



## Strategic Planning Committee

Members are invited to a **Meeting of the Strategic Planning Committee** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Monday, 3 July 2023 at 10:30am.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtube.com/live/9gqrPND0ufM?feature=share>.

### Members:

Councillor Sarah Plummer (Chair), Councillor Mark Packard (Vice-Chair), Councillor Paul Ashdown, Councillor Paul Ashton, Councillor Tom Daly, Councillor Mike Deacon, Councillor Julia Ewart, Councillor John Fisher, Councillor Andree Gee, Councillor Katie Graham, Councillor Toby Hammond, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mike Ninnmey, Councillor Graham Parker, Councillor Malcolm Pitchers, Councillor Rosie Smithson, Councillor Geoff Wakeling, Councillor Kay Yule.

An Agenda is set out below.

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>1</b>	<b>Election of a Chair</b> To elect a Chair for the 2023/24 Municipal Year.	
<b>2</b>	<b>Election of a Vice-Chair</b> To elect a Vice-Chair for the 2023/24 Municipal Year.	
<b>3</b>	<b>Apologies for Absence and Substitutions</b>	
<b>4</b>	<b>Declarations of Interest</b> Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.	
<b>5</b>	<b>Minutes</b> To confirm as a correct record the minutes of the meeting held on 6 March 2023.	<b>1 - 9</b>
<b>6</b>	<b>Energy Projects Update</b> To receive a presentation on Energy Projects within East Suffolk from the Cabinet Member with responsibility for Energy and Climate Change.	

<b>Part One – Open to the Public</b>		<b>Pages</b>
<b>7</b>	<b>Major Sites Update</b> To receive a presentation on major development sites in East Suffolk from the Cabinet Member with responsibility for Planning and Coastal Management.	
<b>8</b>	<b>Enforcement Performance Report - January to March 2023 ES/1569</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>10 - 15</b>
<b>9</b>	<b>Planning Performance Report - January to March 2023 ES/1570</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>16 - 134</b>
<b>10</b>	<b>Appeals Performance Report - 15 February to 21 May 2023 ES/1571</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>135 - 160</b>
<b>11</b>	<b>Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2022-2023 ES/1573</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>161 - 360</b>
<b>12</b>	<b>Response to Scrutiny Committee of March 2023 ES/1574</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>361 - 636</b>
<b>13</b>	<b>Planning Policy and Delivery Update ES/1575</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>637 - 646</b>
<b>14</b>	<b>Update on the Local Validation List ES/1576</b> Report of the Cabinet Member with responsibility for Planning and Coastal Management.	<b>647 - 700</b>
<b>15</b>	<b>Strategic Planning Committee's Forward Work Programme</b> To consider the Committee's Forward Work Programme.	

<b>Part Two – Exempt/Confidential</b>	<b>Pages</b>
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**There are no Exempt or Confidential items for this Agenda.**

**Close**



Chris Bally, Chief Executive

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**Unconfirmed**



Minutes of a Meeting of the **Strategic Planning Committee** held in the Conference Room, Riverside, Lowestoft, on **Monday, 6 March 2023** at **10.30am**.

**Members of the Committee present:**

Councillor Paul Ashdown, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Andree Gee, Councillor Mark Newton, Councillor Malcolm Pitchers, Councillor Sarah Plummer, Councillor David Ritchie, Councillor Craig Rivett, Councillor Kay Yule

**Officers present:**

Martin Clarke (Licensing Manager & Housing Projects Lawyer), Chris King (Design Champion & Specialist Services Manager), Matt Makin (Democratic Services Officer (Regulatory)), Andrea McMillan (Planning Manager (Policy, Delivery and Specialist Services)), Phil Perkin (Principal Planner (Major Sites)), Bethany Rance (Planner (Energy Projects)), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Technical Lead, Principal Planner (Development Management)), Alli Stone (Democratic Services Officer (Governance)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

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**1 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors Norman Brooks, Tony Cooper, Mike Deacon and Colin Hedgley.

**2 Declarations of Interest**

No declarations of interest were made.

**3 Minutes**

On the proposition of Councillor Pitchers, seconded by Councillor Ceresa, it was by a unanimous vote

**RESOLVED**

That the Minutes of the Meeting held on 5 December 2022 be agreed as a correct record and signed by the Chairman.

## 4 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 summarised information on Nationally Significant Infrastructure Projects (NSIPs) in East Suffolk, including new nuclear, offshore wind, interconnectors, and network reinforcement projects outside of the district.

Councillor Rivett noted that despite the Development Consent Order (DCO) for Sizewell C being granted in July 2022 there was still significant work for officers to complete. The Committee was informed that early works, consented under the Town and Country Planning Act, relating to ecological works had taken place along with early works consented under the DCO. Councillor Rivett confirmed the Judicial Review into the granting of a DCO for Sizewell C was ongoing, and was scheduled to be heard over 22 and 23 March 2023, having been rescheduled from December 2022.

Councillor Rivett outlined the NSIPs Reform Action Plan, published on 23 February 2023, which proposed making the NSIP process "better, faster, greener, fairer, and more resilient". Councillor Rivett noted the five key areas for reform and set out the government's proposed timetable for implementation.

Councillor Rivett noted the significant work undertaken in relation to NSIPs in East Suffolk, highlighting the Council's strategic engagement on energy projects/NSIPs and its contribution to the DCO examination processes for both Sizewell C and the East Anglia 1 North and East Anglia 2 offshore windfarms. Councillor Rivett praised the work of the Energy Projects team on these matters, highlighting that Naomi Goad, Energy Projects Manager, had been awarded both the Outstanding Leadership Award and Employee of the Year at the Council's recent 2022 Staff Awards ceremony.

The Chairman invited questions and comments to Councillor Rivett.

Councillor Ritchie reiterated Councillor Rivett's comments on the hard work of Council officers in respect of the DCO process for Sizewell C, highlighting the significant input going back as far as the initial pre-consultation stage. Councillor Ritchie considered that, despite the importance of the consultation process, it had perhaps been overzealous in respect of Sizewell C.

Councillor Bird echoed Councillor Ritchie's comments about the length of time taken to complete the DCO process for Sizewell C and asked if there was a timescale for the new nuclear power station to be constructed and brought on-stream. Councillor Rivett gave assurances that preliminary work on the site was already underway, as he had set out in his presentation.

The Chairman thanked Councillor Rivett for his presentation.

## 5 Major Sites Update

The Committee received a presentation on major development sites in East Suffolk. Councillor David Ritchie, the Cabinet Member with responsibility for Planning and Coastal Management, introduced the presentation and invited the Planning Manager (Development Management, Major Sites and Infrastructure) to address the Committee.

The Planning Manager noted that the Principal Planner (Major Sites) was present at the meeting; he reflected on the current status of strategic development sites in East Suffolk and provided updates on the following sites:

- Woods Meadow, Oulton
- Kirkley Waterfront and Sustainable Urban Neighbourhood
- South Saxmundham Garden Neighbourhood
- Brightwell Lakes
- North Felixstowe Garden Neighbourhood

The Chairman invited questions to Councillor Ritchie and the officers throughout the presentation.

The Committee was advised that the delivery of the link road at Woods Meadow would be dependent on the northern section of the site being developed, which would happen at phase four. The Principal Planner (Major Sites) noted the detail of the east-west cycle link being created across the site and how it would link into the wider area.

The Principal Planner noted that the trigger point to release the £1,000,000 bond for highways improvements in relation to Woods Meadow was set at 400 houses constructed in the Section 106 Agreement. The Committee was advised that the Highways Authority would identify the improvements required. Members asked that an update from the Highways Authority be sought on this issue.

In respect of plans to use potentially contaminated land at Woods Meadow for a play area, the Planning Manager confirmed that this was getting the upmost attention from the Council's Environmental Protection Team, particularly the review of mitigation works, and that an alternative play area provision may need to be sought.

The Planning Manager confirmed that officers regularly met with the Integrated Care Board (ICB) on the delivery of medical facilities on major sites, to highlight where Section 106 or Community Infrastructure Levy (CIL) funding was available to construct such facilities. The Planning Manager highlighted that staffing of such facilities is a separate issue.

The Head of Planning and Coastal Management advised that the Council was in regular conversation with the different landowners at Kirkley Waterfront to review the Supplementary Planning Document (SPD) for the site and to look to develop the site in a constructive way.

In response to questions relating to the Brightwell Lakes site, the Planning Manager acknowledged there would be impact on neighbours from the night-time works taking place to make highways changes and confirmed there was a Construction Management Plan (CMP) for the whole site, and that the Highways Authority approved the Section 278 Agreement for off-site highways works.

The Planning Manager noted concerns about tree-felling and shredding during unsociable hours and that changes had been made so this work was done during the day and away from residential areas. The Planning Manager said that there was ongoing dialogue between residents, the site developer and the Highways Authority to manage issues arising.

The Planning Manager noted the concerns raised by Councillor Blundell about the layby adjacent to the Brightwell Lakes site and that this had been a concern of some residents since the outline planning application in 2017. The Committee was advised that the layby was not covered by the site's planning permission and that the Police were not content for its removal due to its need for highway safety. The Planning Manager advised that future concerns could be directed to the Highways Authority and the Police.

In respect of medical facilities at Brightwell Lakes, the Planning Manager set out that the Section 106 Agreement for the development makes provision for either on-site delivery of a new medical centre, or £750,000 of developer contributions to expand existing medical facilities in Martlesham, Kesgrave and Woodbridge. The Planning Manager said there was no recent update from the ICB on its intentions at Brightwell Lakes and the trigger point for this requirement in the Section 106 Agreement was the occupation of 500 homes on the site.

Councillor Yule raised concerns that existing medical facilities near to Brightwell Lakes were already not coping and was of the view that a new facility should be delivered on the site. The Planning Manager concurred with Councillor Yule's point and explained that the challenge was that at the outline planning stage, NHS England had been clear it did not consider the development was enough of an increase in population to justify a new facility. Councillor Ritchie highlighted that it was not in the Council's power, as the Local Planning Authority, to force NHS England to staff any facilities constructed.

The Planning Manager confirmed that the expectation for industrial land in the North Lowestoft Garden Village was set at eight hectares and that officers had been communicating with Suffolk County Council as the site promoter to set up meeting with Anglian Water to address issues on the site; a recent meeting regarding mitigation had recently taken place.

Councillor Bird addressed rumours of delays to the delivery of new leisure centre provision at the North Felixstowe Garden Neighbourhood and sought timescales for the delivery. The Planning Manager explained that the Council had significant ambition to deliver new leisure provision in Felixstowe and the biggest influence on this would be the completion of a masterplan for North Felixstowe Garden Neighbourhood, as the provision could not come forward in isolation.

The Committee was advised that the masterplan was being worked on by the Council alongside Trinity College to ensure the leisure provision was integrated into the site. Councillor Bird expressed concern that the public was perceiving that a lot of houses were being constructed in Felixstowe without the needed amenities coming forward.

The Chairman thanked Councillor Ritchie and the Planning Manager for the presentation and suggested that a further update be brought to the first meeting of the Committee following the May 2023 elections.

## **6 Planning Performance Report - October to December 2022**

The Committee received report **ES/1464** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the planning performance of the Development Management Team in terms of the timescales for determining planning applications.

Councillor Ritchie introduced the report and noted that the Council had met national targets in the most recent period but had just missed out on its own stretched targets. Councillor Ritchie commended the work of the Planning service, noting that it was still carrying several vacancies.

The Chairman invited questions and comments. In respect of a question on vacancies, Councillor Ritchie invited the Head of Planning and Coastal Management to comment. The Head of Planning and Coastal Management confirmed that the Planning service was carrying six to seven vacancies that were currently being advertised; he noted the national position as a result of shortage of planning professionals and that both the public and private sectors were struggling to recruit.

The Head of Planning and Coastal Management considered the Council to be in a better position than other authorities but that filling its vacancies would alleviate the pressure on the Planning service.

On the proposition of Councillor Ritchie, seconded by Councillor Yule, it was by a unanimous vote

### **RESOLVED**

That the content of the report be noted.

## **7 Enforcement Performance Report - October to December 2022**

The Committee received report **ES/1465** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided information on the performance of the enforcement section of the Development Management Team.

Councillor Ritchie introduced the reports and highlighted the improvements made to Planning Enforcement since the introduction of the action plan previously considered by the Committee, noting that statistical analysis showed that improvements had already been made. Councillor Ritchie highlighted that more cases had been opened



than closed in the most recent monitoring period and underlined that several cases were closed shortly after being opened, acknowledging that some cases were being unavoidably delayed.

The Chairman invited questions and comments. In response to a question on enforcement cases with the Council's Legal Department, the Licensing Manager and Housing Lead Lawyer explained that two cases were currently before the High Court, with several injunction applications due to be heard by the High Court in May 2023. The Licensing Manager and Housing Lead Lawyer added that an application for a warrant to claim land costs was required. The Planning Manager (Development Management, Major Sites and Infrastructure) suggested that further detail on these cases be provided to the Planning Committees North and South at their next meetings.

On the proposition of Councillor Ritchie, seconded by Councillor Coulam, it was by a unanimous vote

## **RESOLVED**

That the content of the report be noted.

## **8 Appeals Performance Report**

The Committee received report **ES/1466** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on the planning performance of the Development Management Team in terms of the quality and quantity of appeal decisions received from the Planning Inspectorate following refusal of planning permission by East Suffolk Council.

Councillor Ritchie introduced the report and noted that of the 15 appeals received within the period set out in the report, 13 had been dismissed. The Committee was advised that of the two appeals on major sites, one had been dismissed and one had been allowed.

Councillor Ritchie noted that the appeal allowed, for outline planning permission for 35 houses on a site in Ringsfield, had originally been recommended for approval by officers, was deferred by Planning Committee North and then recommended for refusal when considered again by the Committee. Councillor Ritchie said that the appeal decision demonstrated that there was more than one way to view this scheme and thanked the Planning Inspectorate for the clarity provided.

Councillor Ritchie invited the Planning Manager (Development Management, Major Sites and Infrastructure) to comment on the report. The Planning Manager said that the key learning points from the allowed appeal at Ringsfield related to the fact that the policy referred to the number of dwellings, the density and site area. The Committee was informed that the appeal decision did not prevent the Council looking at the quality of the proposals at the reserved matters stage.

The Planning Manager highlighted the reasons the appeal for Yarmouth Road, Melton, had been dismissed, highlighting the weighting the Planning Inspector had given to protecting a plan-based system.

The Chairman invited questions and comments. The Planning Manager said that the appeal decision for Yarmouth Road, Melton meant it was likely further application to develop the site in the future would not go ahead.

Councillor Ashdown expressed concern about the future development of the Ringsfield site and considered that it required close scrutiny at later stages of decision making.

On the proposition of Councillor Ritchie, seconded by Councillor Rivett, it was by a unanimous vote

## **RESOLVED**

That the content of the report be noted.

## **9 Planning Policy and Delivery Update**

The Committee received report **ES/1467** of the Cabinet Member with responsibility for Planning and Coastal Management, which provided an update on key elements of the current work programme, including the preparation of Supplementary Planning Documents and Neighbourhood Plans, and on housing delivery.

Updates, as appropriate, were also included for specialist services (Design and Conservation, Arboriculture and Landscape (including Rights of Way) and Ecology) that form part of the Planning Policy and Delivery Team, along with an update on the delivery of infrastructure to support growth through the Community Infrastructure Levy (CIL).

Councillor Ritchie introduced the report and stressed the importance of the team, highlighting the significant work towards a Coastal Adaptation Supplementary Planning Document (SPD) and the review of Conservation Area Appraisals and Management Plans. Councillor Ritchie added the resources put towards the CIL Charging Schedule currently undergoing examination and neighbourhood plans coming forward, noting the importance of the latter as material planning considerations.

The Committee was informed that both the Oulton and Halesworth Neighbourhood Plans had been made at the meeting of East Suffolk Council held on 22 February 2023, following successful referenda.

Councillor Ritchie invited the Planning Manager (Policy, Delivery and Specialist Services) to comment on the report. The Planning Manager highlighted the work programme continued to implement the two Local Plans covering the East Suffolk district along with other work, such as the Conservation Area Appraisals. The Planning Manager noted the CIL Charging Schedule, detailed at paragraph 2.3 of the report, and that officers had now prepared and submitted additional evidence as part of the examination process. The Examiner was presently consulting with other parties specifically on Beccles and Worlingham Garden Neighbourhood, and it was anticipated the examination would be concluded shortly following this additional consultation.

The Chairman invited questions and comments. In response to a question on housing land supply, the Planning Manager outlined the requirement for the Council to regularly review its housing land supply on an annual basis and confirmed that as of Autumn 2022 East Suffolk had a 5-year housing land supply and new sites coming forward would contribute to maintaining this.

Councillor Plummer asked, in reference to the CIL Charging Schedule, if Beccles Town Council and Worlingham Parish Council would be kept updated. Councillor Ritchie said that both councils had been strong representatives on this element of the Schedule and the examiner had asked for additional evidence; the Planning Manager said that both councils would receive direct notifications as appropriate.

On the proposition of Councillor Ritchie, seconded by Councillor Blundell, it was by a unanimous vote

### **RESOLVED**

That the content of the report be noted.

## **10 Design Skills Audit**

The Committee received report **ES/14734** of the Cabinet Member with responsibility for Planning and Coastal Management, which presented the Design Skills Audit for the East Suffolk Council Planning Service and outlined the process associated with undertaking the audit and presented the outputs and the opportunities identified.

Councillor Ritchie introduced the report and explained that the Council was committed to get the best design from all planning applications, stressing the importance of undertaking the audit to understand officers' approaches and awareness of design elements associated with planning applications.

Councillor Ritchie invited the Design Champion and Specialist Services Manager to comment on the report and give a short presentation on the Design Skills Audit. The Design Champion and Specialist Services Manager highlighted his background in landscape, architectural and urban design and his role as Design Champion to embed and celebrate design in East Suffolk.

The Committee was advised that the Design Champion and Specialist Services Manager had worked with various teams to see where his work was best placed and received an overview of the formation of his team, which had been commended for improvement and innovation at the recent East Suffolk Council Staff Awards.

The Committee received a short presentation on the Design Skills Audit which outlined the current challenges at national, local and service levels, the audit's approach, its results, and the opportunities identified.

The Chairman invited questions and comments. Members hoped that the results of the Design Skills Audit would have an input on major developments in East Suffolk.

On the proposition of Councillor Ritchie, seconded by Councillor Coulam, it was by a unanimous vote

**RESOLVED**

That the content of the report be noted.

**11 Draft Forward Work Programme for 2023/24**

The Committee received a draft Forward Work Programme for the 2023/24 Municipal Year. No amendments were made.

The meeting concluded at 12.10pm.

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Chairman



**STRATEGIC PLANNING COMMITTEE**  
**Monday, 03 July 2023**

<b>Subject</b>	Enforcement Performance Report – January to March 2023
<b>Report by</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a>  Cate Buck Senior Planning & Enforcement Officer <a href="mailto:Cate.buck@eastsoffolk.gov.uk">Cate.buck@eastsoffolk.gov.uk</a> 01394 444290

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

## Purpose and high-level overview

**Purpose of Report:**

To provide information on the performance of the enforcement section of the Development Management Team.

**Options:**

Not applicable.

**Recommendation/s:**

That the content of the report be noted

## Corporate Impact Assessment

**Governance:**

Not applicable

**ESC policies and strategies that directly apply to the proposal:**

East Suffolk Council Enforcement Policy

**Environmental:**

Not applicable

**Equalities and Diversity:**

Not applicable

**Financial:**

Not applicable

**Human Resources:**

Not applicable

**ICT:**

Not applicable

**Legal:**

Not applicable

**Risk:**

Not applicable

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" 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 checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
To provide information on the performance of the enforcement section			

## Background and Justification for Recommendation

1 Background facts	
1.1	Following the adoption of the new Local Enforcement Plan in March 2019 and the formation of the new East Suffolk Council section it was decided that a report be presented on a quarterly basis from August 2019.
1.2	Between January and March 2023, five Enforcement Notices were issued.

2 Current position																																					
2.1	<p><b><u>Cases Received and Closed Jan to Mar 2023</u></b></p> <table border="1"> <thead> <tr> <th><u>Month</u></th> <th><u>Cases Received</u></th> <th><u>Cases Closed</u></th> </tr> </thead> <tbody> <tr> <td>January</td> <td>20</td> <td>38</td> </tr> <tr> <td>February</td> <td>29</td> <td>37</td> </tr> <tr> <td>March</td> <td>37</td> <td>43</td> </tr> </tbody> </table> <p>*Please note all new complaints are logged, site visited and then triaged in accord with the appropriate risk assessment.</p>	<u>Month</u>	<u>Cases Received</u>	<u>Cases Closed</u>	January	20	38	February	29	37	March	37	43																								
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2.2	<p><b><u>Reasons for Closure</u></b></p> <table border="1"> <thead> <tr> <th><u>Reason</u></th> <th><u>January</u></th> <th><u>February</u></th> <th><u>March</u></th> </tr> </thead> <tbody> <tr> <td>No Breach</td> <td>11</td> <td>10</td> <td>11</td> </tr> <tr> <td>Compliance/use ceased</td> <td>9</td> <td>12</td> <td>14</td> </tr> <tr> <td>Planning Permission Granted</td> <td>12</td> <td>6</td> <td>13</td> </tr> <tr> <td>Permitted Development</td> <td>2</td> <td>1</td> <td>2</td> </tr> <tr> <td>Other Department</td> <td>1</td> <td>1</td> <td>1</td> </tr> <tr> <td>Withdrawn</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>De Minimus</td> <td>3</td> <td>7</td> <td>2</td> </tr> <tr> <td>Duplicate</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>	<u>Reason</u>	<u>January</u>	<u>February</u>	<u>March</u>	No Breach	11	10	11	Compliance/use ceased	9	12	14	Planning Permission Granted	12	6	13	Permitted Development	2	1	2	Other Department	1	1	1	Withdrawn	0	0	0	De Minimus	3	7	2	Duplicate	0	0	0
<u>Reason</u>	<u>January</u>	<u>February</u>	<u>March</u>																																		
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De Minimus	3	7	2																																		
Duplicate	0	0	0																																		



2.3	<b><u>Time taken to close cases</u></b>			
	<b><u>Time taken to close cases</u></b>	<b><u>Cases Closed in January</u></b>	<b><u>Cases Closed in February</u></b>	<b><u>Cases Closed in March</u></b>
	<b><u>1-20 days</u></b>	1	5	12
	<b><u>21-40 days</u></b>	5	3	3
	<b><u>41-60 days</u></b>	2	5	0
	<b><u>61-80 days</u></b>	3	4	3
	<b><u>81 - 100 Days</u></b>	1	1	1
	<b><u>101 – 120 Day</u></b>	3	1	4
	<b><u>121 + Days</u></b>	23	18	20
	<b><u>Total</u></b>	<b>38</b>	<b>37</b>	<b>43</b>
2.4	<b><u>Enforcement Notices Served January to March 2023</u></b>			
	<b><u>Type of Notice</u></b>	<b><u>Address</u></b>	<b><u>Breach</u></b>	<b><u>Compliance period</u></b>
	Enforcement Notice	141 Kirton Road, Trimley St Martin	Change of Use	8 months
	Enforcement Notice	200 Bridge Road, Lowestoft	Change of Use	4 Months
	Enforcement Notice – Operational Development	Part Land East of Chapel Barn Farm, Aldeburgh	Unauthorised Development	4 Months
	Enforcement Notice – Material Change of Use	Part Land East of Chapel Barn Farm, Aldeburgh	Change of Use	4 Months
	Enforcement Notice	Patience Acre, Weston	Breach of Condition	12 Months

### 3 How to address current situation

3.1 Quarterly monitoring

### 4 Reason/s for recommendation

4.1 That the report concerning Enforcement Team statistics be received

## Appendices

<b>Appendices:</b>
None

<b>Background reference papers:</b>
None



**STRATEGIC PLANNING COMMITTEE**  
**Monday, 03 July 2023**

<b>Subject</b>	Planning Performance Report – April 2022 to March 2023
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officers</b>	Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a>  Ben Woolnough Planning Manager (Development Management) 01394 444681 <a href="mailto:ben.woolnough@eastsoffolk.gov.uk">ben.woolnough@eastsoffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 <a href="mailto:katherine.scott@eastsoffolk.gov.uk">katherine.scott@eastsoffolk.gov.uk</a>

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

## Purpose and high-level overview

**Purpose of Report:**

This report provides an update on the planning performance of the Development Management Team in terms of the timescales for determining planning applications.

**Options:**

Not applicable.

**Recommendation/s:**

That the content of the report be noted.

## 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.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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 checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
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 details on the determination timescales for all planning applications at East Suffolk Council when tested against the government set timescales as well as the East Suffolk Council stretched targets.
1.2	The Key Performance Indicators (KPIs) are reported on a quarterly basis and included within the East Suffolk Council performance report and tested against the Council's Business Plan.
2 Current position	
2.1	East Suffolk Council as Local Planning Authority determines applications that seek Planning Permission, Listed Building Consent, Advertisement Consent and Tree Works applications along with associated applications such as those seeking approval of matters reserved by conditions on consents.
2.2	This report focuses on the applications for Planning Permission (those seeking Approval of Reserved Matters, Change of Use, Full Planning Permission, Outline Planning Permission, Removal of Condition(s) and Variations of Condition(s)). They are herein referred to as Planning Applications.
2.3	However, some data is also included in relation to the other forms of formal applications determined by the Local Planning Authority during the period 1 April 2022 to 31 March 2023, and the preceding years.
2.4	Alongside dealing with these formal planning applications, the Development Management Team provide a pre-application advice service and are also responsible for monitoring and enforcing planning matters.
2.5	In terms of outlining the current position, this report covers the following: <ul style="list-style-type: none"> <li>• <a href="#">Overview of Determined Planning Applications</a>,</li> <li>• <a href="#">Determination Route</a>,</li> <li>• <a href="#">Timeliness of decisions</a>,</li> <li>• <a href="#">Planning related decisions that are not 'Planning Applications'</a>,</li> <li>• <a href="#">Pre-application Advice</a>,</li> <li>• <a href="#">Planning Appeals</a>,</li> <li>• <a href="#">Planning Enforcement</a>,</li> <li>• <a href="#">Freedom of Information requests (FOIs)</a>,</li> </ul> and <ul style="list-style-type: none"> <li>• <a href="#">Formal Complaints regarding Planning Services</a>.</li> </ul>

2.6

**Overview of Determined Planning Applications**

The breakdown for determined planning applications during Q4 (1 January 2023 to 31 March 2023) is reported as follows:

	Q4 Percentage	Q4 Total	Targets
Major Development	88%	14/16	60% national 65% ESC stretched
Minor Development	95.33%	102/107	75% ESC stretched
Other Development	77.94%	265/340	90% ESC stretched
Non-Major (Minor and Other)	82.10%	367/447	70% National Target

	Current Quarter		Previous Quarters						Targets
	Q4 %	Q4 Total	Q3 %	Q3 Total	Q2 %	Q2 Total	Q1 %	Q1 Total	
Major Development	88%	14/16	91.67%	11/12	91.6%	11/12	75%	6/8	60% national 65% stretched
Minor Development	95.33%	102/107	76.56%	98/128	85.7%	120/140	69.1%	85/123	65% national
Other Development	77.94%	265/340	78.57%	275/350	87.62%	354/404	68%	249/364	80% national
Non-Major (Minor and Other)	82.10%	367/447	78.03%	373/478	87.13%	474/544	68.58%	334/487	70% National Target

2.7

The end of year statistics for the reporting year are as follows:

	Q1 – Q4 Percentage	Q1 – Q4 Total	Targets
Major Development	87.5%	42/48	60% national 65% stretched
Minor Development	81%	405/498	75% stretched
Other Development	78%	1143/1458	90% stretched
Non – Major (Minor and Other)	79%	1548/1956	70% National

2.8	<p>The following table is a comparison with the end of Q4 in April 2021 to March 22</p> <table border="1" data-bbox="400 215 1342 647"> <thead> <tr> <th data-bbox="400 215 635 320"></th> <th data-bbox="635 215 874 320">Q1 – Q4 Combined Percentage</th> <th data-bbox="874 215 1106 320">Q1 – Q4 Combined Total</th> <th data-bbox="1106 215 1342 320">Targets</th> </tr> </thead> <tbody> <tr> <td data-bbox="400 320 635 394">Major Development</td> <td data-bbox="635 320 874 394">79%</td> <td data-bbox="874 320 1106 394">43/55</td> <td data-bbox="1106 320 1342 394">60% national 65% stretched</td> </tr> <tr> <td data-bbox="400 394 635 468">Minor Development</td> <td data-bbox="635 394 874 468">61%</td> <td data-bbox="874 394 1106 468">335/548</td> <td data-bbox="1106 394 1342 468">75% stretched</td> </tr> <tr> <td data-bbox="400 468 635 542">Other Development</td> <td data-bbox="635 468 874 542">67%</td> <td data-bbox="874 468 1106 542">1197/1778</td> <td data-bbox="1106 468 1342 542">90% stretched</td> </tr> <tr> <td data-bbox="400 542 635 647">Non-Major (Minor and Other)</td> <td data-bbox="635 542 874 647">66%</td> <td data-bbox="874 542 1106 647">1532/2326</td> <td data-bbox="1106 542 1342 647">70% National</td> </tr> </tbody> </table>		Q1 – Q4 Combined Percentage	Q1 – Q4 Combined Total	Targets	Major Development	79%	43/55	60% national 65% stretched	Minor Development	61%	335/548	75% stretched	Other Development	67%	1197/1778	90% stretched	Non-Major (Minor and Other)	66%	1532/2326	70% National
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Non-Major (Minor and Other)	66%	1532/2326	70% National																		
2.9	<p>These figures show that there was a marked improvement in the proportions of Non-Majors being issued within time during the most recent financial year (2022-13), when compared with the previous financial year (2021-22), up from 66% to 79%.</p>																				
2.10	<p>However, the Local Planning Authority should not be complacent in assuming these figures indicate any future uplift because this success in uplifting the figures is do not only to the hard work and dedication of both cases officers and those reviewing/signing off, particularly during the first quarter (July – Sept) of the 2022-2023 year to ensure that the overall Government two-year monitoring period target was met. There was also a reduction in the overall number of planning applications determined between the two years. The percentages determined in time in the 2021-22 year may have part been lower as there was a significant period of change during that year. These issues are explored further in the <a href="#">‘Timeliness of decisions’</a> section later in this report.</p>																				
2.11	<p>The proportions of applications approved or refused are shown in the figures within <b>Appendix V</b> of the “Review of Planning Committee and Referral Panel Report’.</p>																				
2.12	<p>Where applications are refused Officers seek to defend those refusals strongly. Members will note the separate appeals report on the agenda which demonstrates confidence that applications are being refused where justified in planning terms and those decisions are for the most part upheld at appeal. Members will note that in respect of the same quarter the Council successfully defended 71% of all planning appeals (up from 68% the previous year). Further details are provided in <a href="#">‘Planning Appeals’</a> section later in this report.</p>																				



2.13	<p><b><u>Determination Route</u></b></p> <p>As stated in the National Government guidance on determining planning applications:</p> <p>“Who in a local planning authority makes a planning decision? Section 101 of the Local Government Act 1972 allows the local planning authority to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority. An exception where this power may not apply is where the local authority’s own application for development could give rise to a conflict of interest, when regulation 10 of the Town and Country Planning General Regulations 1992 applies.</p> <p>The exercise of the power to delegate planning functions is generally a matter for individual local planning authorities, having regard to practical considerations including the need for efficient decision-taking and local transparency. It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.</p> <p>Local planning authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.”</p> <p>Paragraph: 015 Reference ID: 21b-015-20140306 Revision date: 06 03 2014</p> <p>From <a href="http://www.gov.uk">Determining a planning application - GOV.UK (www.gov.uk)</a></p>
2.14	<p>In accordance with the scheme of delegation, as set out in the Council’s Constitution, all applications received by East Suffolk Council as Local Planning Authority are taken through one of three process determination routes. A copy of the scheme of delegation is included in Appendix A to the ‘Review of Planning Committee and Referral Panel Report’, which is also on the agenda for this meeting.</p>
2.15	<p>In simplified terms, Planning Applications at East Suffolk Council are either:</p> <ul style="list-style-type: none"> <li>• delegated to the Head of Planning and Coastal Management, to be determined by officers</li> <li>• triggered and referred to the Referral Panel, which then either: <ul style="list-style-type: none"> <li>• refer the determination of application to Planning Committee for determination</li> <li>or</li> <li>• delegate the determination of the application to the Head of Planning Services, to be determined by officers</li> </ul> </li> <li>• taken directly to Planning Committee for determination at the discretion of the Head of Planning and Coastal Management and/or the Chairman of the Planning Committees</li> </ul>

2.16	The potential routes for the determination of applications and the potential trigger points for the Planning Referral Panel are illustrated in the figures in <b>Appendix B</b> to the 'Review of Planning Committee and Referral Panel Report', which is also on the agenda for this meeting.
2.17	There is a separate report on this agenda which explains the Referral Process and Planning Committee process in detail including the referral triggers, and sets out detailed data in relation to the numbers of applications going through that process, decision outcomes and implications upon timeliness of decisions. The appendices to that report also provide more detail on data relating to the Referral Process for the period 1 April 2019 to 31 March 2022.
2.18	<p><b><u>Timeliness of decisions</u></b></p> <p>Paragraph 34 (2) of Part 6 of the <a href="#">Town and Country Planning (Development Management Procedure) (England) Order 2015</a> (as amended) defines the timeframes for the determination of applications by Local Planning Authorities. In terms of Major applications this is set at 13 weeks, with non-major planning applications set at 8 weeks. These are the timeframes in which Planning Applications should be determined.</p>
2.19	<p>As stated in the National Government Guidance, if a planning authority fails repeatedly to decide applications on time:</p> <p><a href="#">“Section 62B of the Town and Country Planning Act 1990 (as amended)</a> allows the Secretary of State to designate local planning authorities that “are not adequately performing their function of determining applications”, when assessed against <a href="#">published criteria</a>.</p> <p>Those criteria relate to:</p> <ul style="list-style-type: none"> <li>• the speed of decisions made by local planning authorities for applications for major and non-major development, measured by the percentage of applications that have been determined within the statutory period or such extended time as has been agreed between the local planning authority and the applicant</li> <li>• the quality of decisions made by local planning authorities for applications for major and non-major development, measured by the proportion of decisions on applications that are subsequently overturned at appeal (including those arising from a ‘deemed refusal’ where an application has not been determined within the statutory period)</li> </ul> <p>If a local planning authority falls below the performance thresholds set out in the criteria it may be designated for its performance in relation to applications for major development, non-major development, or both.</p> <p>In this case, <a href="#">section 62A of the Town and Country Planning Act 1990 (as amended)</a> allows applications for the category of development for which the authority has been designated (i.e. major development, non-major development or both) to be submitted directly to the Secretary of State (if</p>

	<p>the applicant wishes) as long as the designation remains in place. This excludes householder and retrospective applications, which must still be made directly to the local planning authority.</p> <p>Paragraph: 005 Reference ID: 21b-005-20170728</p> <p>Revision date: 28 07 2017”</p> <p>From <a href="https://www.gov.uk/guidance/determining-a-planning-application">Determining a planning application - GOV.UK (www.gov.uk)</a></p>
2.20	<p>Therefore, a balance has to be struck between the speed at which decisions are made and the quality of those decisions. However, nationally performance is only measured on the basis of the speed of decisions i.e. the numbers issued within Government Targets. The current performance thresholds set by Government are 60% for Majors, and 70% for Non-Majors. It is measured over a 2- year period, the last period of which finished 30 September 2022.</p>
2.21	<p>East Suffolk was below the threshold at 68.5% for Non-Majors in the 7th Quarter (April – June 2022) of 8 in the 2-year period (October 2020 – September 2022). Due to considerable officer hard work and determination between July and September 2022, the team managed to raise the two-year eventual total 73.8%, so the threshold was met.</p>
2.22	<p>However, officers and members should not be complacent, as this uplift was only achieved through the hard work and determination officers to maximise the numbers being determined, with the aim of ensuring ESC would not fall below the threshold, because of their concerns of the consequences that could arise if that happened.</p>
2.23	<p>This figure is also not significantly above the threshold, and as the paragraphs below explain ESC is heavily reliant upon the delegated decisions and Extensions of Time are being used significantly to pull up the overall average. Therefore, any increase in the proportion of applications going via the Planning Referral Panel process or being determined at Planning Committee process could result in ESC falling below the threshold, the significant consequences of which are detailed later in this report.</p>
2.24	<p>It is recognised that the Referral Panel process and the Planning Committee Process are important to the democratic process of determining planning applications, but the potential implications for the timeliness of decision making also needs to be acknowledged.</p>

2.25	Whilst all planning applications have to go through public consultation and other legislative processes, by their very nature the different determination process routes affect how quickly the application can be processed, considered, and determined. For example, if an application triggers the referral process this adds at least a week to 10 days to the determination process, and then if that item is referred to committee realistically there is the potential for up to four weeks be added to the process if the relevant committee meeting has just occurred. However, often the timeframe can be shorter, depending upon where in the committee cycle the application falls.
2.26	As explained in the “Review of Planning Committee and Referral Panel Report’ on this agenda, the referral panel and committee processes can add significant time to the determination process of applications, which is reflected in the figures relating to the timeliness of decision making. <b>Figure 8 of Appendix W</b> of the “Review of Planning Committee and Referral Panel Report’ report shows the proportions of applications determined within government target, within an agreed extension of time or out of time, for each determination route.
2.27	For the period 1 April 2022 – 31 March 2022, 39% of delegated decisions that did not trigger the referral process were determined within government targets. This fell to 11% for cases that triggered the Planning Referral Process and were then delegated back to officers for determination. There were zero applications determined within government targets through the Planning Committee Process ( <b>Figures 1 – 8 of Appendix W</b> of the “Review of Planning Committee and Referral Panel Report’).
2.28	This pattern of significantly less decisions being made within Government Targets via the Planning Committee determination route, is not just a one off for the last financial year. In the preceding year (1 April 2021 – 31 March 2022), 56.23% of delegated decisions on ‘Planning Applications’ were in time compared to just 4.17% of applications that were determined via the planning committee route.
2.29	From these figures and an understanding of the various procedural steps and the time taken to complete those for each process, it is clear that decisions going via the Planning Committee route significantly reduce the ability for decisions to be issued within Government Targets.
2.30	It also shows that as a Local Planning Authority ESC is heavily reliant upon the number of delegated decisions that are issued within Government Targets, and agents agreeing Extensions of Time (which they do not have to), in order to meet the required minimum Government Target of 70% for Non-Major Decisions being issued in time.
2.31	The importance of the Planning Committee to the democratic process is recognised, and therefore some impact upon the overall Local Planning Authority statistical returns is accepted. However, a balance between the democratic process and timeliness of decision much be maintained.

