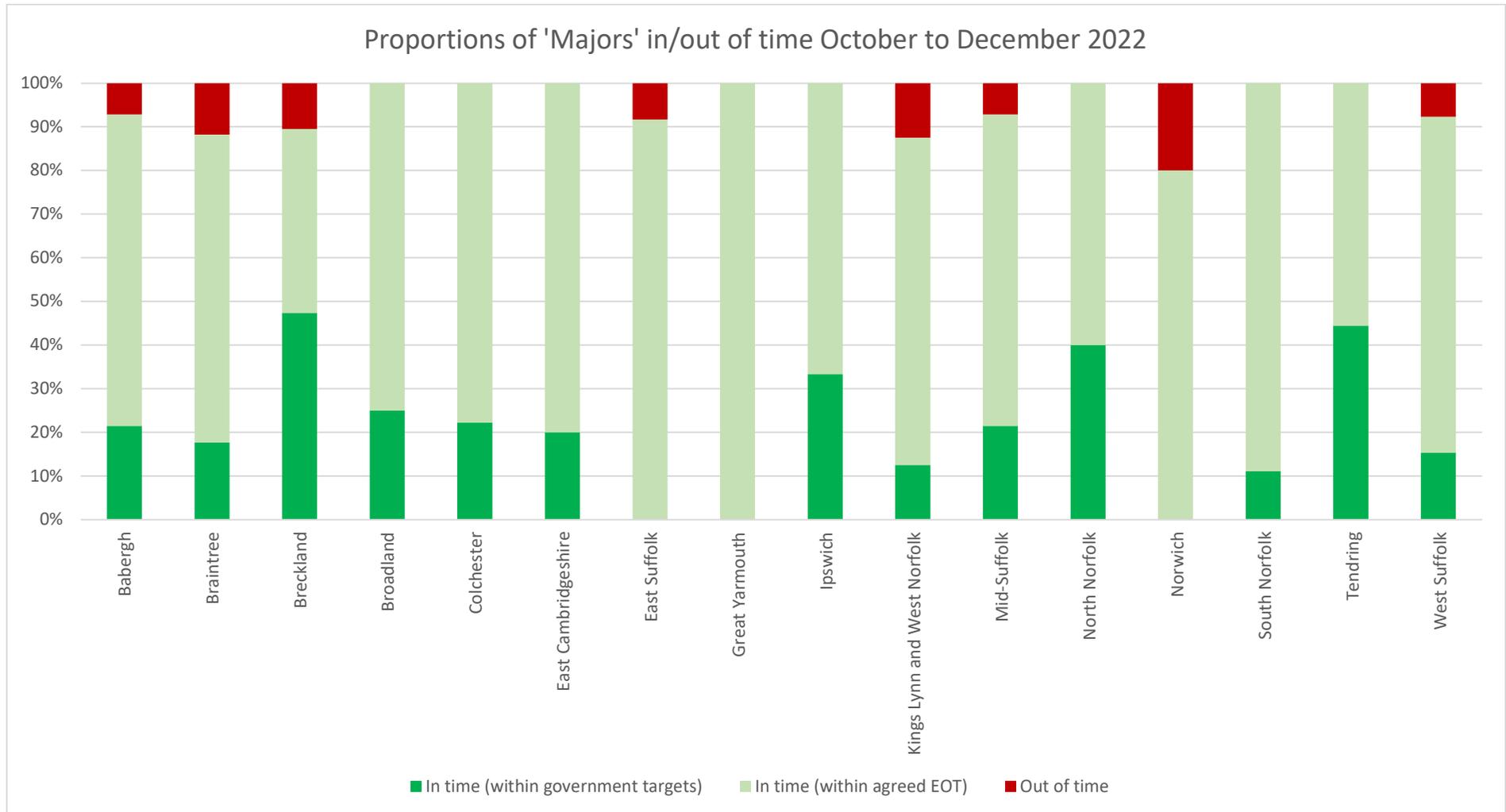
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 5: Proportion of ‘Majors’ In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



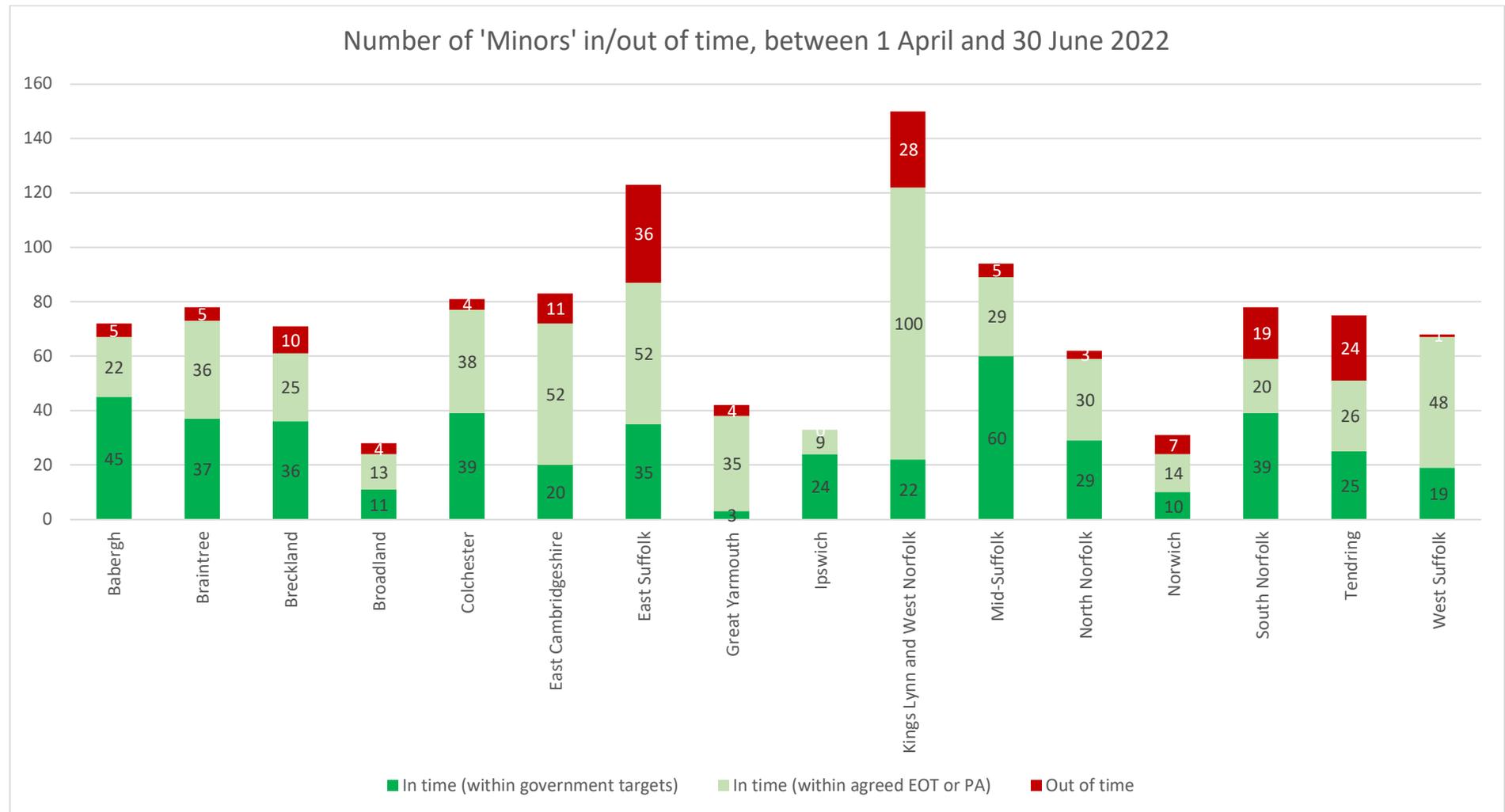
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 6: Proportion of 'Majors' In/out of Time, for each Local Planning Authority between 1 October 2022 – 31 December 2022



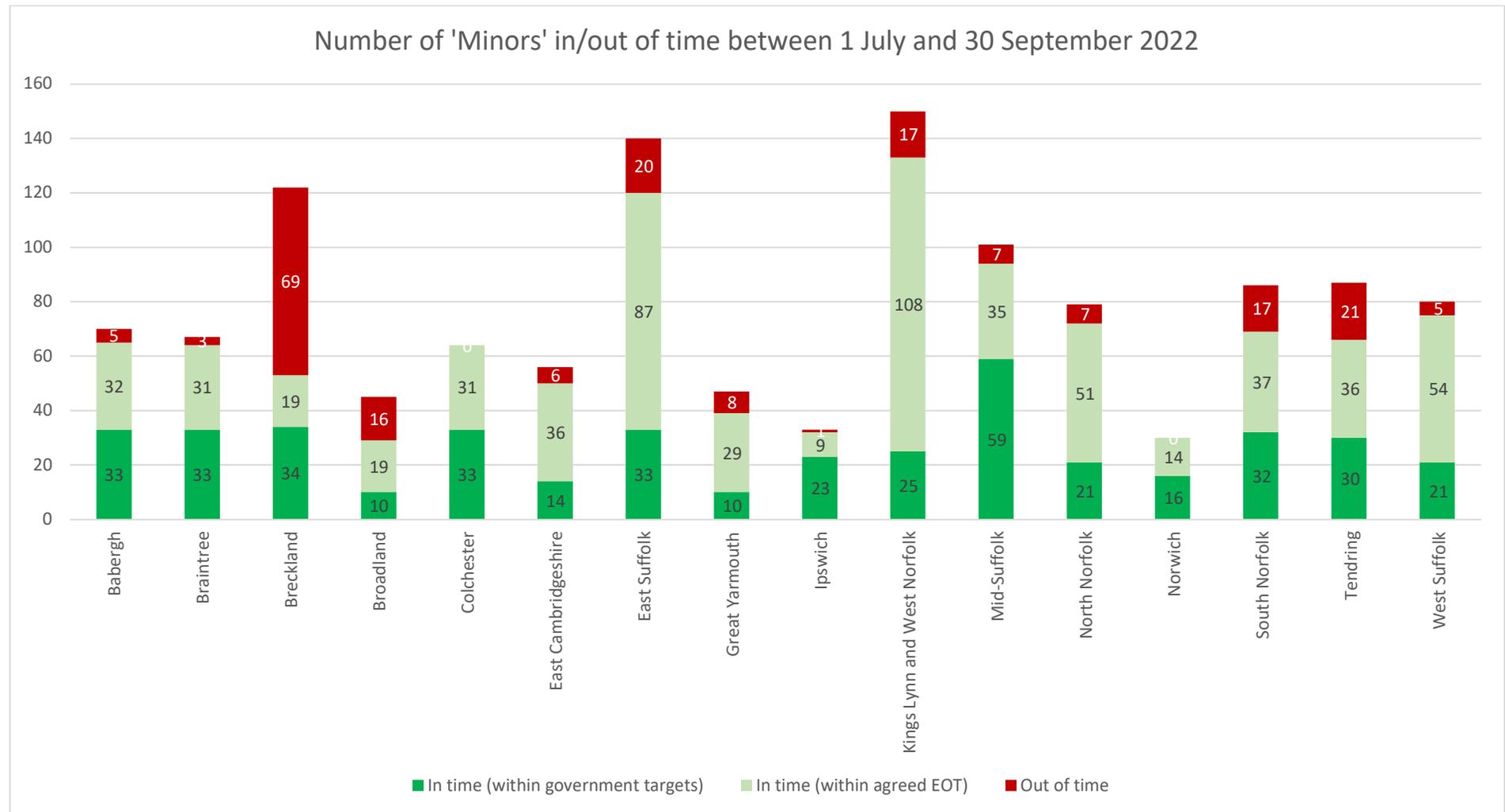
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 7: Number of 'Minors' In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022



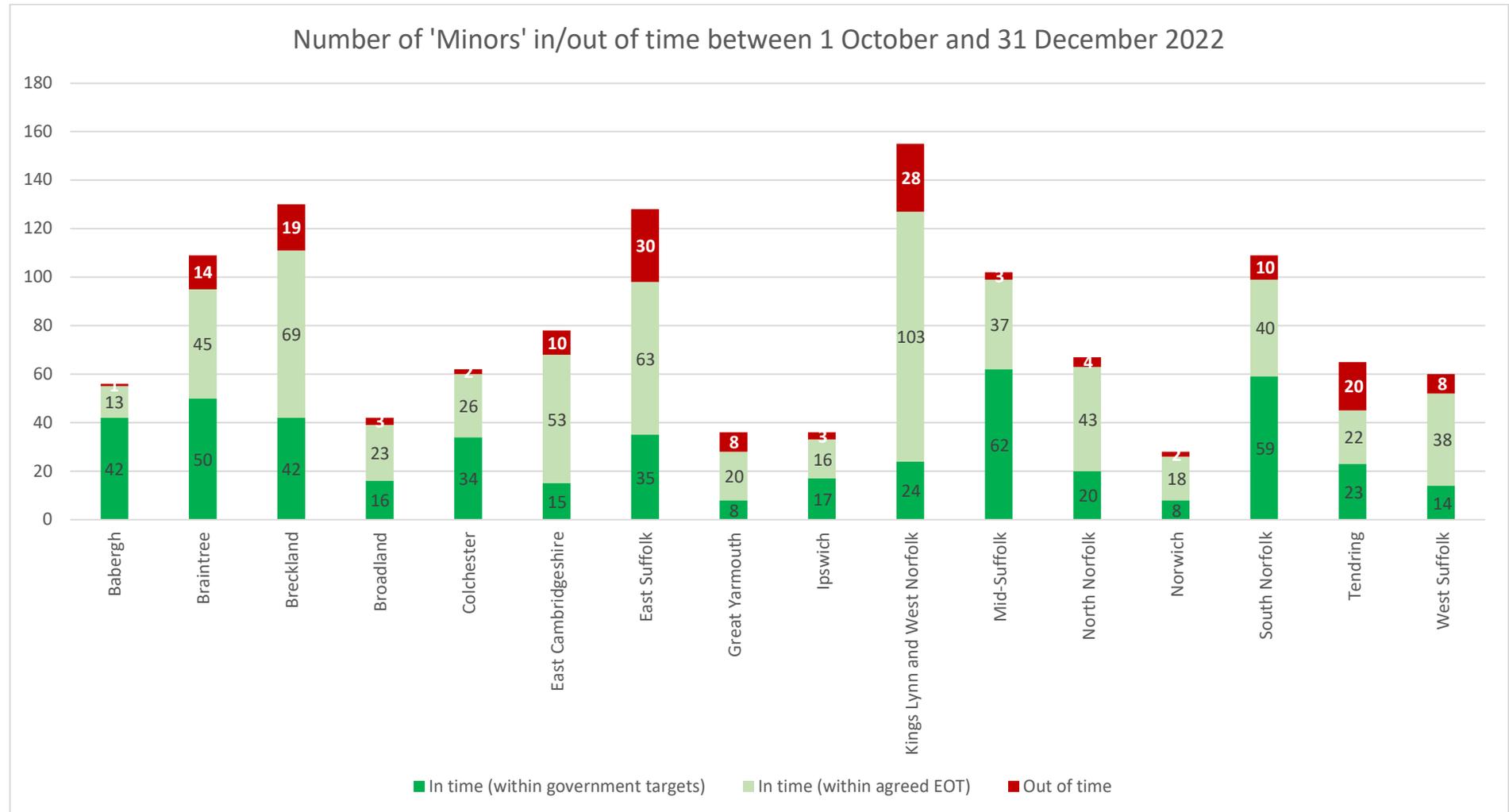
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 8: Number of 'Minors' In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



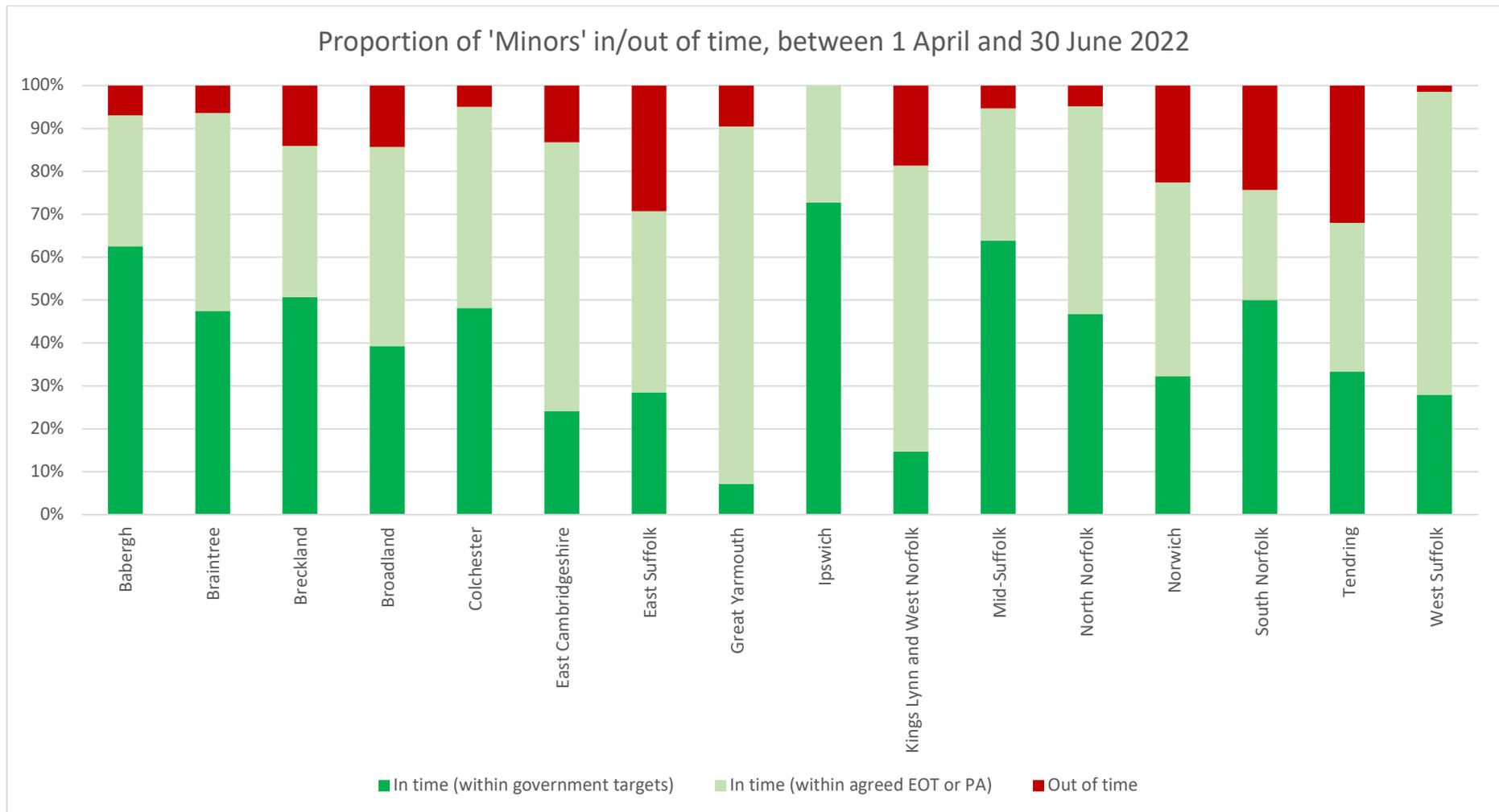
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 9: Number of 'Minors' In/out of Time, for each Local Planning Authority between 1 October 2022 – 31 December 2022