2.32	There are similar implications in terms of timeliness arising from the Referral Panel Process. Whilst the figures for applications triggering the referral process are better than those for applications determined via Planning Committee, a significantly higher proportion of applications delegated by the referral panel are beyond the government target date than those that do not trigger the referral or committee process.
2.33	As with planning committee, the importance of the Planning Referral Panel to the democratic process is recognised, and therefore some impact upon the overall Local Planning Authority statistical returns is accepted. However, a balance between the democratic process and timeliness of decision much be achieved.
2.34	It is considered that the current Scheme of Delegation with the proportions of applications going to the Planning Referral Panel and/or Planning Committee is appropriate in terms of the potential impacts upon the proportions of applications that go beyond government targets, as a result of those processes.
2.35	Any amendments to the scheme of delegation that would result in any increase in the potential numbers of 'Planning Applications' going via either process, could significantly decrease the number of applications the Local Planning Authority is able to determine within Government Targets or agreed extensions of time.
2.36	If the Government targets outlined earlier in this report are not achieved, the Local Planning Authority can be placed in special measures.
2.37	When a Local Planning Authority is placed into special measures, applicants can send their applications directly to the Planning Inspectorate for determination, rather than to the Local Planning Authority. This means that such decisions are not made locally by the officers or elected members of the Local Planning Authority.
2.38	In May 2023, the Secretary of State for Levelling Up, Housing and Communities, wrote to the nine district/borough councils and one national park authority whose planning performance is below the threshold for special measures designation <a href="#">Letter from the DLUHC Secretary of State to local planning authorities at risk of designation - GOV.UK (www.gov.uk)</a> . These letters set out his concerns regarding their performance and that they fell below the required threshold, highlighting the consequences of formal designation, and that whilst they would be given until June to demonstrate improved performance, the Planning Inspectorate have been asked to prepare for designations over the summer period.

2.39	<p>The Authorities in question and their performance levels were:</p> <ul style="list-style-type: none"> <li>• Calderdale Council at 53.7%,</li> <li>• Cotswold District Council at 69.6%,</li> <li>• Epsom &amp; Ewell Borough Council at 52.5%,</li> <li>• Guildford Borough Council at 50.1%,</li> <li>• Hinckley &amp; Bosworth Borough Council at 46.5%,</li> <li>• Peak District National Park Authority at 61.2%,</li> <li>• Pendle Borough Council at 68.3%,</li> <li>• Portsmouth City Council at 63.2%,</li> <li>• The Vale of White Horse District Council at 66.6%, and</li> <li>• Waverley District Council at 61.7%</li> </ul>
2.40	<p>As explained earlier in this report, and in the <a href="#">‘Planning Performance Report’ to the Strategic Planning Committee in October 2022</a>, at the end of the last monitoring period/start of the current period, ESC as Local Planning Authority dipped below the 70% threshold for ‘non-major’ decisions during a number of quarters during the 2 year monitoring period, and was at 68.7% in the seventh quarter of the two year period.</p>
2.41	<p>ESC only achieved the overall 2-year figure of 73.6% through conscious efforts across all Development Management Officers to pull the final quarters figures upwards, to ensure the threshold was achieved. These figures were only achieved by all the hard work and determination of both case officers and those officers who review and sign off reports and recommendations.</p>
2.42	<p>This included officers securing a significant number of extensions of time, with some officers working significantly above their contracted hours, and signing off/authorising officers prioritising those cases that are due imminently. This was at the expense of other elements of their roles, such as the quality and speed of pre-application enquiries and potentially affected the ability to seek to optimum improvement the quality of some schemes.</p>
2.43	<p>Therefore, whilst it is good that the 70% target has been achieved, it should also be recognised that the role of Development Management Officers is not only about timeliness of decisions, but they should also be able to seek to improve the quality of the world around us, by seeking to improve development proposals, beyond that which is purely on balance acceptable or not refusable. Extensions of time to the determination period are highly beneficial to meeting targets, and where they are agreed it is hoped that they also reflect a degree of customer satisfaction with the progression of decisions. However, the timeliness of decisions must not be solely relied upon as an indicator of customer satisfaction or the quality of decision making.</p>
2.44	<p>In the view of officers the 70% threshold could also not be achieved if there were a significant increase in the proportions of applications going via the Planning Referral Panel and/or Planning Committee.</p>

2.45	<p><b><u>Planning related decisions that are not ‘Planning Applications’</u></b></p> <p>Alongside Planning Applications, the Development Management Team also determine a significant number of other types of planning related applications, including those for Listed Building Consent, Advertisement Consent, Prior Notification Approval, Certificate of Lawfulness, Discharge of Conditions and Non-Material Amendments.</p>
2.46	<p>Between 1 April 2022 – 31 March 2023, 1,345 other types of Planning related Applications were determined and 1,244 Pre-application enquiries were responded to. <b>Figure 2 of Appendix A</b> shows the proportions of applications that were Planning Applications and the other general forms of application determined per quarter. It clearly shows that the combined number of Pre-application enquiries, Prior Approval/Notification Applications, Consultations from other organisations, tree/hedgerow works and other types of non-planning application exceed the number of Planning Applications in each quarter.</p>
2.47	<p>The graphs in <b>Figures 1 – 6 and 12 – 15 of Appendix C</b>, show a number of key types of planning related applications determined per quarter. Figures 7, shows the numbers of various types of Prior Notifications, with Figures 8 and 9 showing the 2 stages of Agricultural Prior Notification applications, and Figures 10 and 11 showing two types of Prior Notifications for change of use to dwellings.</p>
2.48	<p><b><u>Pre-application Advice</u></b></p> <p>In additional to formal applications, officers continue to work proactively with agents to promote the pre-application service to seek to provide appropriate advice on the suitability or otherwise of schemes and to ensure that where applications are submitted they have the right level of information accompanying them to enable swift decisions on applications to be made.</p>
2.49	<p>Between 1 April 2022 and 31 March 2022, 1,244 written pre-application submissions were responded to. This is a significant increase on the previous year (2021 – 2022 had 956 cases).</p>
2.50	<p>Although no formal consultation process takes place as part of the pre-application process, such submissions can require a significant amount of officer time not only from the DM case officer, but also from the support team logging the case and issuing the final written response letter, specialist services officers providing input and from senior officers who review the written feedback reports provided before issue.</p>
2.51	<p>However, officers recognise the importance of the pre-application process in terms of adding value to improve schemes early in the process before a formal application is submitted.</p>
2.52	<p>It is also recognised providing advice on the potential need for consent, which means those that utilise this service can avoid undertaking works that require planning, advertisement or listed building consent, and thus at least in theory reduce the number of breaches of planning control.</p>

2.53	Alongside this service, the Development Management and Enforcement Team provide a duty officer system, on all working weekdays. It is operated on a rota system by those within the team, who provide informal advice to simple planning enquiries of a nature which can be responded to without significant research or review of significant amounts of submitted information.
2.54	<p><b>Planning Appeals</b></p> <p>The outcomes of appeals are reported on a quarterly basis to the Strategic Planning Committee, and the latest of these reports is also on this meeting’s agenda. These reports include summaries of the outcomes and key issues raised in all appeal decisions along with an analysis of the percentage of cases dismissed or allowed on appeal for Major, Minor and Other application types. They relate to all appeal decisions received since the previous report, so do not fully align with the financial year that this report is covering, and therefore the numbers outline are not identical to those reported in those quarterly reports.</p>
2.55	Applicants have a right to appeal certain decisions made by ESC as the Local Planning Authority. Most appeals are generally against a refusal of Planning Permission, or less frequently a refusal of Listed Building Consent and occasionally a refusal of Certificate of Lawfulness applications or Advertisement Consent. There is also a right of appeal against conditions imposed on a consent.
2.56	During the period 1 April 2022 – 31 March 2023, there were 29 appeals related to Full Planning Permission, ten appeals related to Outline Planning Permission, two appeals related to Variations of Conditions, two appeals related to advertisement consent, one appeal related to a Certificate of Lawfulness and one appeal related to a Prior Notification application. This was 9% decisions relating to Major Applications, 25% related to Minor applications, and 34% related to other Applications ( <b>Appendix F, Figure 4</b> ).
2.57	During the same period, there were 45 Planning related Appeal Decisions received, with 32 (71%) dismissed (i.e. upholding the ESC’s decision), and 13 (29%) were allowed (i.e. overturning ESC’s decision) ( <b>Appendix F, Figure 3</b> ).
2.58	Within its there were four appeals for Major Applications, with one dismissed (25%) and three allowed (75%). There were 24 appeals for Minor Applications, with 16 dismissed (64%) and 9 allowed (36%), and there were 15 appeals for Other (Householders and Changes of Use) Applications with 14 dismissed (93%) and one allowed (7%) ( <b>Appendix F, Figures 5 -7</b> ).
2.59	The National Average is 42% appellant success rate for major applications, 27% success rate for minor applications and 39% success rate for householder applications (figures from <a href="https://www.gov.uk/government/statistics/planning-inspectorate-statistical-release-20-january-2022">Planning Inspectorate statistical release 20 January 2022 - GOV.UK (www.gov.uk)</a> ).



2.60	It is unfortunate that the percentage of allowed appeals related to Major applications was significantly higher than the most recent national figures. However, it is important to note ESC only had four Major decisions during the period so one or two decisions would have significantly affected the overall percentage, and the national figures do not cover the same time period, so they are not directly comparable.
2.61	The appeals were against applications that were determined both by Planning Committee and those delegated to officers ( <b>Appendix F, Figure 1</b> ), with 84% being against schemes that were refused at officer level in accordance with the scheme of delegation, 11% against Committee Refusals (including 7% overturn of officer recommendation) and 5% against non-determination.
2.62	The proportions dismissed/allowed and their ESC determination route are detailed in <b>Appendix F, Figure 2</b> , which shows that 72% of Appeals were dismissed as per the delegated decision to refuse, 22% allowed contrary to delegated decision to refuse, 2% were allowed contrary to officer recommendation and Planning Committee decision to refuse, 2% were allowed contrary to Planning Committee refusal which was an overturn of the officer recommendation of approval, and 2% were allowed as non-determination appeals. There were no appeals dismissed as per Planning Committee decision to refuse as per officer recommendation.
2.63	The appeals were spread geographically across the district, although there were eight wards without any appeals, and the Orwell and Villages Ward had the most appeal decisions with seven received ( <b>Appendix F, Figure 8</b> ). There is no apparent pattern to the geographical distribution of appeal decisions and they do not correlate with the numbers of planning applications determined per ward ( <b>Figure 2 of Appendix G of the Review of Planning Committee and Referral Panel Report</b> ’, which is also on the agenda for this meeting). It is considered likely that these variations in the number of appeal decisions per ward are a result of a natural variation in the scale, type and complexity of applications submitted across the district.
2.64	<p><b><u>Planning Enforcement</u></b></p> <p>In considering the role and activities of Planning Enforcement at East Suffolk Council, key consideration should be given to paragraph 59 of the NPPF which states:</p> <p><i>“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”</i></p>
2.65	Between 1 April 2022 – 31 March 2023, 481 Planning Enforcement cases were logged ( <b>Figure 1 of Appendix G</b> ), with 674 being closed ( <b>Figures 1 and 5 of Appendix I</b> ), and 14 Notices were served ( <b>Figure 1 of Appendix K</b> ). The longer

	term picture of cases logged and closed per quarter and per month from July 2019 – March 2023, are detailed in <b>Figures 6 and 8 of Appendix I</b> .
2.66	As illustrated in <b>Appendix H</b> , in terms of the number of Planning Enforcement cases logged there is variation geographically across the district. Since April 2019, there are some wards that have consistently had more cases than others and other wards that have consistently had low numbers ( <b>Figure 2</b> ). In terms of numbers per Parish, it was the larger towns of Felixstowe and Lowestoft that had the highest number of cases in 2022-23, with 33 and 67 cases respectively.
2.67	ESC takes Planning Enforcement seriously and if there is found to be a breach, officers will then assess if it is expedient to pursue enforcement action, based upon a number of factors including the level of breach and the material planning harm arising and if planning permission would likely be granted or not were consent to be sought.
2.68	Many cases reported to ESC as breaches of Planning Control are in fact not Planning Breaches. Between 1 April 2022 and 31 March 2023, 305 of the 674 cases closed were not breaches of control, that is a significant proportion at 45%.
2.69	However, all cases have to be logged and investigated, in order for officers to determine if a breach has occurred or not. This takes significant officer time, not only to log the case on the system and acknowledge receipt to the complainant, but also various investigation steps such as visiting the site, checking the planning history checking planning regulations, internet searches, checking with other ESC teams, land registry checks etc (as appropriate) and in a limited number of cases serving Planning Contravention Notices to obtain information.
2.70	The remaining 55% of cases were closed because there was either compliance with planning controls or the unauthorised use ceased (potentially after the serving of a formal notice), planning permission was granted, the works/use were 'Permitted Development', the works/use were immune or lawful, they were duplicate cases, the complaint was withdrawn or it was not expedient to take formal enforcement action.
2.71	In accordance with National Policy Guidance, officers seek to resolve breaches without formal action, which has enabled the closure of most of the above cases. The national guidance states:  <i>“Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it.”</i>  Source <a href="https://www.gov.uk/guidance/ensuring-effective-enforcement">https://www.gov.uk/guidance/ensuring-effective-enforcement</a>

2.72	<p>In deciding to pursue formal Planning Enforcement Action, the authority has to have regard to the considerations set out in the National Planning Policy Guidance, which states:</p> <p><i>“Nothing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.</i></p> <p><i>In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:</i></p> <ul style="list-style-type: none"> <li>• <i>there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;</i></li> <li>• <i>development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;</i></li> <li>• <i>in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed”</i></li> </ul> <p>Paragraph: 011 Reference ID: 17b-011-20140306, Revision date: 06 03 2014, source: <a href="https://www.gov.uk/guidance/ensuring-effective-enforcement">https://www.gov.uk/guidance/ensuring-effective-enforcement</a></p>
2.73	<p>In order to take action, it therefore has to be appropriate to take such action i.e. where there is a clear breach of planning control and it is expedient to issue a notice/take action, taking into account the development plan and any other material planning considerations..</p>
2.74	<p>Between 1 April 2022 and 31 March 2023, ESC served 14 Enforcement Notices, which were a mix of Enforcement Notice types, with Enforcement Notice – Material Change of Use, Enforcement Notice – Operational Development, Enforcement Notice – breach of Conditions and Listed Building Enforcement Notices (<b>Figure 2 of Appendix I</b>).</p>
2.75	<p>Any formal action also takes significant time Prior to taking formal action, the Local Planning Authority has to have sufficient evidence of an ongoing breach of Planning Control. Evidence has to be gathered in a certain way, which takes time and sometimes we have to gather evidence over several weeks or months due to the nature of the breach.</p>
2.76	<p>Retrospective applications can be submitted which generally have to be determined before any potential formal action, and if consent is refused there is a right of appeal, which can further extend the process.</p>

2.77	When serving notices a reasonable time has to be given for them to come into effect, along with a reasonable compliance period for the breach to be rectified. The time periods for a notice to come into effect and compliance, are very case dependant, as they have to be reasonable in terms of enabling the breach to be rectified, so a large breach where significant building works have to be undertaken and/or large volumes of materials removed from the site would be given longer than a significantly smaller scheme such as an unauthorised fence.
2.78	Those who have had an enforcement notice served, have the right to appeal to the <a href="#">Planning Inspectorate</a> . These appeals generally take significantly longer than planning decision appeals. In 2020-21, they took an average of 46 weeks (Figures from <a href="#">Planning Inspectorate statistical release 20 January 2022 - GOV.UK (www.gov.uk)</a> ).
2.79	If the site owners and/or those with an interest in the land do not comply with the requirements of the notice (either without an appeal, or following a dismissal on appeal), then legal processes start, which are very dependent upon court dates etc, If the breaches continue, and they are in breach of any requirements set by the court then the legal process continues.
2.80	A report summarising and providing updates on all live cases on which a notice has been served is included on the agenda to every North and South Planning Committee.
2.81	The Enforcement Performance Report also on this agenda includes details of enforcement cases received, enforcement cases closed, reasons for closure, time taken to close cases and the Enforcement Notices Served between 1 January 2023 and 31 March 2023.
2.82	<b><u>Freedom of Information requests (FOIs)</u></b> As shown in <b>Figure 1 of Appendix M</b> , there were 67 FOI requests received by Planning and Building Control between 1 April 2022 and 31 March 2023. There was variation in the number of requests received each month but no obvious particular peak times. The quietest month was May and the most were received per month in June and August, but those peaks were not significantly higher than April, November, January and March.
2.83	Typically, FOI request take at least 3 days of officer time per month, with additional time often required for file retrieval and resulting impacts across the service area.
2.84	East Suffolk Council already publishes a lot of its live and historic Planning Application data online including most planning decision notices from 1948 onwards for the former Suffolk Coastal District area, and from the 1970's onwards for the former Waveney area, with the plans and associated documents also online via Public Access for most of the applications received during the past 10 years. The Public Access system also enables customers to undertake 'advanced searches' to retrieve data on numbers of/ details of specific application or development types.

2.85	Therefore, some of these FOI requests can be responded to explaining how the customers can access the data themselves, but based upon officer experience it appears many are requesting copies of officer correspondence or similar information not published online in relation to recent applications. It may be that the requesters disagree with the decision to approve or refuse such schemes. Such requests cannot reasonable be avoided because it would be inappropriate to publish all correspondence and other certain information online.
2.86	<p><b><u>Formal Complaints to Planning Services</u></b></p> <p>All formal complaints related to Planning Services are investigated and responded to in accordance with East Suffolk Council’s adopted complaints procedure (as summarised on <a href="#">Customer feedback » East Suffolk Council</a>) . Initial complaints are logged as Stage 1, and investigated by a team leader or manager, who provides a response to the customer, usually within 15 working days. A further complaint relating to the same issue by the same customer received within 1 month of the date of the Stage 1 reply, is logged as a Stage 2 compliant, which is investigated and responded to by a Senior Manager, Head of Service or Director, usually with 20 working days. If the customer is still not satisfied with the response they can then complain to the Local Government and Social Care Ombudsman (LGSCO). In the case of planning application decisions, the LGSCO cannot overturn the Planning decision to approve or refuse consent, but if they find fault can potentially require the Local Planning Authority to provide an apology and/or make a payment to the customer.</p>
2.87	As set out in <b>Figure 2 of Appendix M</b> , there was a significant variation in the number of Stage 1 formal complaints regarding Planning Services between 1 April 2022 and 31 March 2023, with June and November being the peak months for Stage 1 complaints (7 & 8 respectively) with most other months having between 1 & 3 complaints received. There is no obvious reason behind such a variation across the year.
2.88	The numbers of Stage 1 complaints not upheld, partially upheld or upheld are shown in <b>Figure 3 of Appendix M</b> . In terms of proportions, 58% of complaints were not upheld. 26% were partially upheld and 16% were upheld. This shows that in almost 60% of the complaint cases, no fault has been found with the processes and procedures undertaken by officers.
2.89	With the exception of the ‘not at fault’ complaints, the most common finding was a need to improve staff awareness/skill level as a result of upheld complaints.
2.90	The nature of complaints made that were partially or fully upheld are shown in <b>Figures 4 and 5 of Appendix M</b> . In terms of partially upheld decisions, there were four related to clarity or fairness of decision, three related to customer journey, and one in relation to adherence to policy or procedure. In terms of the fully upheld decisions, there were two related to timeliness, and one each in relation to clarify or fairness of decision, customer journey and fulfilment of promised actions.

2.91	A summary of the key findings of complaints is included in <b>Figure 6 of Appendix M</b> . When these findings are considered cumulatively there is an indication of additional staff awareness/skill level being need to be improved in some cases, but by far the largest finding is that the Council was not at fault, with 16 complaints having this finding. This could be because many formal complaints received in relation to Planning Services appear to be as a result of a customer not agreeing with the outcome of a Planning Application (usually a decision to grant consent when they have objected to the application).
2.92	The timeliness of complaint decisions is shown in <b>Figure 8 of Appendix M</b> , which shows that 48% (15) of responses were received within Council timescales, and 52% of responses breached Council timescales for various reasons with the majority just being classified as a late response from the investigating officer (with one response being late due to the Customer Experience Team). There is clearly a need to seek to improve the timeliness of Planning Services complaint responses, but these figures must also be consisted in the context of the other demands upon officer time, including the day job of determining applications, which as detailed earlier in this report results in a very busy team of officers.

### 3 How to address current situation

3.1	Quarterly monitoring and reporting to Strategic Planning Committee, subject to the consideration and outcome of the 'Response to Scrutiny Committee Report'. which is also on this agenda.
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### 4 Reason/s for recommendation

4.1	That the report concerning the performance of the Development Management Team in terms of the speed of determining planning applications and in terms of the number of Enforcement cases logged/closed is noted.
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## Appendices

<b>Appendices:</b>	
Appendix A	Numbers of different types of planning related applications determined by quarter between 1 April 2022 and 31 March 2023
Appendix B	Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023
Appendix C	Numbers of various types of non-planning applications (but planning related) and Prior Notification/Approval applications, determined by quarter between 1 April 2022 and 31 March 2023
Appendix D	The determination outcomes of 'Planning Applications' determined by quarter between 1 April 2022 and 31 March 2023
Appendix E	The timeliness of 'Planning Decisions'
Appendix F	Outcomes of Appeals between 1 April 2022 and 31 March 2023
Appendix G	Numbers of Planning Enforcement Cases received/Logged
Appendix H	Geographical Distribution of logged Enforcement Cases
Appendix I	Numbers of Enforcement Cases closed
Appendix J	The Reasons Enforcement Cases were closed between 1 April 2019 and 31 March 2023 shown per month
Appendix K	Numbers of Enforcement Notices Served
Appendix L	Timeframes for the closure of enforcement cases
Appendix M	The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023

### **Background reference papers:**

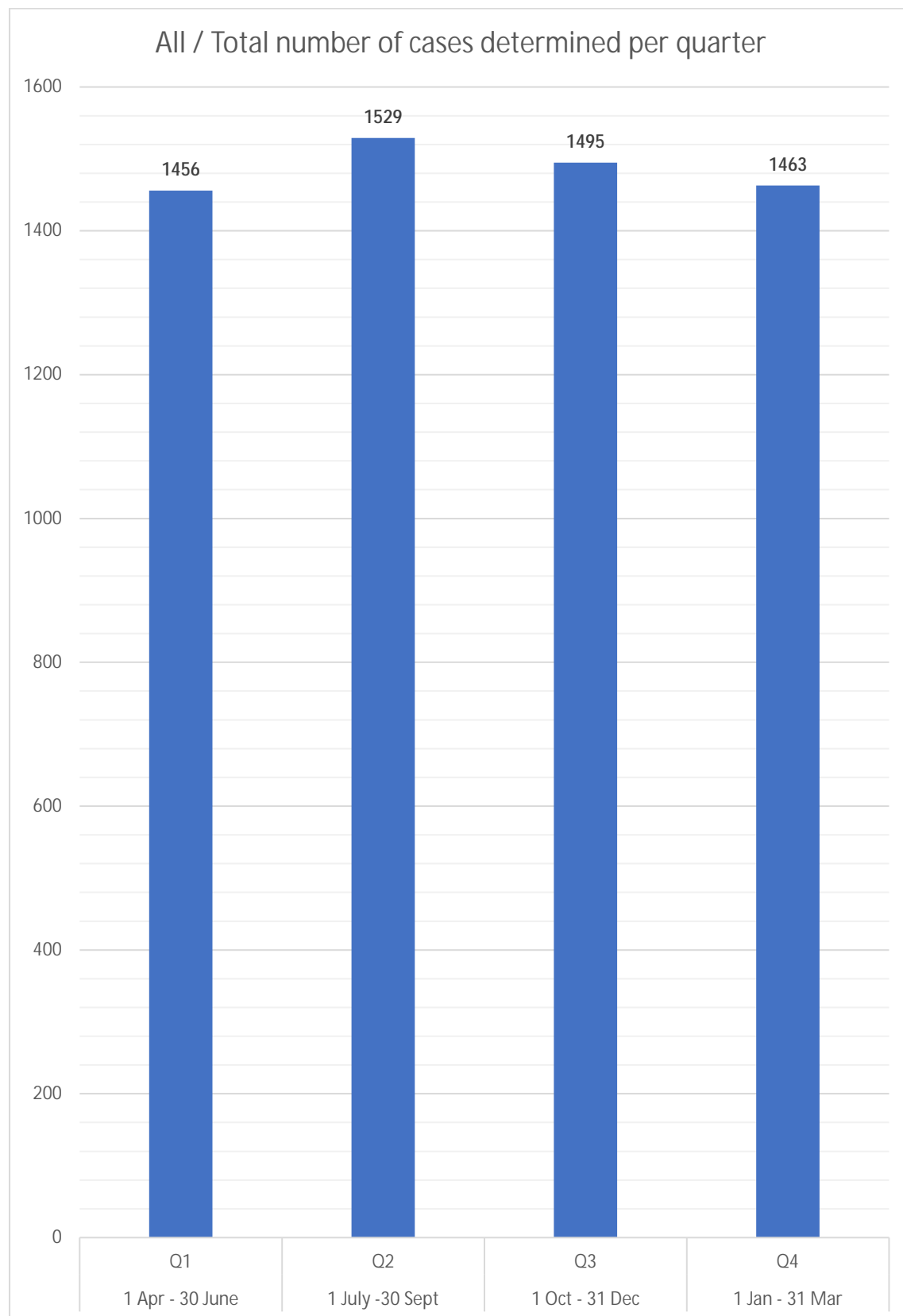
None.