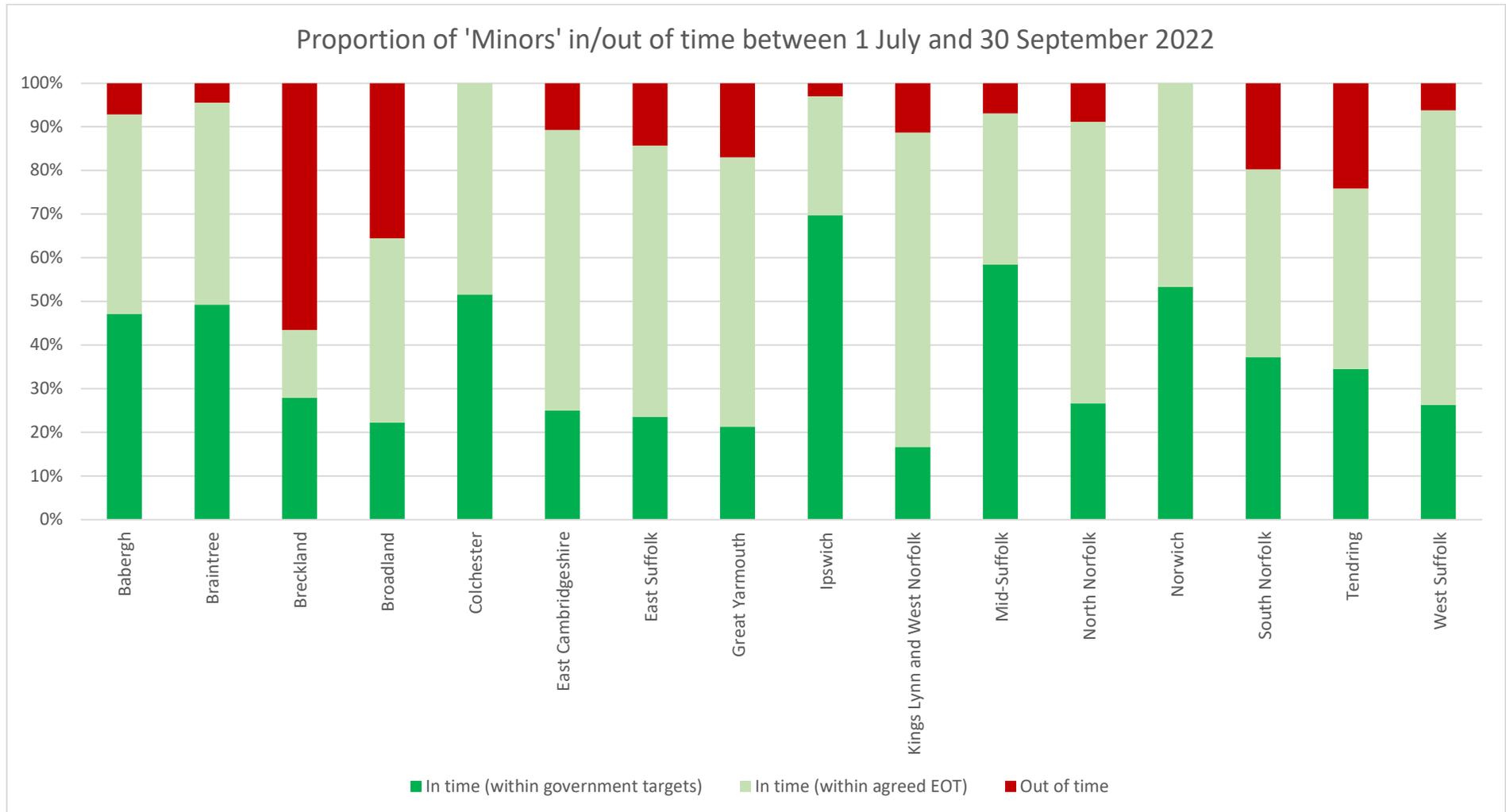
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 10: Proportion of 'Minors' In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022



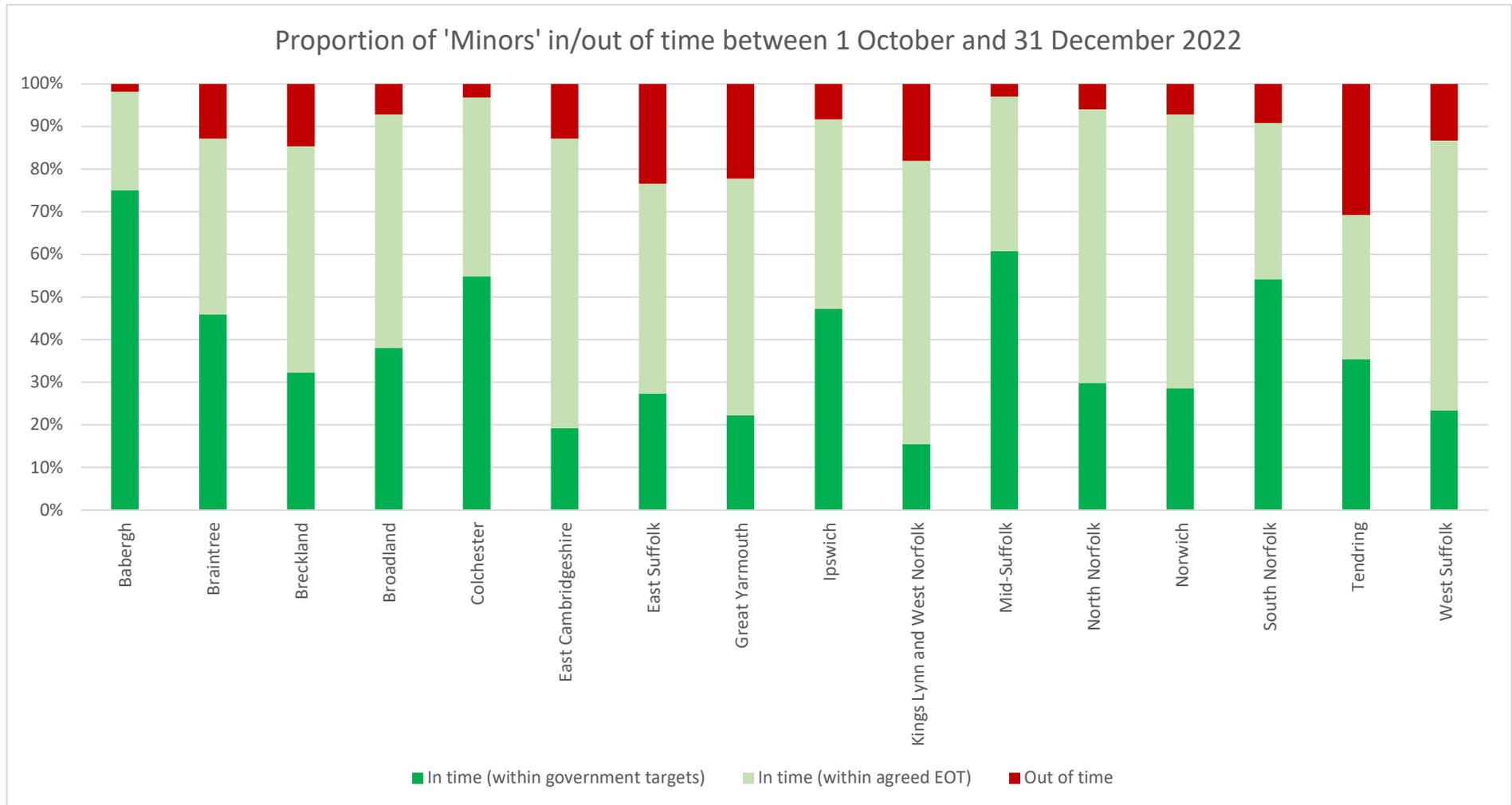
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 11: : Proportion of 'Minors' In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



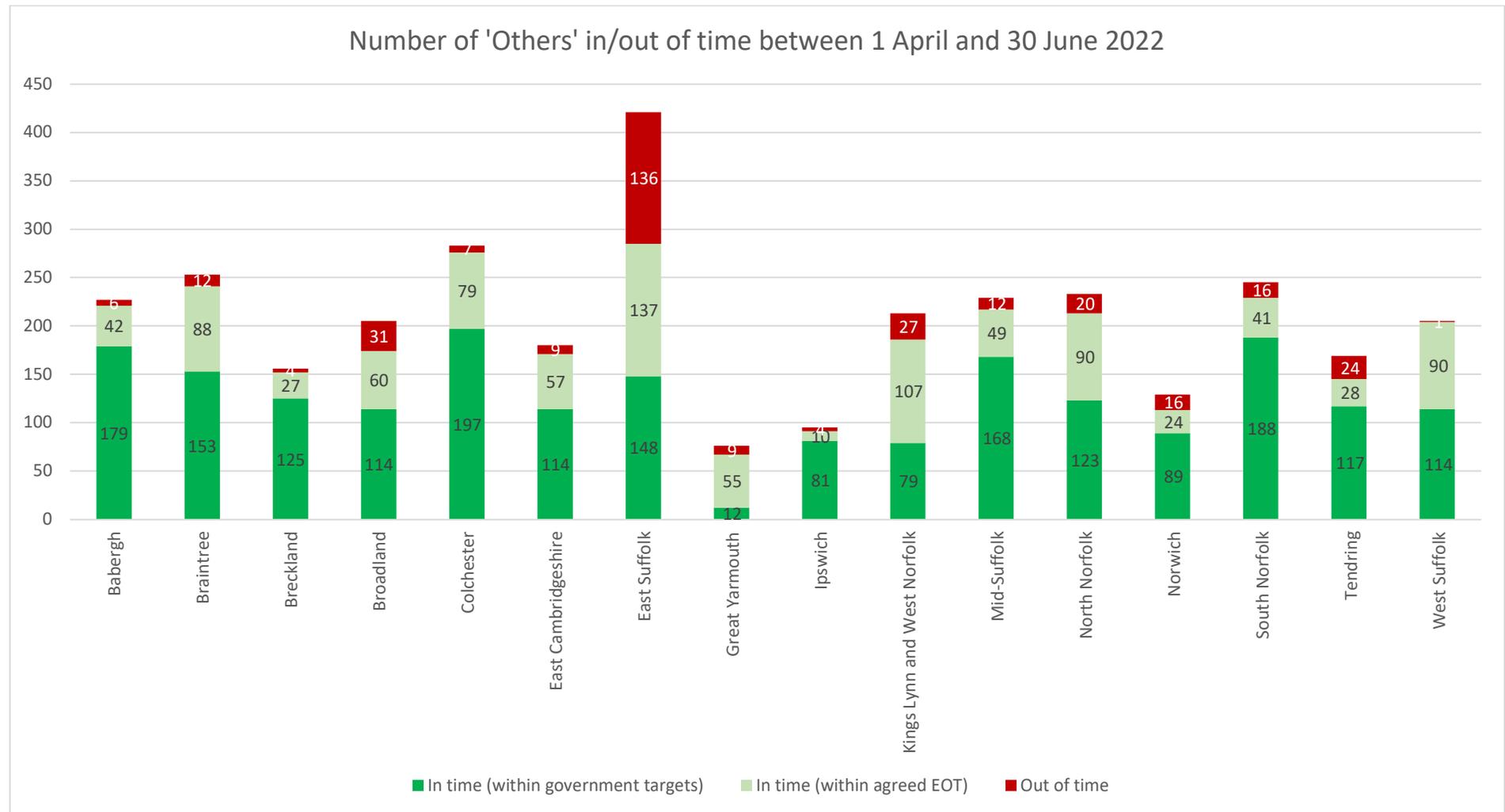
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 12: Proportion of ‘Minors’ In/out of Time, for each Local Planning Authority between 1 October 2022 – 31 December 2022



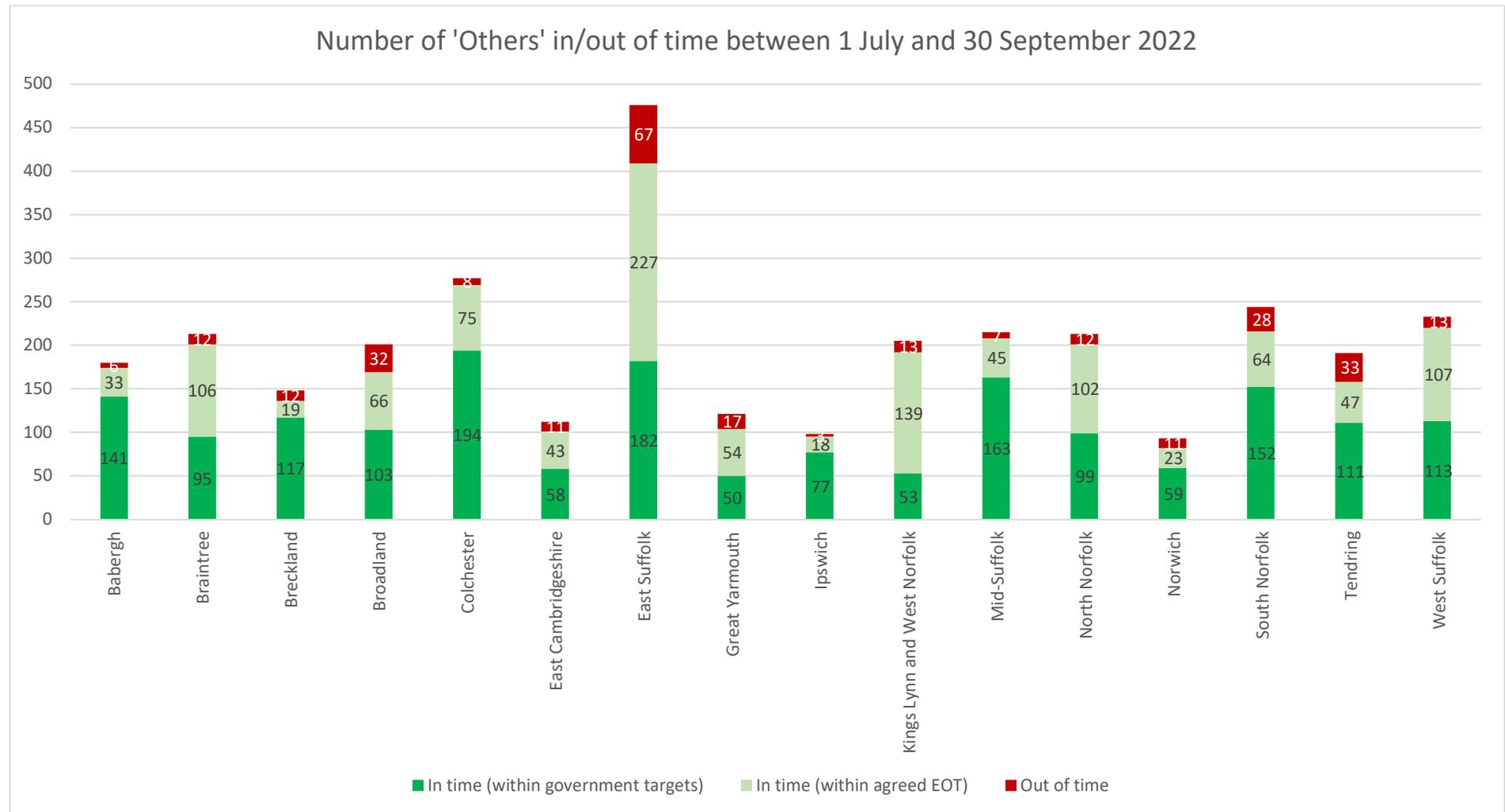
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 13: Number of 'Others' In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022



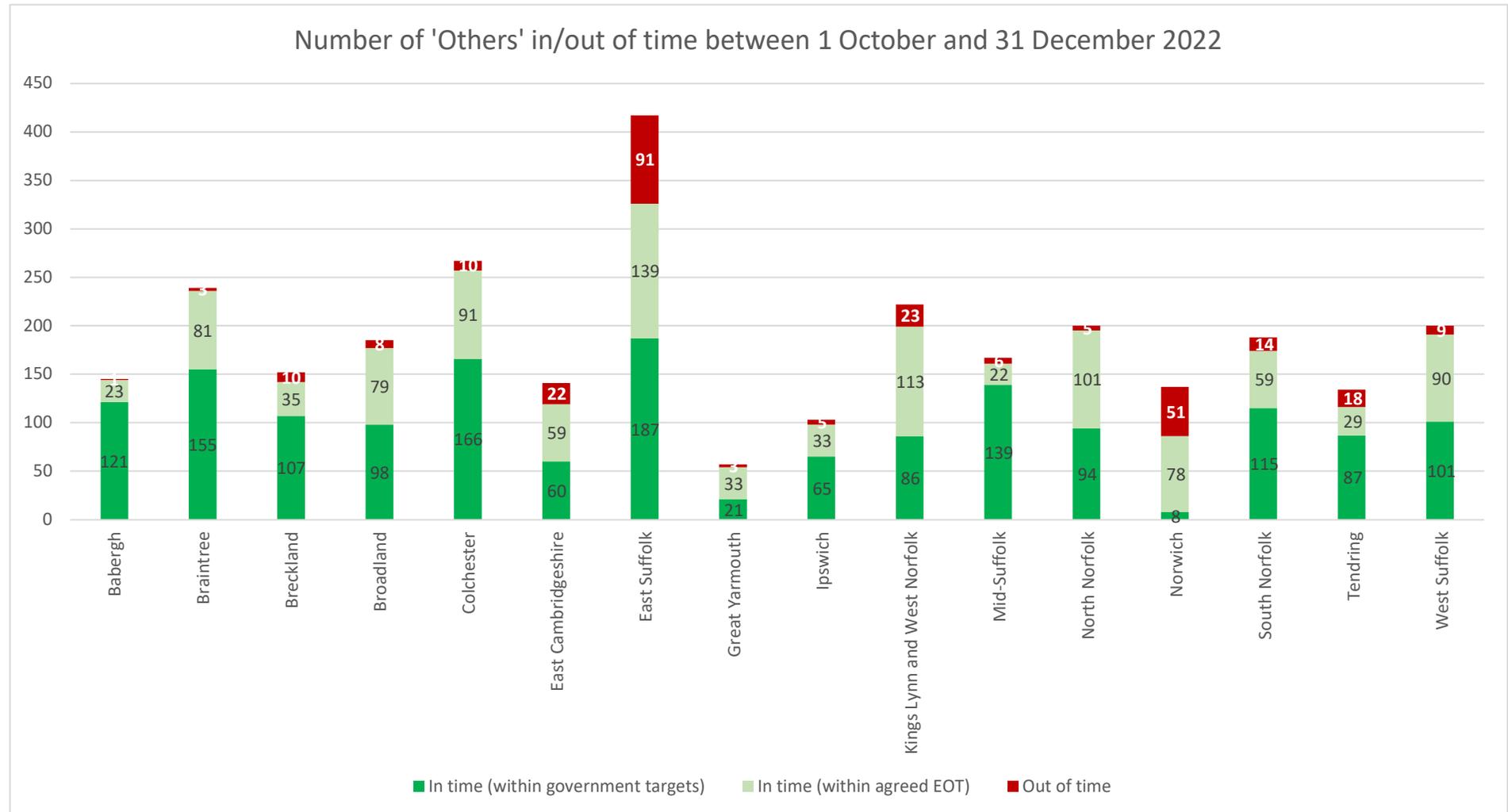
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 14: Number of 'Others' In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



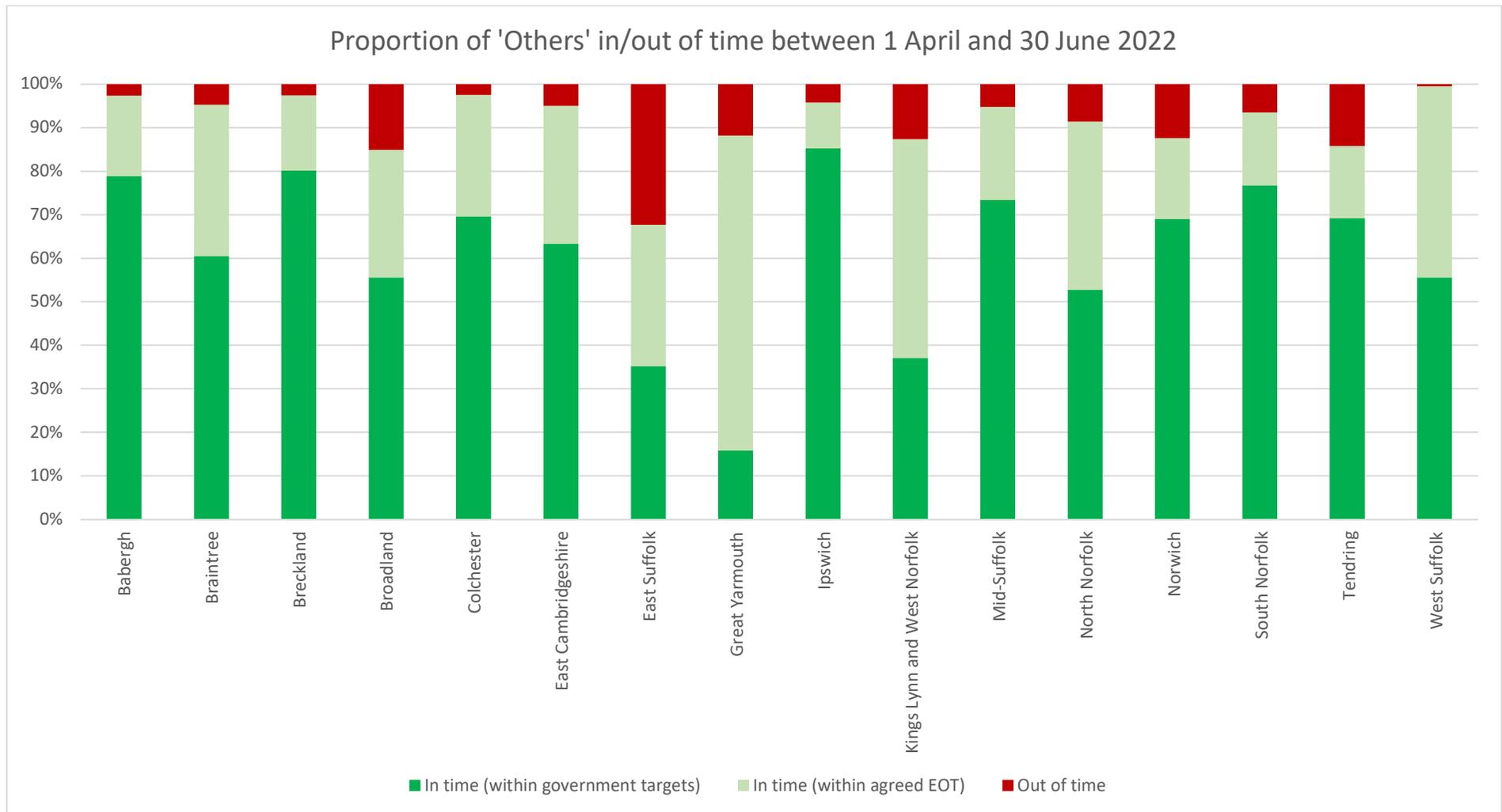
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 15: Number of 'Others' In/out of Time, for each Local Planning Authority between 1 October 2022 – 31 December 2022



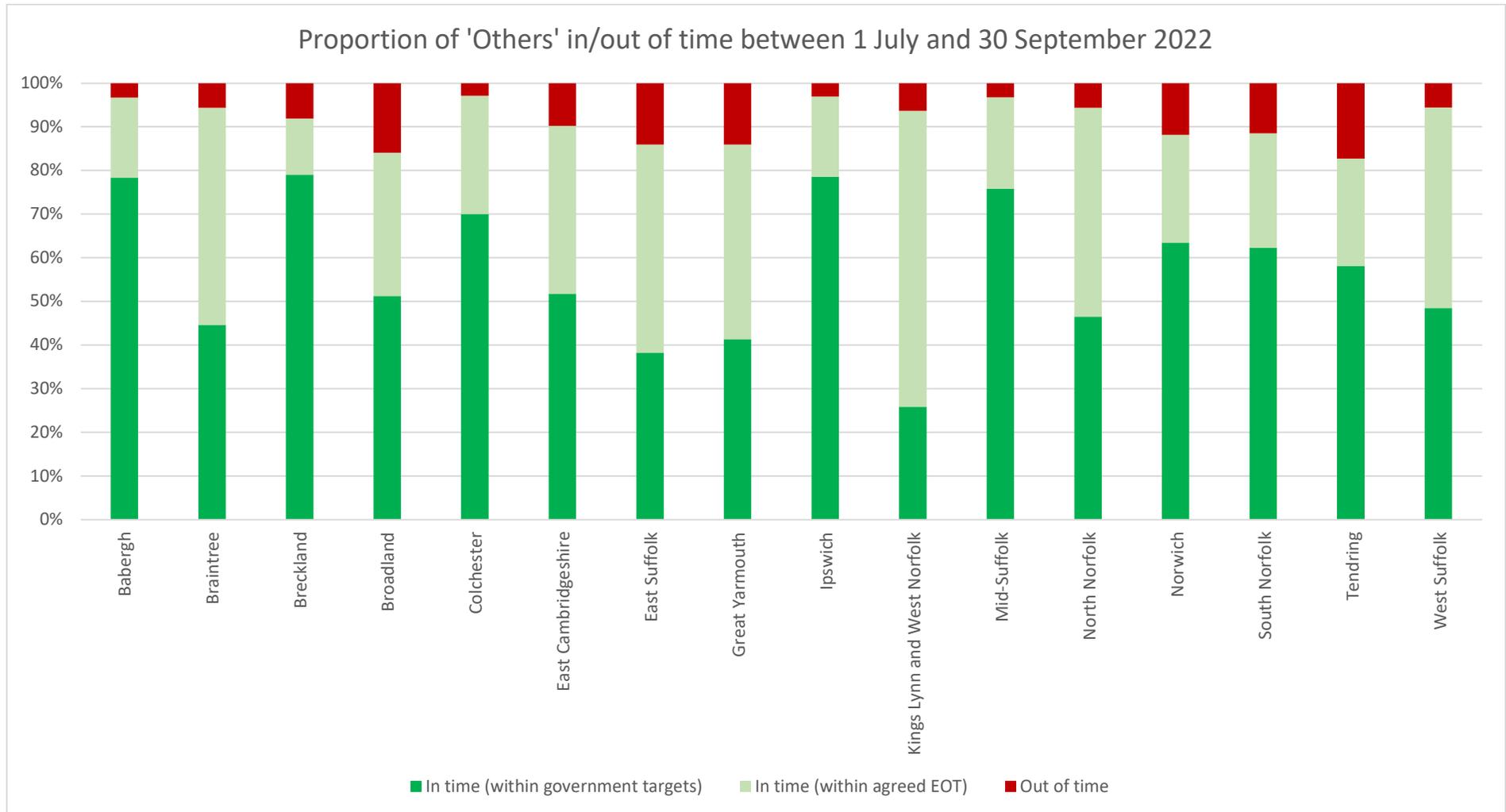
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 16: Proportion of 'Others' In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022



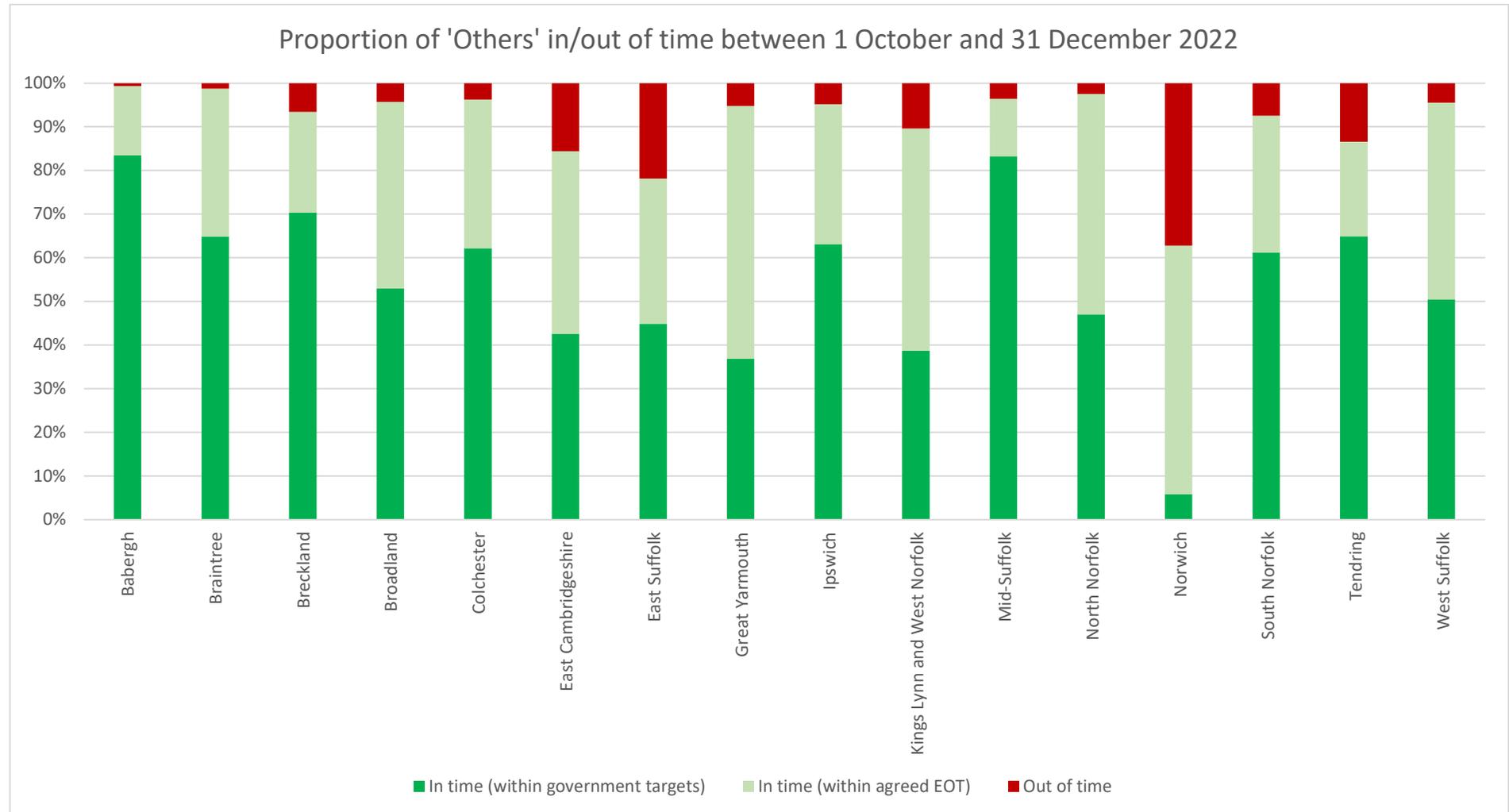
Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 17: Proportion of 'Others' In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



Appendix H: A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

Figure 18: Proportion of 'Others' In/out of Time, for each Local Planning Authority between 1 October 2022 – 31 December 2022



**Appendix I The Schemes of Delegation at other Local
Planning Authorities**

Appendix I: The schemes of delegation at other Local Planning Authorities

Figure 1: Summary of the schemes of delegation of Local Planning Authorities in Suffolk and nearby, based upon the extracts from the relevant constitutions set out in Figures 2 to 15 of this appendix, and the relevant sections of East Suffolk Council Constitution

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
Babergh District Council (Extract in Figure 2)	<p>All 'Major' Planning Applications are delegated to Officers unless:</p> <p>(a) A member of the Council requests that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council</p> <p>(b) It is a major application (as defined in law) for:</p> <ul style="list-style-type: none"> • Development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any amendment or statutory re-enactment thereof) • A residential development of 15 or more dwellings, • The erection of any industrial building/s with a gross space exceeding 3,750sqm • A retail development with floorspace exceeding 2,500sqm • A renewable energy development, as defined by government guidance, (unless the application would be refused under delegated authority) <p>(c) The Head of Economy considers the application to be of a controversial nature.</p>	<p>All 'Minor' Planning Applications are delegated to Officers unless:</p> <p>(a) A member of the Council requests that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council</p> <p>(b) The Head of Economy considers the application to be of a controversial nature.</p>	<p>All 'Other' Planning Applications are delegated to Officers unless:</p> <p>(a) A member of the Council requests that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council</p> <p>(b) The Head of Economy considers the application to be of a controversial nature.</p>	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>
Braintree District Council (Extract in Figure 3)	<p>All Major Planning Applications, are delegated to officers for determination unless:</p> <ul style="list-style-type: none"> • All Major Planning Applications for residential development of 10 or more proposed dwellings or commercial development comprising 1,000sqm or more, and any linked application for Listed Building Consent . • All Major applications for renewable energy schemes. 	<p>All Minor applications for residential Development of 3-9 dwellings including any linked Listed Building Consent application are delegated to officers unless:</p> <ul style="list-style-type: none"> • All Minor applications for renewable energy schemes. • Where the applicant is Braintree District Council. • Where the applicant or agent is an employee or Member of Braintree District 	<p>All Other applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • Where the applicant is Braintree District Council. • Where the applicant or agent is an employee or Member of Braintree District Council. • Where the applicant or agent is related to an employee within the Planning Department or member of Braintree 	<p>Yes. They have 'Chairmans' briefing</p>

Appendix I: The schemes of delegation at other Local Planning Authorities

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<ul style="list-style-type: none"> • Where the applicant is Braintree District Council. • Where the applicant or agent is an employee or Member of Braintree District Council. • Where the applicant or agent is related to an employee within the Planning Department or member of Braintree District Council. • Any application which is deemed significant by the Planning Development Manager. 	<p>Council.</p> <ul style="list-style-type: none"> • Where the applicant or agent is related to an employee within the Planning Department or member of Braintree District Council. • Any application which is deemed significant by the Planning Development Manager. • They trigger referral to Chairmans Briefing. <p>The above Minor applications trigger referral to Chairmans briefing as result of:</p> <ul style="list-style-type: none"> • The Town/Parish Council's view is contrary to the officer recommendation, • The application has been 'called In' for determination by a BDC member by the end of the consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee, • 6 or more valid planning representations from separate households have been received <p>Then, the application shall be referred to Chairmans briefing, with the chair and vice-chair of planning committee who will consider whether the application should be referred to Planning Committee for determination, exception if a previous application for the same or substantially the same application site has been refused planning permission under delegated powers or by planning Committee where the proposal is deemed to be similar to the previously determined application by the Planning Development Manager.</p> <p>Minor applications for 1-2 dwellings (including any linked Listed Building Consent), any section 73 applications to vary or removed conditions, applications for replacement dwellings, applications for agricultural workers dwellings, minor applications for commercial development or</p>	<p>District Council.</p> <ul style="list-style-type: none"> • any application which is deemed significant by the Planning Development Manager. 	

Appendix I: The schemes of delegation at other Local Planning Authorities

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
		change of use, and		
Breckland District Council (Extract in Figure 4)	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • It is a Major Application • A written notice has been received from the ward member by the executive director or principal planning officer within 23 days of the publication of that application on the weekly list requesting the referral of the item to planning committee, and that request contains proper planning reasons for consideration by Planning Committee, and the Chairman of Planning Committee agrees that the proposed referral to Planning Committee is appropriate. • The application is contrary to policy and recommended for approval, • In the opinion of the Executive Director and Chairman of Planning Committee are of particularly sensitivity locally, • Applications submitted by the Council, • Applications by members or officers of the Council 	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • A written notice has been received from the ward member by the executive director or principal planning officer within 23 days of the publication of that application on the weekly list requesting the referral of the item to planning committee, and that request contains proper planning reasons for consideration by Planning Committee, and the Chairman of Planning Committee agrees that the proposed referral to Planning Committee is appropriate. • The application is contrary to policy and recommended for approval, • In the opinion of the Executive Director and Chairman of Planning Committee are of particularly sensitivity locally, • Applications submitted by the Council, • Applications by members or officers of the Council 	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • A written notice has been received from the ward member by the executive director or principal planning officer within 23 days of the publication of that application on the weekly list requesting the referral of the item to planning committee, and that request contains proper planning reasons for consideration by Planning Committee, and the Chairman of Planning Committee agrees that the proposed referral to Planning Committee is appropriate. • The application is contrary to policy and recommended for approval, • In the opinion of the Executive Director and Chairman of Planning Committee are of particularly sensitivity locally, • Applications submitted by the Council, • Applications by members or officers of the Council 	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>
Broadland District Council (Extract in Figure 5)	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • The application is contrary to the development plan • A member request for planning committee has been received within 21 days of the details of the application being made available, • Applications submitted by Members, Officers or persons related to them to which an application has been made • Compulsory Purchase Orders • Revocation orders or discontinuance Orders under section s97 and 102 of the Town and Country Planning Act 1990 • Matters which the assistant director planning considered should be determined 	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • The application is contrary to the development plan • A member request for planning committee has been received within 21 days of the details of the application being made available, • Applications submitted by Members, Officers or persons related to them to which an application has been made • Compulsory Purchase Orders • Revocation orders or discontinuance Orders under section s97 and 102 of the Town and Country Planning Act 1990 • Matters which the assistant director planning considered should be determined 	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> • The application is contrary to the development plan • A member request for planning committee has been received within 21 days of the details of the application being made available, • Applications submitted by Members, Officers or persons related to them to which an application has been made • Compulsory Purchase Orders • Revocation orders or discontinuance Orders under section s97 and 102 of the Town and Country Planning Act 1990 • Matters which the assistant director planning considered should be determined 	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>

Appendix I: The schemes of delegation at other Local Planning Authorities

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	by members as being in the public interest.	by members as being in the public interest.	by members as being in the public interest.	
Colchester Borough Council (Extract in Figure 6)	All Planning Applications are delegated to officers unless: <ul style="list-style-type: none"> Significantly contrary to adopted policies or a departure from the development plan which is recommended for approval, A ward councillor requests in writing to the assistant director within 25 days of notification, should be considered by committee A major application that is recommended for approval and where a section 106 is required and the terms of that agreement are in dispute Submitted by or on behalf of a Colchester City Councillor, Honorary Alderman (or their spouse/partner) or by any Council officer (or their spouse/partner). Submitted by or on behalf of Colchester City Council 	All Planning Applications are delegated to officers unless: <ul style="list-style-type: none"> Significantly contrary to adopted policies or a departure from the development plan which is recommended for approval, A ward councillor requests in writing to the assistant director within 25 days of notification, should be considered by committee Submitted by or on behalf of a Colchester City Councillor, Honorary Alderman (or their spouse/partner) or by any Council officer (or their spouse/partner). Submitted by or on behalf of Colchester City Council 	All Planning Applications are delegated to officers unless: <ul style="list-style-type: none"> Significantly contrary to adopted policies or a departure from the development plan which is recommended for approval, A ward councillor requests in writing to the assistant director within 25 days of notification, should be considered by committee Submitted by or on behalf of a Colchester City Councillor, Honorary Alderman (or their spouse/partner) or by any Council officer (or their spouse/partner). Submitted by or on behalf of Colchester City Council 	Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.
East Cambridgeshire District Council (Extract in Figure 7)	All 'Majors' are delegated, unless: <ul style="list-style-type: none"> A member requests the application be determined by Planning Committee within 28 days of registration of the application, setting out the reasons and is in writing. 	All 'Minors' including are delegated, unless: <ul style="list-style-type: none"> A member requests the application be determined by Planning Committee within 28 days of registration of the application, setting out the reasons and is in writing. 	All 'others' including Householder Developments are delegated, unless: <ul style="list-style-type: none"> A member requests the application be determined by Planning Committee within 28 days of registration of the application, setting out the reasons and is in writing. <p>In such cases the Head of Planning and Sustainable Development shall decide whether to include the application at the Planning Committee agenda in consultation with the Chairman or Vice-Chairman of the Planning Committee.</p>	No Panel referred to in the constitution, but a review process for Householder applications where a member has requested it be decided by Planning Committee (see column to the left).
East Suffolk Council	All 'Major' Planning Applications are delegated to Officers unless: <ol style="list-style-type: none"> The Planning Application is, in the opinion of the Head of Planning and Coastal Management or Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have significant impact on the environment; or should 	As per Major Planning Applications	As per Major Planning Applications	Yes – Items can trigger a Planning Referral Panel Process, through which they can either be referred to Planning Committee or delegated to officers for determination, as set out in the column to the left, and in Appendices A and C of the Annual Review of Committees and Referral Panel Report on this meetings agenda.