**Appendix A** Numbers of different types of planning related applications determined by quarter between 1 April 2022 and 31 March 2023



**Appendix A: Numbers of different types of planning related applications determined by quarter between 1 April 2022 and 31 March 2023**

**Figure 1:** All/total number of cases determined by quarter between 1 April 2022 and 31 March 2023



**Appendix A: Numbers of different types of planning related applications determined by quarter between 1 April 2022 and 31 March 2023**

**Figure 2: Total number of cases determined per quarter with a breakdown of key types between 1 April 2022 and 31 March 2023**

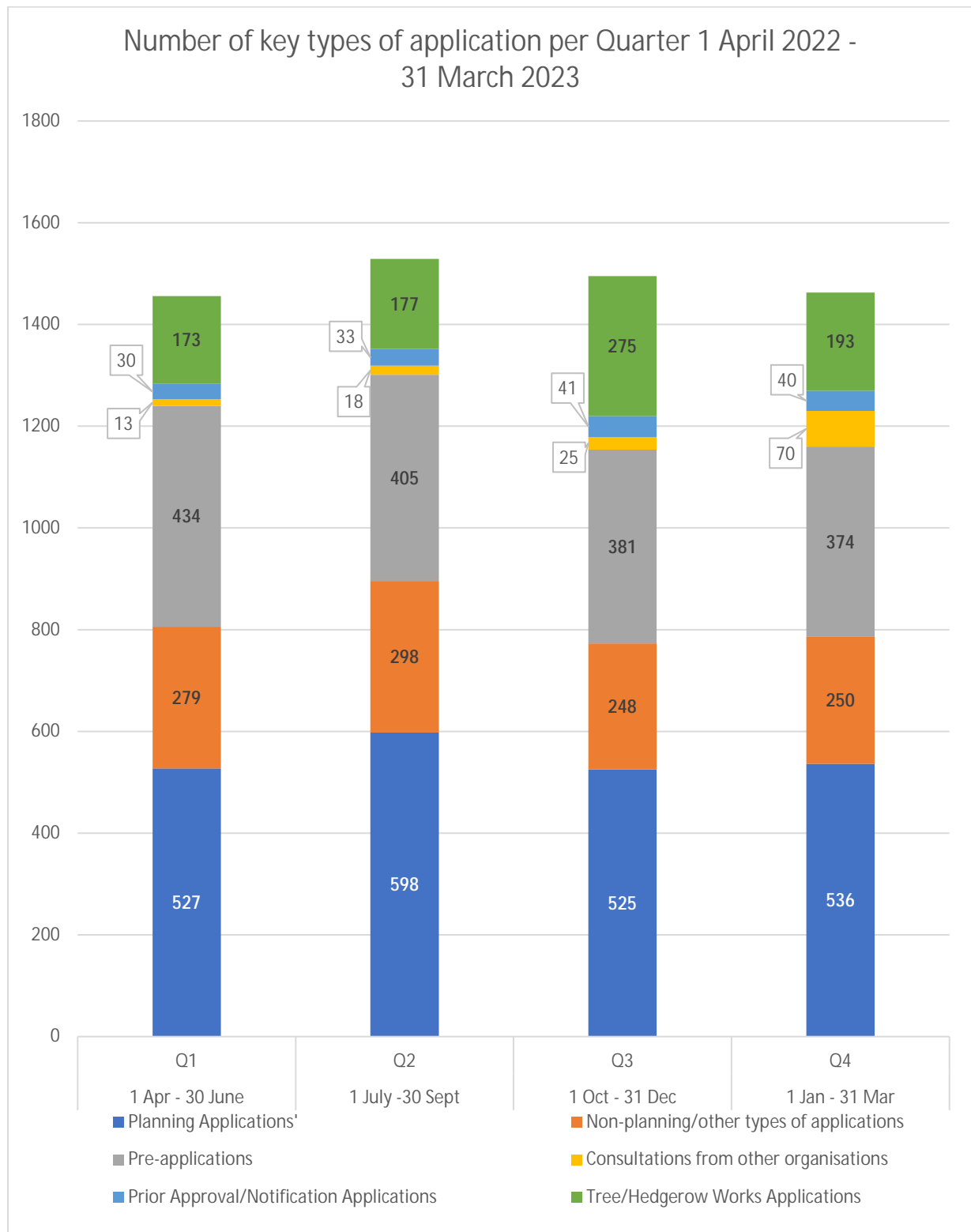
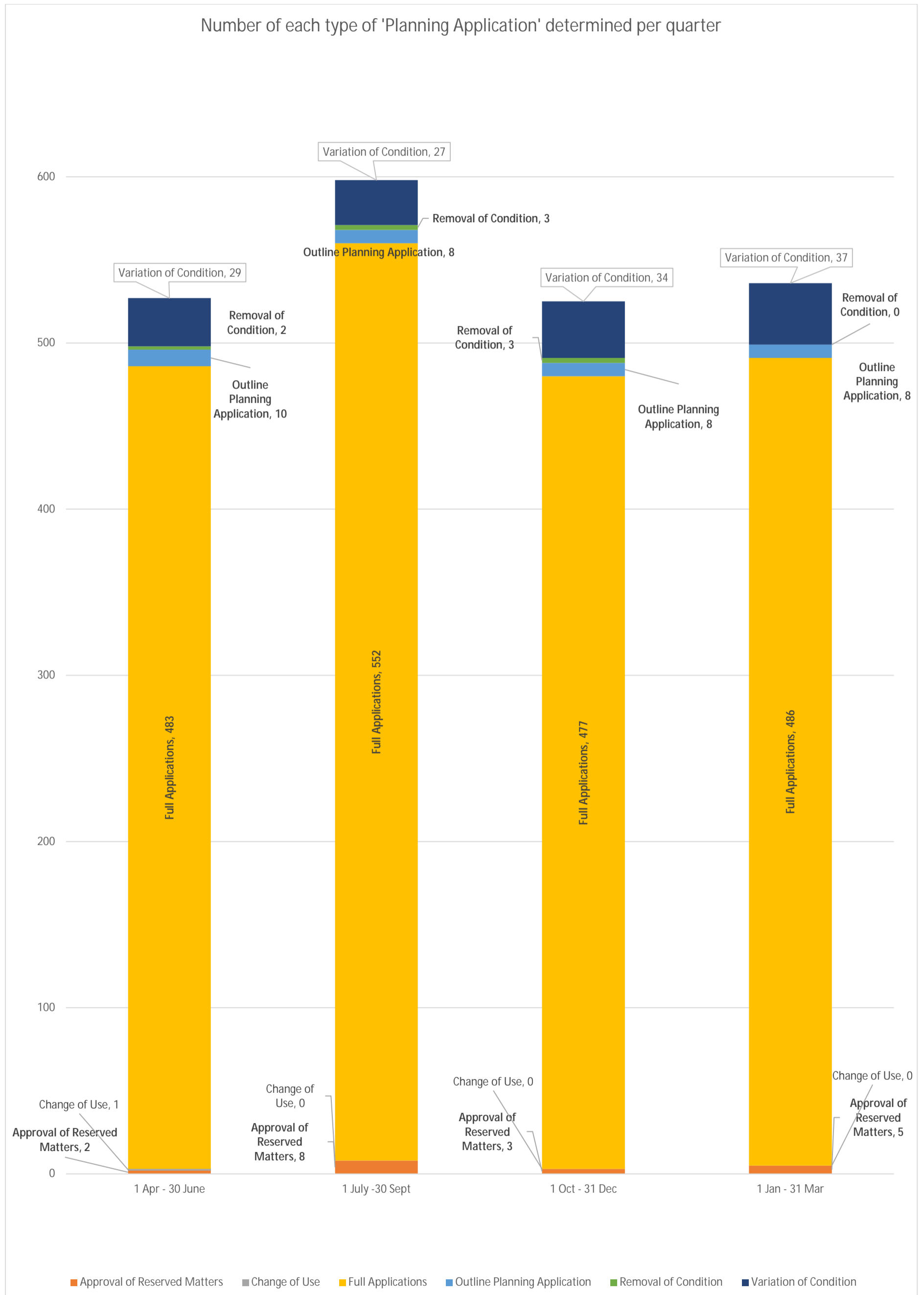


Figure 3: Number of each type of 'Planning Applications' determined per quarter between 1 April 2022 and 31 March 2023



**Appendix A: Numbers of different types of planning related applications determined by quarter between 1 April 2022 and 31 March 2023**

**Figure 4: Number of non-planning applications (e.g. advertisement consent, listed building consent etc) determined per quarter between 1 April 2022 and 31 March 2023 (further break down in Appendix C)**

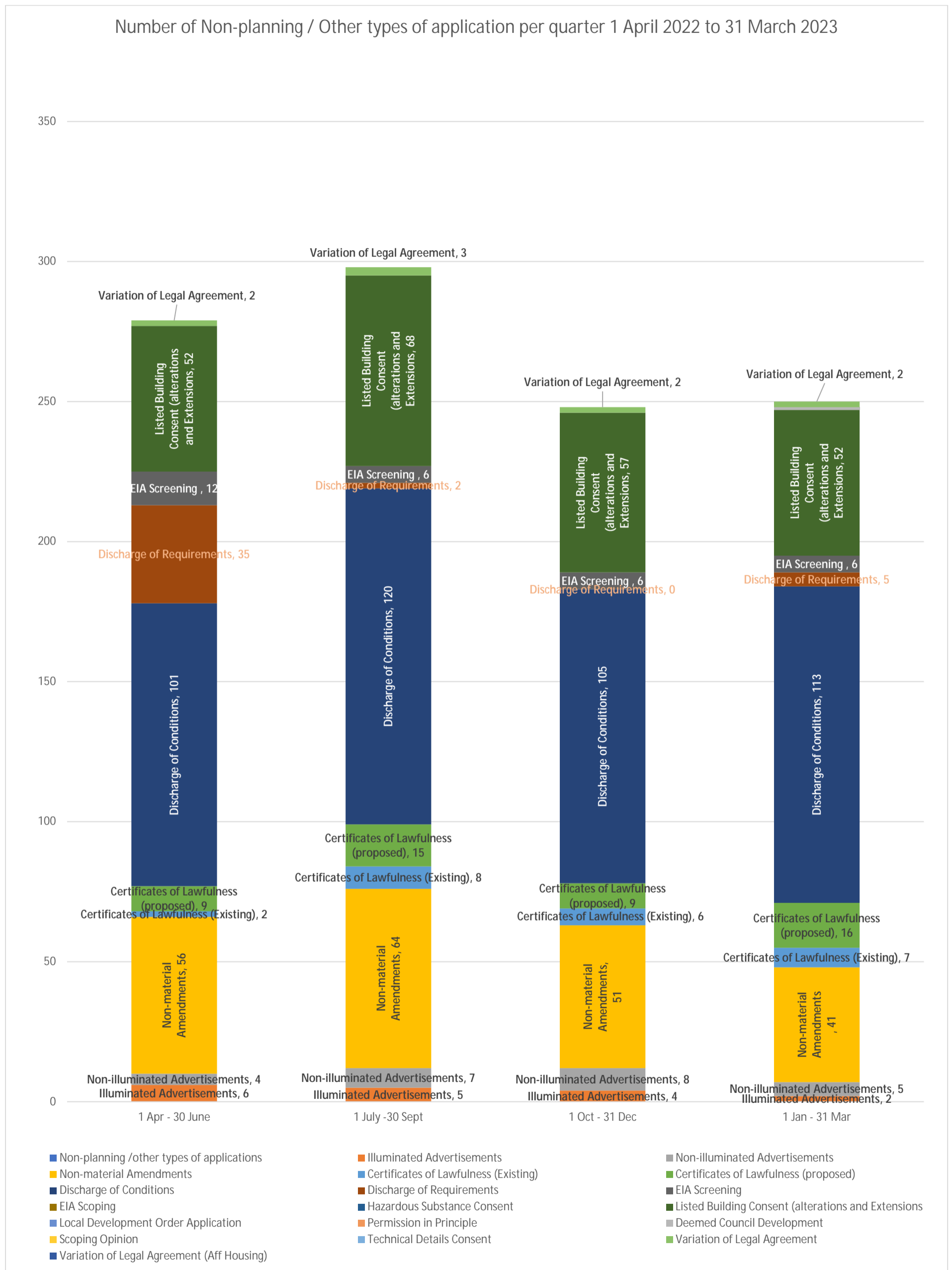
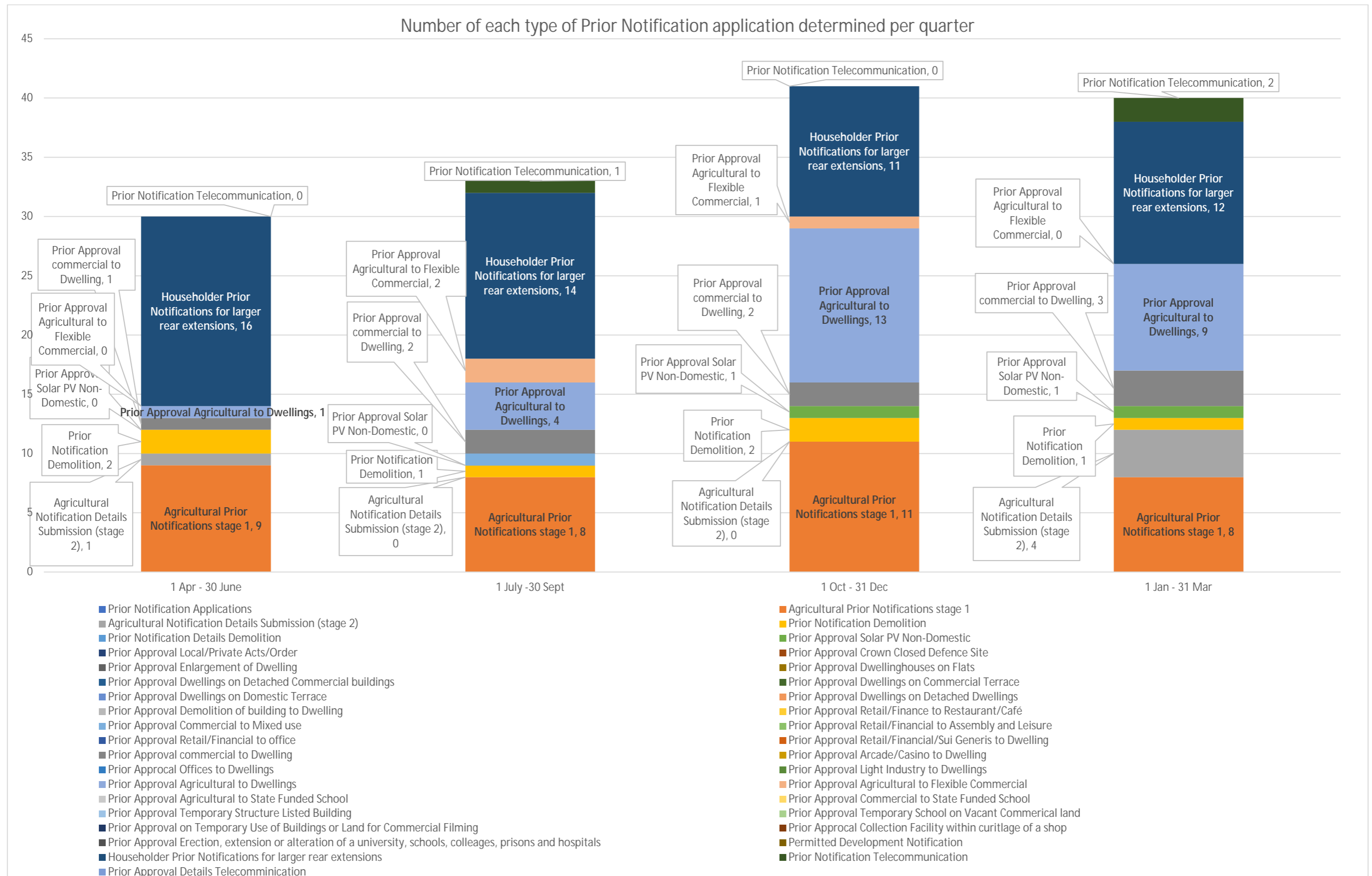
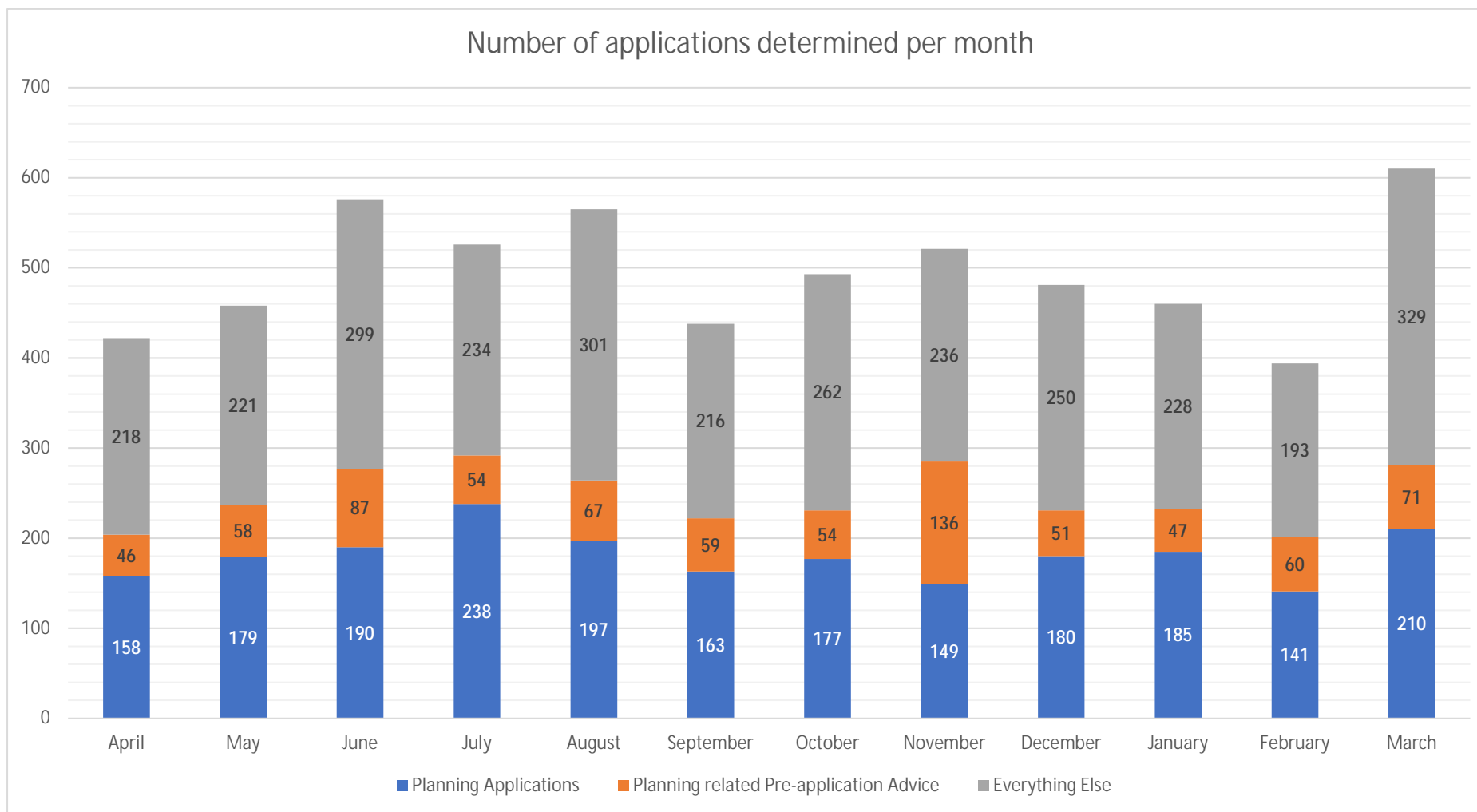


Figure 5: Number of Prior Notification Applications determined per quarter between 1 April 2022 and 31 March 2023 (further break down in Appendix C)



**Appendix A: Numbers of different types of planning related applications determined by quarter between 1 April 2022 and 31 March 2023**

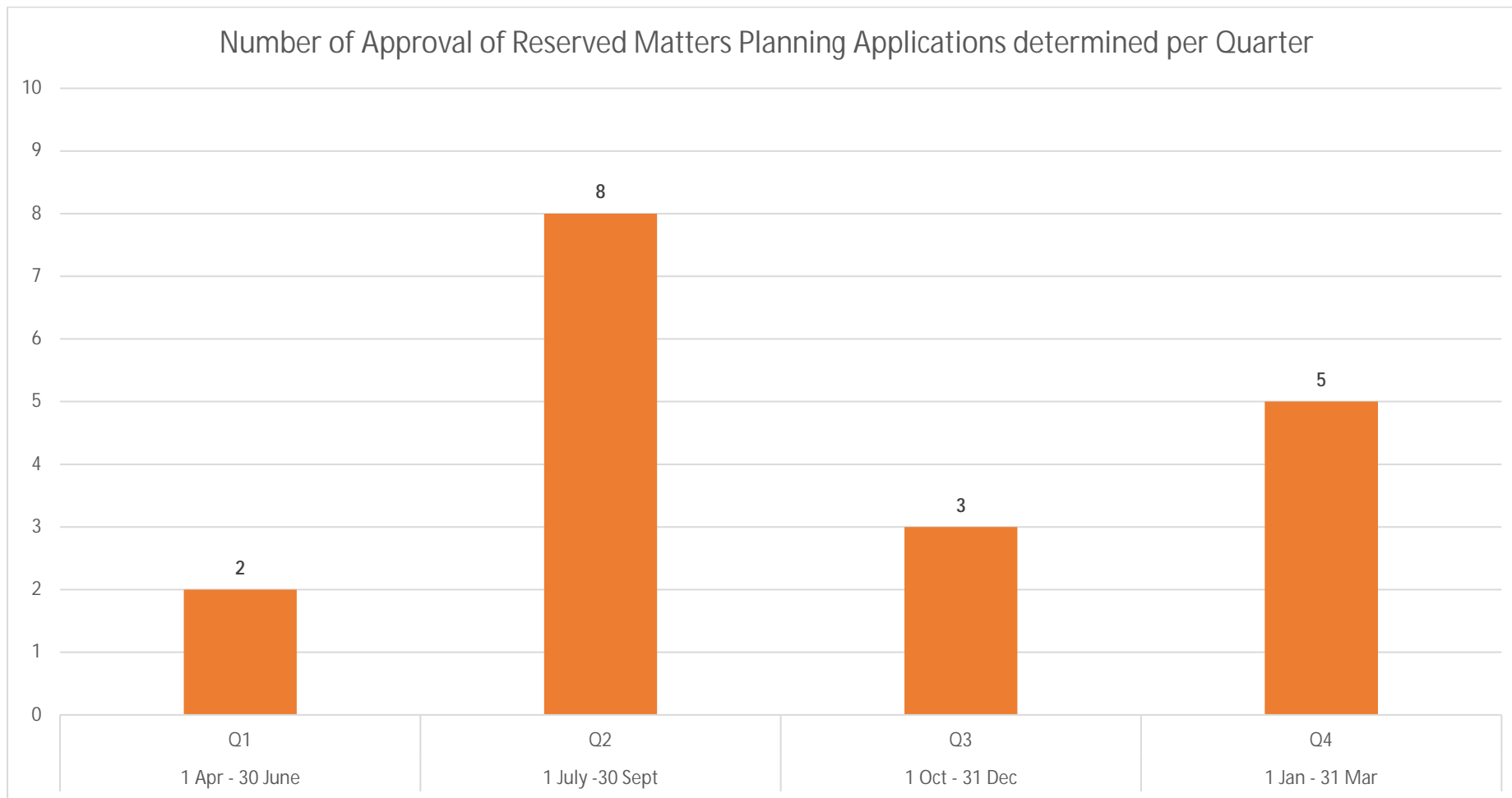
**Figure 6:** Number of cases determined per month between 1 April 2022 and 31 March 2023



**Appendix B** Numbers of each type of 'Planning Application'  
determined per quarter between 1 April 2022 and 31 March  
2023

**Appendix B:** Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023

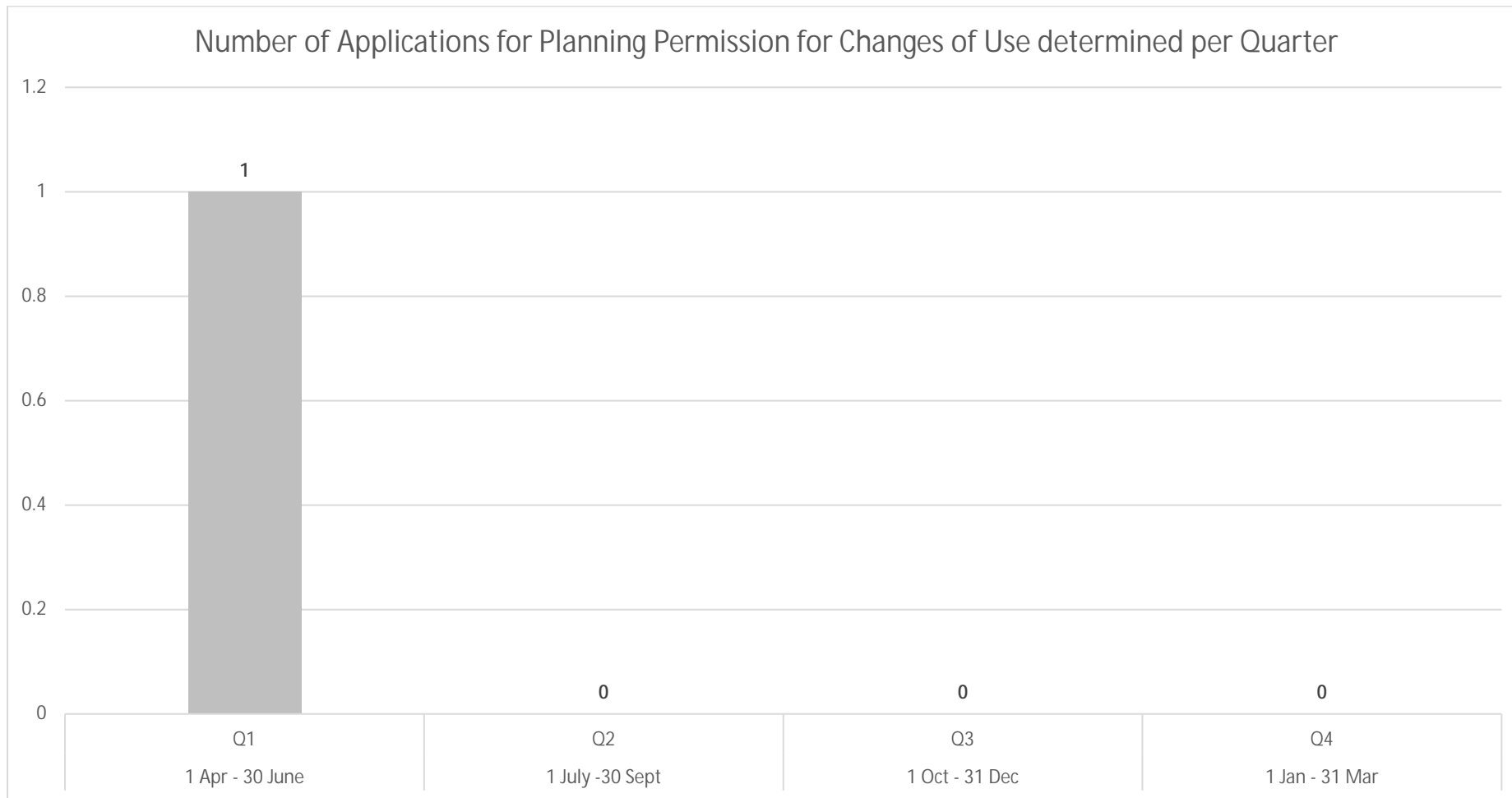
**Figure 1:** Number of Applications for "Approval of Reserved Matters" determined per quarter between 1 April 2022 and 31 March 2023





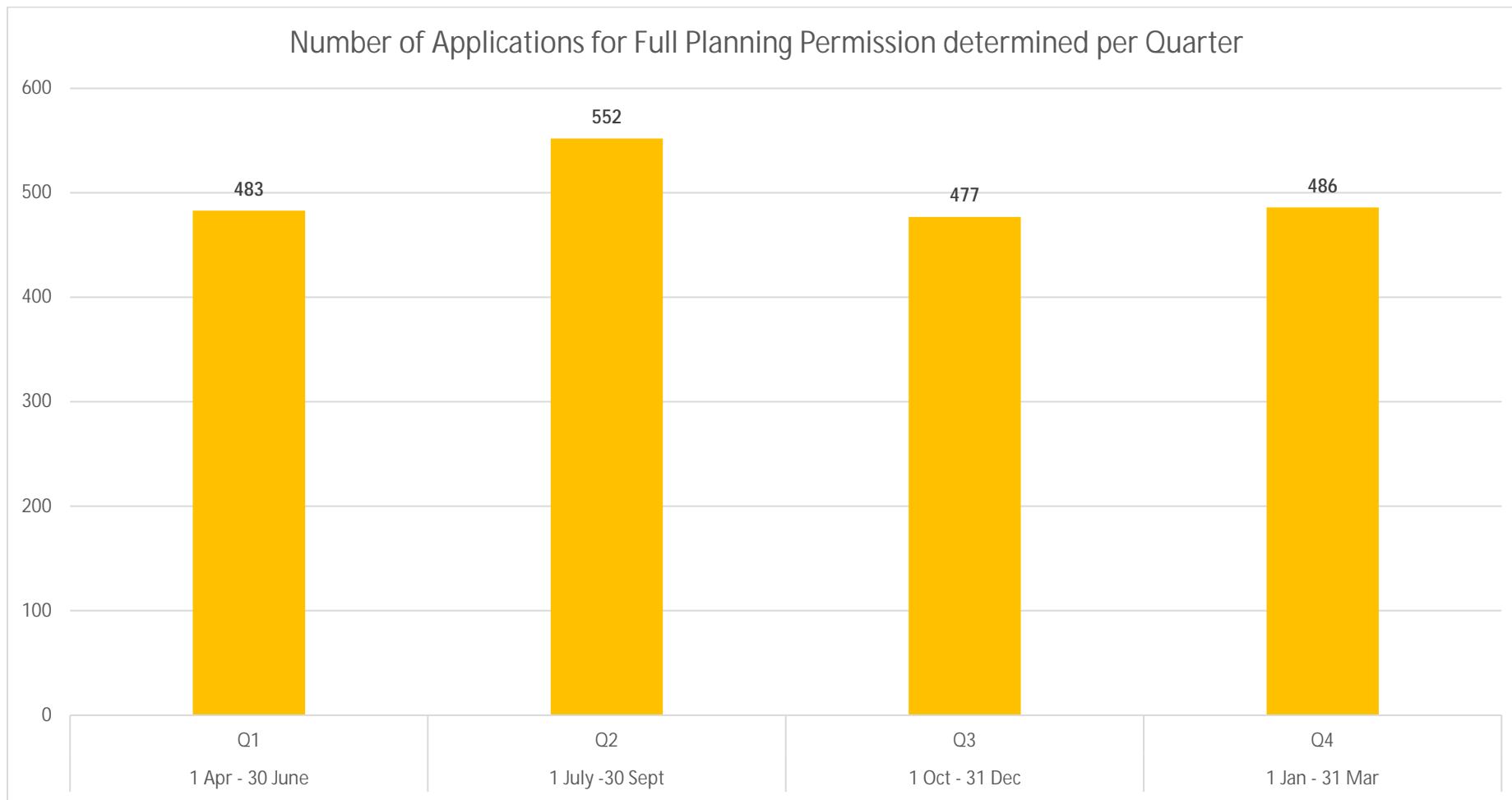
**Appendix B: Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023**

**Figure 2: Number of Applications for "Changes of use" determined per quarter between 1 April 2022 and 31 March 2023**



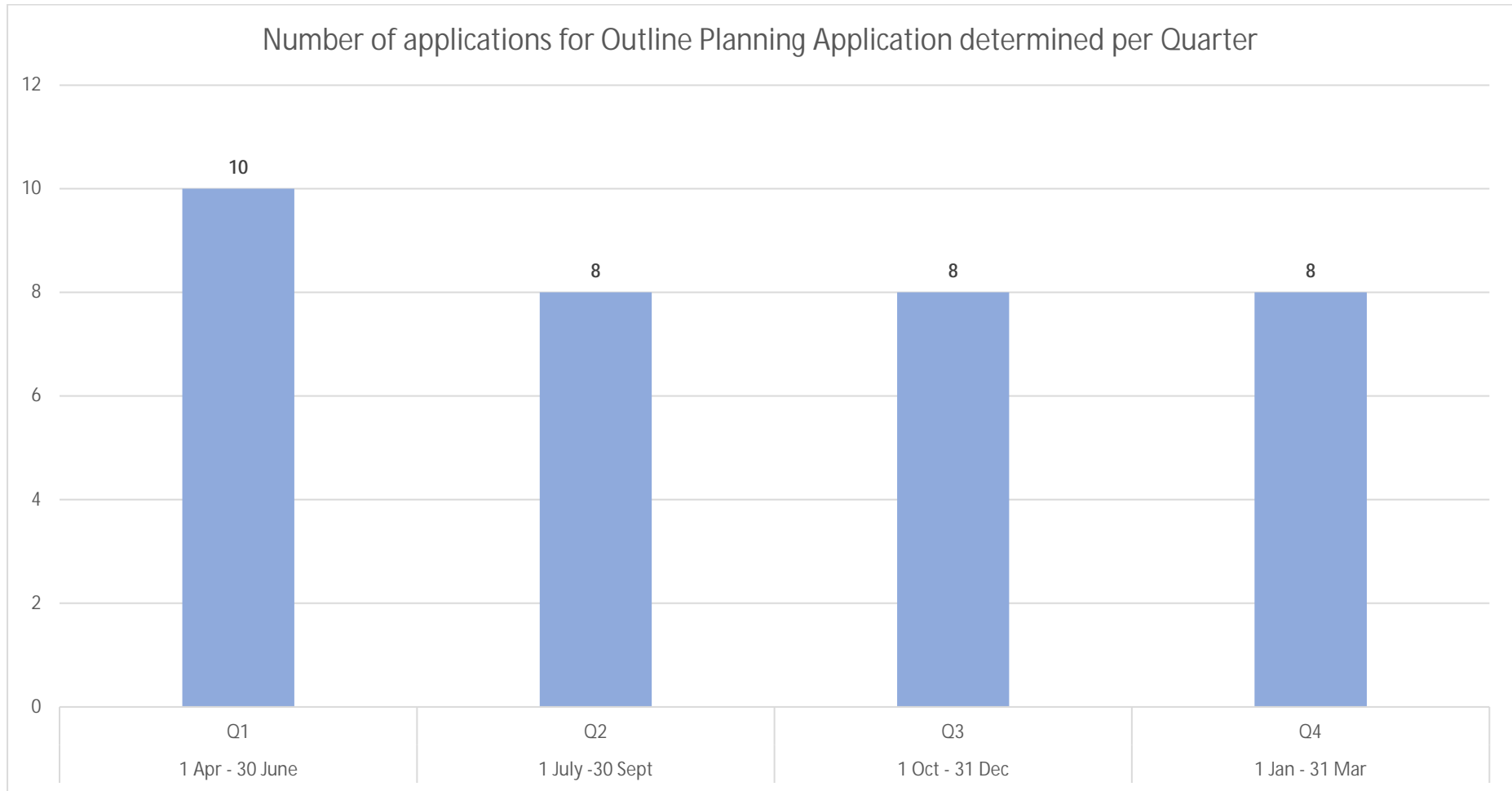
**Appendix B:** Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023

**Figure 3:** Number of Applications for "Full Planning Permission" determined per quarter between 1 April 2022 and 31 March 2023