Appendix I: The schemes of delegation at other Local Planning Authorities

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<p>otherwise be referred to Members due to its significance in some other respect; or</p> <p>2) The applicant or landowner is East Suffolk Council; or</p> <p>3) The applicant, or agent, is an East Suffolk Councillor or an East Suffolk Council employee, or the applicant, or agent is a close relative of an East Suffolk Councillor or East Suffolk employee; or</p> <p>4) The 'minded to' decision if the Planning Officer is contrary to either:</p> <ol style="list-style-type: none"> a. The comments received from the Town or Parish Council within the 21-day consultation period; or b. The Comments received from the Ward Member within the 21 day consultation period; or c. The comments received from a statutory consultee within the 21 day consultation period. <p>In which case, if item 4 is invoked, the Planning Application will be referred to the Planning Referral Panel – the panel will discuss with the Head of Planning and Coastal Management (based on the planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Coastal Management.</p>			
<p>Great Yarmouth Borough Council (Extract in Figure 8)</p>	<p>All Major applications are delegated except:</p> <ul style="list-style-type: none"> • Where the proposal is for the residential development of a site of one hectare or more unless the proposal involves the development of 25 or less dwellings and/or • Where the proposal requires the submission of an environmental statement and/or • Where the proposal involves the winning or working of minerals or relates to waste disposal and/or • Where the Director of Planning and Growth declines to exercise his/her 	<p>All Minor applications are delegated except:</p> <ul style="list-style-type: none"> • Where the proposal requires the submission of an environmental statement and/or • Where the proposal involves the winning or working of minerals or relates to waste disposal and/or • Where the Director of Planning and Growth declines to exercise his/her delegate authority and/or • Where a review is requested in relation to an Asset of Community Value nomination, this will be carried out by the Strategic Director with responsibility for Customer 	<p>All other applications are delegated except:</p> <ul style="list-style-type: none"> • Where the proposal requires the submission of an environmental statement and/or • Where the proposal involves the winning or working of minerals or relates to waste disposal and/or • Where the Director of Planning and Growth declines to exercise his/her delegate authority and/or • Where a review is requested in relation to an Asset of Community Value nomination, this will be carried out by the Strategic Director with responsibility for Customer 	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>

Appendix I: The schemes of delegation at other Local Planning Authorities

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	delegate authority and/or <ul style="list-style-type: none"> Where a review is requested in relation to an Asset of Community Value nomination, this will be carried out by the Strategic Director with responsibility for Customer Services 	Services	Services	
Ipswich Borough Council (extract in Figure 9)	Whilst there is no limit on the powers of the Director for Operations and Place's powers to decide these matters, it is expected that they will exercise judgement about which cases are referred to committee and in doing so will normally consider the following factors: <ul style="list-style-type: none"> The scale of the proposal; Any controversial planning issues raised by the application; Any views expressed by Councillors; The extent to which the proposal is in accordance with planning policies; Government targets for decisions to be taken by officers under delegated powers. 	As per Majors	As Per Majors	Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.
Kings Lynn and West Norfolk (figure 10)	All Major applications are delegated except: <ul style="list-style-type: none"> Where within 28 days of the publication of the weekly list, a member requests in writing that the item should be determined by Planning Committee and they provide a reason (only for items in their ward, unless exceptional circumstances indicate otherwise) Where the relevant Town or Parish Council have commented within 21 days of the date of consultation (not on variations of condition) or within 21 days of consultation on an amended scheme and this is contrary to officer recommendation, and where the comments raise issued deemed to be material planning considerations relevant to that application or the issues raised have not been resolved by negotiation or are not capable of resolution through the imposition of conditions (the exceptions to the above are where the Parish Council continues to object on matters of principle to a 	All Minor applications are delegated except: <ul style="list-style-type: none"> Where within 28 days of the publication of the weekly list, a member requests in writing that the item should be determined by Planning Committee and they provide a reason (only for items in their ward, unless exceptional circumstances indicate otherwise) Where the relevant Town or Parish Council have commented within 21 days of the date of consultation (not on variations of condition) or within 21 days of consultation on an amended scheme and this is contrary to officer recommendation, and where the comments raise issued deemed to be material planning considerations relevant to that application or the issues raised have not been resolved by negotiation or are not capable of resolution through the imposition of conditions (the exceptions to the above are where the Parish Council continues to object on matters of principle to a 	All Other applications are delegated except: <ul style="list-style-type: none"> Where within 28 days of the publication of the weekly list, a member requests in writing that the item should be determined by Planning Committee and they provide a reason (only for items in their ward, unless exceptional circumstances indicate otherwise) Where the relevant Town or Parish Council have commented within 21 days of the date of consultation (not on variations of condition or householder applications) or within 21 days of consultation on an amended scheme and this is contrary to officer recommendation, and where the comments raise issued deemed to be material planning considerations relevant to that application or the issues raised have not been resolved by negotiation or are not capable of resolution through the imposition of conditions (the exceptions to the above are where the Parish Council continues to object on matters of principle 	The Council has a 'sifting process', for any application potentially triggering referral to planning committee for the reasons set out in the columns to the left. This panel can delegate the decision back to officers.

Appendix I: The schemes of delegation at other Local Planning Authorities

<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<p>reserved matters application, or on the same ground on a subsequent application, where substantially the same proposal has previously been approved and there have been no material change in circumstances</p> <ul style="list-style-type: none"> • It relates to a new telecommunications mast over 30m in height • An application submitted by or on behalf of a Councillor or by any member of staff who is directly involve in the planning o0r development process of the authority or their spouse/partner or another direct relative. • An application submitted by or on behalf of the council for its own developments • Where the site is the subject of a previously dismissed appeal for substantially the same development and the recommendation is to approve. 	<p>reserved matters application, or on the same ground on a subsequent application, where substantially the same proposal has previously been approved and there have been no material change in circumstances</p> <ul style="list-style-type: none"> • It relates to a new telecommunications mast over 30m in height • An application submitted by or on behalf of a Councillor or by any member of staff who is directly involve in the planning o0r development process of the authority or their spouse/partner or another direct relative. • An application submitted by or on behalf of the council for its own developments (except on Minor and other developments to which no objection has been received within 28 days of the applications publication on the weekly list • Where the site is the subject of a previously dismissed appeal for substantially the same development and the recommendation is to approve. 	<p>to a reserved matters application, or on the same ground on a subsequent application, where substantially the same proposal has previously been approved and there have been no material change in circumstances</p> <ul style="list-style-type: none"> • An application submitted by or on behalf of a Councillor or by any member of staff who is directly involve in the planning o0r development process of the authority or their spouse/partner or another direct relative. • An application submitted by or on behalf of the council for its own developments (except on Minor and other developments to which no objection has been received within 28 days of the applications publication on the weekly list • Where the site is the subject of a previously dismissed appeal for substantially the same development and the recommendation is to approve. 	
<p>Mid-Suffolk District Council (Extract in Figure 2)</p>	<p>As per Babergh District Council</p>	<p>As per Babergh District Council</p>	<p>As per Babergh District Council</p>	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>
<p>North Norfolk District Council (Extract in Figure 11)</p>	<p>All 'Major' applications are delegated except:</p> <ul style="list-style-type: none"> • Where a request for the application to be determined by Committee has been received from a member within 28 days of notification, • Witten representations with which the Local District Councillor (or either one of them in 2 member wards) have been received from a Town or Parish Council which conflict with the intended determination. • Other representations have been received which conflict with the intended determination and which, in the view of the Director for Place and Climate Change, contain unresolved objections or 	<p>As per Majors.</p> <p>However, where no representations have been received on Minor Applications submitted by or on behalf of the District Council, such applications can be determined under delegated authority.</p>	<p>As per Majors</p>	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>

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<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<p>comments which are material considerations in planning terms.</p> <ul style="list-style-type: none"> • Where the proposed decision is to be taken against the advice of a technical consultee, then the Director for Place and Climate Change, should ensure there are sound planning reasons for the decision and that these are properly recorded. The Local Member(s) and Development Committee Chairman should be consulted. • Applications submitted by or on behalf of the District Council where representations have been received. • Applications made or submitted on behalf of staff within Planning or Property Teams, Senior Management Team, Directors/ Assistant Directors/Corporate Leadership Team, and Members. • Ground mounted solar panels in excess of 250kW capacity or with a site area of 0.5 hectares or greater. • Applications for on-farm Anaerobic Digester (AD) plants with a capacity of up to 25kW can be delegated. All other AD including those that are non-farm based shall be determined by Development Committee. <p>When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties to the effect they do not object, then a delegated refusal may still be issued.</p> <p>When the intended course of delegation is to refuse an application in accordance with policy and representations are received from third parties to the effect that they object on other grounds which, in the view of the Director for Place and Climate Change, are incapable of substantiation on appeal, then a delegated refusal on the originally recommended basis may still be issued.</p> <p>The requirement to refer to Planning</p>			

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<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<p>Committee shall not apply where the intended course of delegated action is to approve an application in accordance with this scheme of delegation, and where objections have been received with which the local District Councillor(s) disagree OR where the intended course of delegated action is to refuse an application in accordance with this scheme of delegation where a letter or letters of support have been received with which the local District Councillor(s) disagree.</p>			
<p>Norwich City Council (Extract in Figure 12)</p>	<p>All applications are delegated to either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager with the exception of the following:</p> <p>Approval of Major application if:</p> <ul style="list-style-type: none"> (a) Subject to 2 or more objections raising material planning issues provided said objections are received within the statutory consultation period or in the case of revised plans any subsequent formal consultation period (b) The proposal would represent a serious departure from the development plan. <p>Where a member requests within 6 weeks of a major becoming valid and an appropriate planning justification being made, that the application shall be referred to the committee for decision.</p> <p>Applications submitted by a member of the Council, a member of staff, or the immediate family of an elected member or member of staff who works in the planning service. This excludes applications where Norwich City Council is the applicant.</p>	<p>All applications are delegated to either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager with the exception of the following</p> <p>Approval of Minor applications if:</p> <ul style="list-style-type: none"> (a) Subject to 2 or more objections from neighbours and/or third parties citing material planning issues provided said objections are received within the statutory consultation period or in the case of revised plans any subsequent formal consultation period (b) The proposal would represent a significant departure to the approved development plan. <p>Where a member of the council requests within four weeks of a minor or other application becoming valid and an appropriate justification is made that the application be referred to committee for decision.</p> <p>Applications submitted by a member of the Council, a member of staff, or the immediate family of an elected member or member of staff who works in the planning service. This excludes applications where Norwich City Council is the applicant.</p>	<p>All applications are delegated to either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager with the exception of the following</p> <p>Where a member of the council requests within four weeks of a minor or other application becoming valid and an appropriate justification is made that the application be referred to committee for decision.</p> <p>Applications submitted by a member of the Council, a member of staff, or the immediate family of an elected member or member of staff who works in the planning service. This excludes applications where Norwich City Council is the applicant.</p>	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>

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<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
<p>South Norfolk District Council (extract in Figure 13)</p>	<p>All applications are delegated to the Director of Place and such officers as that director may approve except where the following apply:</p> <ul style="list-style-type: none"> - The local member has requested that the application be determined by the Committee for appropriate planning reasons, - The applicant is known to be a member, employee or close relative of South Norfolk or Broadland District Council and the application has received one or more objections and/or is contrary to policy. - The officer who would normally made the decision knows that a member or employee of South Norfolk Council has a declarable pecuniary interest in the application, - Either the Director of Place, the assistant Director – planning or the chairman of the Committee consider in their own capacity or following compelling reasons from a member that there are exceptional circumstances which warrant consideration of the proposal by committee, - The proposal has to potential to generate employment but the recommendation is for refusal - The proposal has to the potential to result in the loss of employment but the recommendation is for approval. 	<p>As per Majors</p>	<p>As per Majors</p>	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>
<p>Tendring District Council (Extract in Figure 14)</p>	<p>All planning applications are delegated except:</p> <ol style="list-style-type: none"> i. Officer recommendations for approval materially contrary to national or local policy. ii. Officer recommendation of approval contrary to a previous refusal by the Planning Committee, where policies remain substantially unchanged. iii. Officer recommendation of approval and the application should be referred 	<p>As per Majors</p>	<p>As per Majors</p>	<p>Unable to find reference within the constitution to any such panel or any member briefing filtering or referring items to Planning Committee.</p>

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<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<p>to the Secretary of State under a Direction(s) or 'call in',</p> <p>iv. The applicant is the Council or someone acting as application on the Council's behalf or in respect of the Council,</p> <p>v. The applicant is a member of the Council, Planning Officer or a senior Officers and there is an officer recommendation of approval,</p> <p>vi. Within 35 days of the commencement of formal consultation a written request is received from a Tendring District Councillor in accordance with the Member Referral Scheme requesting that the application should be brought before Planning Committee for determination giving material planning reasons for the request.</p> <p>vii. Any application which the Assistant Director (Planning) in their professional opinion, taking into account the written representations received, plans and policies and other material considerations to be referred to the Planning Committee because it raises more than significant local issues.</p>			
<p>West Suffolk Council (Extract in Figure 15)</p>	<p>The Committee determines all matters:</p> <ul style="list-style-type: none"> - Judged by the Director (Growth and Planning) after consultation with the Chari and/or Vice-chair(s) of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, - Applications proposing Major Development where a Member for the Ward in which the application site is located has requested in writing consideration by the Committee, 	<p>The Committee determines all matters:</p> <ul style="list-style-type: none"> - Judged by the Director (Growth and Planning) after consultation with the Chari and/or Vice-chair(s) of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, - Applications other than major development referred by the Director following consultation with the 'Members Delegation Panel' - Departures from the provisions of the 	<p>As per Minors</p>	<p>Yes. They have a 'Members Delegation Panel', which meets fortnightly.</p> <p>Planning Applications are triggered to the Panel by a contrary view from the Town/Parish Council or the Ward Member or a member of the Planning Committee requests the application be referred to the Panel.</p> <p>Planning Applications are also triggered to the Panel when the applicant is made by or on behalf of, or closely related to, an elected member or officer of the Council, where there are no contrary views from statutory</p>

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<u>Local Planning Authority</u>	<u>'Major' Planning Applications</u>	<u>'Minor' Planning Applications</u>	<u>'Other' Planning Applications</u>	<u>Referral Panel or similar?</u>
	<ul style="list-style-type: none"> - Departures from the provisions of the Development Plan where approval is recommended. - Applications made by or on behalf of the Council. 	<p>Development Plan where approval is recommended.</p> <ul style="list-style-type: none"> - Applications made by or on behalf of the Council. 		<p>consultees, Parish/Town Councils and third parties.</p> <p>The Panel decides on whether the application decision remains delegated or whether the application should be referred to Committee for a decision.</p>

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Figure 2: Extract of the Constitution of Babergh and Mid Suffolk Councils, published at [BDC Constitution-Part 8-Protocol for Use of Planning Officer Delegations.pdf \(moderngov.co.uk\)](https://www.moderngov.co.uk/bdc-constitution-part-8-protocol-for-use-of-planning-officer-delegations.pdf), downloaded 2 May 2023



Protocol for Use of Planning Officer Delegations

- (1) This Protocol is supplemental to the Scheme of Delegation adopted by Full Council. It sets out the circumstances in which the Head of Economy agrees to refer certain planning applications to Committee for determination.
- (2) Pursuant to the Scheme of Delegation, the Head of Economy has delegated authority to determine all applications within his/her area of responsibility subject to the decision being "in accordance with the overall policies and procedures approved by the Council".
- (3) For the purposes of the Scheme of Delegation, a decision on a planning application is "in accordance with the overall policies and procedures approved by the Council" where the decision is made in accordance with the National Planning Policy Framework as determined by the Head of Economy acting in consultation with the Chairman and/or Vice-Chairman of the Development/Planning Committee.
- (4) The Head of Economy agrees not to exercise his/her delegated authority where:-
 - (a) a Member of the Council requests that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council
 - (b) it is a major application (as defined in law) for:-
 - development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any amendment or statutory re-enactment thereof)
 - a residential development for 15 or more dwellings
 - the erection of any industrial building/s with a gross floor space exceeding 3,750 sqm
 - a retail development with floor space exceeding 2,500 sqm
 - a renewable energy development, as defined by Government guidance, (unless the application would be refused under delegated authority)
 - (c) the Head of Economy considers the application to be of a controversial nature.

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Figure 3: Extract of Braintree District Council's Constitution,, published at [Our Constitution download – Braintree District Council](#) , downloaded 2 May 2023

APPENDIX D: PLANNING SCHEME OF **DELEGATION**

A. Applications to be referred to Planning Committee for determination
(Notwithstanding Town/Parish Council Representation, Member Call In or number of representations from Local Residents) (to be presented by Officers and debated by Members at Planning Committee):

- (a) Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising floorspace of 1,000sq.m, including any linked application for Listed Building Consent².
- (b) Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- (c) Where the Applicant is Braintree District Council.
- (d) Where the Applicant or Agent is an employee or Member of Braintree District Council.
- (e) Where the Applicant or Agent is related to an employee within the Planning Department (Development Management or Planning Policy) (change from Braintree District Council) or a Member of Braintree District Council.
- (f) Any application which is deemed to be 'significant' by the Planning Development Manager.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town/Parish Council representation, Member Call In or representations from Local residents:

Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or permission in Principle) for residential development comprising 3-9 proposed houses, including any linked application for Listed Building Consent, **Unless:**

- (i) Either the Town or Parish Council's view is contrary to the Officer Recommendation; or
- (ii) The application has been 'Called In' for determination by a BDC Member by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination; or
- (iii) 6 or more valid planning representations from separate households have been received;

Then:

² Currently the Government define a major residential development to be 10 units or more or sites 0.5ha or more and non-residential development where the additional floorspace is 1,000sq.m or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015. **However, for the purposes of the Scheme of **Delegation** only the 10 units or more and 1,000sq.m floorspace thresholds will be utilised to define a Major Planning Application and not the site area definitions.**

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The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee, who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

C. Applications which can be determined under Delegated Powers

(Notwithstanding Town/Parish representation, member Call In or number of representations from Local Residents):

- (i) Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or Permission in Principle) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- (j) All Section 73 applications to vary or remove planning conditions, including seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for 'Major', 'Minor', or 'Other' Planning Applications.
- (k) Minor Planning Applications for replacement dwellings.
- (l) Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- (m) Minor Planning Applications for any other commercial development or change of use.
- (n) All of the following Application Types*:

Application Type:	Description:
ADV	Applications for Advertisement Consent
AGR	Agricultural Prior Approval
ALT	Certificate of Alternative Appropriate Development
AREM	Agricultural Reserved Matters
CLPLB	Certificate of Lawfulness for Works to a Listed Building
COMPA	Commercial Extensions Prior Approval
COUPA	Applications for Prior Approval (All)
DAC	Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent
ECCDAC	Consultation on Essex County Council Discharge of Conditions Applications
ELD	Application for a Certificate of Lawfulness for an Existing Use or Development
FPO	Footpath Order
GOV	Development by Government Department

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HDG	Hedges
HH	Householder Application for Planning Permission
HHPA	Householder Extensions Prior Approval
LBC**	Application for Listed Building Consent for alterations, extensions or demolition of a listed building
LDOCC	Local Development Order Compliance Checklist
NMA	Application for a Non-Materials Amendment following a grant of planning permission
OHL	Overhead Electricity Lines
P14JPA	Prior Approval – Part 14, Class J
P3RNOT	Notification – Part 3, Class R
PDEM	Prior Approval for Demolition
PLD	Application for a Certificates of Lawfulness for a Proposed Use or Development
S106A***	S106A to modify or discharge S106
SCO	EIA Scoping Opinion
SCR	EIA Screening Opinion
T56	Telecoms 56 Day Notification
TDC	Technical Details Consent
TEL	Telecommunications General
TMPCOU	Temporary Change of Use
TPO	Works to Protected Trees (subject to a TPO)
TPOCON	Works to Trees within a Conservation Area

*Application Types – The list of application types suitable for **delegation** may be updated to include any new prior approval or notification application types introduced by the Government.

**LBC – Except where the Listed Building Consent application has been submitted in connection with an application considered under Part 'A' or Part 'B'.

***S106A – Where significant modifications are proposed to a Section 106 Agreement, the Planning Development Manager will consider whether the application is deemed to be 'significant' and therefore whether it should be referred to Planning Committee for determination under Part 'A' of the Scheme of **Delegation**.

Consultations on Essex County Council Applications or Out of District Applications

Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning:

Application Type:	Description:
ECC	Consultation on Essex County Council Applications
ODC	Out of District Consultation

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Figure 4: Extract of Breckland District Council's Constitution, published at [PART 1 \(breckland.gov.uk\)](#), downloaded 2 May 2023

	to the Proper Officer of the Council.
(c)	Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 – authentication of documents – certification of copies of resolutions, orders, reports or minutes of the Council or any predecessor authority
(d)	Section 59 of the Public Health (Control of Diseases) Act 1984 – authentication of documents
(e)	Section 49 of the Food Safety Act 1990 – authentication of documents
	NOTES:
	<ul style="list-style-type: none">• some of the above functions are also specifically delegated to other officers.• In accordance with paragraph 16(e) of part F1 above the Chief Executive, as with all other Chief Officers, has the power to appoint a person to act in his or her place to exercise any power to act as the proper officer for a relevant function (i) in his or her absence, or (ii) when he or she is otherwise not available to exercise it at the relevant time, or (iii) in accordance with any general directions given by him or her.
4.	To appoint appropriate officer(s) to act as Proper Officers where necessary, except that the Chief Executive shall not have authority to appoint him or herself as a Proper Officer
5.	To exercise all powers in connection with elections except where any other officer is appointed as Returning Officer and/or Electoral Registration Officer.
6.	Power, after consultation with the Leader, to declare an incident to be a major incident under the Peacetime Emergency Plans and thereafter to take any necessary immediate action in respect of the incident including expenditure of money subject to obtaining the agreement of the Leader and to calling a meeting of Cabinet as quickly as possible and so far as practicable thereafter acting in consultation with Cabinet.
7.	To have the power in consultation with the Leader to invest in land (to include any buildings on the land) up to £3 Million and subject always to the Financial Procedure Rules.
F3 DELEGATIONS TO EXECUTIVE DIRECTORS	
1	General Power to take day-to-day operational and managerial decisions within the

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functional areas of the Portfolio(s) for which the Executive Director is responsible, subject to the restrictions contained in the General Clauses (Part F1) or mentioned below.

2 **Functional Areas**

The functional areas for each Directorate may be amended from time to time by the Leader (for Executive Functions) or a Committee or Council (for Non Executive Functions). A list of current functions can be obtained from the Senior Legal Officer or from the Council's Website.

3 **Specific Delegations**

Power for the **Executive Director in charge of Planning & Development Control** as follows:

Planning Applications

- i). To determine all Planning Applications (as defined below) (except Major Applications and Significant Applications as defined below) where the Executive Director considers that, on balance, and after taking into account all material considerations including Human Rights Act issues, the decision would be in compliance overall with national planning policies and guidance, and the policies contained in the Local Plan and any Neighbourhood Plans.

The above power is subject to the following:

- a) A weekly list being sent to all Members containing details of Planning Applications received.
- b) The right for a Ward Member in relation to their own or an adjoining Ward and the Chairman of Planning Committee jointly (i.e. if both are in agreement) to require a Planning Application to be referred to and decided by the Planning Committee if the following conditions are met:
- A written notice must be received from the Ward Member by the Executive Director or Principal Planning Officer within 23 days of the publication of that application on the weekly list requesting the referral of the application to the Committee.
 - The request only to have effect if it contains proper planning reasons for consideration by Committee.
 - The Chairman of Planning Committee must agree that the proposed referral to the Committee is appropriate.
- c). "Planning Applications" for the purposes of these delegations include applications, notifications or consultations in connection with the following:
- applications for or in connection with planning permissions (including

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- those for amendments),
- advertisement consents,
- listed buildings,
- conservation area consents,
- demolitions,
- overhead power lines,
- telecommunications,
- applications or notifications from public authorities,
- agricultural notifications,
- minor amendments
- variation or removal of conditions

- d) "Major Applications" for the purposes of these delegations are defined as those proposals for:
- 10 or more dwellings
 - Residential development on sites of 0.5 hectares or more
 - The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more
 - Development carried out on a site having an area of one hectare or more
- e) "Significant Applications" will include those which
- officers may wish to approve which are contrary to policy
 - those which, in the opinion of the Executive Director and Chairman of Planning Committee, are of particular sensitivity locally
 - applications submitted by the Council
 - all applications by Members or Officers of the Council (where the Executive Director is aware that the application is by or on behalf of a Member or Officer).
- f). The Vice-Chairman of the Planning Committee can exercise the powers of the Chairman under 1B above in the absence or unavailability of the Chairman.

Power for the Executive Director to make decisions as necessary for the processing of applications, including any decision required under the Habitats Regulations and Environmental Impact Assessment Regulations.

ii) **Data Protection**

The **–Senior Legal Officer** is the Data Protection Officer

Regulation of Investigatory Powers

Chief Officers are appointed as Authorising Officers for the purpose of authorising directed surveillance or the use of Covert Human Intelligence Sources for the purposes of the Regulation of Investigatory Powers Act 2000.

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Figure 5: Extract from Broadland District Council's Constitution, published at [Constitution – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](https://www.southnorfolkandbroadland.gov.uk), downloaded 2 May 2023

20. Non-executive functions – delegation of powers to officers

20.1 Managing director

- (1) To be the proper officer of the council for any function or the provisions of any legislation, where no other officer is appointed to be the proper officer.
- (2) To be the returning officer for district and parish council elections.
- (3) To be the registration officer for the purposes of section 8 of the Representation of the People Act, 1983.
- (4) To be the Acting Returning Officer for Parliamentary Elections.
- (5) To be the Local Returning Officer for European Elections.
- (6) To be the Counting Officer for Neighbourhood Planning Referenda.
- (7) To be head of the paid service.
- (8) The powers of the managing director can be exercised in his absence, or when he is not otherwise available, by any director.
- (9) To calculate any changes in the political balance on existing committees and sub-committees which may be required after the start of each municipal year and any subsequent changes following changes in the composition of the council during the municipal year.
- (10) To implement the changes arising from the re-allocation of seats to political groups including, in accordance with the wishes of the group leaders, the appointment of members to fill the seats on committees and sub-committees, and to report all such calculations and changes effected immediately to group leaders and in the Members' Bulletin.

20.2 Assistant Director Planning

- (1) To exercise all the Council's functions relating to planning (including without limitation trees, advertisement, listed buildings, conservation areas and planning enforcement) save for the following exceptions:
 - Applications contrary to the provisions of an approved or draft Development Plan (post deposit stage) which it is intended to approve
 - Applications which a Member requests is determined by Planning Committee provided the request is made in writing within 21 days of the details of the application being made available
 - Applications submitted by Members, Officers or persons related to them (by birth or otherwise) to which an objection has been made
 - Compulsory Purchase Orders
 - Revocation orders or discontinuance orders under sections 97 and 102

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of the Town and Country Planning Act 1990

- Matters which the assistant director planning considers should be determined by Members as being in the public interest.
- (2) To allow proposals contrary to policy to be approved where they relate to the change of use of agricultural land to residential curtilage.
 - (3) To refer applications to Committee where the proposal has potential to generate employment, but the recommendation is for refusal or the proposal has potential to result in the loss of employment, but the recommendation is for approval.

20.3 Director Place

- (1) To manage all the council's enforcement functions under any of the relevant statutory provisions of the council in relation to the legislation listed in paragraph 19.31 (28) including but not exclusively: powers of entry, evidence gathering, the issue, suspension and revocation of permits, registrations, orders, declarations, licences (except where the applicant is a member or employee of the council or anywhere there is public advertisement of the proposal or application and objection to such proposal or application is made and not withdrawn).
- (2) The administration of cautions in accordance with the relevant Home Office circular for offences under any legislation falling within the remit of Environmental Services.
- (3) To be the proper officer for section 47 of the National Assistance Act 1948.
- (4) To manage all the council's functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the council's capacity as an employer.
- (5) The authorisation and appointment of officers as are appropriately qualified to discharge the council's non-executive powers and duties under the legislation.
- (6) To set fees when appropriate under the Gambling Act 2005.
- (7) To designate officers as authorised persons for the purposes of Section 304 of the Gambling Act 2005.
- (8) To discharge the functions of the council under the Licensing Act 2003 and the Gambling Act 2005 that have not been reserved to the council or delegated to the licensing & regulatory committee.

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Figure 6 Extract from Colchester Borough Council's Constitution, published at [The Constitution · Colchester City Council](#), downloaded 2 May 2023

SCHEME OF DELEGATION TO OFFICERS BY THE PLANNING COMMITTEE

Delegated to Lead Officer for Planning and Place Strategy

1. The determination of all applications for the determination as to whether prior approval is required.
2. The determination of all Lawful Development Certificates.
3. The determination of all applications for Permission in Principle (first stage)
4. The determination of all planning applications irrespective of scale and size (including changes of use and all applications for Listed Building Consent, Certificates of Lawfulness, consent to display advertisements and other notifications) except any application which is:
 - (a) significantly contrary to adopted policies or a departure from the development plan, and which is recommended for approval;
 - (b) which any Ward Councillor requests in writing to the Assistant Director for Place and Client Services within 25 days of notification, should be subject of consideration by the Committee;
 - (c) which constitutes a major application, that is recommended for approval and where a section 106 Agreement is required (excluding unilateral undertakings) and the terms of that agreement are in dispute;
 - (d) submitted by or on behalf of a Colchester City Council Councillor, Honorary Aldermen (or their spouse/partner) or by any Council officer (or their spouse/partner);
 - (e) submitted by or on behalf of Colchester City Council (for clarity, this does not include applications made by other parties on land owned by the Council where the development is not by or on behalf of the Council).
2. The determination of any application for a determination as to whether the prior approval of the authority will be required under The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended, or any Order replacing, re-enacting or modifying that Order).
3. The determination of applications for the approval of reserved matters or minor material amendments, unless the Planning Committee at the granting of the outline / original planning permission indicates that it requires to determine the aforementioned matter itself.
4. The determination of details required by a condition on a planning permission and applications for a non-material amendment, unless the Planning Committee at the granting of the outline / original planning permission indicates that it requires to determine the aforementioned matter itself.
5. Authority to refuse planning applications where a proposed section 106 Agreement remains uncompleted for six months from the decision regarding its provision.

Delegated to Lead Officer for Planning and Place Strategy (continued)

6. Authority to make observations on applications to be determined by another planning authority.
7. Authority to appoint consultants where the Council's case may be enhanced or when specialist information needs to be provided.
8. That, subject to written confirmation from the Chief Finance Officer and the Monitoring Officer, the Lead Officer for Planning and Place Strategy be authorised to agree the release of funds secured by means of a legal agreement under the Planning Acts for expenditure, for purposes solely in accordance within the specified legal agreement. Such delegated powers would only operate where such expenditure is entirely in accordance with the legal agreement attached to the development.
9. Where an appeal has been lodged against a refusal of planning permission, the Lead Officer for Planning and Place Strategy has authority to conclude a legal agreement which complies with the Council's current policies where we would expect to see the provision of such requirements a may include affordable housing, open space contribution, education contribution in circumstances where time does not permit a referral to the Planning Committee.
10. Where an application has already been considered by the Planning Committee who have given authorisation to enter into a legal agreement delegated authority is given to the Lead Officer for Planning and Place Strategy to agree alterations whereby: -
 - (a) The mechanism for delivering the required outcomes for the agreement have changed, but the outcome remains the same (including changes to triggers, phasing and timing);
 - (b) There is a need to issue a delegated refusal where a legal agreement is not completed within the statutory time limit and it is considered by the Lead Office for Planning and Place Strategy reasonable to do so;
 - (c) There is a need to remove a legal agreement from a local land charge where all clauses have been compiled with;
 - (d) To enter into a new planning obligation relating to gain previously secured that needs to link back to a previous planning permission via a Deed of Variation.
11. Authority to institute proceedings in respect of any offence against the advertisement regulations, including prosecution where it is considered appropriate. In the cases where repeated prosecution fails, this includes the authority to seek an injunction under Section 222 of the Local Government Act 1972.

Appendix I: The schemes of delegation at other Local Planning Authorities

Delegated to the Lead Officer for Planning and Place Strategy (continued)

12. Authority to institute proceedings in respect of any enforcement actions where a valid notice exists, no appeal decision thereon is pending, the prescribed time for compliance with the notice has expired, and where the breach of planning control continues to exist.
13. Authority to sign and serve "Planning Contravention Notices" under the Town and Country Planning Act 1990, Sections 171(C) and 171(D), and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits.
14. Authority to sign and serve enforcement notices, stop notices, temporary stop notices, section 215 notices, section 224 discontinuance notices or breach of condition notices under the Town and Country Planning Act 1990 (Parts VII & VIII) and Listed Building Enforcement Notices under Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (Part IV).
15. Power to serve a notice under Section 330 of the Town and Country Planning Act 1990 (to require information as to interests in land).
16. Authority to give a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) as to whether an Environmental Impact Assessment is required and to determine the scope of the environmental issues to be covered in any such assessment.
17. Authority to defend the Council's decision in respect of any appeal proceedings, provided that where any additional or revised information is submitted which may overturn the Council's initial decision; the case shall be referred back to Planning Committee to determine the Council's case only in circumstances where the Committee itself made the initial decision. In the event that timescales do not allow the matter to be referred back to Planning Committee, then the Lead Officer for Planning and Place Strategy shall consult the Planning Committee Chairman, and Group Spokespersons, before determining the Council's case. In the unlikely event that none of the foregoing is possible, then as an emergency procedure, Executive Director, Place or the Chief Operating Officer can determine the action required, which will be reported to the Planning Committee as soon as is practical thereafter.
18. Authority to institute legal proceedings (including the serving of injunctions and enforcement notices) under the Town and Country Planning Act 1990 (Part VII and Part VIII) and the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (Part IV) where it is considered the most appropriate remedy in relation to the circumstances of the case, and expedient to do so.
19. Authority to prosecute for the failure to comply with the statutory time limit imposed by any notices served in respect of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Sections 171C, 171D and 330 of the Town and Country Planning Act 1990, or for providing false/misleading information.

**Delegated to the Lead Officer for Planning and Place Strategy
(continued)**

20. Power to make orders for the creation, diversion or extinguishment of public rights of way.
21. Authority to administer the Hedgerow Regulations 1997 and to issue notices in accordance with the Council's policy.
22. Determination of enforcement cases where:
 - (a) investigations conclude that no breach of planning has occurred and therefore no further action is required; or
 - (b) a breach of control has occurred, but it is not expedient in the public interest to take action; or
 - (c) investigations conclude that a breach has occurred in excess of four years or ten years (as appropriate) and is therefore, immune from further action.
23. Power to make and confirm tree preservation orders where there are no unresolved objections thereto and to determine applications to carry out works to preserved trees and trees in Conservation Areas.

**SCHEME OF DELEGATION TO OFFICERS BY THE
LOCAL PLAN COMMITTEE**

Delegated to Lead Officer for Planning and Place Strategy

1. Power to approve Neighbourhood Plan Area Designation Applications made in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

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Figure 7 Extract from East Cambridgeshire District Council's Constitution, published at [The Council's Constitution | East Cambridgeshire District Council \(eastcamb.gov.uk\)](#), downloaded 2 May 2023

<u>PLANNING COMMITTEE</u>	
1. <u>Constitution</u>	
1.1	The Committee shall comprise 13 Members of the Council who shall be appointed annually. Its quorum is 5. The Chair or Vice-Chair of the Committee cannot be a Member of the Development & Transport Committee.
2.0 <u>Objectives</u>	
2.1	To conserve the distinctive character of the built environment, to involve the local community in planning decisions and to manage development whilst extending the provision of affordable housing.
2.2	To create a safer environment where people can live and work free from crime and the fear of crime.
2.3	To encourage a varied and dynamic local economy, which does not harm and seeks to improve the environment, offers high quality employment and training opportunities, and secures the vitality of our towns and villages.
2.4	To promote an accessible integrated and affordable transport system that reduces its impact on the environment.
2.5	To protect and enhance the wealth of wildlife and to maintain and improve access to the natural environment and awareness of it.
2.6	To encourage the reduction in the use of finite resources and the reduction of pollution to the natural environment.
3.0 <u>Terms of Reference</u>	
	The Committee's terms of reference shall be:
3.1	To undertake the functions of the Council under the Town and Country Planning Act 1990 and associated current legislation, including the Town and Country Planning General Development Orders, and any modification or re-enactment thereof with respect to development control, advertisement control, conservation areas, building preservation notices, listed buildings, tree preservation orders.
3.2	To approve or refuse applications for Planning Permission, Listed Building consent, Conservation Area applications and Lawful Use applications, reserved matters and advertisement consent, not otherwise determined by Officers acting with delegated authority.
3.3	To approve or refuse applications for approval of new buildings and work under the Building Regulations 1986 and any other relevant enactment, and any modification or re-enactment together with the enforcement of such Regulations other than those determined by officers acting with delegated authority.
3.4	To undertake the functions of the Council under the Planning (Listed Buildings and Conservation Area) Act 1990 and any modification or re-enactment, including the making of Building Preservation Notices other than those determined by Officers acting with delegated authority, SAVE THAT Compulsory Purchase action, must be referred to Full Council for approval.
3.5	To undertake the functions of the Council under the provisions of Section 97 and 99 of the Town and Country Planning Act 1990 in relation to the revocation or modification of planning permission.
3.6	To consider a planning application involving a departure from the Statutory Development Plan and in cases where the Planning Committee resolves to grant planning permission contrary to the recommendation of the Head of Planning and Sustainable Development, the Committee may refer the matter to full Council for
	3 (39)
Version: 15 May 2013	Legal/ ECDC/Constitution

Appendix I: The schemes of delegation at other Local Planning Authorities

determination, or determine the matter. A referral to full Council may be appropriate where an application has district or regional significance and may impact on the wider geographical area.

4.0 Delegation to Planning Committee

Subject to the provisions of the Council's Constitution and Financial Procedure Rules the Committee has delegated authority to act on behalf of the Council except in respect of the following:

- 4.1 Any proposal which would involve expenditure for which there is no provision in the current estimates, provided that the Committee shall be authorised to incur non-budgeted expenditure and no increase in the Committee's overall budget.
- 4.2 Any of the following:
 - (a) the making of Revocation or Modification Orders under Section 97 and 99 of the Town and Country Planning Act 1990 where the payment of compensation is involved;
 - (b) the making of Discontinuance and other Orders under Section 102 of the said Act where the payment of compensation is involved; and
 - (c) consideration of any planning application the refusal of which in the opinion of the Head of Planning and Sustainable Development could lead to the service on the Council of a successful purchase notice.

5.0 Delegation to Officers

- 5.1 The Head of Planning and Sustainable Development/Chief Executive are authorised to act in relation to any matter of immediate urgency which must be dealt with before the next meeting of the Planning Committee provided:
 - (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;
 - (b) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
 - (c) action taken shall be as soon as practicable reported to the next Committee; and
 - (d) it excludes any decision which is by law expressly vested in the Council.
- 5.2 There shall be delegated to the Head of Planning and Sustainable Development/Chief Executive the exercise of any power or function of the Council in routine matters related to the implementation of agreed strategies and programmes falling within established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.