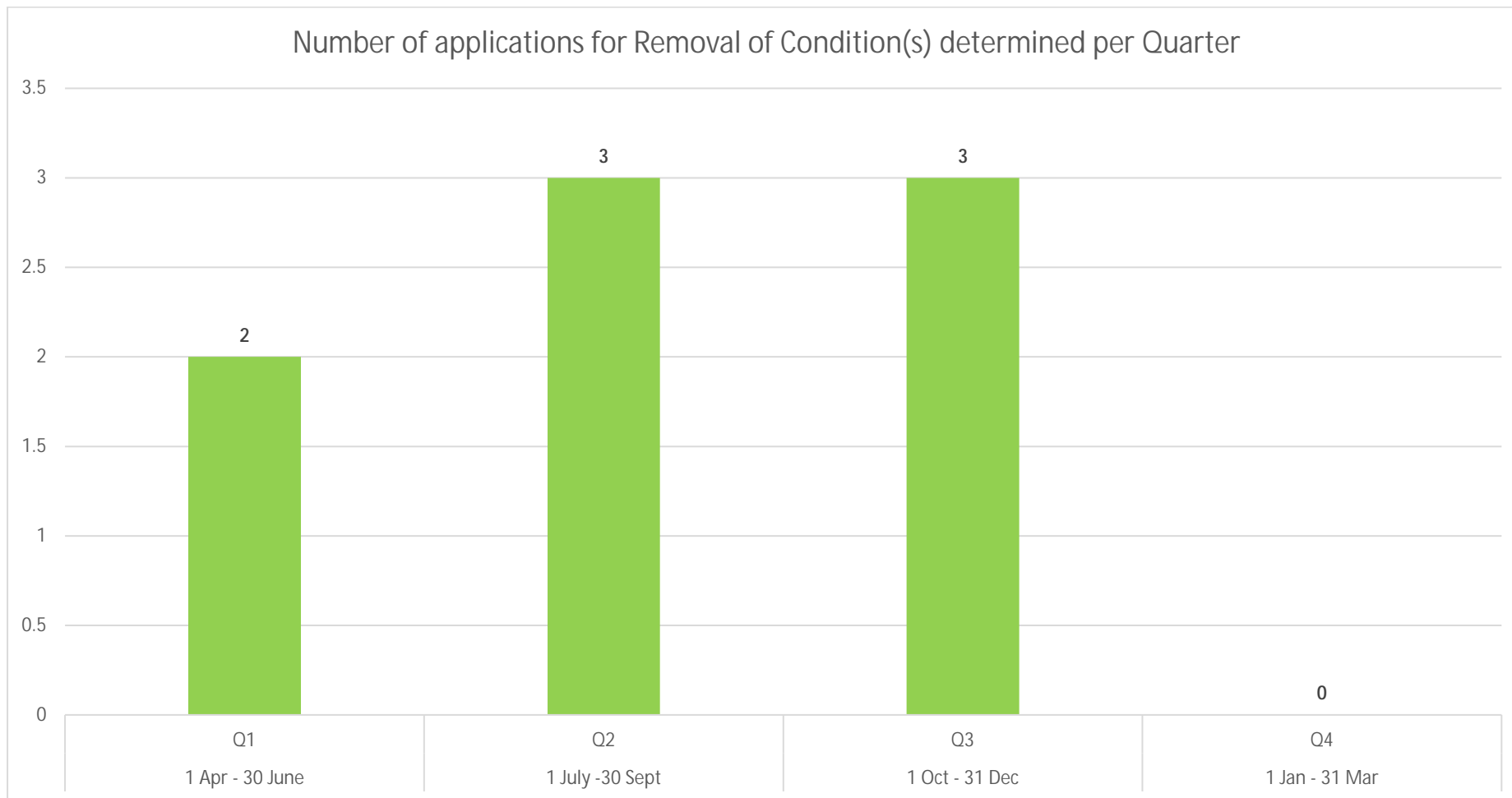
**Appendix B:** Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023

**Figure 4:** Number of Applications for "Outline Planning Permission" determined per quarter between 1 April 2022 and 31 March 2023



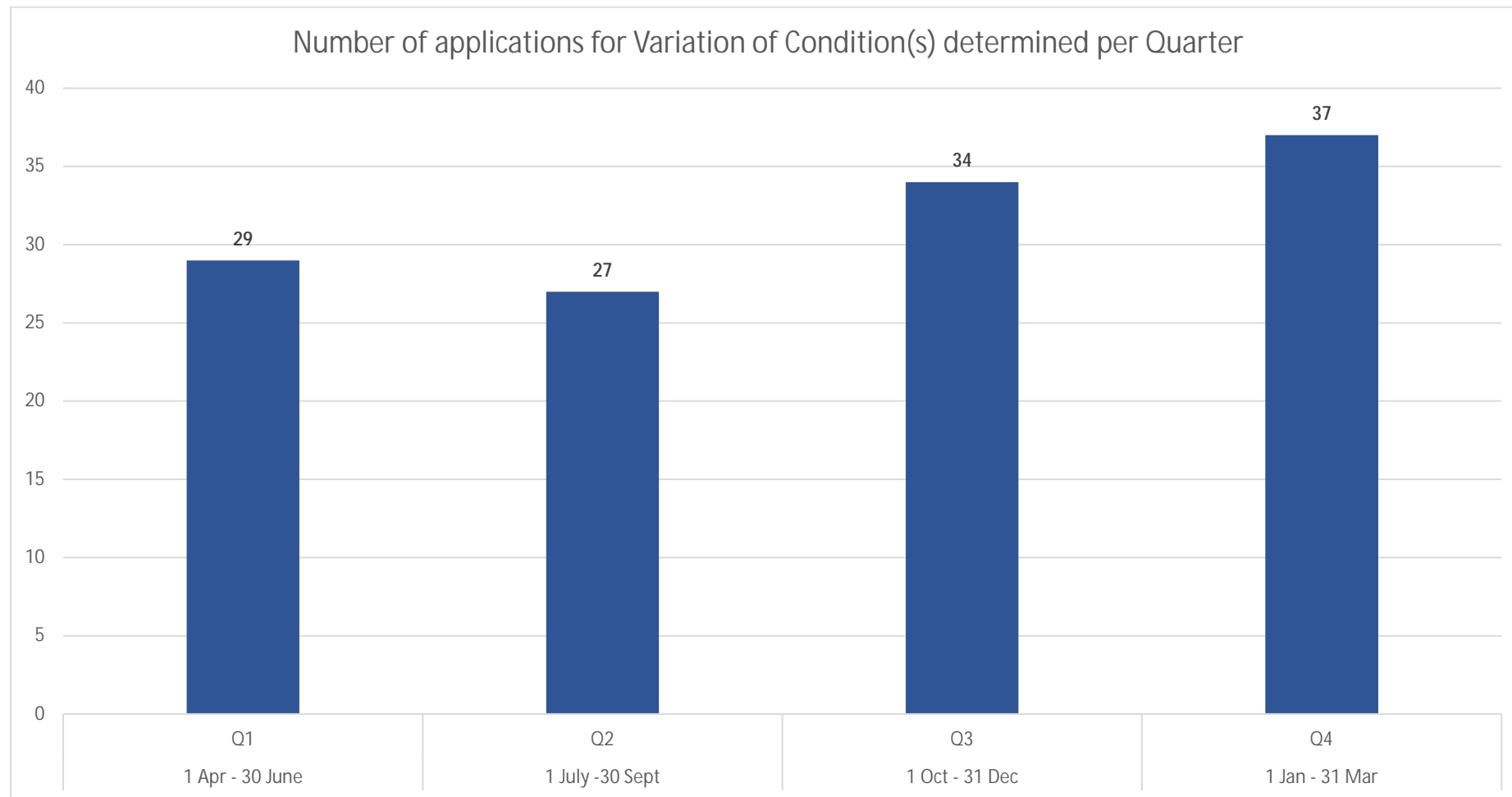
**Appendix B:** Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023

**Figure 5:** Number of Applications for "Removal of conditions" determined per quarter between 1 April 2022 and 31 March 2023



**Appendix B:** Numbers of each type of 'Planning Application' determined per quarter between 1 April 2022 and 31 March 2023

**Figure 6:** Number of Applications for "Variation of conditions" determined per quarter between 1 April 2022 and 31 March 2023

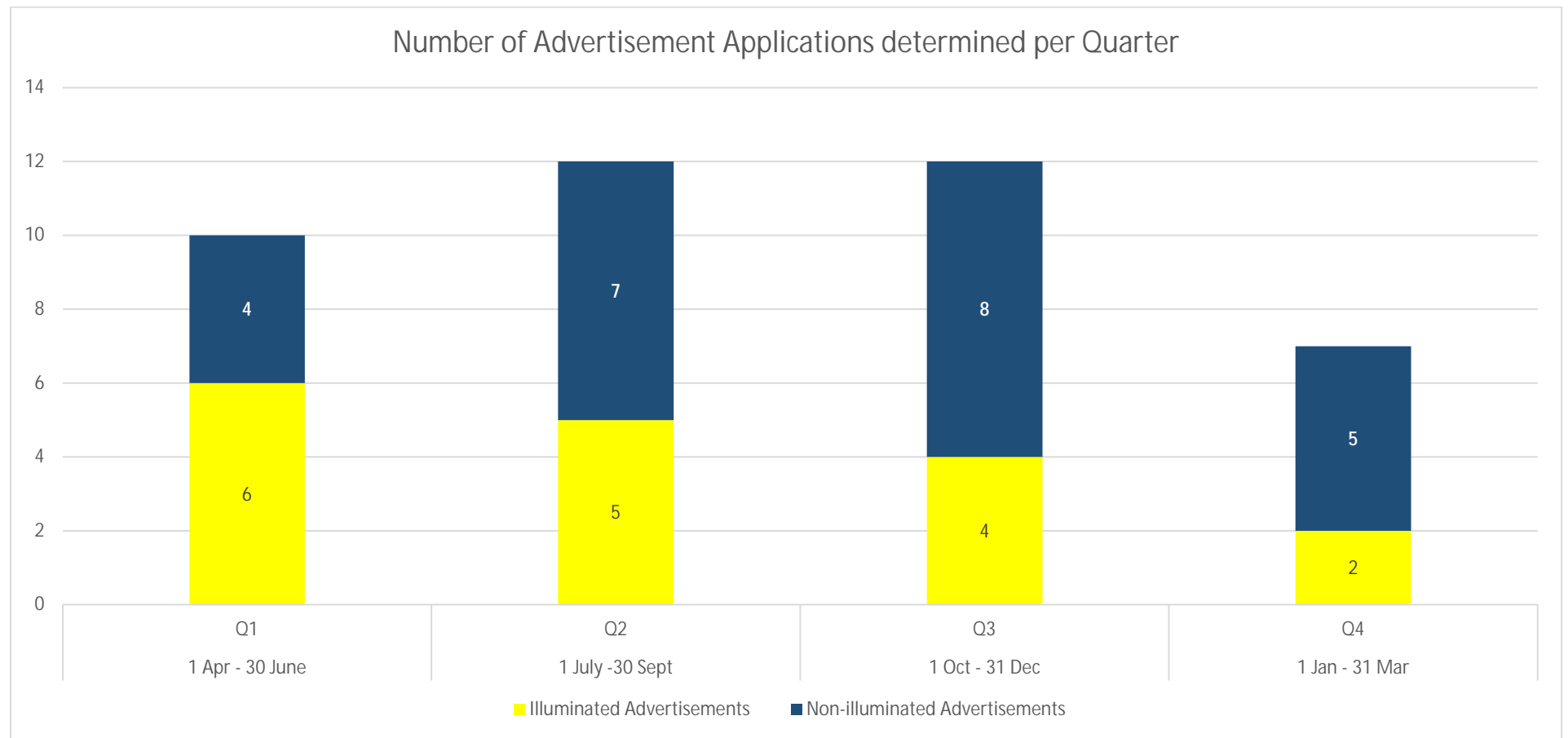


**Appendix C** Numbers of various types of non-planning applications (but planning related) and Prior Notification/Approval applications, determined by quarter between 1 April 2022 and 31 March 2023

## Appendix C: The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

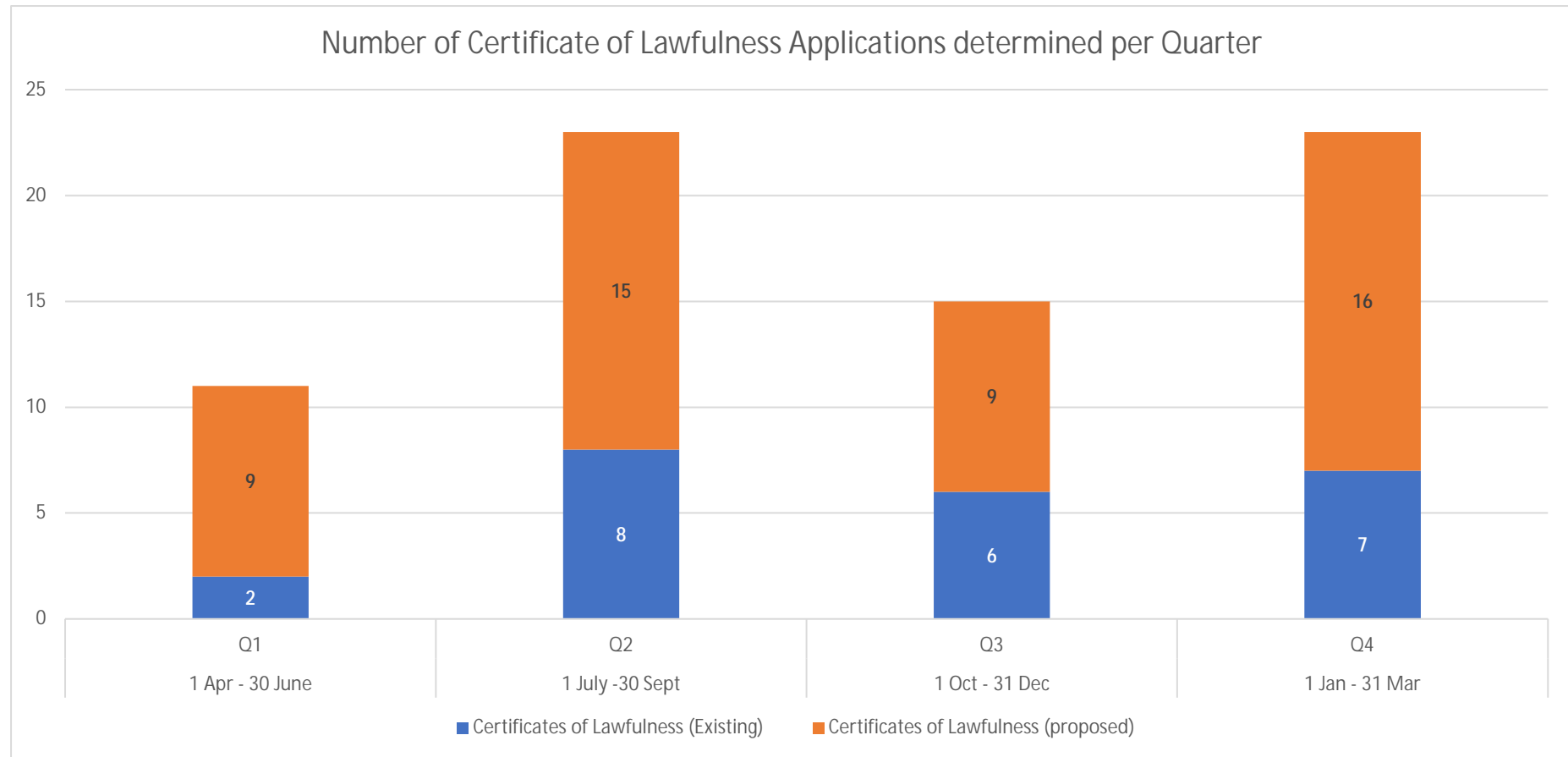
This Appendix contains data on a selection of the various types of non-planning applications (but planning related applications) determined by East Suffolk Council. In addition to those shown there are a significant number of other types of application, but few of each type are received and therefore graphs have not been produced for those types.

**Figure 1:** Number of Applications for “Advertisements” determined per quarter between 1 April 2022 and 31 March 2023



**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

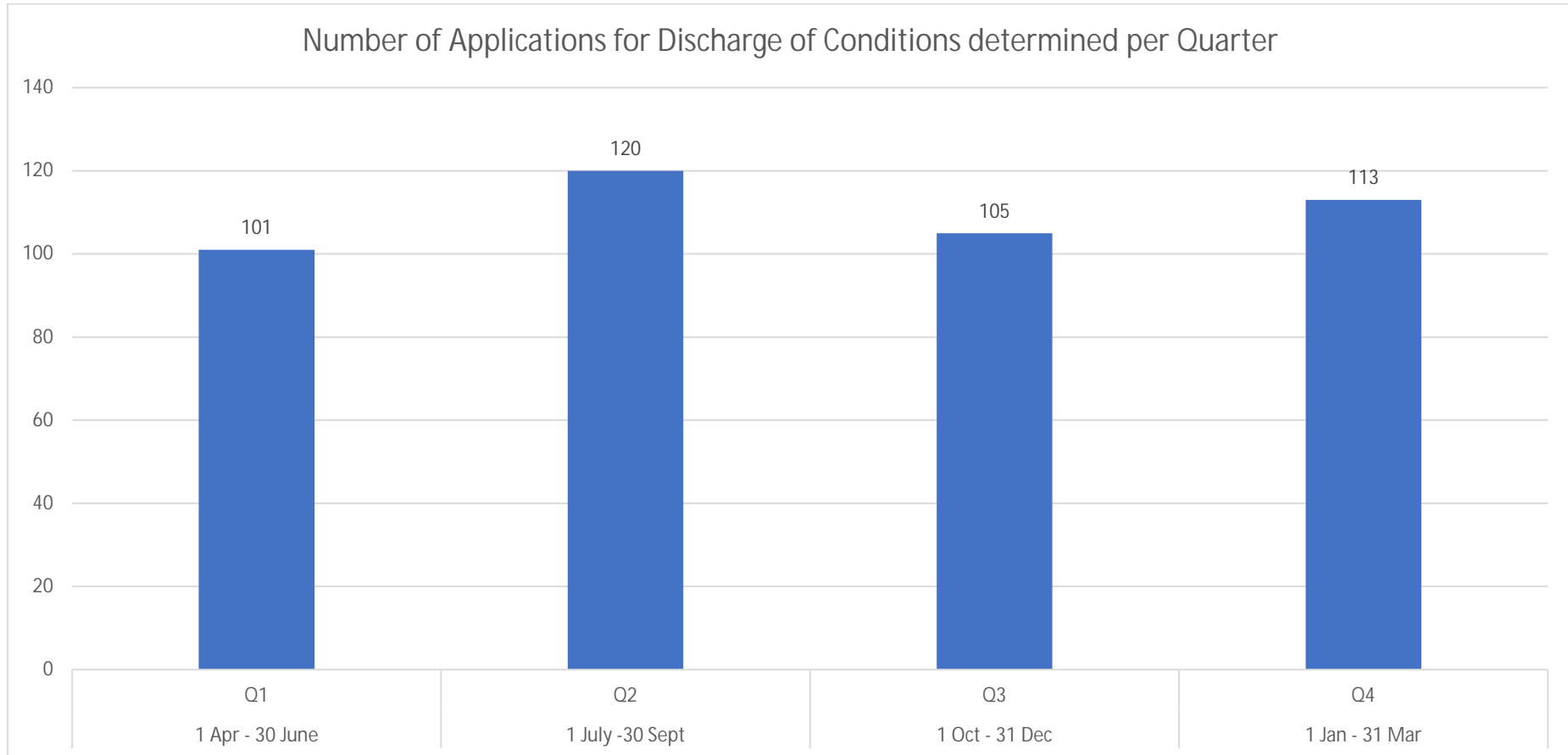
**Figure 2:** Number of Applications for “Certificate of Lawfulness” determined per quarter between 1 April 2022 and 31 March 2023





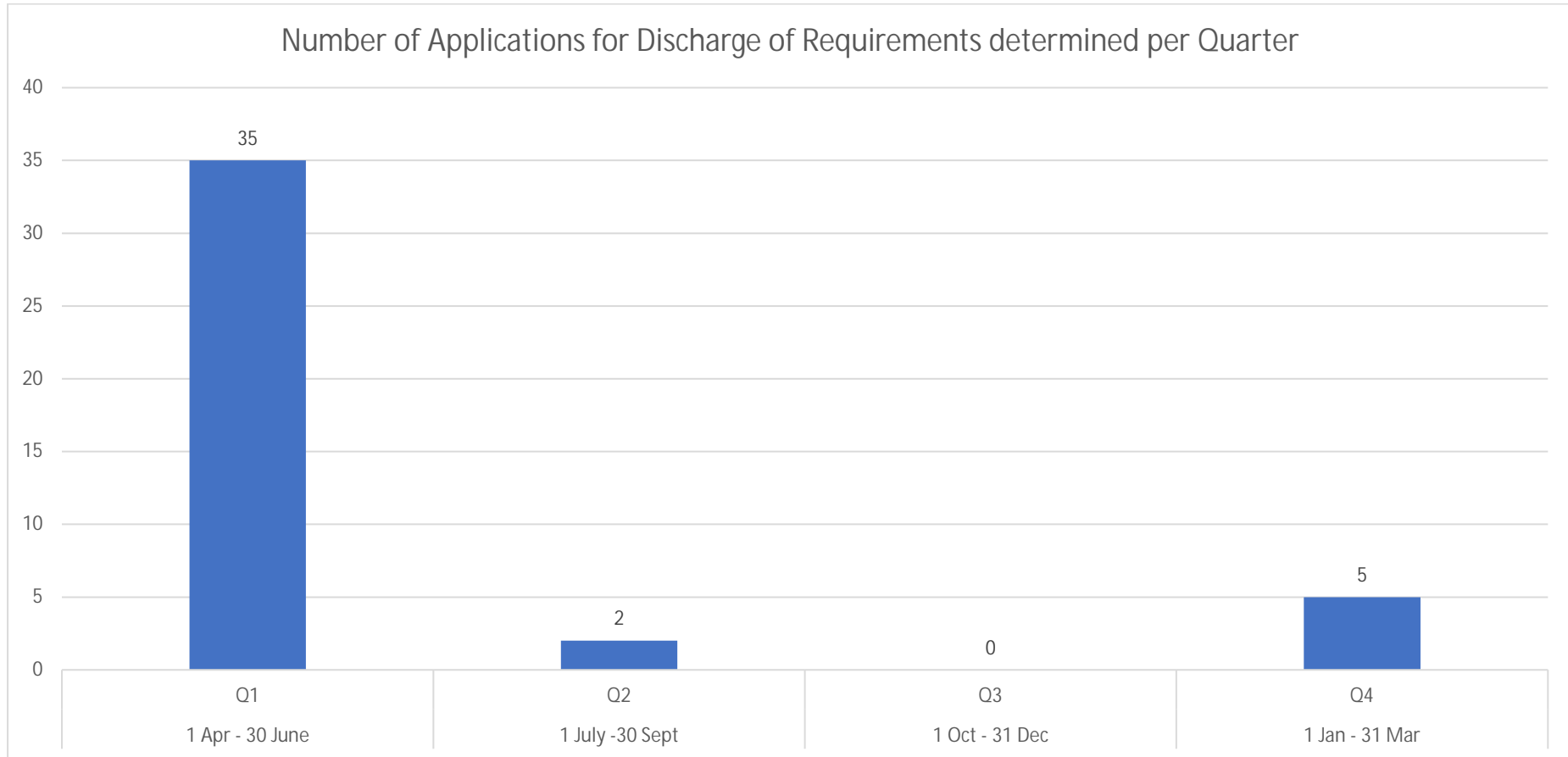
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 3:** Number of Applications for “Discharge of Conditions” determined per quarter between 1 April 2022 and 31 March 2023



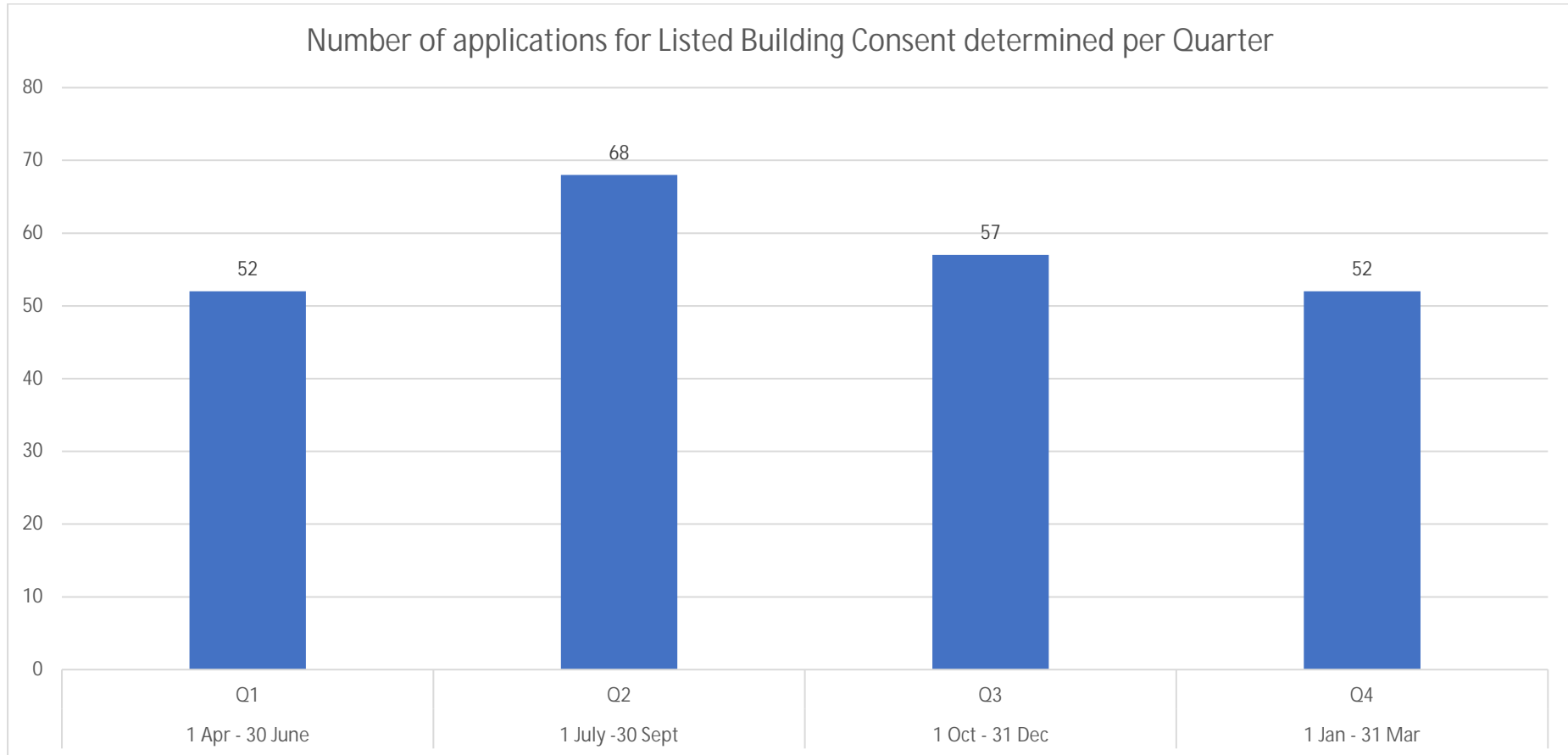
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 4:** Number of Applications for “Discharge of Requirements” determined per quarter between 1 April 2022 and 31 March 2023



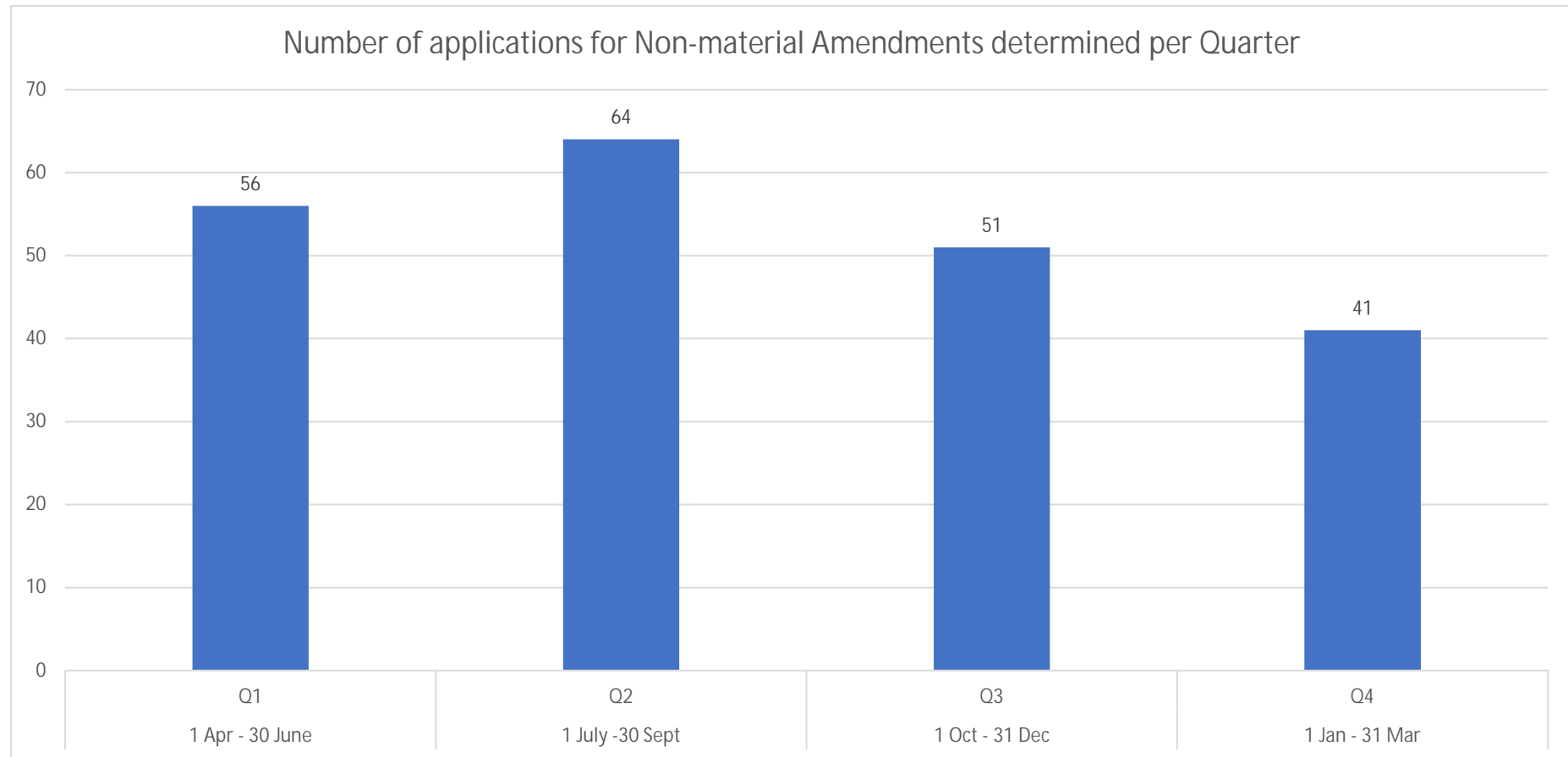
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 5:** Number of Applications for “Listed Building Consents” determined per quarter between 1 April 2022 and 31 March 2023



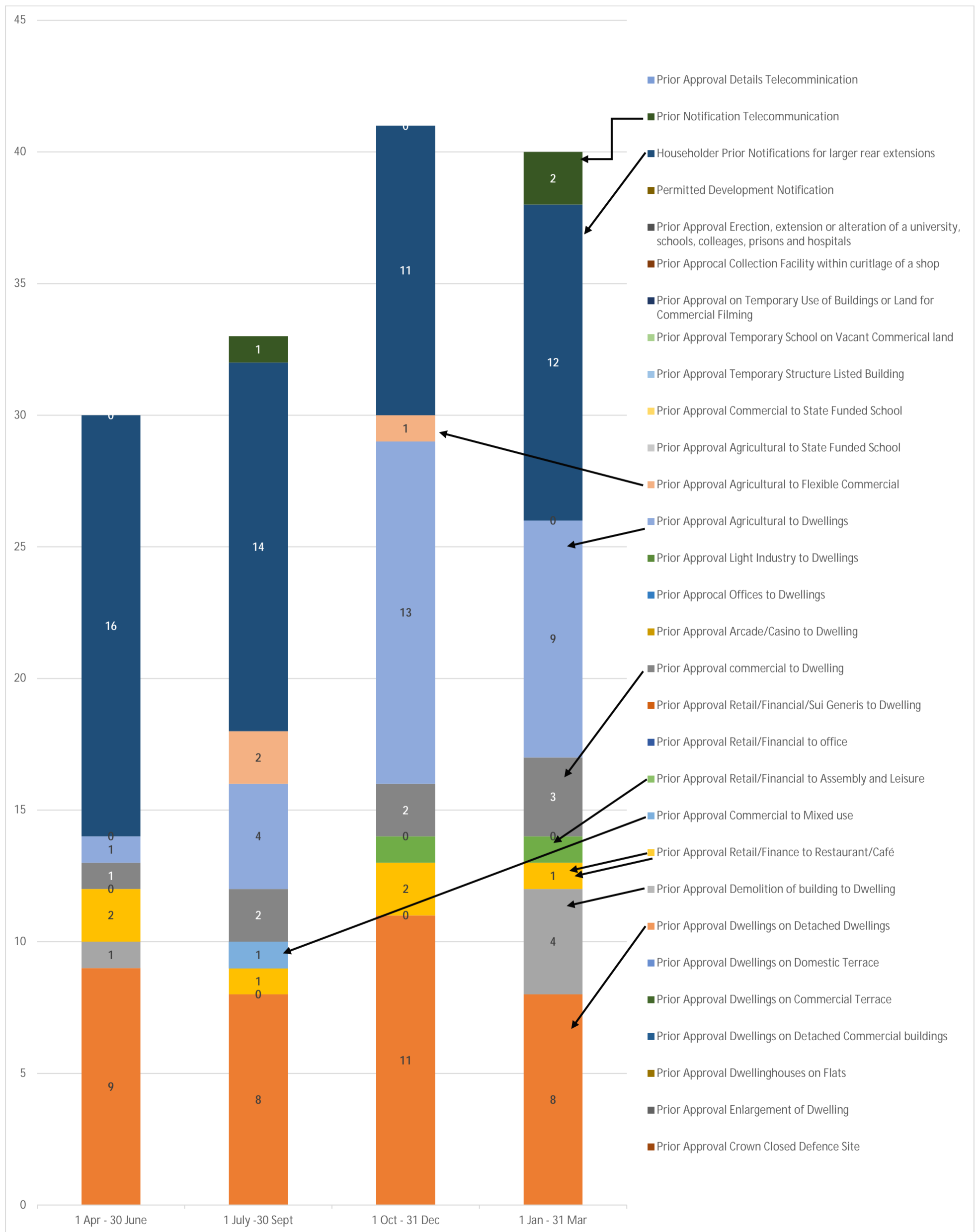
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 6:** Number of Applications for “Non-material Amendments” determined per quarter between 1 April 2022 and 31 March 2023