For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

- 5.3 The delegation of Sections 70 and 72 of the Town and Country Planning Act 1990 applications is subject to a Member's right to request that a **non-householder** development planning decision, is made by the Planning Committee, PROVIDING this request:
 - 5.3.1 is within 28 days of registration of the application;
 - 5.3.2 sets out the reasons; and
 - 5.3.3 is in writing.
- 5.4 A Member may make a request that a **householder** development planning decision is made by the Planning Committee PROVIDING this request:

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5.4.1 is within 28 days of registration of the application;

5.4.2 sets out the reasons; and

5.4.3 is in writing.

The Head of Planning and Sustainable Development shall decide whether to include the application on the Planning Committee agenda in consultation with the Chairman or Vice-Chairman of the Planning Committee.

5.5 Subject to 5.3 and 5.4 above, the following powers/or functions set out below under the Listed Acts (or amend, modification or re-enactment or those Acts, or Regulations/Orders made under those Acts) are delegated to the officers listed below.

DELEGATION TO OFFICERS – PLANNING COMMITTEE

There are delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below, including service of notices, carrying out of default works, commencement of enforcements and other proceedings.

Building Act 1984	Head of Planning and Sustainable Development or Team Leader Building Control
Building (Local Authorities Charges) Regulations 1998 Power to set fees.	Head of Planning and Sustainable Development or Team Leader Building Control
Planning Act 2008 & Community Infrastructure Levy Regulations 2010 To authorise/ arrange and approve any operational issues, process and procedure for CIL enforcement.	Head of Planning and Sustainable Development
Town and Country Planning Act 1990 ss.191-196 Provisions relating to Certificates of Lawful Use on Development.	Head of Planning and Sustainable Development or Principal Development Control Officer
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 To undertake screening and scoping opinions, and to determine whether any application for planning permission constitutes EIA development that should be accompanied by the Environmental Statement.	Head of Planning and Sustainable Development or Principal Development Control Officer or Team Leaders Development Control
Town and Country (General Permitted Development) Order 1995 Service of Article 7 directions requiring submission of reserved matters in support of an outline planning application.	Head of Planning and Sustainable Development or Principal Development Control Officer or Team Leaders Development Control
Town and Country Planning (General Permitted Development) Order 1995 Town and Country Planning Act 1990 as amended Determination of notifications for agricultural and forestry schemes/demolition of buildings and telecommunications in accordance with the approved scheme of delegation.	Principal Development Control Officer

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<p>Town and Country Planning Act 1990 To serve notice under Section 330 requiring the provisions of details of interest in premises.</p>	Head of Planning and Sustainable Development or Head of Legal and Democratic Services
To declare any particular planning application to be a County matter.	Head of Planning and Sustainable Development or Principal Development Control Officer
Formal response to all County Council consultations; for example, school extensions, mobile classrooms, mineral and waste disposal applications. Local member(s) to be consulted.	Head of Planning and Sustainable Development or Principal Development Control Officer
Processing of applications for planning permission under Part III of the Act.	Head of Planning and Sustainable Development or Principal Development Control Officer
<p>Sections 70, 70C and 72 Subject to 5.3 and 5.4 above, approve or refuse, with or without conditions consistent with adopted policies, all applications for:</p> <p>(a) Outline and full planning permission and any Subsequent amendments;</p> <p>(b) Details (i.e. Reserved Matters) following outline planning permission and any subsequent amendment;</p> <p>s70A Power to decline to determine applications</p> <p>s70B Power to decline to determine overlapping application</p> <p>s70C Power to decline to determine retrospective application</p> <p>s81A Power to decline to determine subsequent application</p> <p>s81B Power to decline to determine overlapping application</p>	Head of Planning and Sustainable Development or Principal Development Control Officer or Team Leaders Development Control
The right to refer to the Committee for determination any application for planning permission or other consent or matter which would otherwise be dealt with under delegated powers.	Head of Planning and Sustainable Development or Principal Development Control Officer or Team Leaders Development Control
<p>Section 106 To draft and complete planning obligations in consultation with Head of Planning and Sustainable Development.</p>	Head of Legal and Democratic Services
<p>The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 3 To serve Building Preservation Notices in cases of emergency subject to notification of any such action being made as soon as practicable to a meeting of the Planning Committee.</p> <p>Section 47 To consider and make recommendations on compulsory acquisition of listed buildings to Planning Committee.</p> <p>Section 48</p>	Head of Planning and Sustainable Development or in his absence the Principal Development Control Officer

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To issue or authorise the issuing of repairs notice as preliminary to acquisition under s47.	
Section 10 To approve or refuse, with or without conditions, applications for Listed Building Consent and applications for Conservation Area consent for minor demolition work, in accordance with the approved scheme of delegation.	Head of Planning and Sustainable Development or in his absence Principal Development Control Officer or Team Leaders Development Control
Section 106A To act on requests to modify or discharge completed planning obligations in consultation with the Head of Planning and Sustainable Development.	Head of Legal and Democratic Services
Section 106 Authorisation to affix the Council's seal on agreements reached in respect of applications.	Head of Legal and Democratic Services or Chief Executive or Principal Solicitor
Sections 198-201 To make Tree Preservation Orders where such orders are unopposed subject to notification of any such action being to local members(s).	Head of Planning and Sustainable Development or Head of Legal and Democratic Services
Section 198-201 To revoke orders where trees have been removed as a result of the implementation of planning permission, subject to local members being notified	Head of Planning and Sustainable Development or Head of Legal and Democratic Services
To approve or refuse applications for consent to cut down, top, lop, uproot or destroy trees the subject of a Tree Preservation Order, and including trees in Conservation Areas.	Head of Planning and Sustainable Development
Sections 215 and 216 Serve of notice and institution of proceedings with regard to proper maintenance of land.	Head of Planning and Sustainable Development or Head of Legal and Democratic Services
Town and Country Planning (Assessment of Environmental Effects) Regulations 1999 To determine whether environmental assessments are required.	Head of Planning and Sustainable Development or Principal Development Control Officer
Town and Country Planning Act 1990 Town and Country Planning Act (Control of Advertisements) Regulations 1989 Institution of proceedings against fly posters.	Head of Planning and Sustainable Development or Head of Legal and Democratic Services
Town and Country Planning (Control of Advertisements) Regulations 1989 as amended To approve or refuse, with or without conditions, applications for Advertisement Consent (illuminated and non illuminated).	Head of Planning and Sustainable Development or Principal Development Control Officer or Team Leaders Development Control
Town and Country Planning (Control of Advertisements) Regulations 1989 Local Government (Miscellaneous Provisions) Act	Head of Planning and Sustainable Development or Principal Development Control Officer

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<p>1972 To give notice where owner identifiable , and remove if continued, unauthorised advertisements on the highway.</p>	
<p>Town and Country Planning (Inquiries Procedure) Rules 1988 Paragraph 11(3) To represent the Council at Local Inquiries.</p>	Senior Legal Assistant and Legal Assistant (Solicitors authorised automatically)
<p>Town and Country Planning Act 1990 Planning and Compensation Act 1991 To take enforcement action (including although not limited to serving Breach of Conditions Notices/Planning Contravention Notices/Enforcement Notices/ Enforcement Orders/Stop Notices/an Action Notice/Removal Notice, Default powers, remove or obliterate unauthorised signs or remove a display structure) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.</p>	Head of Planning and Sustainable Development or Head of Legal and Democratic Services or Principal Development Control Officer or Senior Enforcement Officer
Signature of Breach of Condition Notices/Planning Contravention Notices/Enforcement Notices/Stop Notices/Default powers.	Head of Planning and Sustainable Development or Head of Legal and Democratic Services or Principal Development Control Officer
<p>Public Health Act 1925 – Town Improvement Clauses Act 1847 To make orders and serve notices in relation to the naming and numbering of streets.</p>	Deputy Chief Executive or Head of ICT and Customer Services
<p>Public Health Act 1936 Sections 275 and 291 To take required measures at expense o owner or occupier and take action to recover those expenses.</p>	Head of Planning and Sustainable Development or Head of Legal and Democratic Services or Principal Development Control Officer
<p>Public Utilities Street Works Act 1950 Sections 6 and 26 Service of notices re: laying of apparatus for statutory undertakers in the highway.</p>	Chief Executive or Head of Planning and Sustainable Development
<p>Safety of Sports Grounds Act 1975 Sections 1 – 6 To represent the Council as the Building Authority in respect of the Sports Grounds Act within East Cambridgeshire.</p>	Head of Planning and Sustainable Development or Chief Executive or Team Leader Building Controls
<p>Goods Vehicles (Licensing of Operators) Act 1995 Authority to make representations on applications for Goods Vehicle Operating Licences.</p>	Head of Planning and Sustainable Development or in his absence Principal Development Control Officer
<p>Prosecution Proceedings To institute prosecution proceedings.³³</p>	Head of Legal and Democratic Services or Chief Executive

³³ Council Agenda item 13, 210213, to include OL – related enforcement Under Planning Act 2008 & Community Infrastructure Levy Regulations 2010

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To take enforcement action, apply for injunctions and subsequent prosecution proceedings, where applicable.

Head of Legal and Democratic Services or Head of Planning and Sustainable Development

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Figure 8 Extract from Great Yarmouth Borough Council's Constitution, published at [Great Yarmouth Borough Council Constitution - Great Yarmouth Borough Council \(great-yarmouth.gov.uk\)](http://Great Yarmouth Borough Council Constitution - Great Yarmouth Borough Council (great-yarmouth.gov.uk)), downloaded 2 May 2023

ARTICLE 9 - DEVELOPMENT CONTROL COMMITTEE

- 91 Developing and adopting policies in accordance with the Council's strategies, the Development Control Committee shall perform all the planning and highway functions of Great Yarmouth Borough Council.
- 92 Decision making where decisions fall outside the scheme of delegation in respect of the following:-
- Building Control matters
 - Planning (budget, staffing and administration)
 - Removal of permitted development rights through Article 4 Direction
 - Functions of the Council relating to complaints regarding high hedges contained in part 8 of the Anti-Social Behaviour Act 2003
 - Assets of Community Value
- 93 Delegation to Officers
- The **Director of Planning and Growth** and anyone who has written authority from him/her to act can discharge any function allocated to the Development Control Committee except:
- (a) where the proposal is for the residential development of a site of one hectare or more unless the proposal involves the development of 25 or less dwelling units and/or
 - (b) where the proposal requires the submission of an environmental statement and/or
 - (c) where the proposal involves the winning or working of minerals or relates to waste disposal and/or
 - (d) where the Director of Planning and Growth declines to exercise his/her delegated authority
 - (e) where a review is requested in relation to an Asset of Community Value nomination, this will be carried out by the Strategic Director with responsibility for Customer Services
- 94 Quorum
- The quorum of the Committee shall be one third (if necessary rounded up to the nearest whole number) of the number of Members appointed to the Committee.
- 95 Rules of Debate
- The Chair (or other person presiding at the meeting) shall determine (on the advice of Officers, if necessary) procedure and rules of debate at the meeting provided that in doing so he/she takes into account the Council Procedure Rules as appropriate.

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Figure 9 Extract from Ipswich Borough Council's Constitution, published at [The Council's Constitution | Ipswich Borough Council](#), downloaded 2 May 2023

- (g) Functions related to local government pensions.
- (h) Duty to make arrangements for proper administration of financial affairs.
- (i) Power to make and amend financial regulations.

10.5 Director for Resources and Housing

- (a) To exercise all the Council's powers with respect to the administration of the Local Council Tax Reduction Scheme, including the determination, re determination and payment of benefit; the exercising of discretionary powers; all decisions relating to the recovery or non-recovery of recoverable overpayments and the carrying out reviews of decisions (such reviews not to be carried out by the same person who made the original decision). [E]
- (b) To exercise all the Council's powers and duties to bill, administer and collect the Council tax, the National Non-Domestic Rates and outstanding community charge liability including the power to enforce collection and exercise the Council's discretions under the law. [E]
- (c) To exercise the Council's powers to authorise officers and agents to represent the council in any court or tribunal or at any hearing on local taxation matters, and to serve warrants in respect of these matters and to administer a Caution and/or Administrative Penalty where appropriate. [E]

LIMITATION:

- this delegation does not extend to setting the level of the Council Tax;
- when exercising any authorisation, the Director with responsibility for Finance will have due regard to their responsibilities as Section 151 Officer
- this delegation does not allow the Director with responsibility for Finance to change the period of time over which the council tax falls to be paid.

10.6 Director for Operations and Place

Planning

- (a) To exercise the Council's statutory functions as Local Planning Authority subject to the limitation below, to determine all applications and deal with consultations on, and notifications of development:
 - (i) for planning permission; or approval under conditions or reserved matters attached to a planning permission; alterations to a proposal already having planning permission and renewals of a planning permission;
 - (ii) for consent to display advertisements;

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- (iii) to construct overhead electricity lines;
- (iv) for consent to top, lop or fell trees subject to a Tree Preservation Order or trees in Conservation Areas;
- (v) for a certificate of lawful use or development (whether the development or change of use has taken place or not);
- (vi) for listed building or conservation area consents;
- (vii) for development by Suffolk County Council, or of its land;
- (viii) for development by the Council, or of the Council's land;
- (ix) for development by government departments;
- (x) for development of land outside the Borough where the Council is consulted; or
- (xi) for hazardous substances consent. [C]

Guidance note: Whilst there is no limit on the powers of the Director for Operations and Place's powers to decide these matters, it is expected that the Director for Operations and Place will exercise judgment about which cases are referred to committee and in doing so will normally consider the following factors:

- the scale of the proposal;
 - any controversial planning issues raised by the application;
 - any views expressed by Councillors;
 - the extent to which the proposal is in accordance with planning policies;
 - government targets for decisions to be taken by officers under delegated powers.
- (b) To enter into any planning obligation agreement on behalf of the Council which relates to any planning or other application for development.

Museums

- (a) To exercise the Council's powers with respect to the provision, maintenance and development of the Christchurch Mansion, the Wolsey Art Gallery and the High Street Museum and their associated collections and exhibition programmes subject to the exercise of functions by the Joint Museum Service for Colchester and Ipswich and to act as Proper Officer for the purposes of the Joint Museums Service Agreement. [E]

LIMITATION: This delegation shall not allow the Director for Operations and Place to dispose of any part of the collections nor place them on permanent loan.

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Figure 10 Extract from Kings Lynn and West Norfolk, published at [Agenda for Constitution on Wednesday, 12th April, 2023 \(west-norfolk.gov.uk\)](#), downloaded 2 May 2023

Specific delegation of exercise of planning functions to the Executive Director – Environment & Planning

The following planning functions of the Council (set out in bold below) are delegated to the Executive Director - Environment & Planning, and to such officers as that Director may approve.

1.1 Determining applications made under the Planning Acts.

1.1.1 Councillors have the right to request in writing to the Executive Director – Environment & Planning/that **within 28 days of the publication of the weekly Planning Register of Applications, 21 days of the date of any re-consultation on amendments (see note 9)** that a planning application (including reserved matters), listed building application, or application for advertisement consent should be determined by the Planning Committee. Members must only call-in such applications within their own Ward, unless exceptional circumstances dictate otherwise, and Members must give a reason for calling-in an application to Committee.

1.1.2 Subject to 1.1.1, the Executive Director –Environment & Planning shall have powers delegated to determine planning applications, listed building applications, and applications for advertisement consent under delegated powers except :

a) where the relevant Parish or Town Council have commented (within 21 days of the date of consultation) on planning applications for Major and Minor developments (not householders or variation of condition applications to householders), or within 21 days of the date of re-consultation on an amended scheme (see note 9), and this is contrary to the officer recommendation, and where :

- 1) the comments raise issues deemed to be material planning considerations relevant to that application; or
- 2) the issues raised have not been resolved by negotiation or are not capable of resolution through the imposition of conditions;

The exceptions to 1.1.2 a) above are where :

- i) the Parish Council continues to object to a reserved matters application, on the same grounds in principle raised through the original outline; or
- ii) the Parish Council continues to object on the same ground on a subsequent application, where substantially

Appendix I: The schemes of delegation at other Local Planning Authorities

the same proposal has previously been approved, and there have been no material change in circumstances.

In these circumstances these matters can be dealt with under delegated powers.

b) where a statutory consultee's comment is contrary to the officer recommendation and where:

- the comments raise issues deemed to be material planning considerations; and
- the comments are made in the stipulated time span (21 days); and
- the comments raise issues which have not been resolved by negotiation or capable of resolution through the imposition of conditions.

c) when it relates to a new telecommunications mast over 30m in height.

d) when it relates to a development proposal submitted by or on behalf of a Councillor of the Authority (or their spouse/partner or another direct relative) or by any member of the Council's staff (or their spouse/partner) who is involved in the planning or development process.

e) an application submitted by or on behalf of the Council for its own developments except for the approval of minor and other developments to which no objection has been received within 28 days of the applications publication on the weekly list.

f) where the site is subject of a previously dismissed appeal for substantially the same development, and the recommendation is to approve.

1.1.3 Delegated authority is granted to the Executive Director – Environment & Planning to enter into S.106 legal agreements, that do not involve the payment of financial contributions above £60,000, unless they are in accordance with the Council's affordable housing policy when contributions can exceed this sum, and can vary existing S.106 legal agreements.

1.1.4 The Executive Director –Environment & Planning may call-in applications that he considers should be presented to the Planning Committee for determination, usually through the issues it raises or through the scale of concerns relating to planning issues.

1.2 Sifting Panel

1.2.1 Applications due to go to Planning Committee under 1.1.2 – 1.1.4 may be subject to a Planning Committee Sifting Panel process. The Sifting Panel may resolve that an application that would usually need to go to Planning Committee under 1.1.2-1.1.4, can be determined under officer delegated powers.

1.3 Other planning related functions delegated to the Executive Director – Environment & Planning

1.3.1 The determination of discharge of conditions and dealing with non-material amendments to approved schemes.

1.3.2 Respond to consultations from other bodies on their applications.

1.3.3 Serve, modify and withdraw Tree Preservation Orders (TPO's). Where an objection to a proposed TPO is received the proposed TPO will need to be determined by the Planning Committee.

1.3.4 Determine applications for works to protected trees (those subject to a TPO and qualifying trees in a conservation area).

1.3.5 To enter land and buildings for any purpose under the Planning Acts.

1.3.6 To carry out screening and scoping opinions under the Environmental Impact Assessment Regulations.

1.3.7 The determination of lawful development certificates, prior notifications/approvals or other similar processes forming part of the statutory planning process.

1.3.8 To exercise all other planning related functions whether by the making of operational decisions, service of notices, making or confirmation of orders, directions, dispensations or opinions, issue of determinations or certificates, lodgement of comments or objections upon consultation, commencement of proceedings, carrying out appeal work, withdrawal or discontinuance of any matter or action, responding to any matters served upon the Council or otherwise.

1.4 Enforcement of Planning Control under the Planning Acts

1.4.1 Authority is delegated to the Executive Director – Environment & Planning for the obtaining, signing, service, varying or withdrawal of:

- (a) enforcement notices (which term shall also include listed building enforcement notices and special enforcement notices);
- (b) stop notices and temporary stop notices;
- (c) breach of condition notices;
- (d) Requisitions for Information notices (S.330 notices), & planning contravention notices;
- (e) S.215 ('tidy-up') notices;
- (f) injunctions and their enforcement;
- (g) completion notices;
- (h) urgent works notices;
- (i) listed building repairs notices
- (j) advertisement removal notices
- (k) discontinuance notices

1.4.2 To prosecute for non-compliance of formal notices served under the planning acts, and to take operational decisions relating to those prosecutions, having regard to the council's combined enforcement policy;

1.4.3 Undertaking other enforcement related tasks, investigations, operational decisions, investigations and service of notices relating to trees and hedges, the historic environment, advertisements, and hazardous substances, all under the relevant legislation.