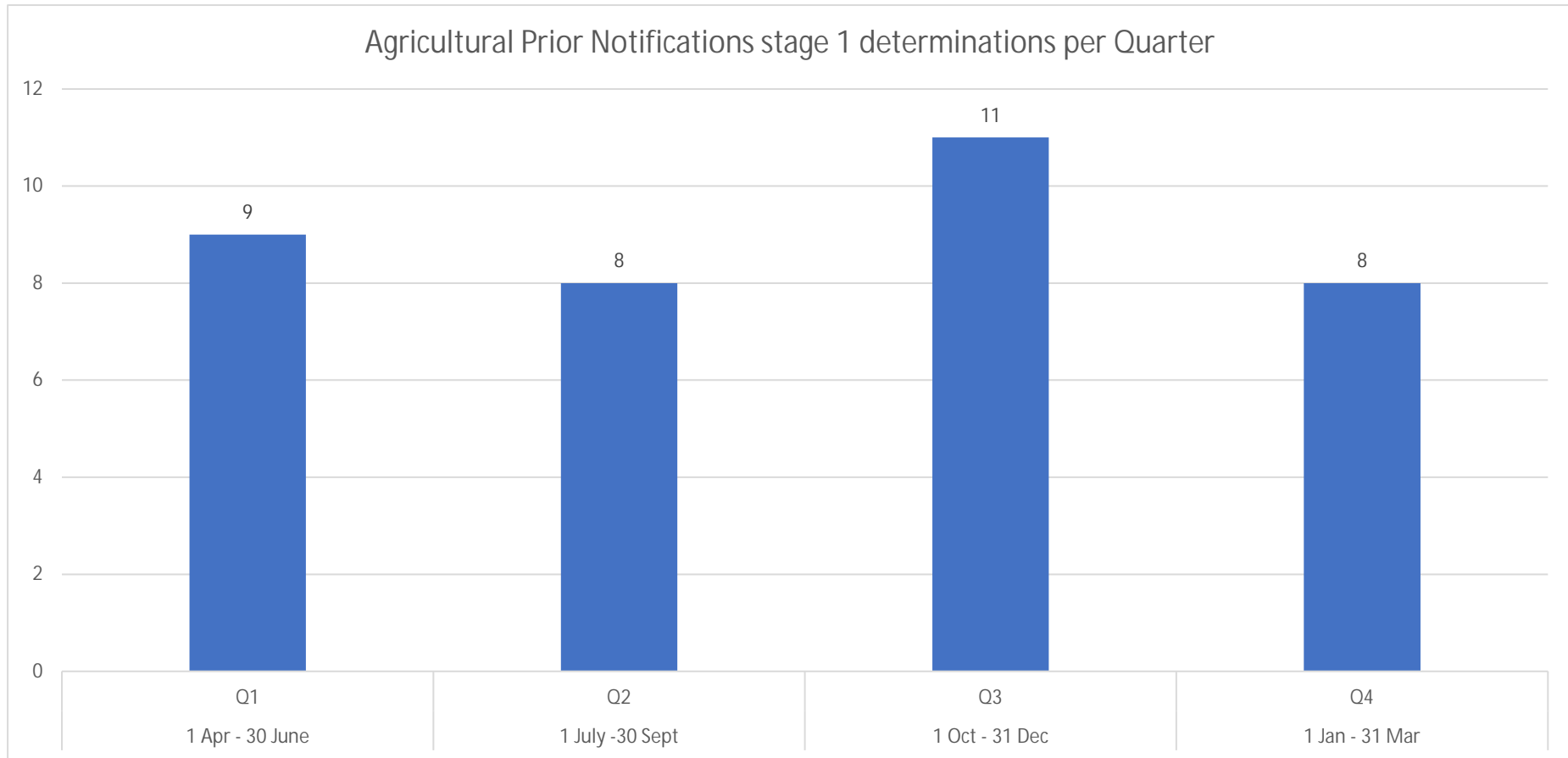
**Appendix C: The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023**

**Figure 7: Number of Applications for “Prior Notification” applications determined per quarter between 1 April 2022 and 31 March 2023**



**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 8:** Number of Applications for “Agricultural Prior Notifications Stage 1” determined per quarter between 1 April 2022 and 31 March 2023



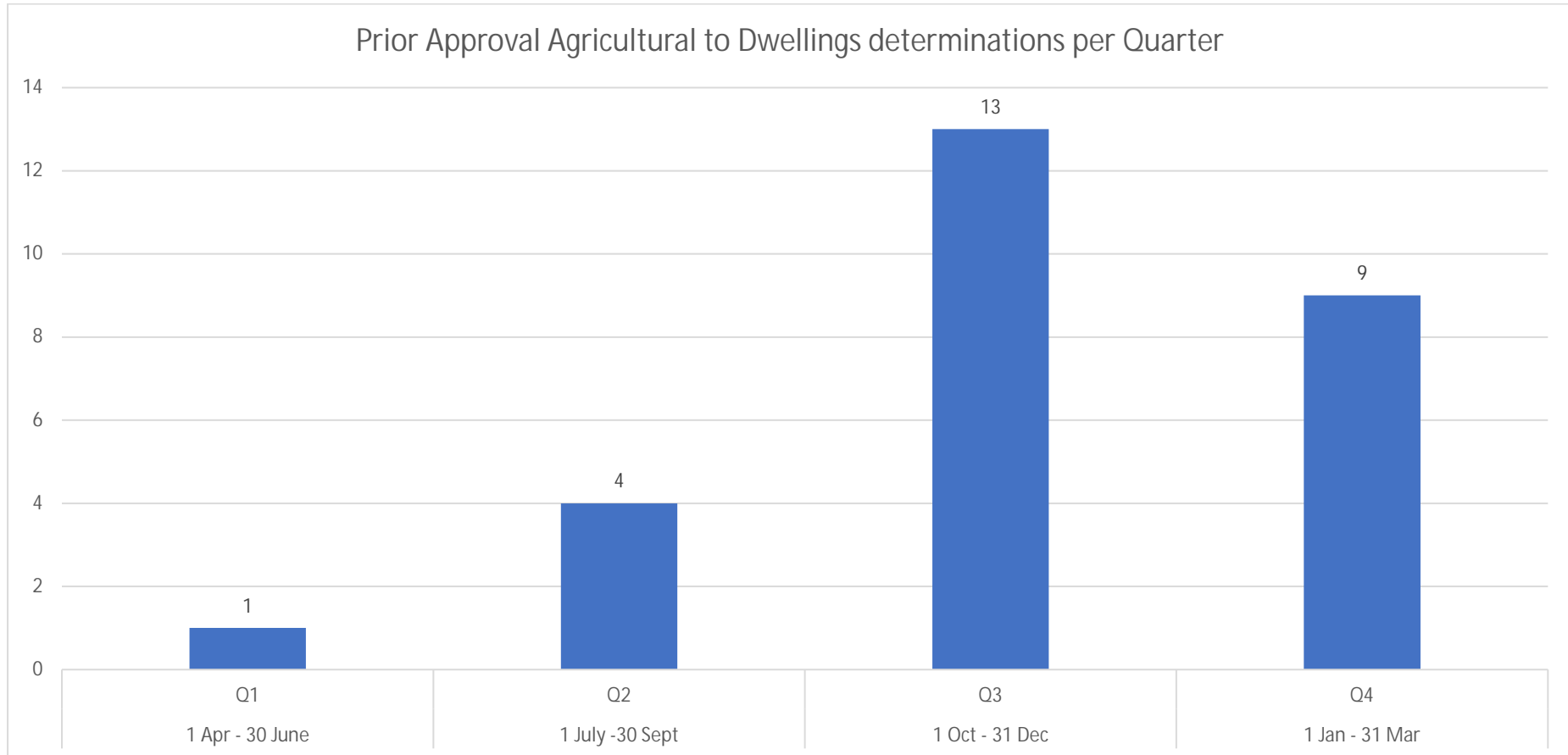
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 9:** Number of Applications for “Agricultural Notifications stage 2” determined per quarter between 1 April 2022 and 31 March 2023



**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

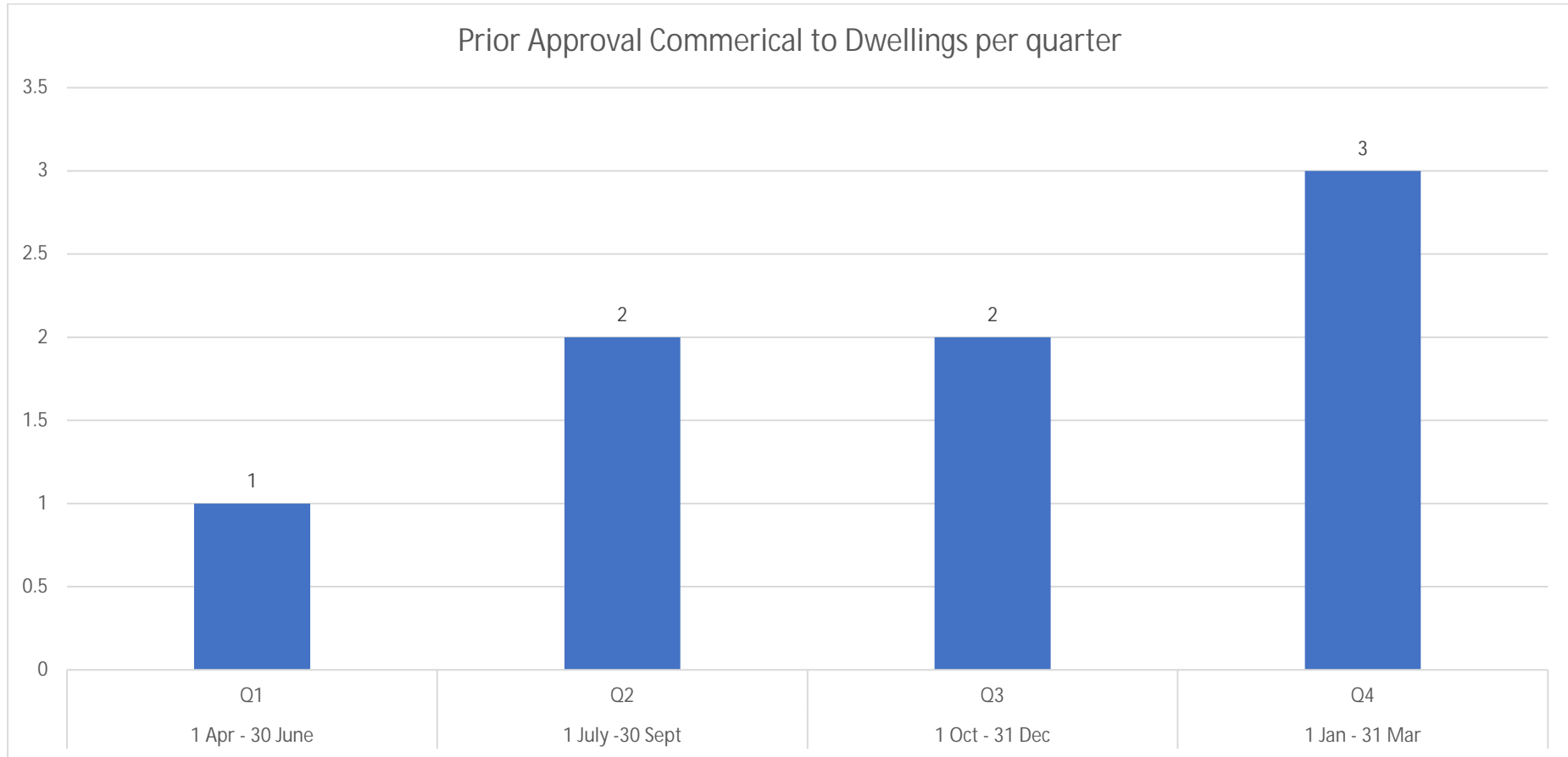
**Figure 10:** Number of Applications for “Prior Approval Agricultural to dwellings” (Part 3, Class Q conversions) determined per quarter between 1 April 2022 and 31 March 2023





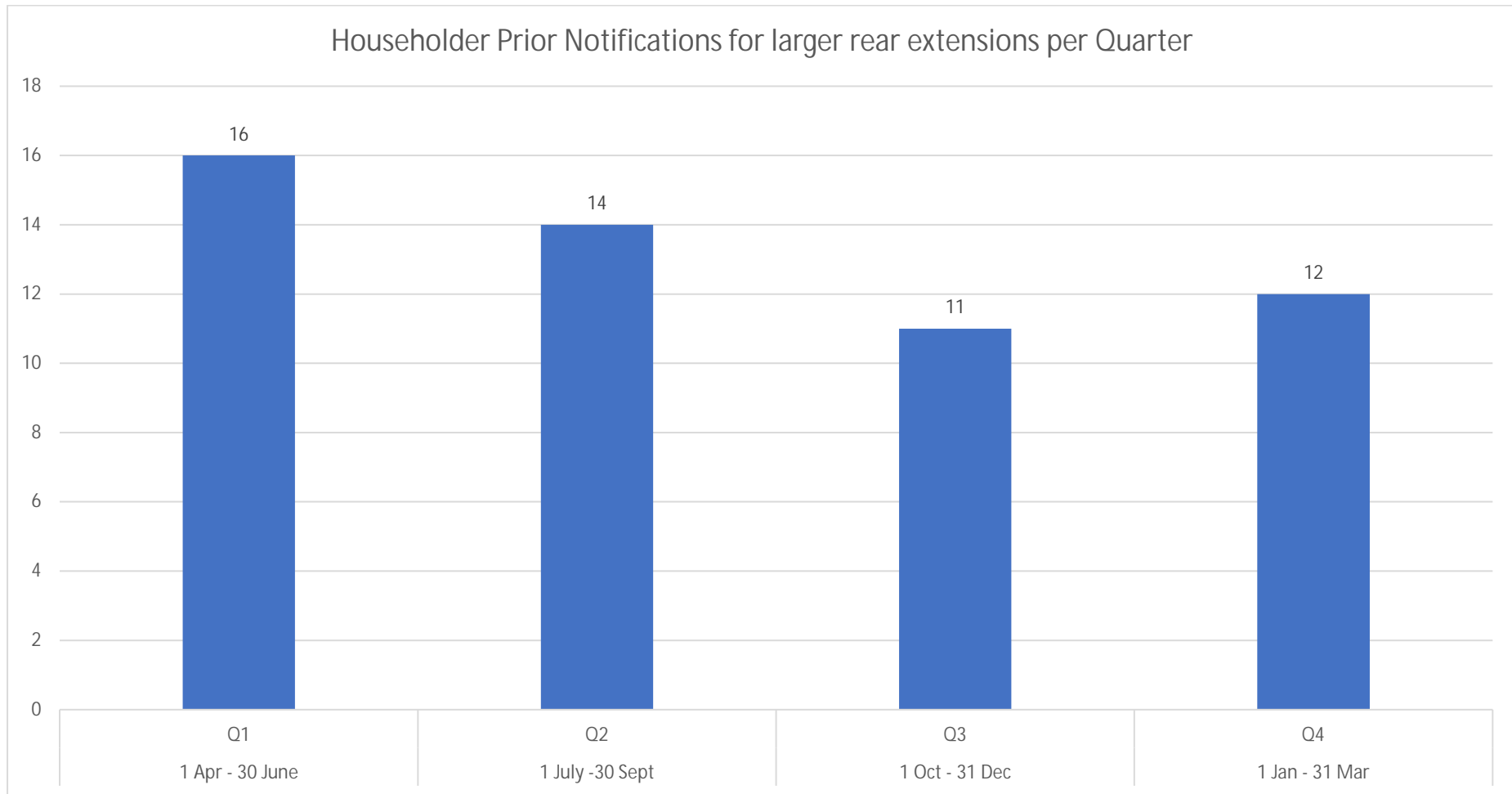
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 11:** Number of Applications for “Prior Approval Commercial to dwellings” determined per quarter between 1 April 2022 and 31 March 2023



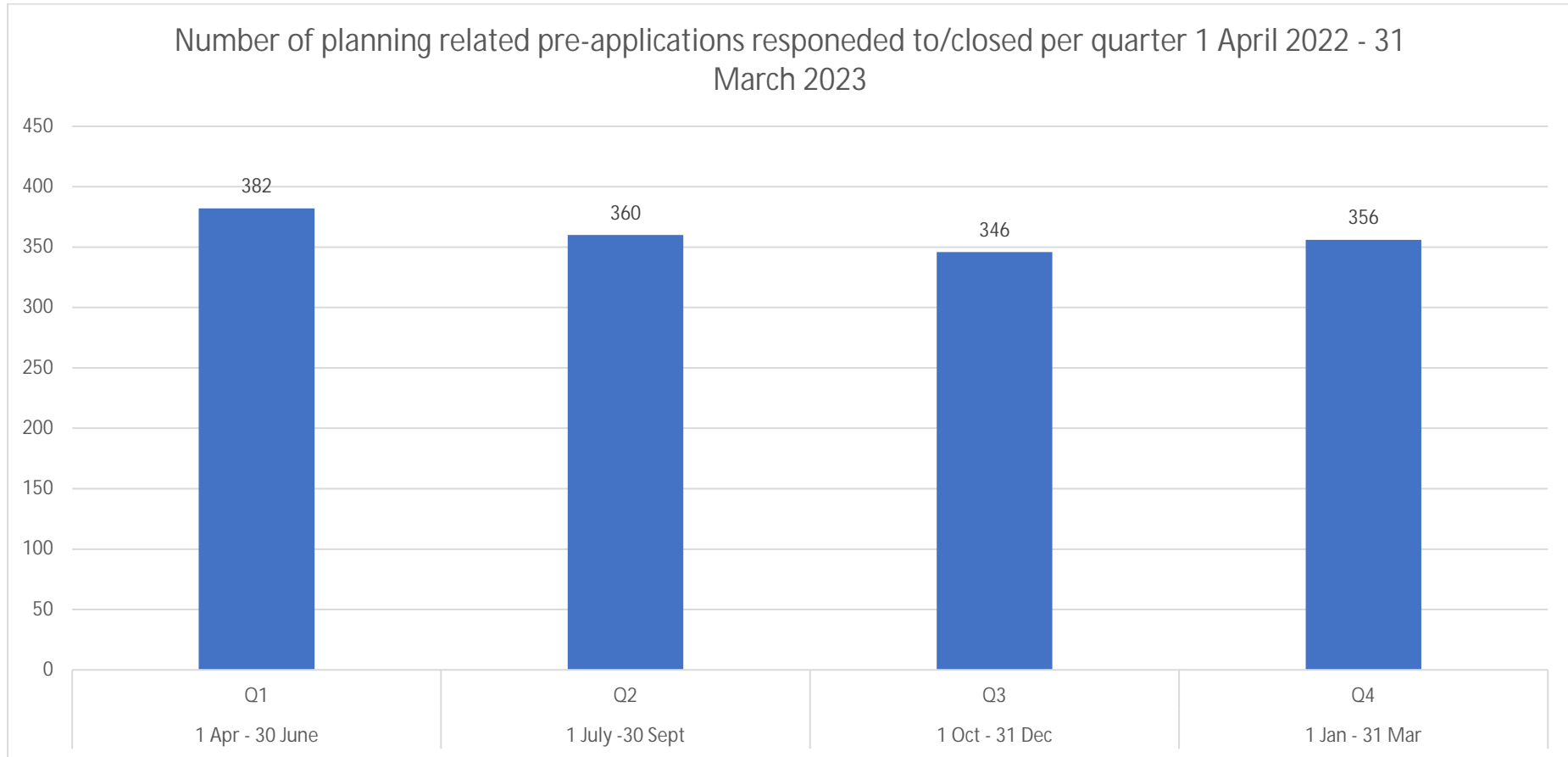
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 12:** Number of Applications for “Householder Prior Notifications for larger rear extensions” determined per quarter between 1 April 2022 and 31 March 2023



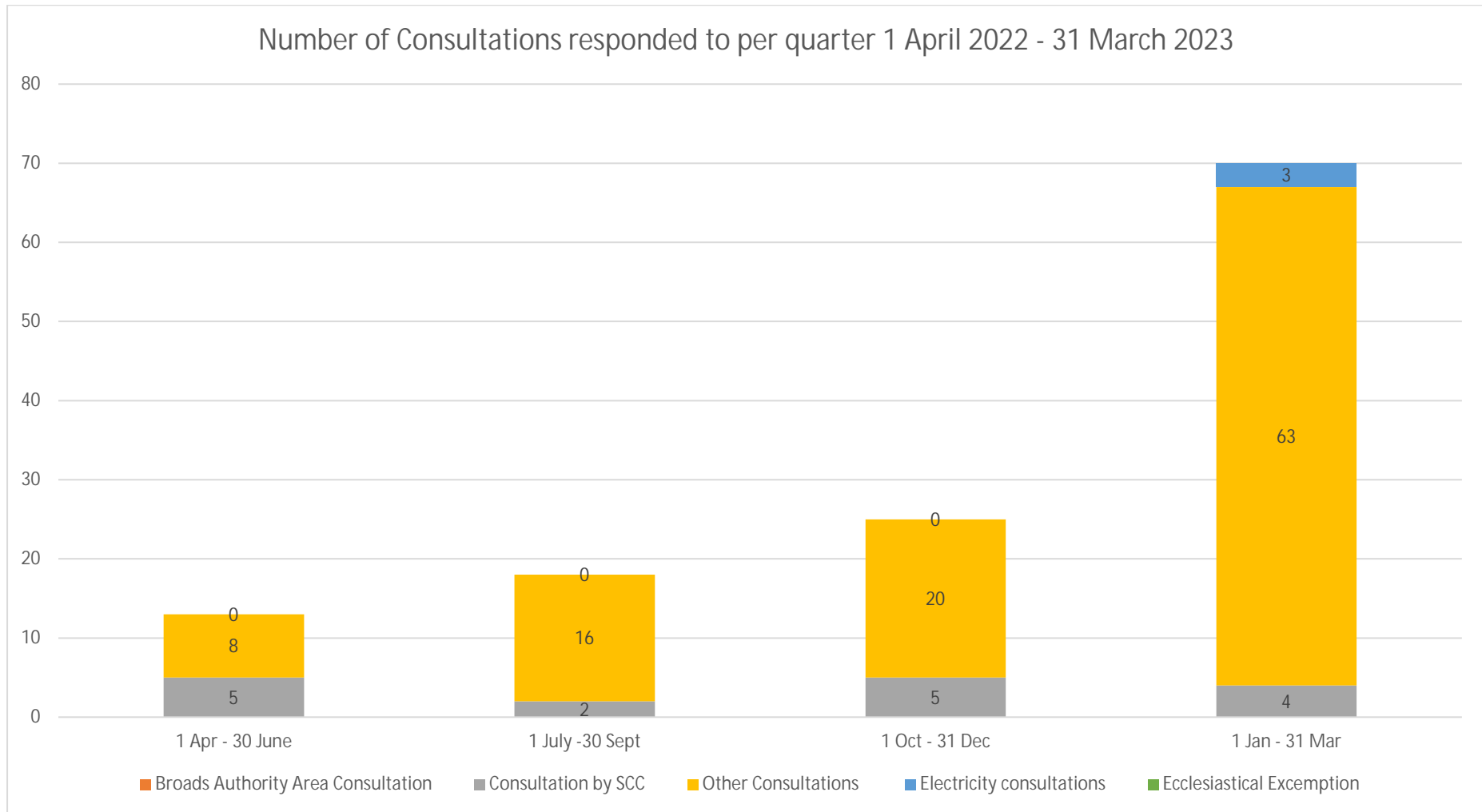
**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

**Figure 13:** Number of Applications for “Planning related Pre-applications responded to/closed per quarter between 1 April 2022 and 31 March 2023



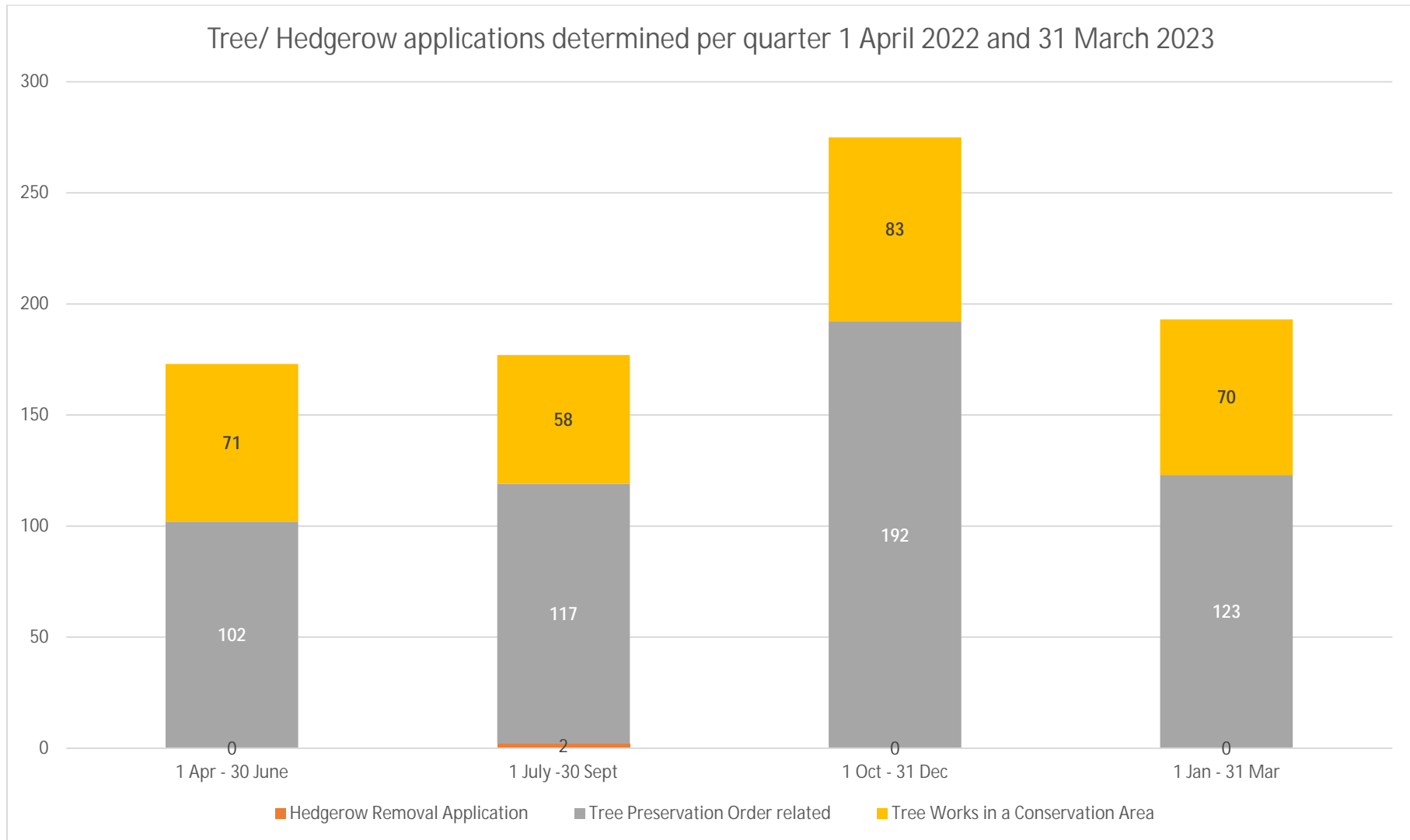
**Appendix C: The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023**

**Figure 14:** Number of consultations responded to per quarter between 1 April 2022 and 31 March 2023



**Appendix C:** The numbers of various types of non-planning applications (but planning related) determined by quarter between 1 April 2022 and 31 March 2023

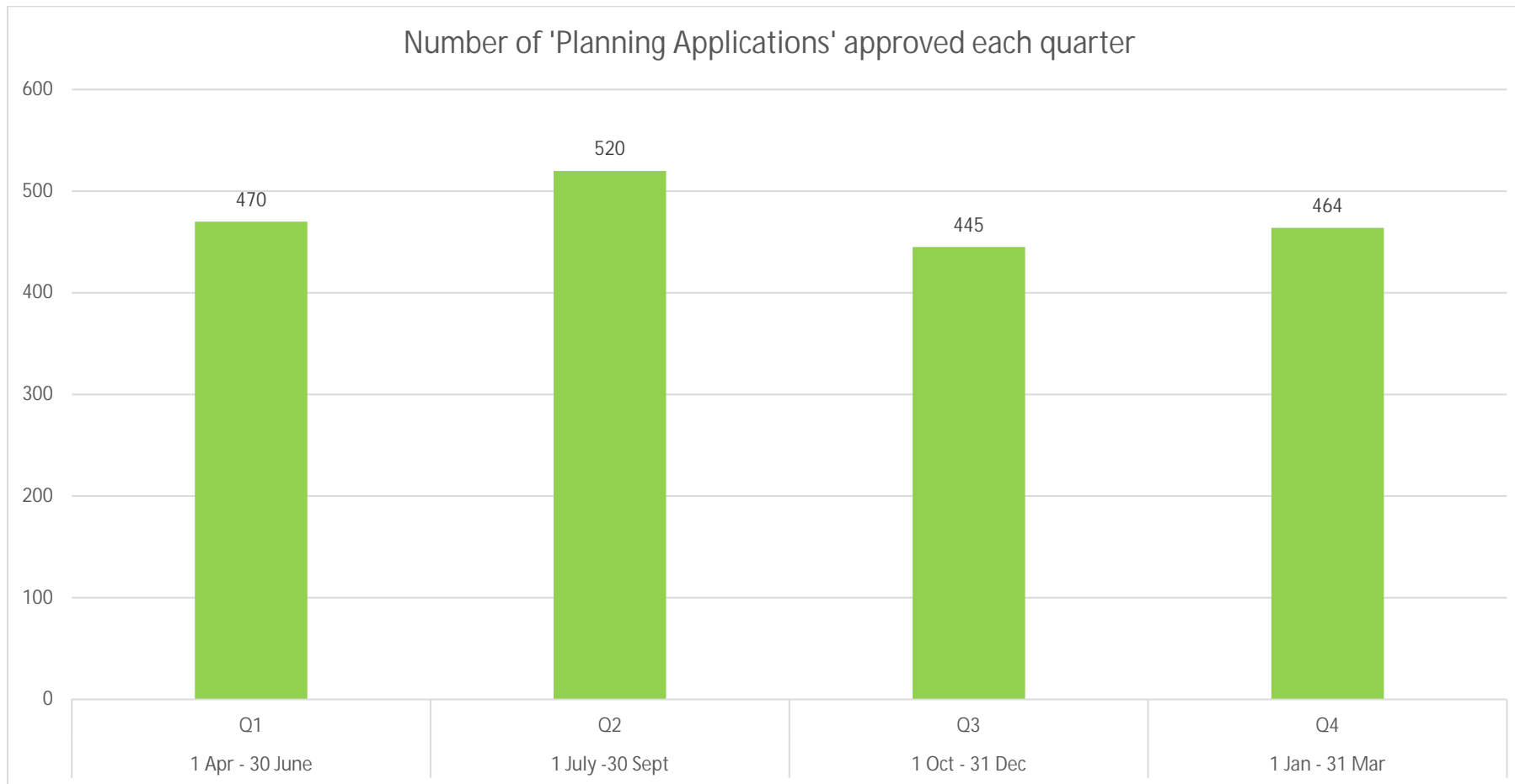
**Figure 15:** Number of tree/hedgerow work applications determined per quarter between 1 April 2022 and 31 March 2023



**Appendix D** The determination outcomes of 'Planning Applications' determined by quarter between 1 April 2022 and 31 March 2023

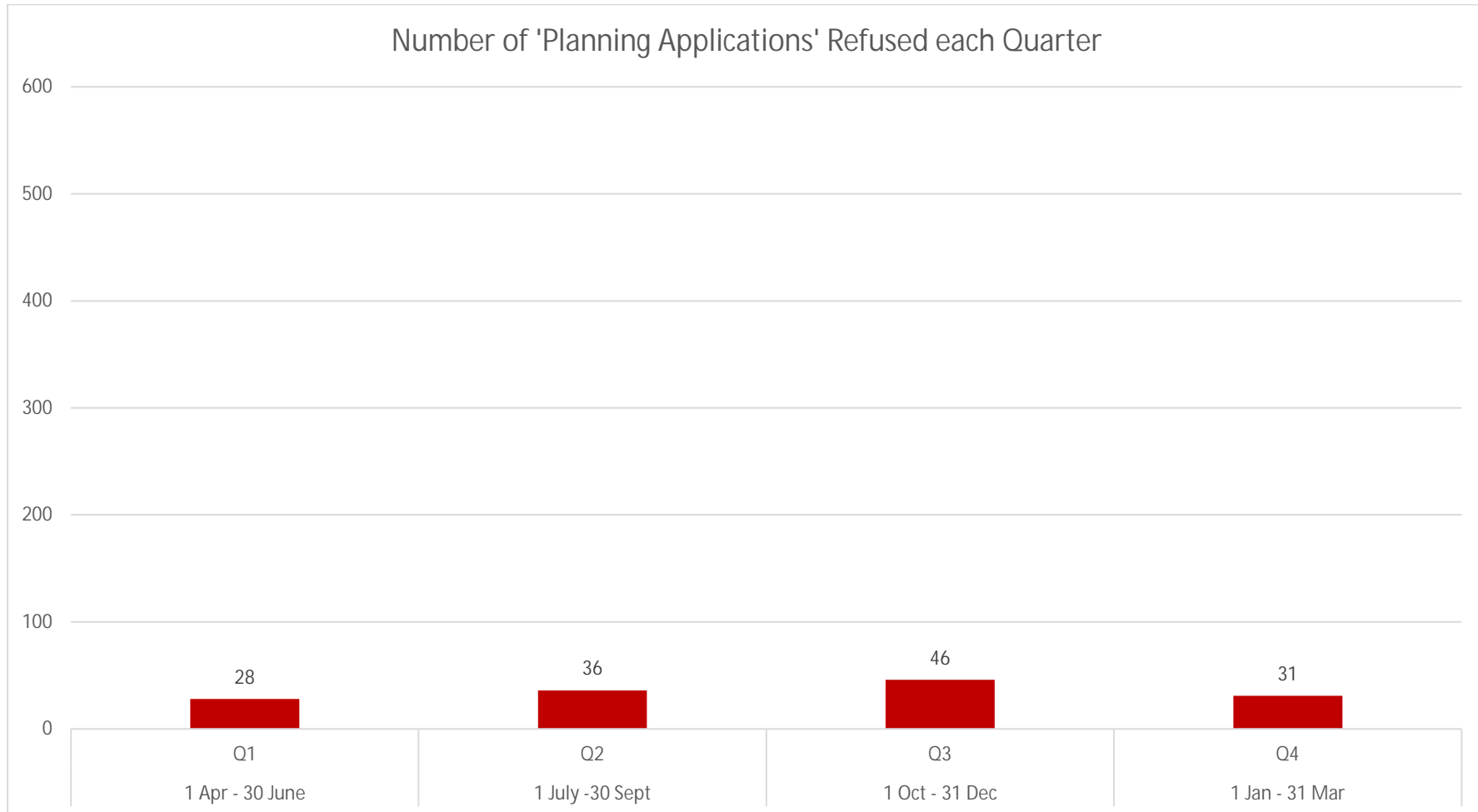
**Appendix D:** The determination outcomes of 'Planning Applications' determined each quarter 1 April 2022 -31 March 2023

**Figure 1:** The number of 'Planning Applications' Approved each quarter between 1 April 2022 and 31 March 2023



**Appendix D:** The determination outcomes of 'Planning Applications' determined each quarter 1 April 2022 -31 March 2023

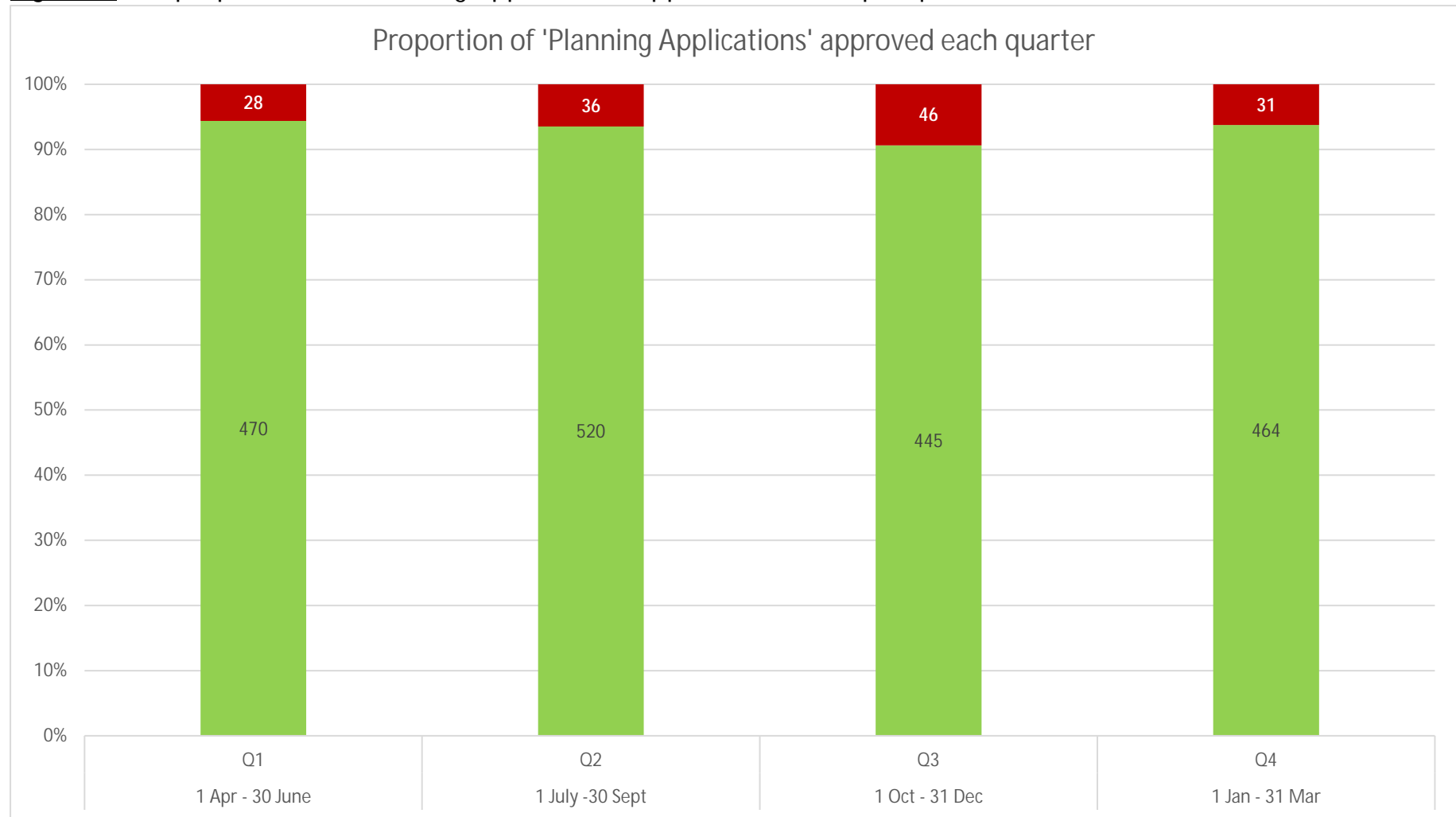
**Figure 2:** The number of 'Planning Applications' refused per quarter between 1 April 2022 and 31 March 2023





**Appendix D: The determination outcomes of 'Planning Applications' determined each quarter 1 April 2022 -31 March 2023**

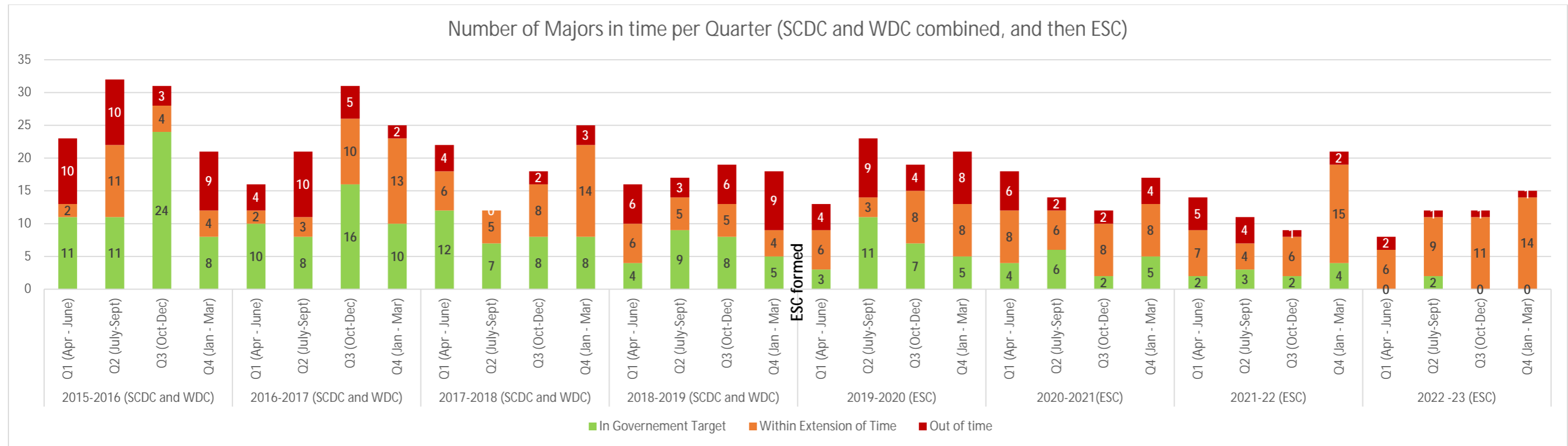
**Figure 3:** The proportions of 'Planning Applications' approved/refused per quarter 2022 -2023



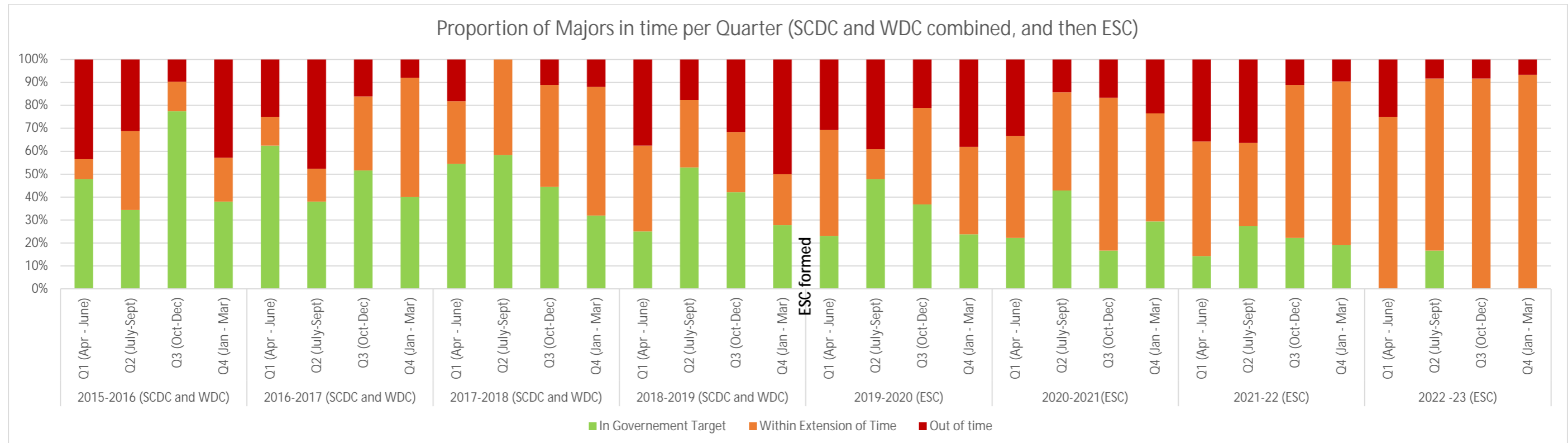
## **Appendix E The timeliness of 'Planning Decisions'**

Appendix E: The timeliness of 'Planning Decisions'

**Figure 1:** The Number of 'Major' applications determined in time per quarter by Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC(April 2015 – March 2023)

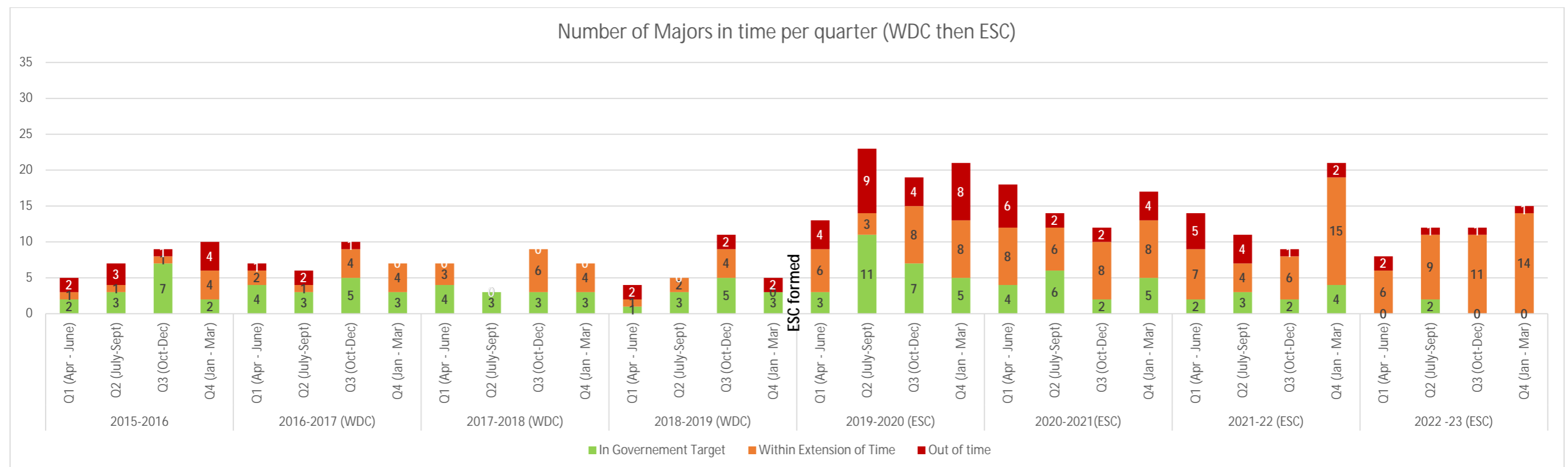
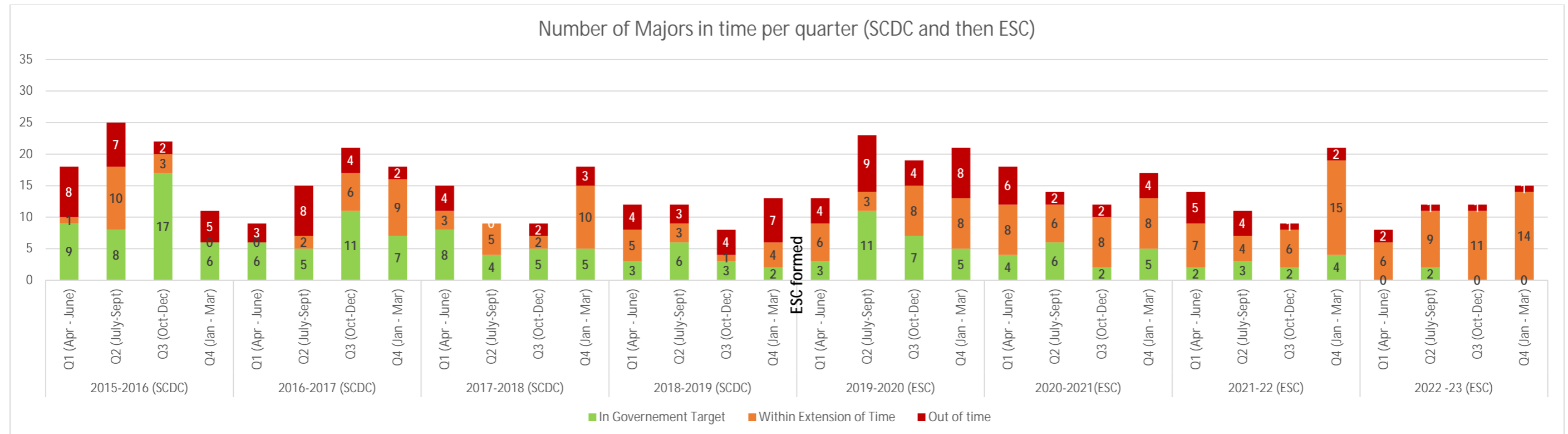


**Figure 2:** The Proportion of 'Major' applications determined in time per quarter by Suffolk Coastal District Council (SCDC) and (Waveney District Council WDC) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC(April 2015 – March 2023)



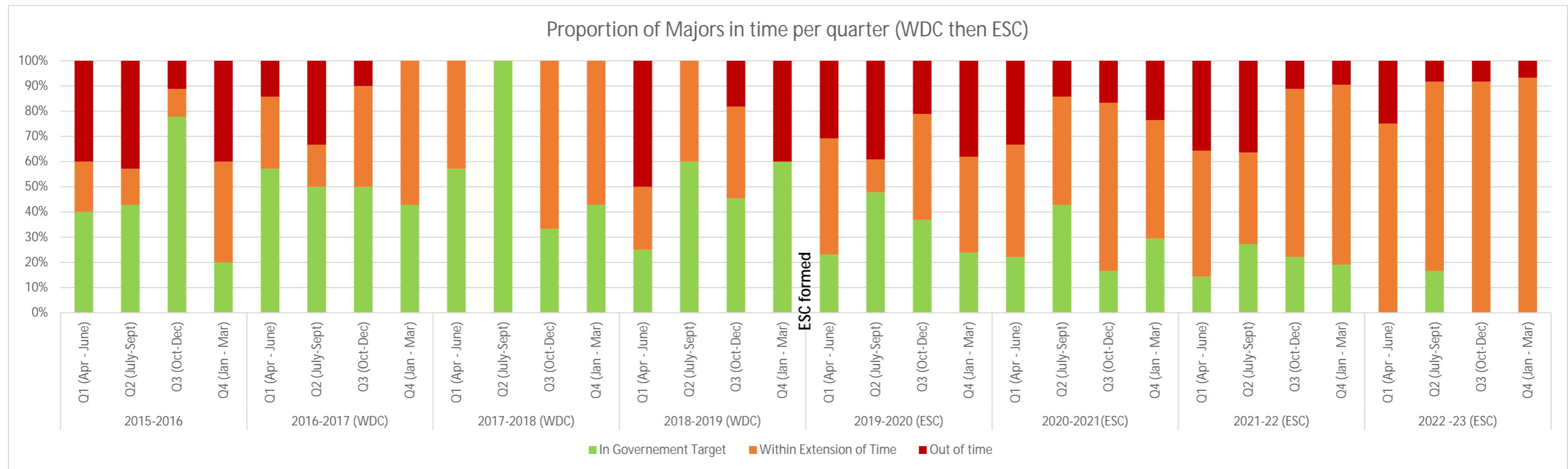
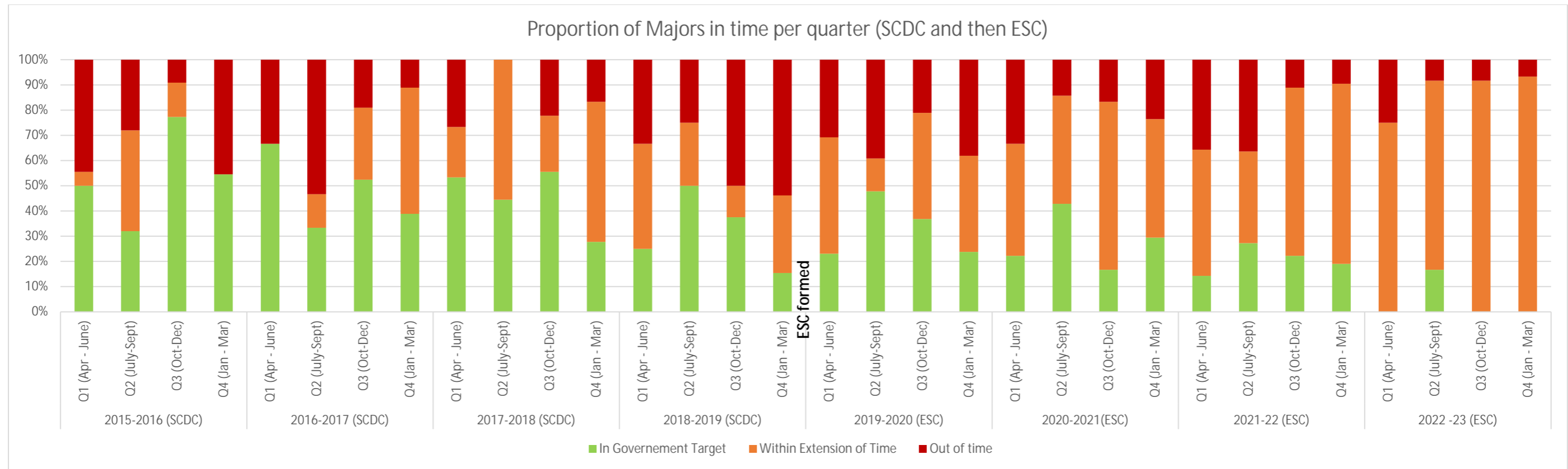
## Appendix E: The timeliness of 'Planning Decisions'

**Figure 3:** The Number of 'Major' applications determined in time per quarter by each Local Planning Authority (Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC)) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC(April 2015 – March 2023)



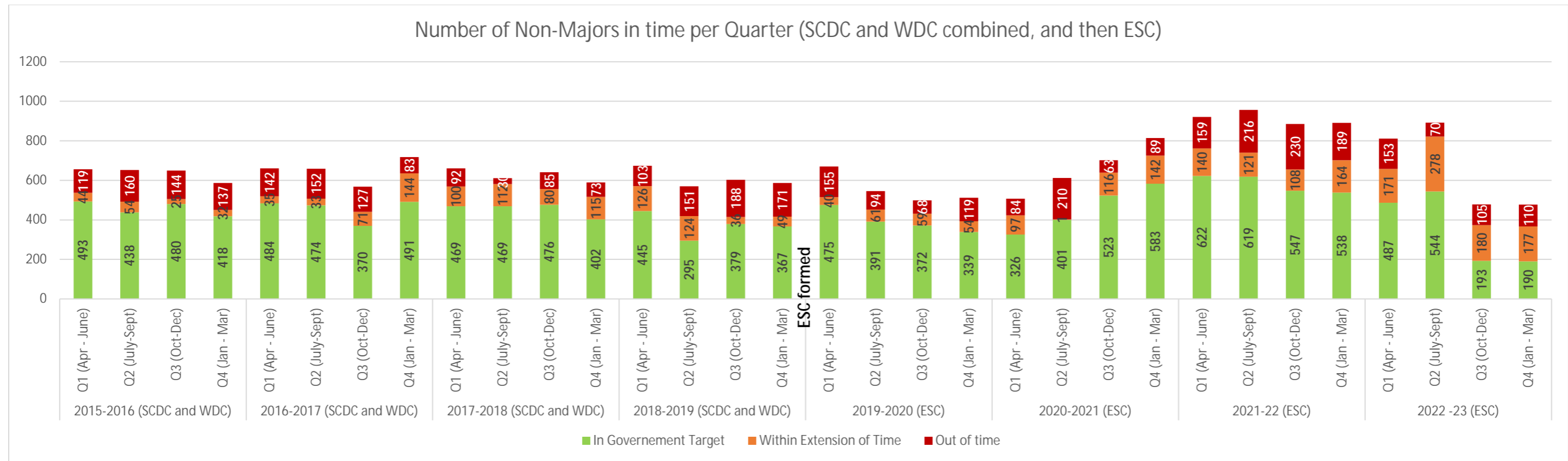
Appendix E: The timeliness of 'Planning Decisions'

**Figure 4:** The Proportion of 'Major' applications determined in time per quarter by each Local Planning Authority (Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC)) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC(April 2015 – March 2023)

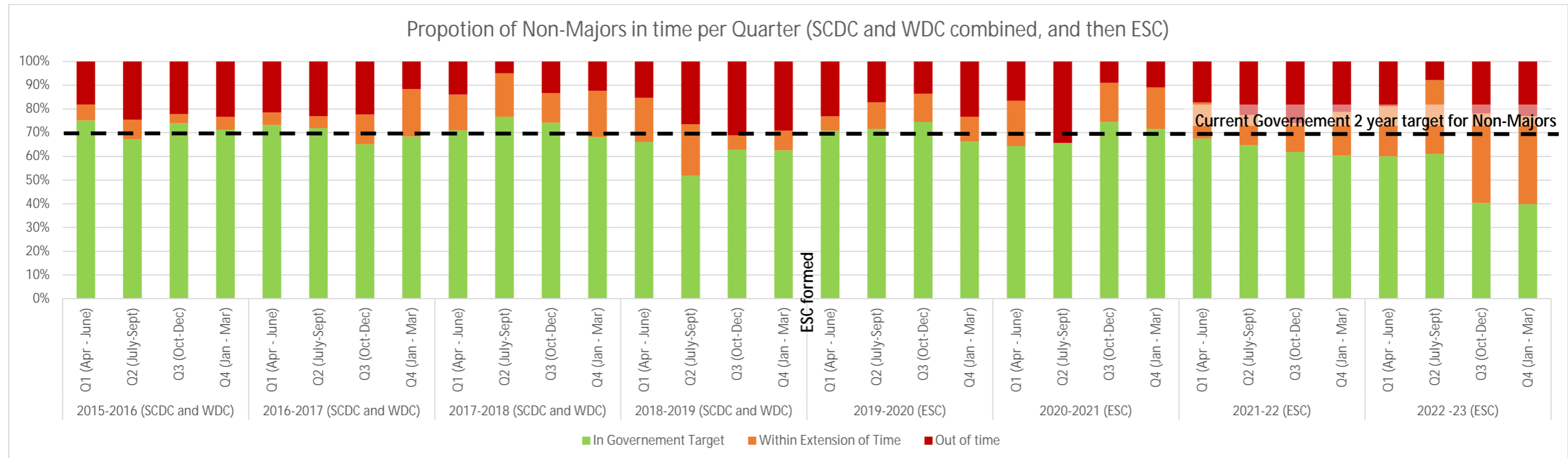


Appendix E: The timeliness of 'Planning Decisions'

**Figure 5:** The Number of 'Non-Major' applications determined in time per quarter by Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC (April 2015 – March 2023)

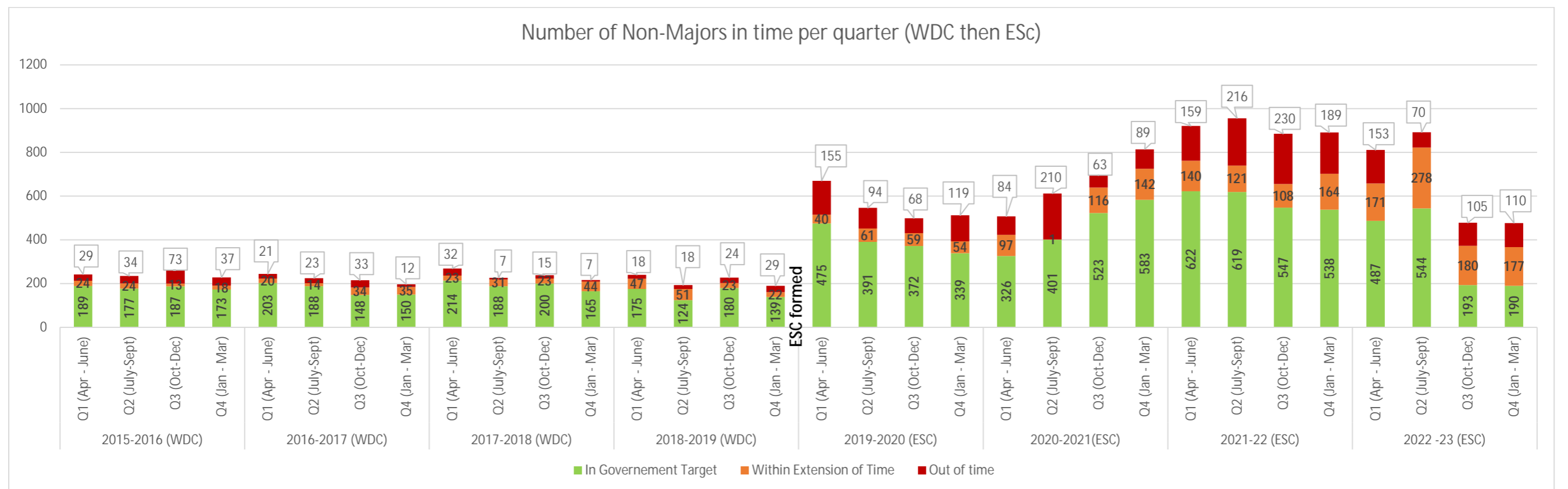
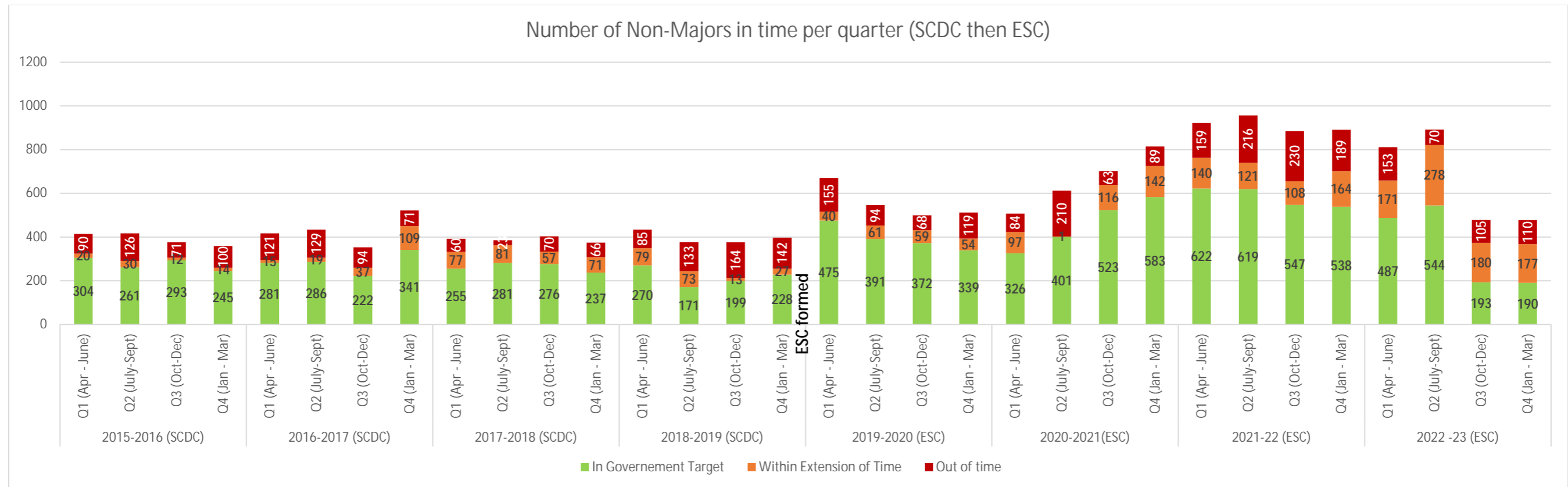


**Figure 6:** The Proportion of 'Non-Major' applications determined in time per quarter by Suffolk Coastal District Council (SCDC) and (Waveney District Council WDC) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC (April 2015 – March 2023)



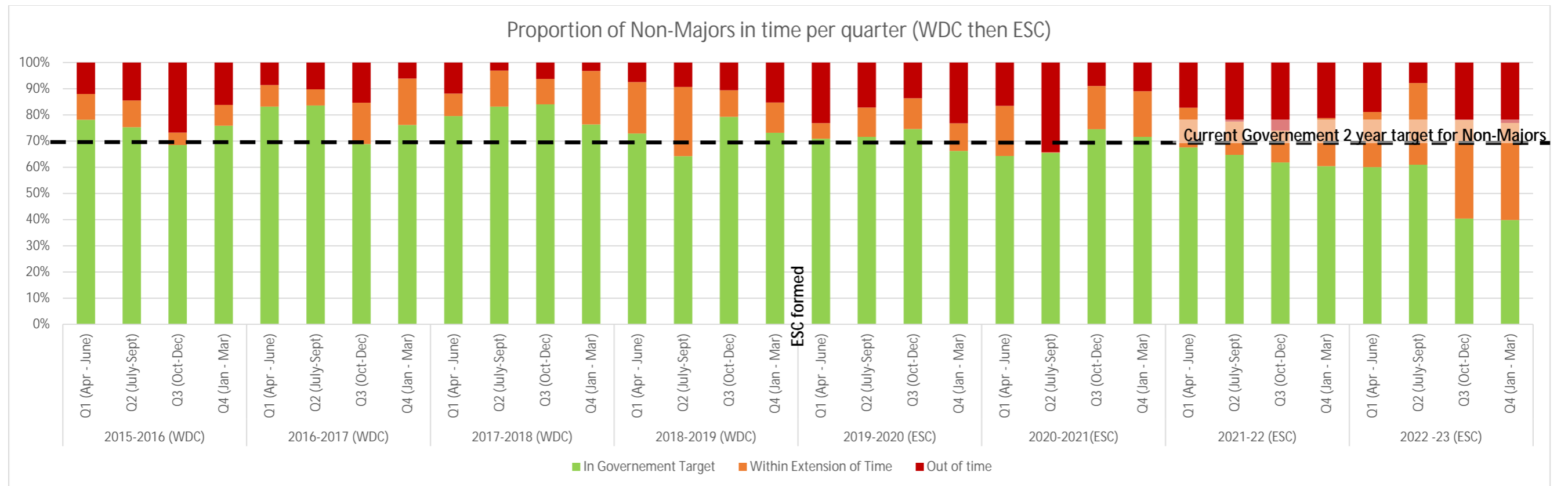
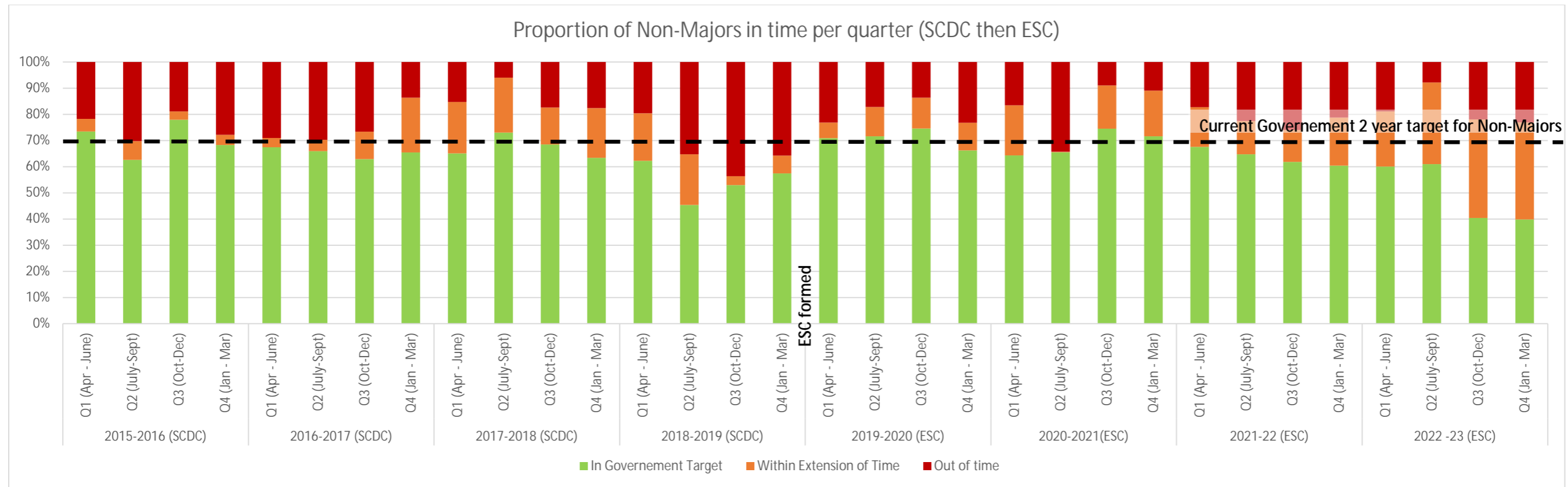
Appendix E: The timeliness of 'Planning Decisions'