1.5 High hedges

1.5.1 To determine, under the Anti-Social Behaviour Act 2003, applications for works to a high hedge, to serve remedial notices as appropriate and prosecute & take direct action against non-compliance with notices.

1.6 Other legislation

1.6.1 To serve notices and respond to consultations relevant to the planning function as necessary under the provisions of the following pieces of legislation, as updated and amended:

- a) Local Government (Miscellaneous Provisions) Acts 1976 & 1982
- b) Building Act 1984
- c) Environment Act 1995
- d) Communications Act 2003. Under this act any applications to remove phone boxes can only be dealt with under delegated powers should there be no objection from the relevant Parish Council

This shall also include all relevant statutory instruments and secondary legislation associated with the above primary legislation.

Notes

- 1) All prosecutions and injunctions, and decisions associated with them, shall be made only with the agreement of the Assistant Director for Legal Services (or equivalent title), or in their absence an Executive Director. The relevant Ward Member, Portfolio Holder – Development, and the Chairman & Vice-Chairman of the Planning Committee will be notified of decisions relating to prosecutions and injunctions.
- 2) Enforcement action is authorised only if the taking of such action has not been specifically excluded by the Planning Committee in any particular case.
- 3) The service of any formal notices or taking of action in section 1.4 and 1.5 must be authorised by either the Assistant Director of Legal Services (or equivalent title), Executive Director – Environment & Planning, or Assistant Director - Environment & Planning
- 4) References to the Executive Director – Environment & Planning shall also relate to the Assistant Director – Environment & Planning.
- 5) As set out in the agreed 'Code of Good Practice for Planning', where a Member refers an application to the Planning Committee, that Member will be asked to confirm his/her attendance preferably by e-mail to the relevant Planning Officer prior to the publication of the Agenda at the meeting to which it is referred. If the Member is unable to confirm their attendance or fails to attend, except in exceptional circumstances which would be at the discretion of the Chairman, the application may not be considered and could be referred back to officers to determine.
- 6) Reference to the 'Planning Acts' shall include the:

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- Town & Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008

This list may change over time as new legislation comes forward and it shall also include all relevant statutory instruments and secondary legislation associated with the primary legislation.

- 7) The Sifting Panel shall usually be made up of the Chairman & Vice-Chairman of the Planning Committee, Portfolio Holder – Development and Regeneration, another Member of the Planning Committee, and two of the Executive Director, the Assistant Director or the Planning Control Manager. It will require a minimum of one officer and two Councillors to be quorate. The Panel shall meet as required. The precise operation of the Panel will be as directed by the Executive Director and Portfolio Holder – Development and Regeneration.
- 8) Reference to 'own development' in 1.1.2 d) does not include when a councillor is working as a planning agent, as part of their business or employment, and therefore has no other interest in an application apart from acting on behalf of a third party.
- 9) There is no legal requirement to formally reconsult on amendments to planning applications, unless they relate to an application which includes an Environmental Impact Assessment. However, officers will re-consult on those changes deemed more than minor, and which are considered to be material changes requiring further consideration. These changes can often be to overcome objections raised earlier in the consultation process.

Appendix I: The schemes of delegation at other Local Planning Authorities

Figure 11 Extract from North Norfolk District Council's Constitution, published at [NORTH NORFOLK DISTRICT COUNCIL \(north-norfolk.gov.uk\)](http://NORTH.NORFOLK.DISTRICT.COUNCIL(north-norfolk.gov.uk)), downloaded 2 May 2023

North Norfolk District Council		Constitution	
Part 3. Development Committee			
The Council has determined that the Development Committee shall be constituted and shall have delegated authority for the discharge of the Council's functions as set out below.			
DEVELOPMENT COMMITTEE			
Appointed by: The Council under section 102 of the Local Government Act 1972		Number of Elected Members: Fourteen	
Chairman and Vice-Chairman appointed by: The Council		Political proportionality: The elected Members shall be appointed according to Political Proportionality.	
Quorum: Seven		Co-opted members: None	
Frequency of Meetings: Monthly			
Terms of Reference:			
<ol style="list-style-type: none"> 1. To undertake all statutory functions of the Council, acting as Local Planning Authority, including the determination of all planning and listed building applications and related matters, enforcement matters, tree and hedgerow matters, and conservation area matters, subject to the provisions outlined below. 2. To establish a judging panel as required to promote, consider, evaluate and judge submissions under the Graham Allen Awards Scheme and make awards accordingly. The Panel shall comprise of at least 8 members of Development Committee (who need not be politically balanced) and a representative of the Allen family 3. When a determination under paragraph 1 or 2 would, in the view of the Head of Planning; <ol style="list-style-type: none"> a) have major implications for planning policy or b) be a significant departure from the Development Plan without sound reasons for doing so c) would fail to observe the proper principles of planning decisions The resolution is made that the Committee is 'minded to' and the application is deferred until a subsequent meeting of the Development Committee when a 'risk assessment' report will be presented outlining the implication of such action. 4. When the Development Committee Chairman wishes to speak on a planning matter relating to his/her Ward, he/she will be permitted to vacate the Chair and speak from the floor as a Local Member, returning to the Chair once the matter has been determined. 5. The Development Committee will determine controversial applications for Coastal protection consent in circumstances where the Council as Local Planning Authority is acting as the lead authority under the Coastal Concordat and the Head of Service declines to use their delegated authority 6. To make recommendations to working parties, the Cabinet or Council on matters of planning policy or practice. 7. For the avoidance of doubt the quorum of meetings under paragraph 5 will be one half of the total number of Members of the Development Committee. 			
<p>Note: The applications referred to in these Terms of Reference are those detailed in Part III of the Town and Country Planning Act 1990; in the Planning (Listed Buildings and Conservation Areas) Act 1990; in the Planning (Hazardous Substances) Act 1990 and in any enactment modifying, amending or replacing any of these enactments and in any Regulation(s) or Order(s) made thereunder.</p>			
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minimum necessary to deal with the emergency and shall be reported to the next meeting of the Cabinet or the Council, whichever shall be first and to the appropriate Local Member.

- 5.3 On consultation with the relevant Elected Member(s), as detailed in paragraph 5.1 and 5.2, above, if there is disagreement as to the use of the delegated power or function, the following procedure shall apply. Any Chief Officer may choose not to exercise the delegated power or function. Where he or she wishes to proceed with the delegated authority, where the Chief Officer is not the Chief Executive, the matter shall be referred to the Chief Executive who will decide if the power or function is to be exercised, having considered the views of the Elected Member and the Chief Officer.
- 5.4 Chief Officers shall have full delegated power to undertake any of the functions in relation to the matters within the statutory framework which provides that power.
- 5.5 Directors and Assistant Directors shall have full delegated power to undertake the functions relevant to their office.
- 5.6 An Officer need not exercise any such power if he or she considers that it is not in the best interests of the Council and may instead refer the matter to the Cabinet, appropriate Committee or to Council for decision.

6. Conditional and Default Delegation

- 6.1 Chief Officers and the Officers specified below shall have delegated power in respect of the matters listed below subject to the conditions specified. However these delegated powers shall not, unless specifically stated, be taken to include any power reserved to the Council or given to a Committee by the Council's Terms of Reference.

Note: *References to the "appropriate Cabinet Member" mean the Cabinet Member with responsibility for the function. In the event of the "appropriate Cabinet Member" having a disclosable pecuniary interest in the matter, consultation shall be with the Leader or Deputy Leader.*

6.2 Determination of Planning and Listed Building Applications

Reserved to: Development Committee
Default Delegation to: Director for Place & Climate Change

To undertake all statutory functions of the Council acting as Local Planning Authority including to determine all planning and listed building applications and related matters, tree and hedgerow matters and the service of any notices in relation to any of the functions delegated.

Appendix I: The schemes of delegation at other Local Planning Authorities

Conditions:

- (a) All Members to be notified of all applications received in the last seven days
- (b) No request for the application to be considered by Committee has been received from a Member within 28 days of notification and
- (c) No written representations with which the local District Councillor (or either one of them in two-Member wards) agrees, have been received from a Town or Parish Council which conflict with the intended determination and
- (d) No other written representations have been received which conflict with the intended determination and which, in the view of the Director for Place and Climate Change, contain unresolved objections or comments which are material considerations in planning terms.
- (e) Where the proposed decision to be taken is against the advice of a technical consultee then the Director for Place and Climate Change should ensure that there are sound planning reasons for the decision and that these are properly recorded. The Local Member(s), Planning Portfolio Holder and the Development Committee Chairman should be consulted.
- (f) In relation to any delegated powers, the condition of consulting a Member does not need to be observed where that member is unable to respond due to a conflict. In such circumstances the Director for Place and Climate Change may consult with the Chairman of the Development Committee.

Notes:

(1) When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties, to the effect that they do not object, then a delegated refusal may still be issued;

(2) When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties, to the effect that they object on other grounds which, in the view of the Director for Place and Climate Change, are incapable of substantiation on appeal, then a delegated refusal on the originally recommended basis may still be issued.

(3) The requirement to refer to Committee shall not apply where the intended course of delegated action is to approve an application in accordance with this scheme of delegation, and where objections have been received with which the local District Councillor(s) disagree(s) OR where the intended course of action is to refuse an application in accordance with this scheme of delegation where a letter or letters of support have been received with which the local District Councillor(s) disagree

(4) (a) Applications submitted by or on behalf of the District Council where representations have been received shall be determined by Development Committee. Minor applications where no representations have been received can be determined under delegated authority.

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North Norfolk District Council

Constitution

(b) Ground mounted solar panels in excess of 250kW capacity or with a site area of 0.5 hectares or greater.

(c) Applications for on-farm Anaerobic Digester (AD) plants with a capacity of up to 25kW can be determined under delegated authority. All other AD plants (including those using non-farm based feedstock) shall be determined by Development Committee.

(d) Planning applications made or submitted on behalf of staff within Planning or Property teams, Senior Management Team (Directors/ Assistant Directors / Corporate Leadership Team and Members shall be determined by Development Committee. All other applications can be determined under delegated powers. Where appropriate the Director for Place and Climate Change will seek advice from the Monitoring Officer.

(5) The Development Committee will determine controversial applications for Coastal Protection Consent in circumstances where the Council as Local Planning Authority is acting as the lead authority under the Coastal Concordat and the Head of Service declines to use their delegated authority.

- 6.3 To give notice in respect of all prior approval applications made under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and any subsequent amendments and to grant or refuse prior approval on behalf of the Local Planning Authority in cases where the developer has been given notice that such prior approval is required.

Conditional Delegation to: Director for Place and Climate Change

- 6.5 **The acceptance of the lowest tender for the supply of goods or services where the contract price is £50,000 or less**

Conditional Delegation to: All Directors

Conditions:

- (a) Subject to subsequent notification of all Members

- 6.6 **The acceptance of the lowest tender for the supply of goods or services where the contract price is more than £50,000 but less than £250,000**

Conditional Delegation to: Chief Executive and Directors

Conditions:

- (a) Subject to consultation with the appropriate Cabinet Member and 14 days prior notification of all Members

- 6.7 **The acceptance of any tender for:**
(1) £250,000 or more
(2) any price which is not the lowest tender
(3) where it is proposed not to follow the Contracts' Procedure Rules

Reserved to: The Cabinet

Default Delegation to: Chief Executive and Directors

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Appendix I: The schemes of delegation at other Local Planning Authorities

Figure 12: Extract from Norwich City Council's Constitution, published at [Constitution | Norwich City Council](#), downloaded 2 May 2023

Planning Applications Committee Procedure Rules

Terms of Reference

1. The terms of reference for the Planning Applications Committee are set out in Part 2, Section 8.

Scheme of Delegation

2. The committee's scheme of delegations is as follows:

A. Planning applications, listed building applications and hazardous substances consent applications

All applications will be determined by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager, with the exception of the following:

- (1) approval of major¹¹ applications if:
 - (a) subject to two or more objections raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period; or
 - (b) the proposal would represent a serious departure from the development plan.
- (2) approval of minor¹² applications if:
 - (a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;
 - (b) the proposal would represent a significant departure to the approved development plan.
- (3) Where a member of the council requests, within six weeks of a major application becoming valid or within four weeks of a minor or other application becoming valid, and an appropriate planning justification is made, that the application be referred to the committee for decision.
- (4) Applications submitted by a member of the council, a member of staff, or the immediate family¹³ of an elected member or member of staff who works in the planning service. This

¹¹ major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq. m or over 1ha for outline applications.

¹² minor is defined as proposals involving 1-9 dwellings and/or up to 1,000sqm of new build non-dwelling development (including non-residential extensions). For the avoidance of doubt this excludes proposals involving no increase in floor area, residential extensions, changes of use, adverts and listed building consent applications.

¹³ immediate family is defined as a husband/wife/partner/son/daughter/mother/father/brother/sister and equivalent in-laws.

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excludes applications where Norwich City Council is the applicant.

- (5) Non-major and non-minor applications where Norwich City Council is the applicant and if subject to four or more objections from neighbours and/or third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period.

B. Prior notifications

All applications will be determined by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager, with the exception of the following:

- (1) In the case of telecoms cabinets, masts or antennae under Part 25 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior approval is required) that the decision of either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services or the Area Development Manager must be subject to consultation with the chair and vice chair of the Planning Applications Committee, if one or more ward councillors so request within 21 days of advertisement, neighbour consultation or publication of the weekly list.

C. Planning enforcement

3. All decisions will be made by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager.

Terms of Reference

4. The terms of reference for the Planning Applications Committee are set out in Part 2 Section 8.

Scheme of Delegation

5. The committee's scheme of delegations is as follows:

D. Planning applications, listed building applications and hazardous substances consent applications

All applications will be determined by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager, with the exception of the following:

- (6) approval of major¹⁴ applications if:

¹⁴ major is defined by central government as applications for 10 or more dwellings, outline applications for residential development on sites over 0.5ha, or offices, research, industrial, warehousing or retail development over 1,000 sq. m or over 1ha for outline applications.

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- (a) subject to two or more objections raising material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period; or
- (b) the proposal would represent a serious departure from the development plan.

(7) approval of minor¹⁵ applications if:

- (a) subject to two or more objections from neighbours and/or other third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period;
- (b) the proposal would represent a significant departure to the approved development plan.

(8) Where a member of the council requests, within six weeks of a major application becoming valid or within four weeks of a minor or other application becoming valid, and an appropriate planning justification is made, that the application be referred to the committee for decision.

(9) Applications submitted by a member of the council, a member of staff, or the immediate family¹⁶ of an elected member or member of staff who works in the planning service. This excludes applications where Norwich City Council is the applicant.

(10) Non-major and non-minor applications where Norwich City Council is the applicant and if subject to four or more objections from neighbours and/or third parties citing material planning issues provided that said objections are received within the statutory consultation period or, in the case of revised plans, any subsequent formal consultation period.

E. Prior notifications

All applications will be determined by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager, with the exception of the following:

- (1) In the case of telecoms cabinets, masts or antennae under Part 25 of The Town and Country Planning (General Permitted Development) Order 2015 as amended which are subject to two or more objections from neighbours and/or other third parties citing issues of siting and/or appearance (these being the only matters for which prior approval is required) that the decision of either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager, must be subject to consultation with the chair and vice chair of the Planning Applications Committee if one or more ward councillors so request within 21 days of advertisement, neighbour

¹⁵ minor is defined as proposals involving 1-9 dwellings and/or up to 1,000sqm of new build non-dwelling development (including non-residential extensions). For the avoidance of doubt this excludes proposals involving no increase in floor area, residential extensions, changes of use, adverts and listed building consent applications.

¹⁶ immediate family is defined as a husband/wife/partner/son/daughter/mother/father/brother/sister and equivalent in-laws..

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consultation or publication of the weekly list.

F. Planning enforcement

6. All decisions will be made by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager.

G. Tree Preservation Orders (TPOs) and applications for tree works in conservation areas or protected by TPOs

All decisions will be made by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services or the Area Development Manager with the exception of:

- (1) The confirmation of a tree preservation order served where there are 5 or more objections to that order UNLESS the order relates to a site upon which there is an existing order.

H. Applications for Permission in Principle and for Technical Details Consent

All decisions will be made by either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services or the Area Development Manager.

I. Other

Any items which either the Executive Director of Development and City Services, or the Head of Planning and Regulatory Services, or the Area Development Manager considers appropriate to refer to the Planning Applications Committee.

Neighbour notification procedure

7. The neighbour notification procedure was approved by Planning Applications Committee on 2 April 2009.
8. The following procedure will be used in advertising all planning and related applications. It should be noted that they exceed the statutory minimum required by the regulations in a number of areas.

a) Neighbour notification

- (1) There is a requirement under the regulations to notify neighbours or erect a site notice for all planning applications. In all but exceptional circumstances then neighbour notification rather than site notice will be undertaken as it provides direct notification to people's homes and contact details to occupiers. In most cases it would normally be more cost effective than the erection of site notices.
- (2) The definition of 'neighbours' is based on the advice in Circular 15/92 Publicity for Planning Applications, but with key additions to go beyond the immediately adjoining property in some cases:
 - (a) land which is coterminous with the boundary of the land for which development is proposed, plus one additional property where such property's curtilage is less

Appendix I: The schemes of delegation at other Local Planning Authorities

Figure 13 Extract from South Norfolk District Council's Constitution, published at [South Norfolk Council Constitution – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](https://www.southnorfolkandbroadland.gov.uk), downloaded 2 May 2023

The Constitution of South Norfolk Council	Part 3 Responsibility for Functions
Part 3.4 Delegations to Councillors	
1. Each Member may authorise the spend of £1,000 on projects in relation to the Ward for which the member is elected, in line with the South Norfolk Council Member-Led Grant Rules.	
Part 3.5 Specific delegation of exercise of functions to officers: Development Management Committee	
1. Applications made under the Planning Acts	
1.1 The Director of Place and such officers as that Director may approve, are each authorised to determine planning applications and prior notifications except those where the following apply:	
1.1.1 The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons	
1.1.2 The applicant is known to be a member, employee, or close relative of a member of South Norfolk Council or Broadland District Council and the application has received one or more objections and/or is contrary to policy. Close relative is defined as spouse, partner, parent, parent-in-law, son or daughter	
1.1.3 The officer who would normally make the decision knows that a member or employee of South Norfolk Council has a declarable pecuniary interest in the application	
1.1.4 Either the Director of Place, the Assistant Director – Planning or the Chairman of the Committee consider in their own capacity or following compelling reasons from a member that there are exceptional circumstances which warrant consideration of the proposal by committee.	
1.1.5 The proposal has potential to generate employment, but the recommendation is for refusal	
1.1.6 The proposal has potential to result in the loss of employment, but the recommendation is for approval.	
2. Enforcement of Development Management	
2.1 The Director of Place, and such officers as that Director may approve, are each authorised to undertake the following enforcement action:	
2.1.1 To serve planning contravention notices and, subject to legal advice, to prosecute for non-compliance with such notices.	
2.1.2 Subject to legal advice, to serve breach of condition notices and, subject to further such advice, to prosecute for non-compliance with such notices.	
2.1.3 To decide that enforcement action is not appropriate in a particular case and to notify interested parties of this decision,	
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Figure 14 Extract from Tendring District Council's Constitution, published at [Tendring District Council | Constitution \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk), downloaded 2 May 2023

Committee	Functions and Terms of Reference	Delegated Functions
<p>Planning Committee</p>	<p><i>The discharge of the Town and Country Planning and Conservation functions as specific in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.</i></p> <p>Additional roles and functions of the Committee are as set out below:</p> <ol style="list-style-type: none"> 1. Any formal comment or view on applications or proposals to be determined by Essex County Council, any Statutory Body and government departments relating to matters within the remit of the Committee. 	<p>All planning and conservation matters delegated to the Assistant Director (Planning) except in relation to the determination of certain planning applications as detailed below for determination by the Committee:</p> <ol style="list-style-type: none"> (i) Officer recommendations for approval materially contrary to national or local policy. (ii) Officer recommendation of approval contrary to a previous refusal by the Planning Committee, where the policies remain substantially unchanged. (iii) Office recommendation of approval and the application should be referred to the Secretary of State under a Direction(s) or "call in". (iv) The applicant is the Council or someone acting as applicant on the Council's behalf or in respect of Council owned land. (v) The applicant is a Member of the Council, Planning Officer or a Senior Officer and there is an Officer recommendation for approval.