**Figure 7:** The Number of 'Non-Major' applications determined in time per quarter by each Local Planning Authority (Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC)) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC (April 2015 – March 2023)



Appendix E: The timeliness of 'Planning Decisions'

**Figure 8:** The Proportion of 'Non-Major' applications determined in time per quarter by each Local Planning Authority (Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC)) for the 4 year prior to the formation of East Suffolk Council (ESC) and the for the four years since the formation of ESC (April 2015 – March 2023)

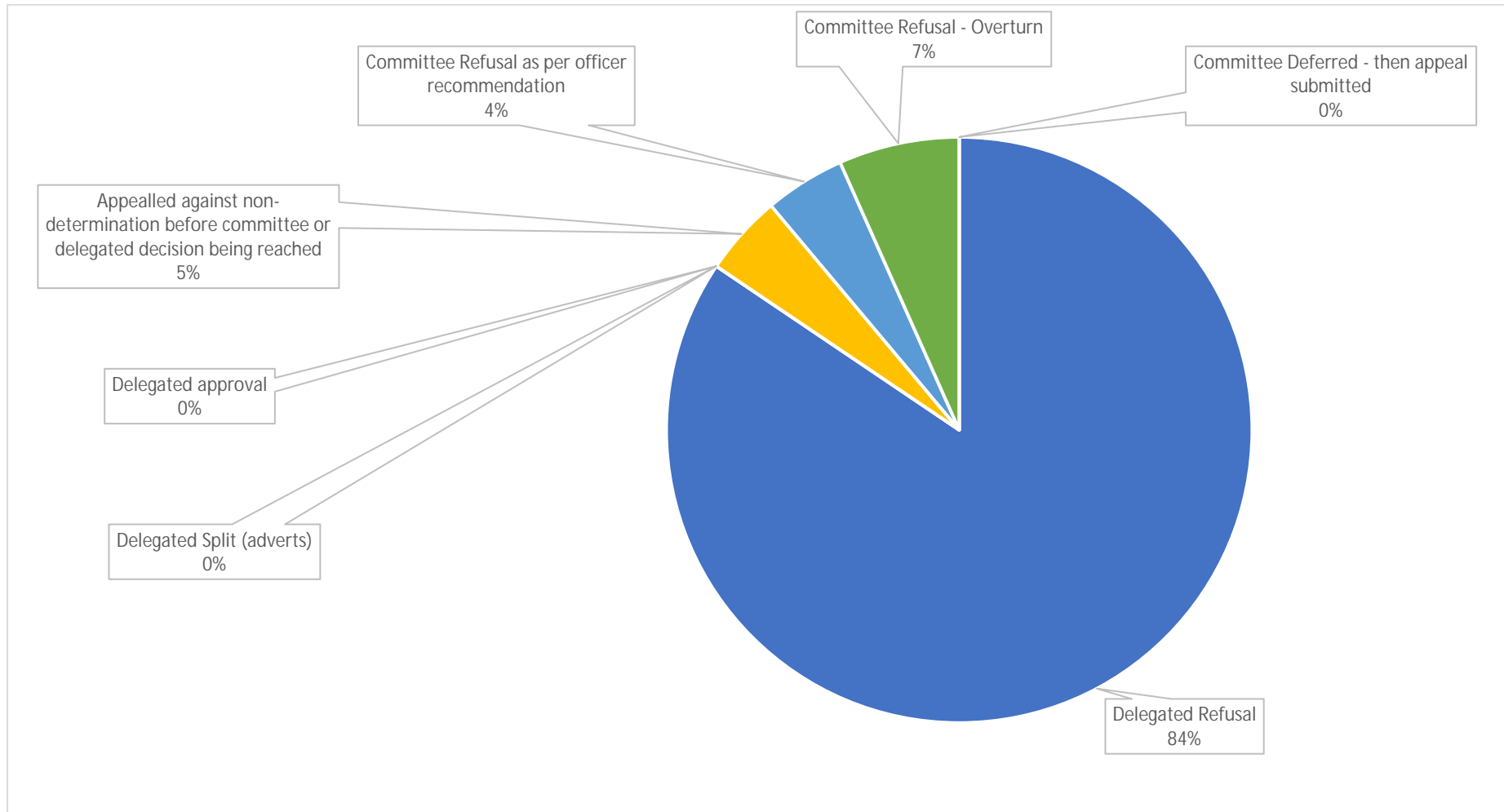




**Appendix F Outcomes of Appeals between 1 April 2022 and  
31 March 2023**

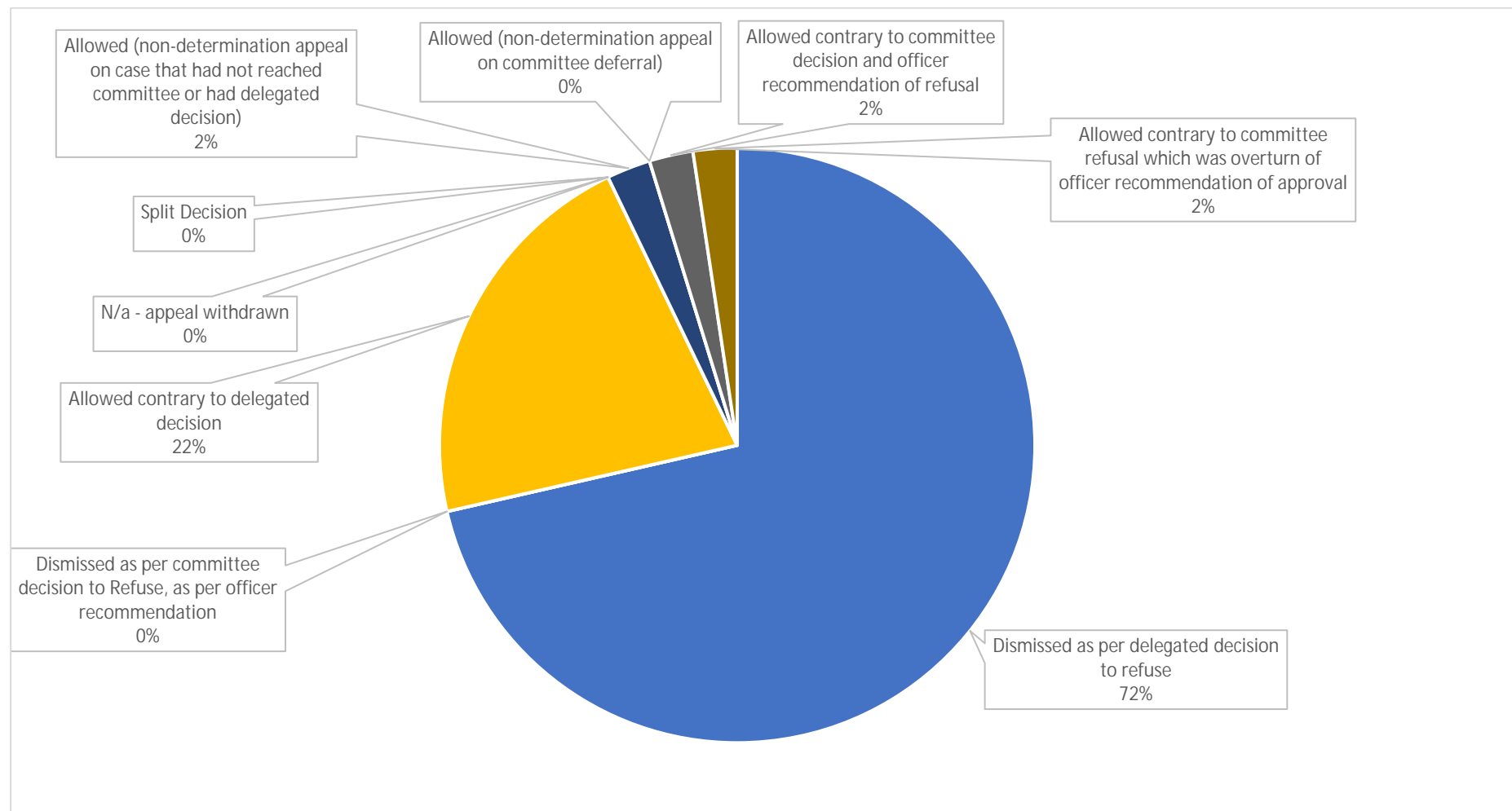
## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

**Figure 1:** : The cases appeals were submitted against in terms of proportions broken down by ESC decision route (those with appeal decisions issued between 1 April 2022 and 31 March 2023)



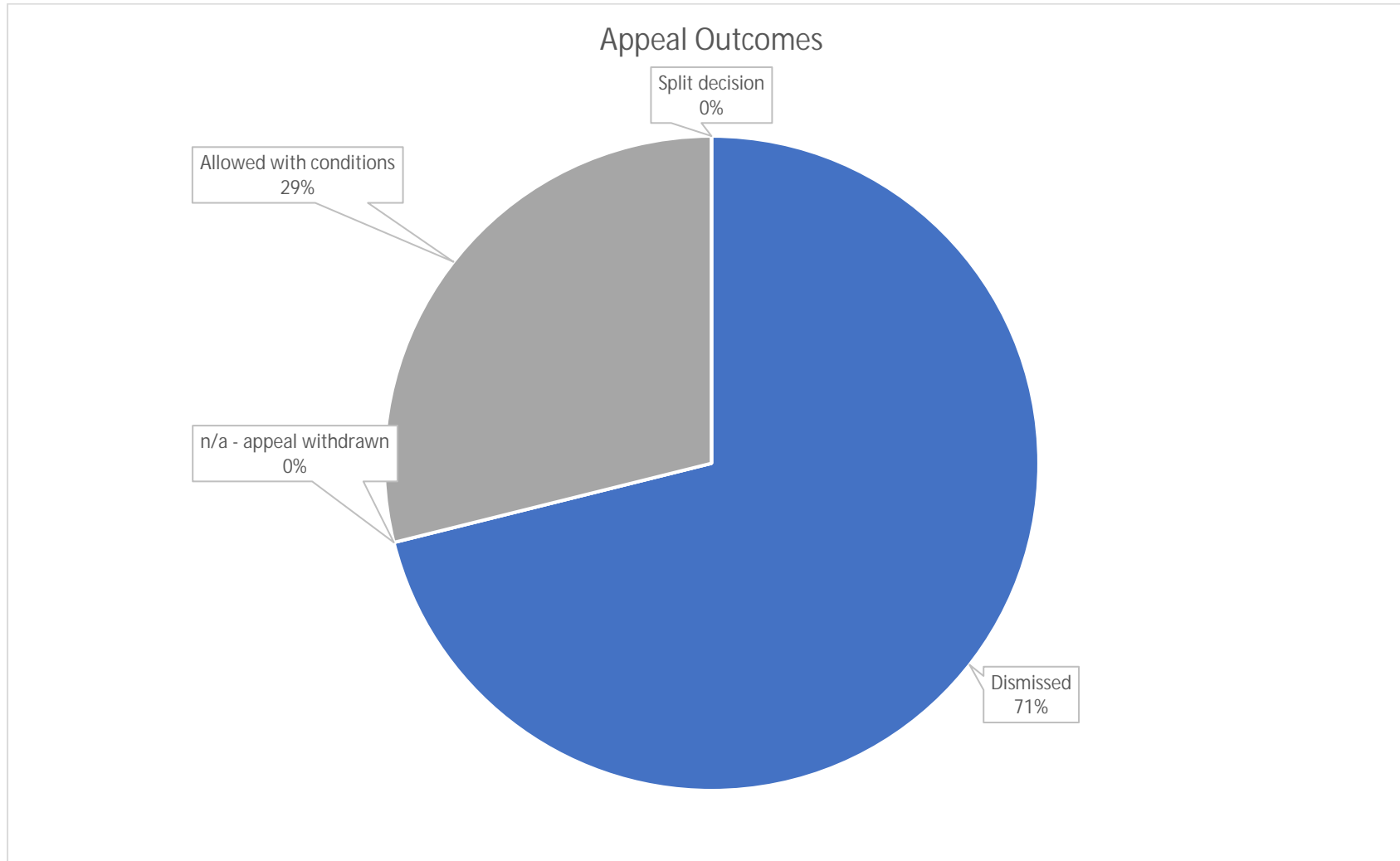
## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

**Figure 2:** The Appeal Outcomes in terms of proportions broken down by ESC decision route and outcome (those with appeal decisions issued between 1 April 2022 and 31 March 2023).



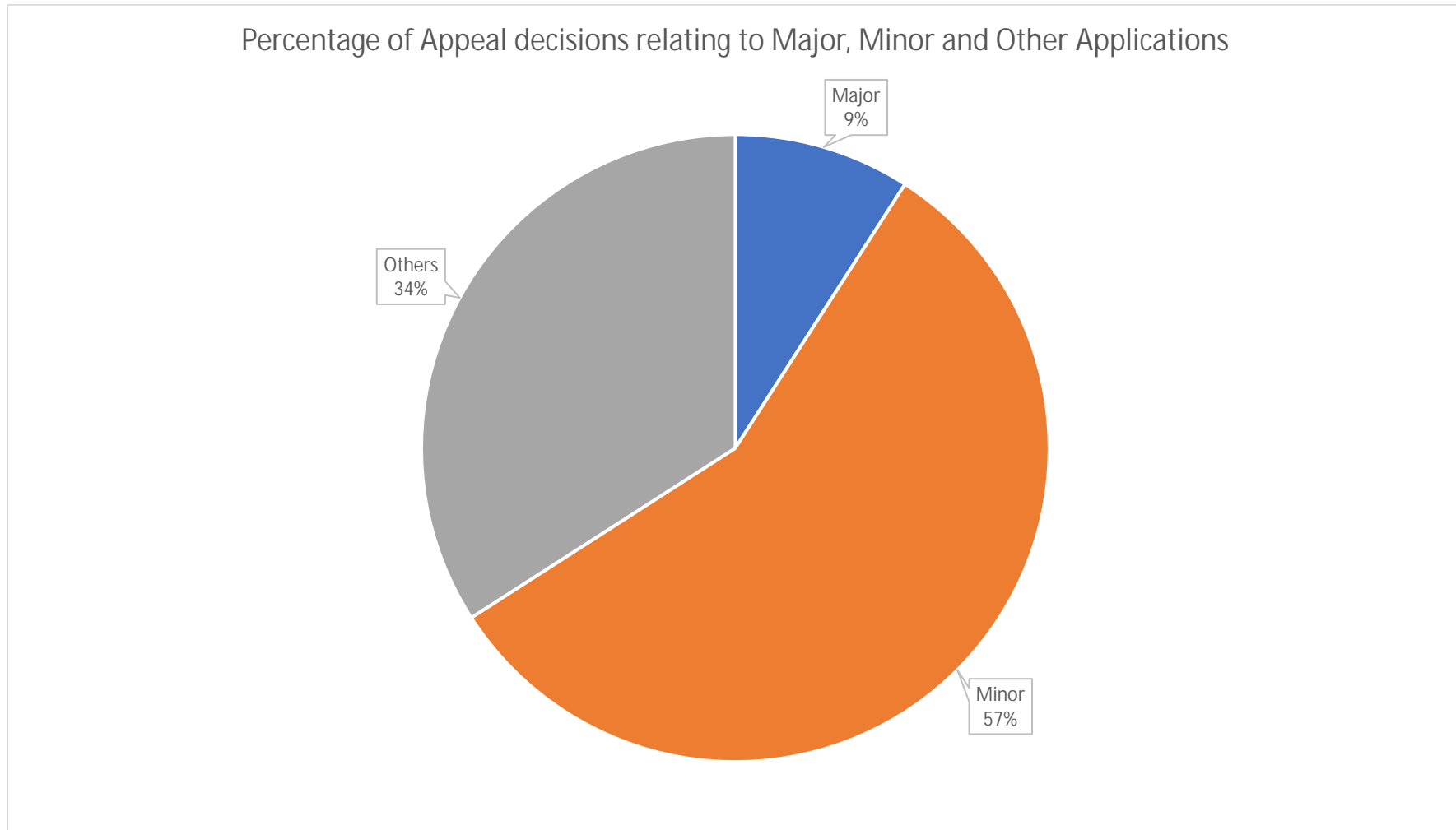
## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

**Figure 3:** Overall Appeal Outcomes (those with appeal decisions issued between 1 April 2022 and 31 March 2023).



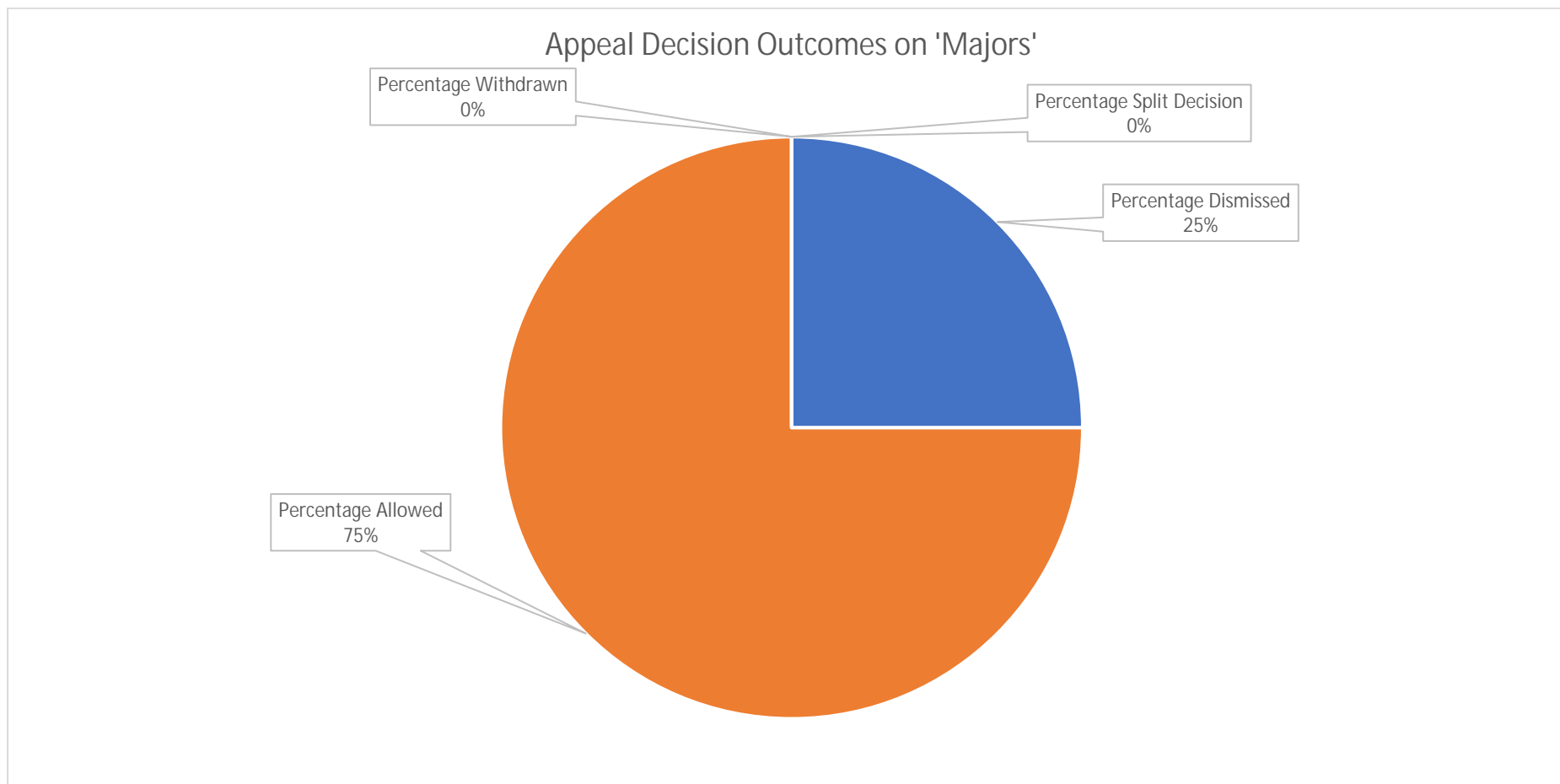
## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

**Figure 4:** Percentage of appeals relating to Major, Minor and Other cases (those with appeal decisions issued between 1 April 2022 and 31 March 2023)



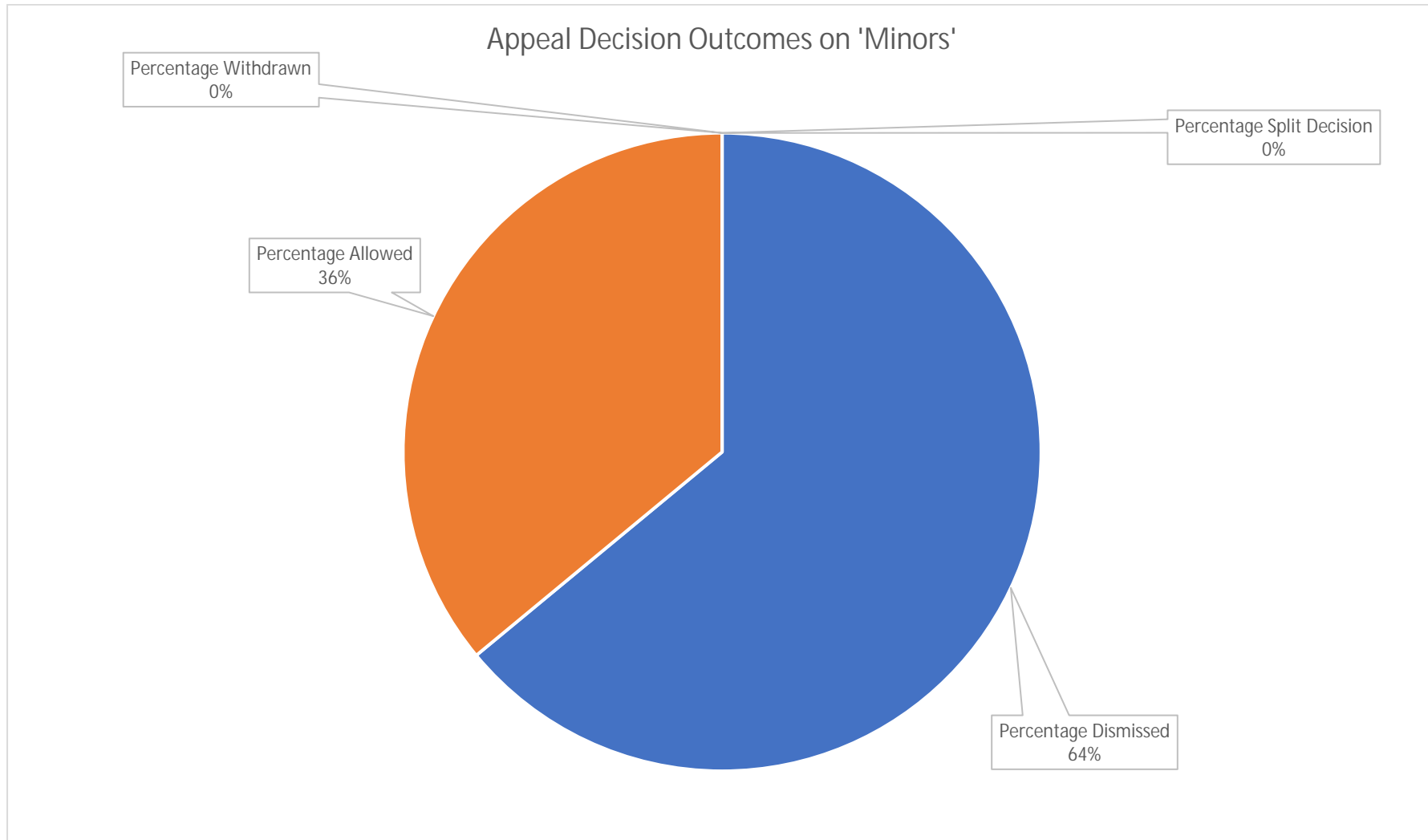
## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

**Figure 5:** The proportion of Appeal outcomes of appeal decisions received on 'Major' applications between 1 April 2022 and 31 March 2023



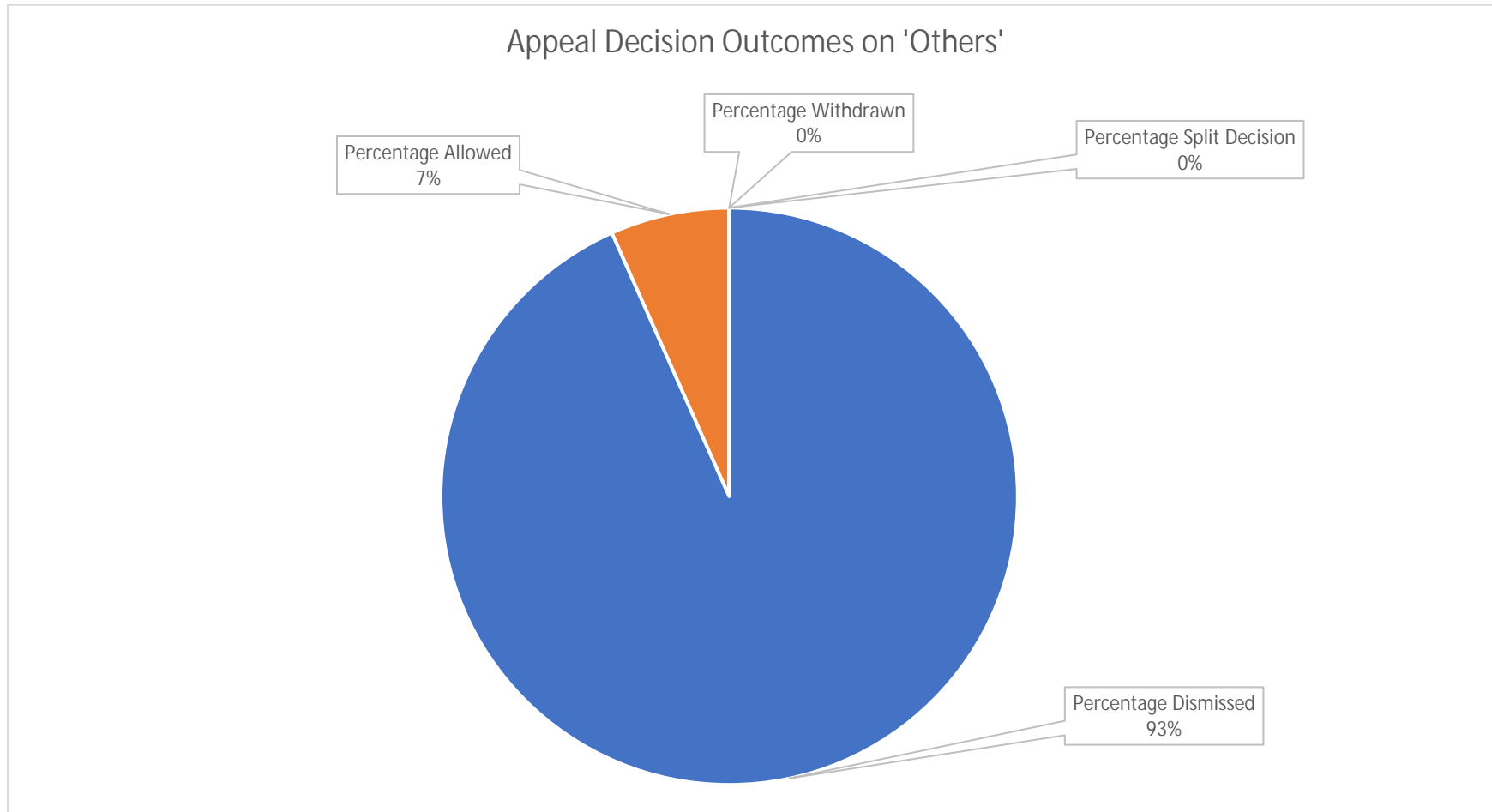
## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

**Figure 6:** The proportion of Appeal outcomes of appeal decisions received on 'Minor' applications between 1 April 2022 and 31 March 2023



## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

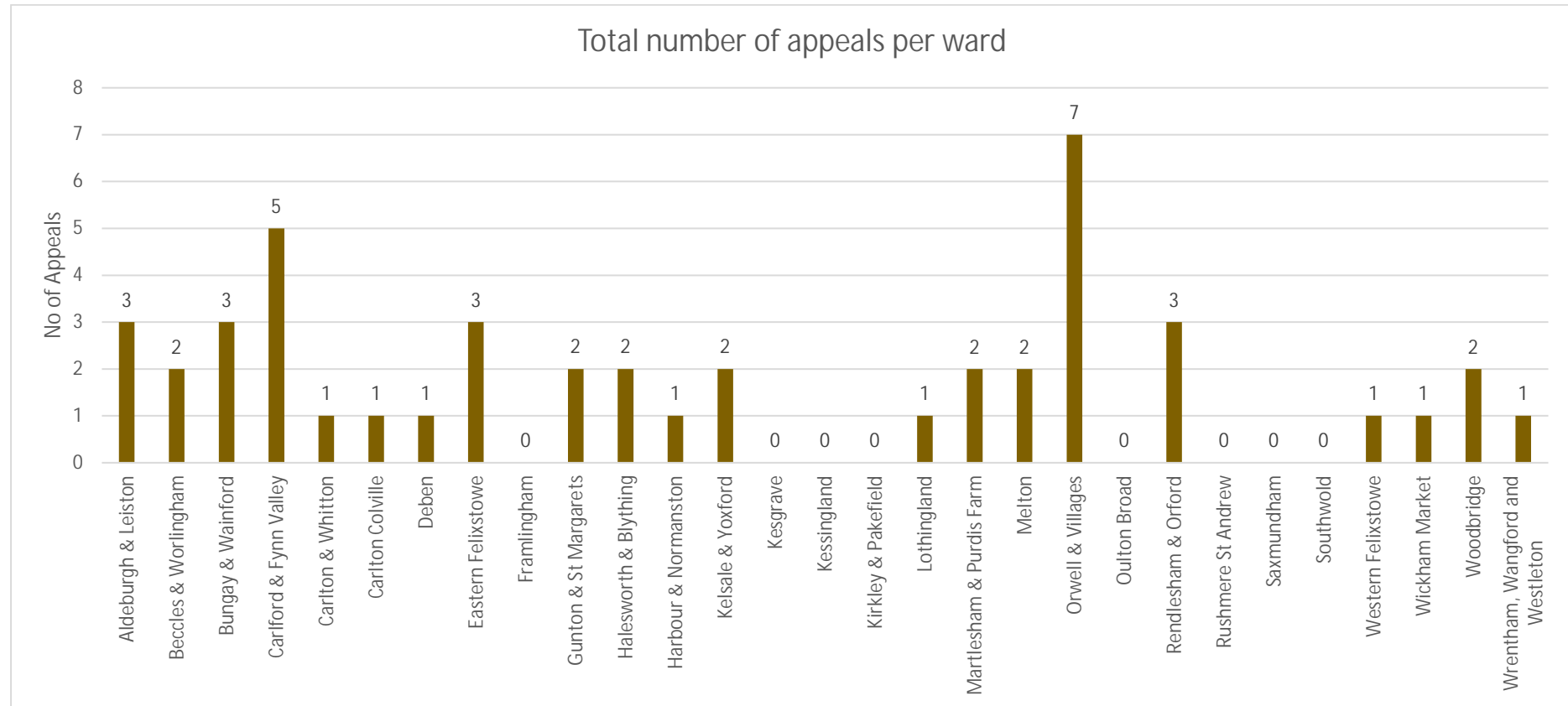
**Figure 7:** The proportion of Appeal outcomes of appeal decisions received on 'Other' applications between 1 April 2022 and 31 March 2023