(Green)

(July 2020) Part 3.15

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		<p>(vi) Within 35 days of the commencement of formal consultation, a written request is received from a Tendring District Councillor in accordance with the Member Referral Scheme(*) requesting that the application should be brought before the Planning Committee for determination giving material planning reasons for that request.</p> <p>(*) Scheme to be approved by Full Council</p> <p>(vii) Any application which the Assistant Director (Planning) in their professional opinion, taking into account the written representations received, plans and policies and other material considerations to be referred to the Planning Committee because it raises more than significant local issues.</p>
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(Green)

(January 2023) Part 3.16

Appendix I: The schemes of delegation at other Local Planning Authorities

Figure 15 Extract from West Suffolk Council's Constitution including its "Members' Delegation Panel Scheme", as published at [Council constitution \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/council-constitution) downloaded 2 May 2023

A - Development Control

1 - Remit

The Development Control Committee is authorised to undertake (or sub-delegate) all of the Council's functions relating to town and country planning, development control, the protection of hedgerows and trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by subsequent Regulations), that are not otherwise delegated to Officers.

The Committee is also authorised to exercise the Council's Local Choice Functions in relation to the obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land and the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (as specified in the Responsibility for Local Choice Functions) that are not otherwise delegated to Officers.

In summary, the area of responsibility of this Committee includes all matters relating to the administration of Town and Country Planning legislation, Listed Building and Conservation Area legislation, Hazardous Substances legislation and the Building Acts and associated Regulations within the purview of the Authority as it relates to the following functions:-

- (1) The Committee determines all matters falling within their remit which are:
 - (a) Judged by the Director (Growth and Planning) (after consultation with the Chair and/or the Vice Chair(s) of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination.
 - (b) Applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) (as amended) where a Member for the Ward in which the application site is located has requested (in writing) consideration by the Committee.
 - (c) Applications proposing other than major development (as defined above) referred by the Director (Growth and Planning) following consultation with the Delegation Panel.
 - (d) Departures from the provisions of the Development Plan where planning permission is recommended for approval.
 - (e) Applications made by or on behalf of the Council.
- (2) A Members' Delegation Panel Scheme (known as "the Panel") has been set up to advise on the level of decision with applications for

Planning Permissions. The Panel is intended to deal with the items which would normally be dealt with under delegated authority but where there is a contrary view from the Town/Parish Council or where the Ward Member has requested that the application be referred to the Panel for a planning reason. Where a contrary view has been expressed the Delegation Panel advise whether the decision remains as delegated or whether the application should be referred to Committee for a decision. This will apply in cases including (but not limited to) applications from householders, advertisement matters, applications for change of use, applications for minor residential development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) (as amended), applications for a variation of conditions, applications relating to hazardous substances and TPO applications/confirmations (where objections have been received).

- (3) The Panel to also advise on the level of decision of an application, in the first instance, for planning permissions on behalf of, or closely related to, an elected Member or Officer of the Council, where there are no contrary views from statutory consultees, Parish/Town Councils and third parties. The Panel will also advise where a Member of the Development Control Committee has requested, in writing, that the application should be considered by the Committee, but the local Ward Member(s) has/have not.
- (4) In cases referred to above, decisions will only be taken following consultation with the Panel which will comprise the Chair and/or Vice Chair(s) of the Development Control Committee. The Panel will have regard to the views of the local Ward Member(s) who has/have made representations in writing or at the meeting.

The Panel scheme will operate as follows:

- (a) Meeting of the Panel will normally take place fortnightly. Additional meetings of the Panel can be arranged if deemed necessary. For clarity, meetings can take place virtually and attendance shall include remote attendance, where the Member can see and/or hear proceedings.
- (b) A list of applications to be considered at the Panel will be circulated to all Members, and a written briefing report on each case prepared and circulated to the Chair and Vice Chair(s) of the Development Control Committee and any local Member(s) or adjacent Ward Member with the approval of the Ward Member(s) who has/have made representations in writing, at least two clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chair or Vice Chair(s).
- (c) The local Member(s) may attend the Panel or submit representations in writing in order to make sure the Panel is clearly aware of their views and reasoning. Any other Member may attend the Panel as an observer, at the Chair's discretion.

- (d) Following discussion and views expressed at the Delegation Panel meeting, the Director (Growth and Planning) will make the decision on whether the application should be determined by Officers, or the matter will be referred to the Development Control Committee. If there is no clear consensus of views expressed, the application will be reported to the Development Control Committee.
- (e) The relevant Parish/Town Council will be informed of the decision by the Council's Case Officer and will be sent written reasons within 10 working days of the Panel meeting, with copies to the Chair, Vice Chair(s) of the Development Control Committee and local Member(s).
- (f) For the avoidance of doubt, Officers will determine all matters within the remit of the Development Control Committee that:
 - i) Do not meet the criteria for referral directly to the Development Control Committee.
 - ii) Do not meet the criteria for referral for consideration by the Delegation Panel.
 - iii) Are reviewed by the Delegation Panel but are not referred to the Development Control Committee

2 – Membership and meeting arrangements

- 2.1 The Committee will comprise up to 16 Members of the Authority.
- 2.2 The Committee will usually be appointed annually by the Council and will be politically balanced. In the event that the Council's Annual Meeting is cancelled, deferred or delayed, the Committee shall continue to serve until they are re-appointed by the Council.
- 2.3 The Committee will appoint its own Chair and up to two Vice-Chair(s).
- 2.4 The Committee will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special and Extraordinary meetings of the Committee may also be called.

3 – Delegation of Functions

- 3.1 The majority of the Committee's functions will be determined by officers, as set out in Section 4 of this part of the Constitution. These delegations are subject to:-
 - (a) Any such determination is not a departure from Development Plans and adopted District and County Planning Policies.
 - (b) Statutory consultations being carried out in accordance with the Statement of Community Involvement; and
 - (c) The safeguards and consultative procedures listed in Part 1 above.

- 3.2 Those matters which will normally fall to be determined by the Committee are as defined in Part 1, paragraphs (1) (a) to (c) above. In exercising any of its functions, the Committee may refer any item to Council for a decision.

4 – Procedure at meetings

- 4.1 Procedure at meetings shall be in accordance with the Committee Procedure Rules, except as provided in 4.2 below.
- 4.2 The Committee shall have authority to determine from time to time its own arrangements for public speaking on applications, and which matters are to be included within those arrangements. An adjacent Ward Member may act on behalf of and with the approval of the Ward Member(s).

Appendix J Public Speaking at Other Local Planning Authorities

Appendix J: Public Speaking at Other Local Planning Authorities

Figure 1: A summary of the Public Speaking allowances at other Local Planning Authorities (based upon what is published online in their constitutions and/or guidance on their websites as of 11 May 2023).

Local Planning Authority	Number of Minutes for Objectors/third Parties	Number of Minutes for Town/Parish Council	Number of Minutes for Agent/Applicant	Number of Minutes for Ward Members
Babergh District Council Speaking at committee meetings » Babergh Mid Suffolk	3 Minutes	3 Minutes	3 Minutes	?
Braintree District Council Asking a question at a committee meeting – Attending a committee meeting – Braintree District Council	3 Minutes	3 Minutes	3 Minutes	3 Minutes
Breckland District Council Planning Committee meeting guide - Breckland Council	3 Minutes	3 Minutes	3 Minutes	3 Minutes
Broadland District Council Public speaking at Planning Committee (southnorfolkandbroadland.gov.uk)	5 Minutes	5 Minutes	5 Minutes	?
Colchester Borough Council Colchester Borough Council (cmis.uk.com)	5 Minutes	5 Minutes	5 Minutes	?
East Cambridgeshire District Council Public Speaking at Planning Committee (eastcambs.gov.uk)	5 Minutes	5 Minutes	5 Minutes	?
East Suffolk Council East-Suffolk-Council-Constitution.pdf (eastsuffolk.gov.uk)	3 Minutes	3 Minutes	3 Minutes	Chairmans discretion
Great Yarmouth Borough Council	?	?	?	?
Ipswich Borough Council Speaking at Planning and Development Committee Ipswich Borough Council	5 Minutes	?	5 Minutes	7 Minutes
Kings Lynn and West Norfolk Committee details - Planning Committee (west-norfolk.gov.uk)	3 Minutes	3 Minutes	3 Minutes	?
Mid-Suffolk District Council Speaking at committee meetings » Babergh Mid Suffolk	3 Minutes	3 Minutes	3 Minutes	?
North Norfolk District Council Home Have your say at Development Committee meetings (north-norfolk.gov.uk)	3 Minutes (unless Major and then 4 speakers for up to 3mins each)	3 Minutes	3 Minutes	Can speak, but time limit not defined in online guidance
Norwich City Council Constitution (1).pdf	3 Minutes (more for complex cases at discretion of chair)	?	3 Minutes if other speakers registered to speak or if application is recommended for refusal (up to 6 mins if more than one objector registered to speak)	3 Minutes (more for complex cases at discretion of chair)
South Norfolk District Council Public speaking at Planning Committee (southnorfolkandbroadland.gov.uk)	5 Minutes	5 Minutes	5 Minutes	?
Tendring District Council TENDRING DISTRICT COUNCIL (tendringdc.gov.uk)	3 Minutes	3 Minutes	3 Minutes	Can have longer than 3 minutes, but unclear how long
West Suffolk Council Guide to having a say on planning applications (westsuffolk.gov.uk)	3 Minutes	3 Minutes	3 Minutes	3 Minutes

Appendix K: The proposed amendments added to the existing scheme of delegation currently set out in the East Suffolk Council Constitution

Section E - APPENDIX 1

REGISTER OF SPECIFIC OFFICER FUNCTIONS

Head of Planning and Coastal Management

Head of Planning and Coastal Management All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Impact Assessments (HRA) are delegated to the Head of Planning and Coastal Management UNLESS:

1. The Planning Application is, in the opinion of the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect, and this request has been made prior to an application being placed on the Agenda for a Referral Panel; or
2. The applicant or landowner is East Suffolk Council; or
3. The applicant, or agent, is an East Suffolk Councillor or an East Suffolk Council employee, or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk Council employee; or
4. The 'minded to' decision of the Planning Officer is contrary to either:
 - a. The comments received from the Town or Parish Council within the 21-day consultation period; or
 - b. The comments received from the Ward Member within the 21-day consultation period; or
 - c. The comments received from a statutory consultee within the 21-day consultation period. In which case,

if item 4 is invoked, the Planning Application will be referred to the Planning Referral Panel – the panel will discuss with the Head of Planning and Coastal Management (based on planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Coastal Management; or

5. The "Planning Committee Member call-in Process" is completed, which is:

- a. Within the 21 day consultation period if a contrary position to the officer recommendation is received from the Town or Parish Council and a request for Committee decision is received from a Ward Member then a Planning Committee member call-in process would be triggered. In the event that only a Town/Parish Council response or Ward Member response is received then the existing Referral Panel process would proceed.
- b. With the Planning Committee member call-in process triggered the case officer would send a notification to all relevant North or South Planning Committee members by email. This would be carried out once the officer is able to understand whether a decision will be contrary to Town or Parish Council and Ward Member positions.

- i. The Notification shall include:

Appendix K: The proposed amendments added to the existing scheme of delegation currently set out in the East Suffolk Council Constitution

- The case reference number, the description of development and the address
- A link to Public Access to view the application and documents
- A copy of Town or Parish Council response
- A copy of the Ward Member response
- A sentence setting out the likely officer recommendation

c. After the notification has been sent, any member of the relevant North or South Planning Committee must respond within 5 working days if they wish to confirm that it should be considered by the Planning Committee. Any Planning Committee member calling the application in must reply to all (including all members of the relevant Planning Committee) and the first response received will be taken as the call-in request. All call-in request from a Planning Committee member must set out how they consider it meets the expectation that :

“The proposal would be of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect”.

Note: - The above process could not be utilised where:

- a) the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, have already made the decision that in their opinion the application should be determined at Planning Committee because “The proposal would be of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect” (point 1 of the current scheme of delegation); or
- b) either the applicant or landowner is East Suffolk Council, or the applicant or agent is an East Suffolk Council employee: or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk employee, (points 2 and 3 of the current scheme of delegation).

because such applications have to be determined by Planning Committee in any case.



STRATEGIC PLANNING COMMITTEE

Monday, 03 July 2023

Subject	Scrutiny Review of Democratic Accountability within the Planning Process
Report by	Councillor Mike Deacon – Chair of the Scrutiny Committee
Supporting Officer	Sarah Davis Democratic Services Officer Sarah.davis@east Suffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	N/A Click or tap here to enter text.
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

One of the Scrutiny Committee's functions is to review Council services and, if necessary, make recommendations for improvement.

This report gives a summary of the Scrutiny Committee's findings following its in-depth review of Democratic Accountability within the Planning Process at its meeting on 2 March 2023.

The Scrutiny Committee considered the report of Councillor Ritchie, the then Cabinet Member with responsibility for Planning and Coastal Management, as well as a written submission from Suffolk Association of Local Councils (SALC), both of which are available on the Council's website.

The minutes from the meeting held on 2 March 2023 form an appendix to this report.

Options:

The Scrutiny Committee considered the contents of the Cabinet Member's report, the submission from SALC, the responses to its questions and the matters raised in debate, prior to formulating several recommendations: no other options were considered relevant.

Recommendations:

1. That the Strategic Planning Committee in June 2023 be recommended to change the Planning Procedure Rules to allow an application to bypass the Referral Panel process and automatically be considered by the Planning Committee in the event of a "triple lock" style request being received by ALL of the following:
 - A Ward Councillor
 - The Town/Parish Council
 - A Member of the Planning Committee, unless they are also the same Ward Councillor in which case it would be two (Ward Councillor and Town/Parish Council).
2. That, as agreed by the Cabinet Member with responsibility for Planning and Coastal Management, the Strategic Planning Committee in June 2023 also consider amending the Planning Procedure Rules to allow the following:
 - If a Member should have a casting vote if the four person Referral Panel is tied 2-2 rather than an Officer deciding.
 - If 3 minutes was sufficient time for an objector to speak at Committee.

When Strategic Planning Committee receives this report, it is asked that, where it is proposed that a recommendation be accepted, the Committee provides a clear commitment on its delivery and to what timescales. Similarly, where it is proposed that a recommendation is not accepted, the Committee provides its detailed and substantive reasons for refusal.

Governance:

This report has been prepared on behalf of the Scrutiny Committee. The Council is required by statute to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Scrutiny Committees can contribute to the development of Council policies and can also hold the Cabinet and other Committees of the Council to account for their decisions.

ESC policies and strategies that directly apply to the proposal:

The Council's Constitution – Planning Procedure Rules and the Register of Specific Officer Functions – Head of Planning and Coastal Management

Environmental:

N/A

Equalities and Diversity:

N/A

Financial:

N/A

Human Resources:

N/A

ICT:

N/A

Legal:

N/A

Risk:

N/A

External Consultees:	Suffolk Association of Local Councils (SALC)
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Strategic Plan Priorities

Select the priorities of the [Strategic Plan](#) which are supported by this proposal:

(Select only one primary and as many secondary as appropriate)

Primary
priority

Secondary
priorities

T01	Growing our Economy
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P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>How does this proposal support the priorities selected?</p> <p>The Scrutiny Committee acts as a “critical friend” when reviewing services and makes recommendations for decision makers to consider.</p> <p>If agreed, the recommendations made as part of this review will support the Council’s priorities by improving democratic accountability within the Council’s planning processes.</p>			

Background and Justification for Recommendation

1 Background facts	
1.1	The Scrutiny Committee decided to review democratic accountability within the planning process following anecdotal concerns being expressed by Ward Councillors, other stakeholders such as Town and Parish Councils, and members of the public, and in response to the Suffolk Association of Local Council’s (SALC) survey.

1.2	The Committee submitted key lines of enquiry to Councillor Ritchie, the then Cabinet Member with responsibility for Planning and Coastal Management and his report containing his response was considered by the Scrutiny Committee at its meeting on 2 March 2023.
1.3	<p>SALC and the Chairs of Planning Committee North and South were invited to speak as part of the review.</p> <p>Due to the short notice given, SALC were unable to attend in person but provided a written submission mainly focussing on the results of their recent survey of Town and Parish Councils in relation to the Council’s planning process.</p> <p>Councillor Paul Ashdown, the then Chair of Planning Committee North attended the meeting on behalf of himself and Councillor Debbie McCullum, the then Chair of Planning Committee South.</p>

2 Current position

2.1	<p>The current position with regards to the Council’s planning process was stated by the Cabinet Member and Officers within the formal report received by the Committee on 2 March 2023 and during discussions at the meeting.</p> <p>It is not proposed to restate that position here, in this report, and for the sake of efficiency, readers are referred to the Cabinet Member’s report on the Council’s website and the minutes of the meeting in Appendix A for this information.</p>
2.2	<p>The following aspects of this topic were raised and discussed with the Cabinet Member, Councillor Ashdown and Officers at the meeting:</p> <ul style="list-style-type: none"> • Other forms of scrutiny in the planning process eg Local Plans process and the Strategic Planning Committee • Government guidance such as the National Planning Policy Framework • Clarification on the weight of Neighbourhood Plans when determining applications • The Committee’s quasi-judicial role • The use of Public Access to view and comment on applications • The composition, role and remit of the referral panel which decided on the route of applications • The attendance of Ward Councillors at referral panels and if it was transparent to have a referral panel • Government targets for Officer delegated decisions • The ability of Ward Councillors and Town and Parish Councils to submit comments on applications • Training for Councillors and Town and Parish Councillors • Insufficient guidance on the website for members of the public as to what constituted an objection on planning grounds • The proposed ability for Councillors to “call in” applications so they were heard by the Planning Committee rather than delegated to Officers • The distinction between minor and major applications and which were considered by Committee

	<ul style="list-style-type: none"> • Whether 3 minutes was sufficient time for members of the public to speak/object at Committee • The results of the SALC survey particularly in relation to concerns being raised by Town and Parish Councils in relation to communication with Officers
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3 How to address current situation

3.1	The Scrutiny Committee noted the current planning processes and the reasons for them.
3.2	<p>One of the main issues that became apparent during the review was the need for the Planning Service to manage the large volume of applications received by deciding which applications should be delegated to Officers and which should be referred to the two Committees for decision.</p> <p>This was due not only because of the Government target for delegation to Officers but also from a practical perspective of managing the workload of the two Committees.</p>
3.3	The review highlighted that other Local Authorities dealt with planning applications differently to East Suffolk.
3.4	The SALC survey also provided Scrutiny Committee Members with an insight into the experience and perception that Town and Parish Councils had of the Planning Service.
3.5	In reviewing this matter and in forming its recommendations, the Committee wished to offer a constructive friend's view of the current situation and challenge in a positive way that might also add value and assistance rather than criticism.

4 Reason/s for recommendation

4.1	Having considered all the information provided and having had the opportunity to discuss matters with the responsible Cabinet Member, Chair of Planning Committee North and Officers, the Scrutiny Committee felt that East Suffolk Council's planning processes should be reviewed to enable Ward Councillors, stakeholders and members of the public to have as much opportunity as possible to participate in the planning process, whilst ensuring that the function continued to operate efficiently and within the legislative timescales set down for dealing with applications.
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Appendices

Appendices:

Minutes of the Scrutiny Committee meeting – 2 March 2023 are included in Appendix D

Background reference papers:

Date	Type	Available From
	None	