## Appendix F: Outcomes of Appeals between 1 April 2022 and 31 March 2023

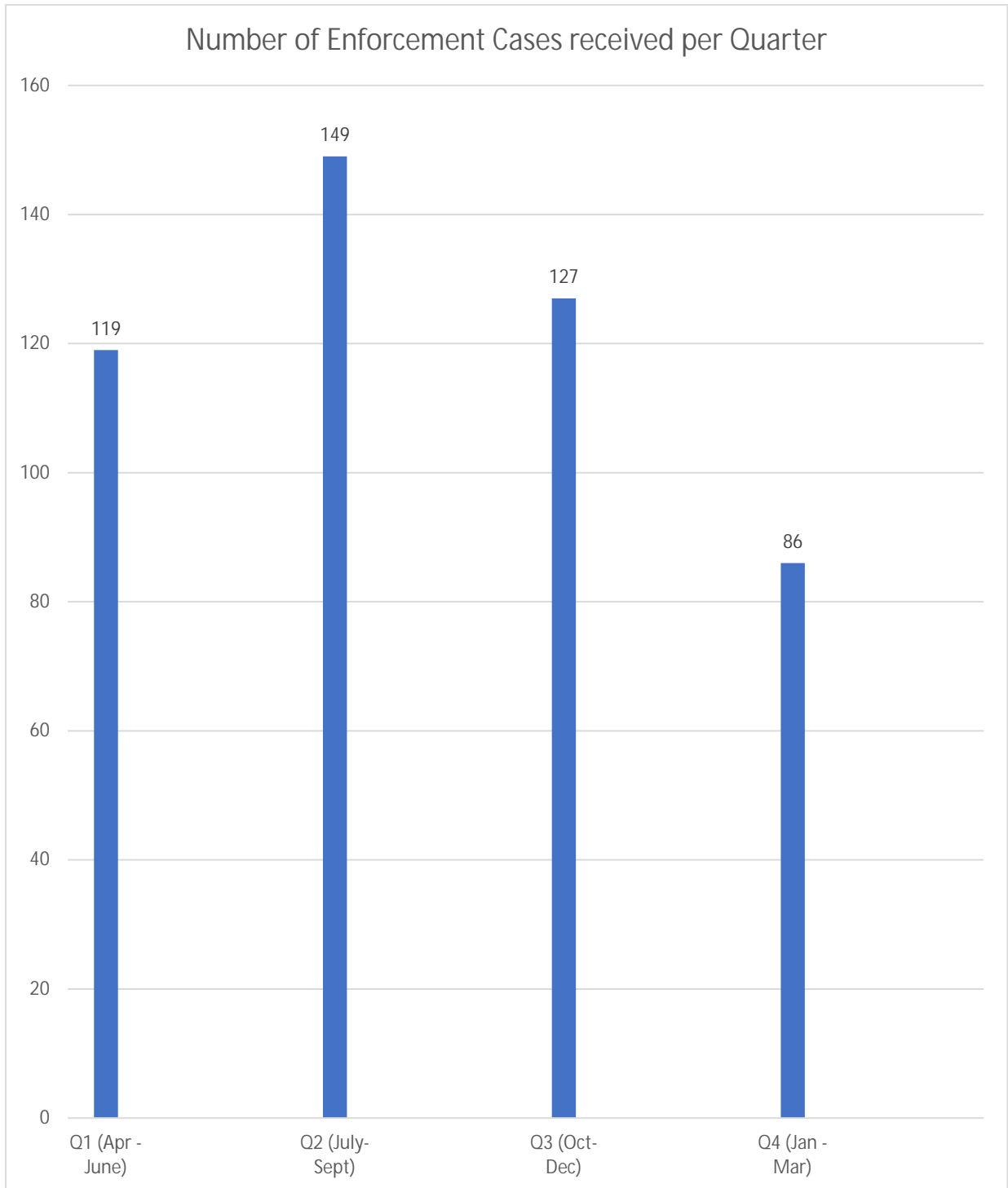
**Figure 8:** The number of appeal decisions on planning related applications received per ward between 1 April 2022 and 31 March 2023



## **Appendix G** Numbers of Planning Enforcement Cases received/Logged

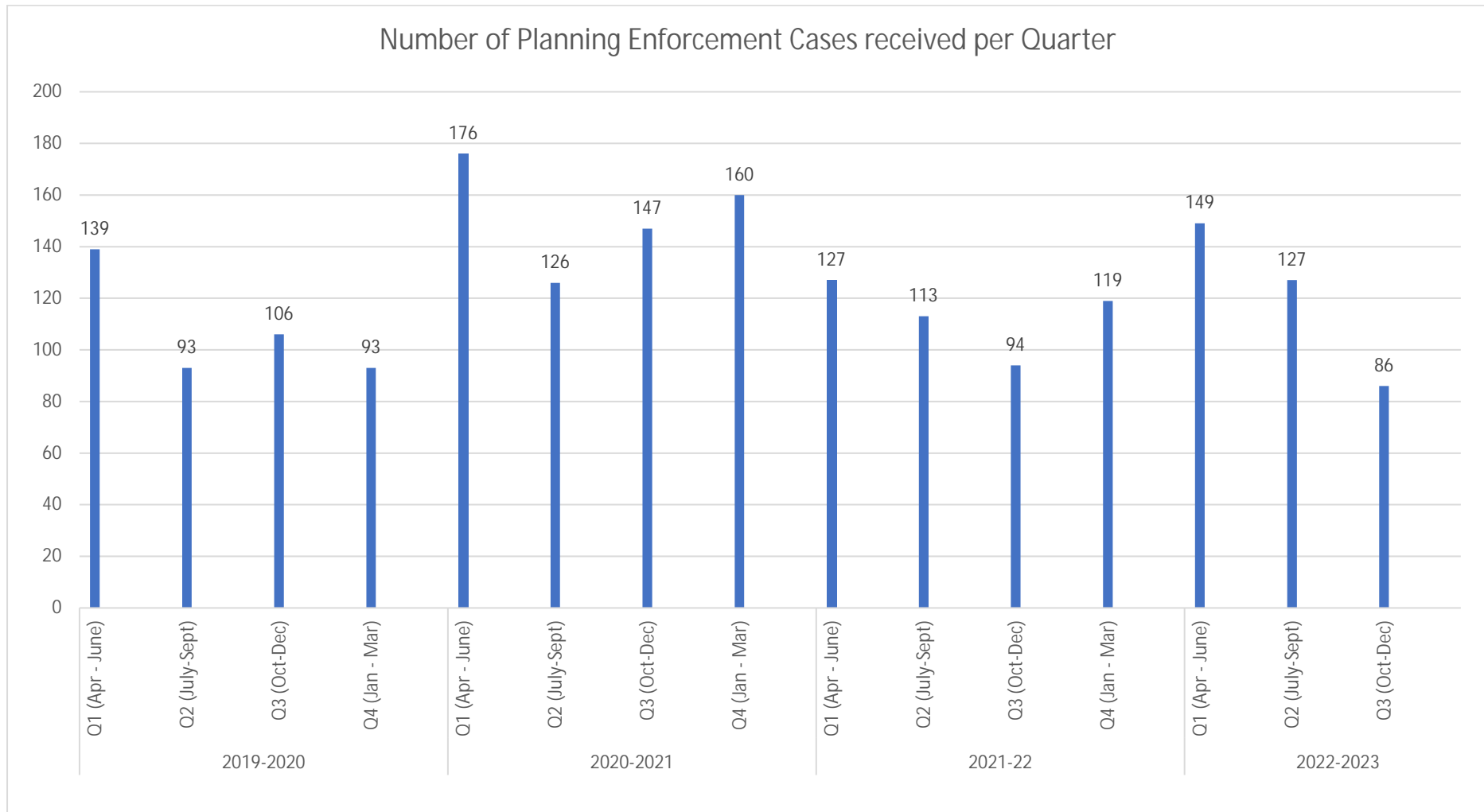
## Appendix G: The number of Planning Enforcement Cases received /logged

**Figure 1:** The number of Enforcement Cases received per Quarter 1 April 2022-31March 2023



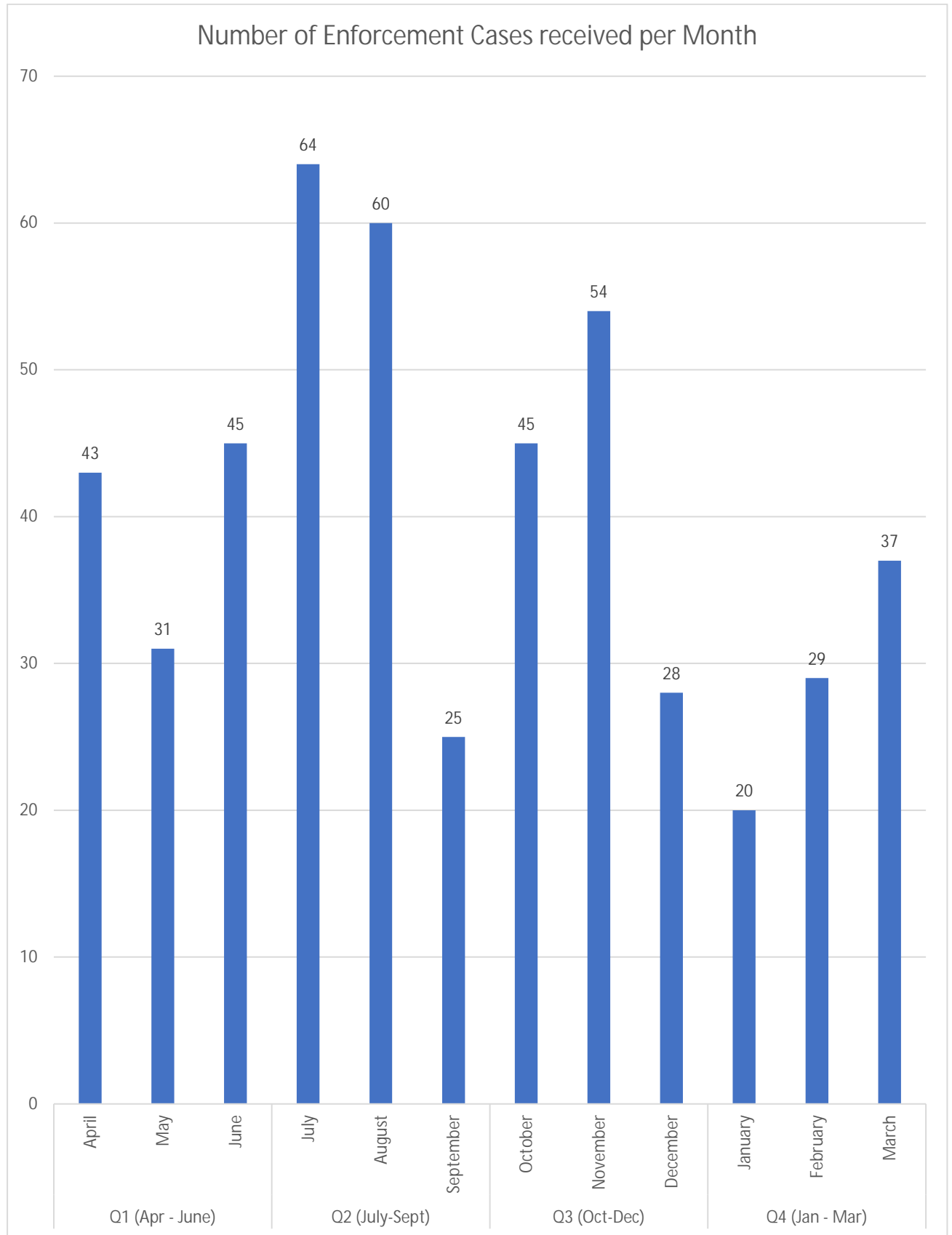
## Appendix G: The number of Planning Enforcement Cases received /logged

**Figure 2:** The number of Enforcement Cases received per Quarter July 2019-31 March 2023



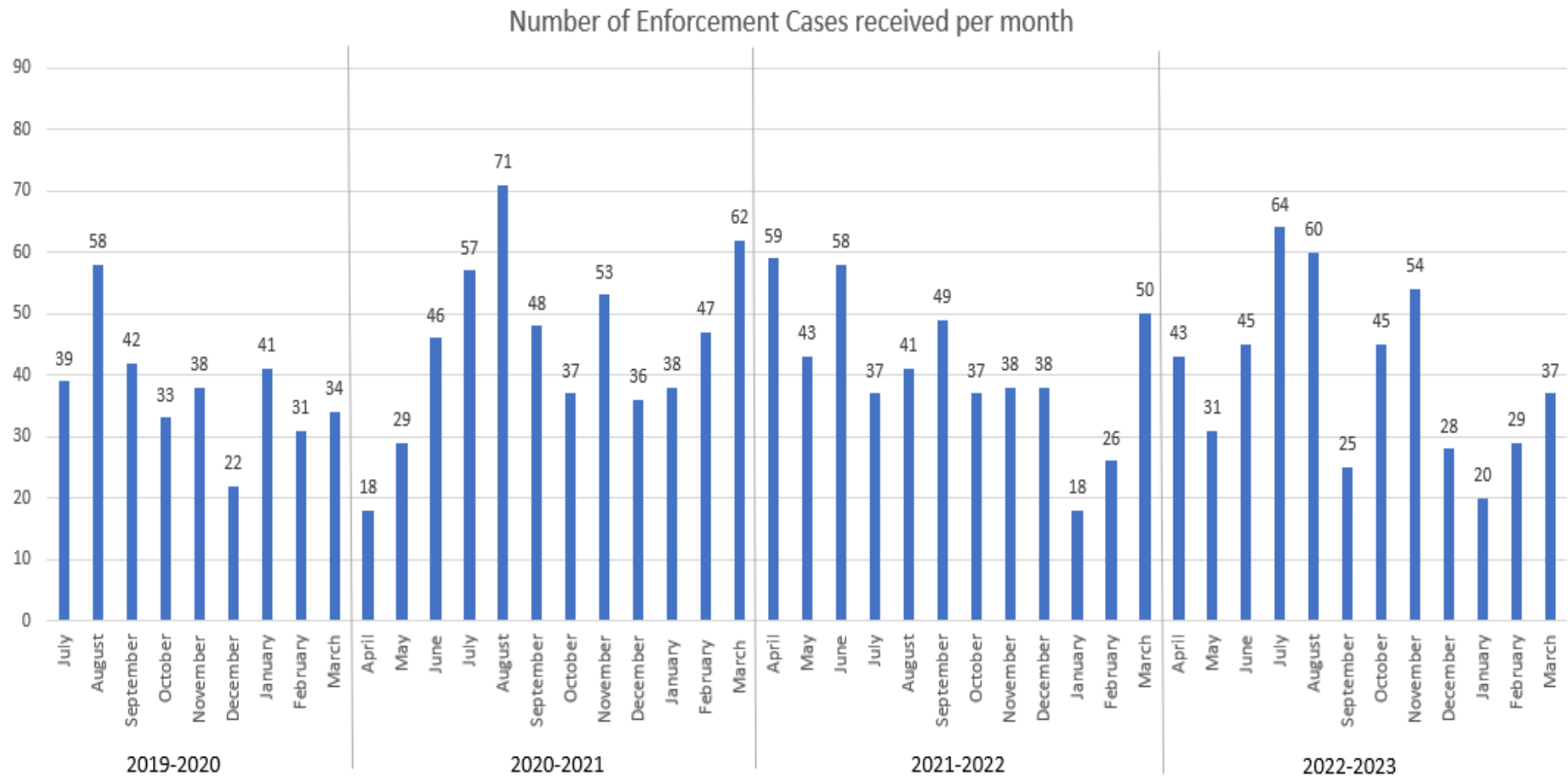
## Appendix G: The number of Planning Enforcement Cases received /logged

**Figure 3:** The number of Enforcement Cases received per Month 1 April 2022- 31 March 2023



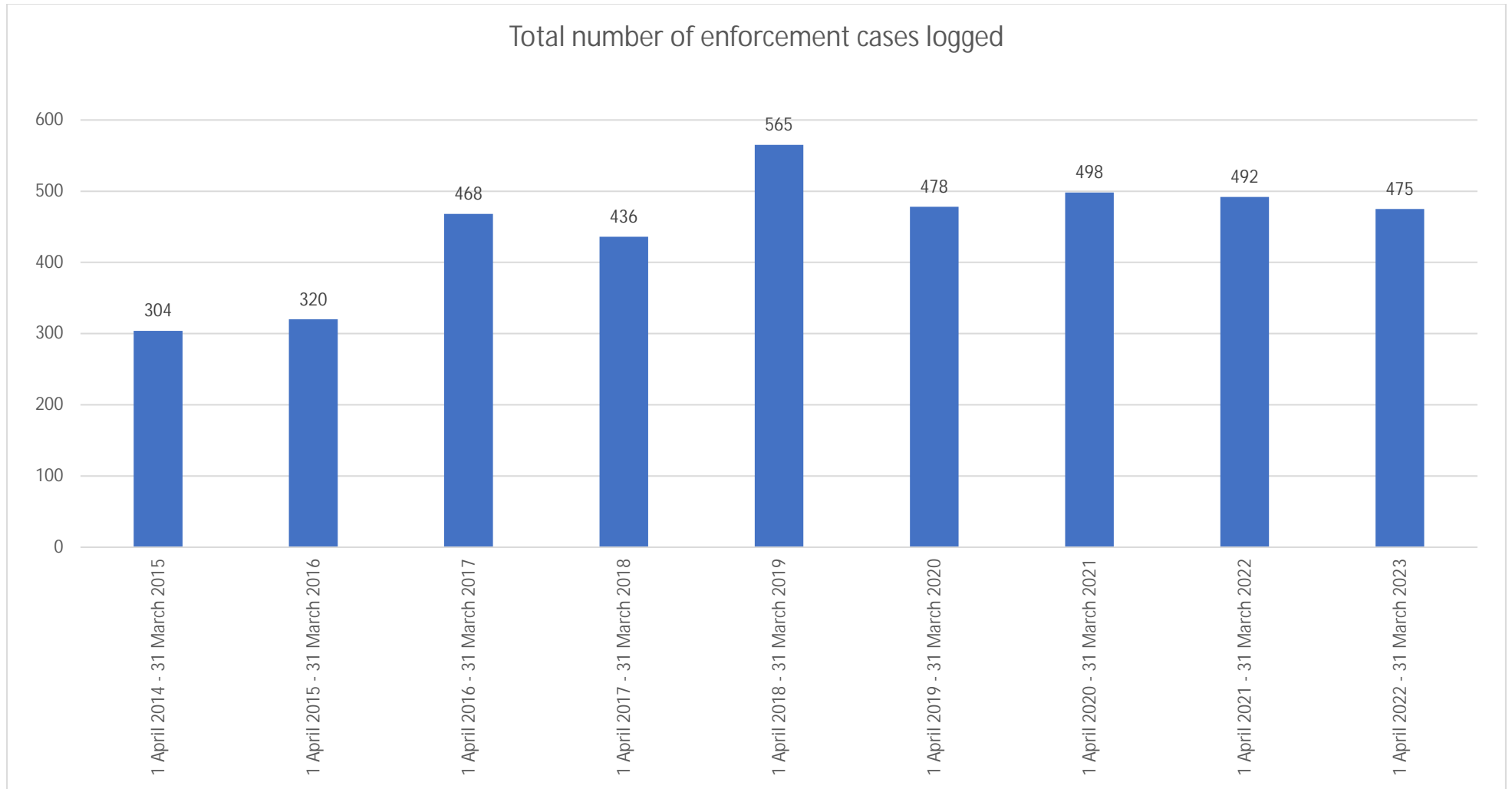
## Appendix G: The number of Planning Enforcement Cases received /logged

**Figure 4:** The number of Enforcement Cases received per Month July 2019-31 March 2023



## Appendix G: The number of Planning Enforcement Cases received /logged

**Figure 5:** The number of Enforcement Cases received each financial year 1 April 2014 – 31 March 2023.

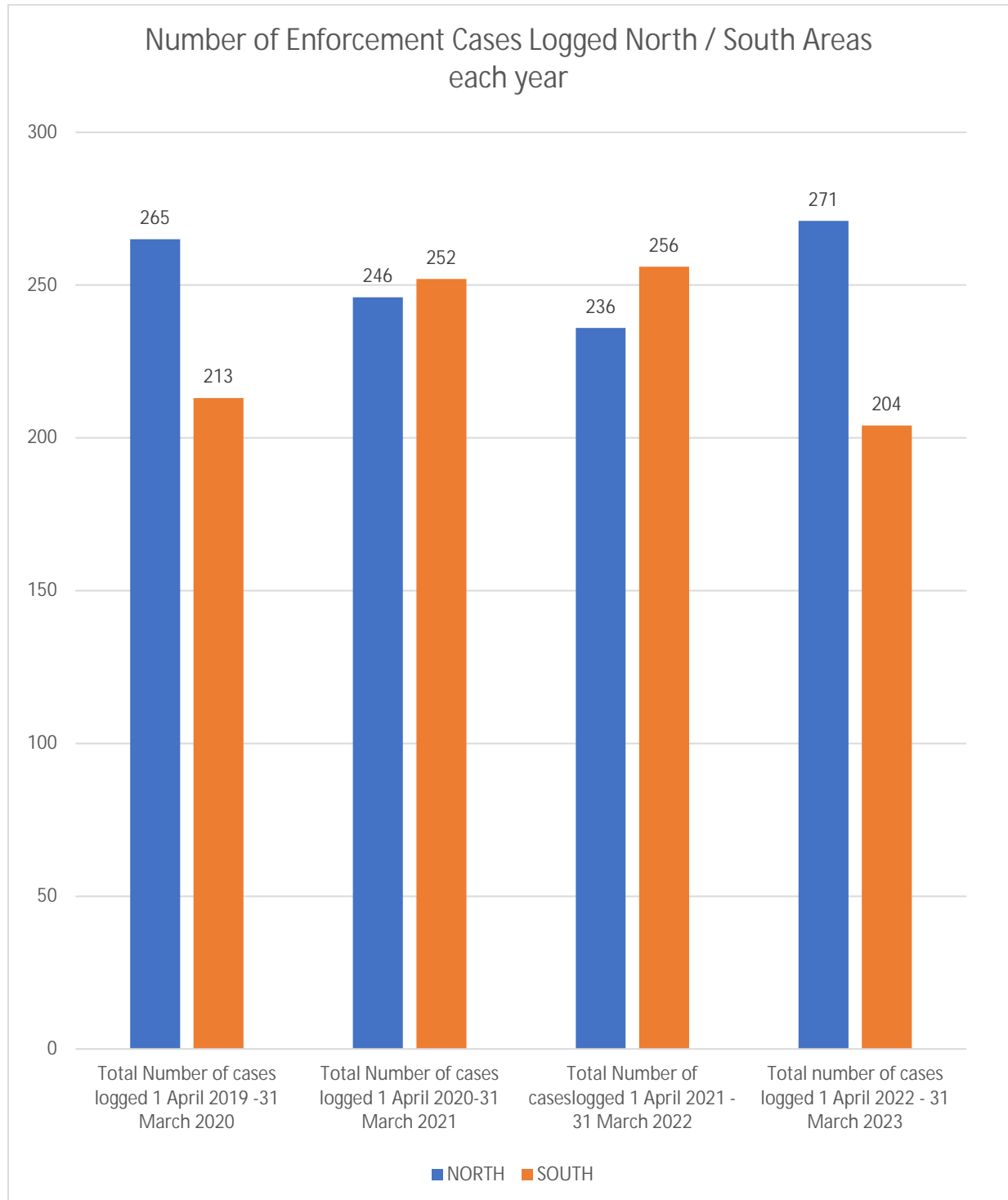


## **Appendix H Geographical Distribution of logged Enforcement Cases**



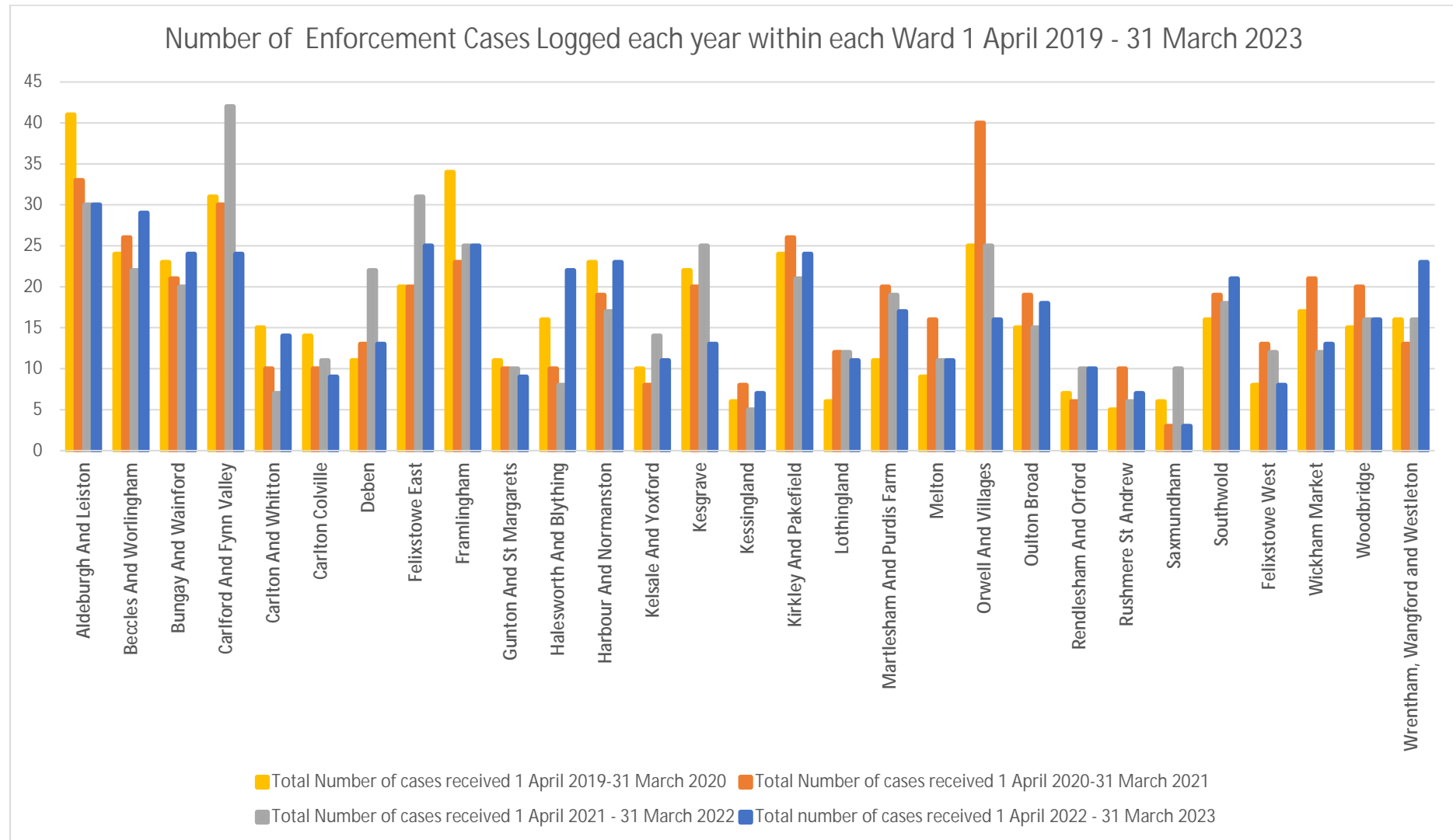
## Appendix H: Geographical Distribution of logged Enforcement Cases

**Figure 1:** Number of Planning Enforcement Cases logged in North/South Areas during each Financial Year 1 April 2019 – 31 March 2023

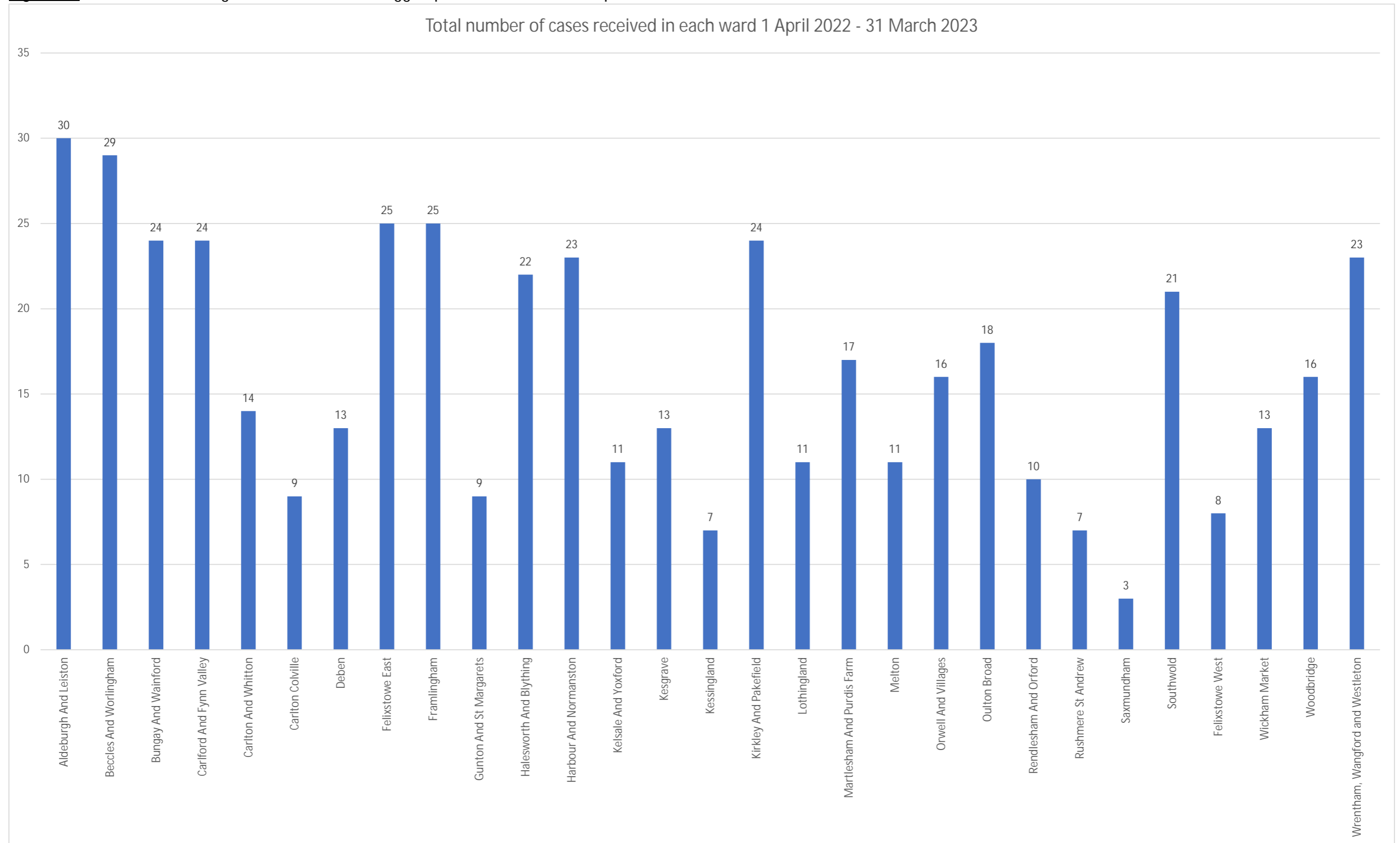


## Appendix H: Geographical Distribution of logged Enforcement Cases

**Figure 2:** Number of Planning Enforcement cases logged per Ward during each financial year 1 April 2019 – 31 March 2023

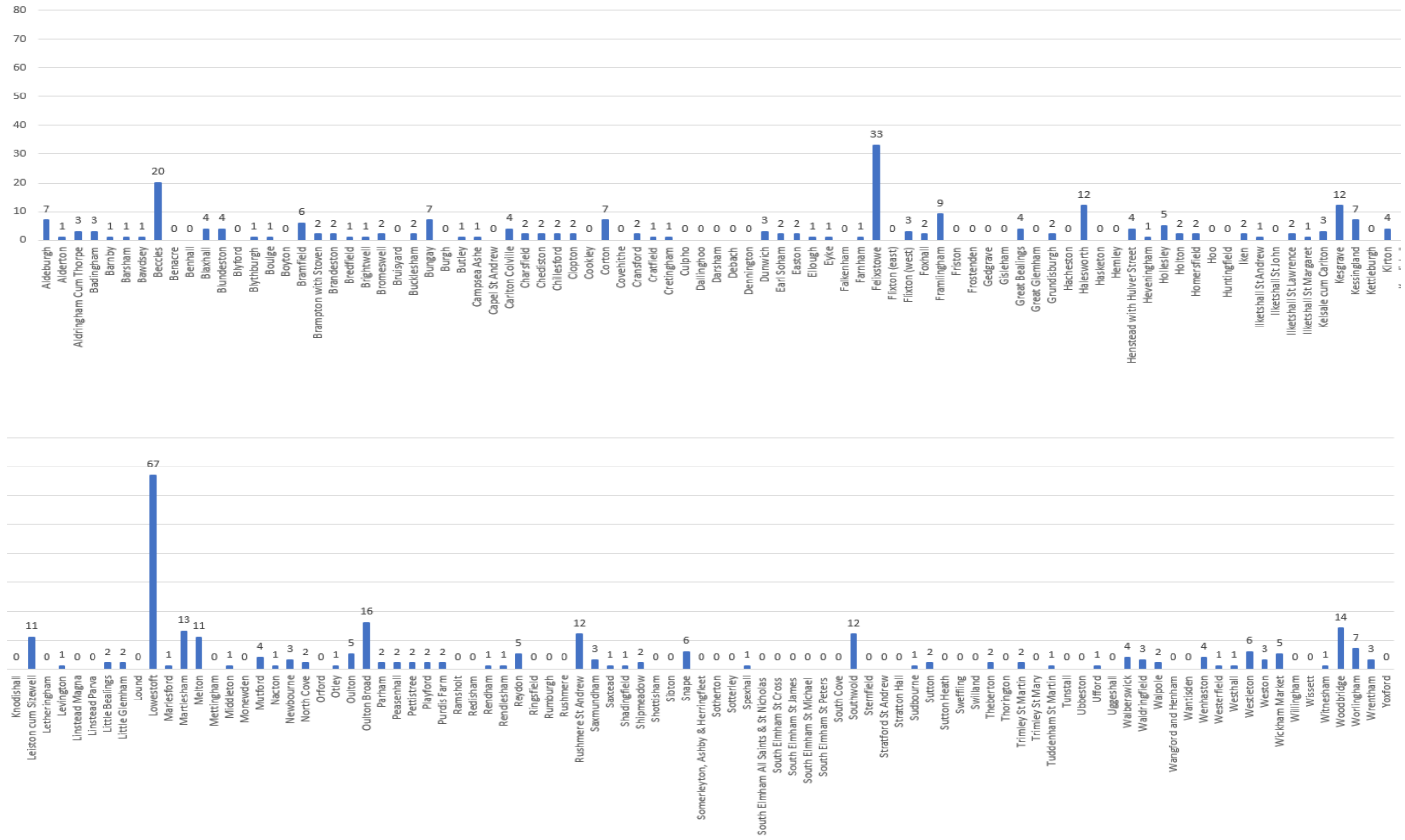


**Figure 3:** Number of Planning Enforcement cases logged per Ward between 1 April 2022 – 31 March 2023



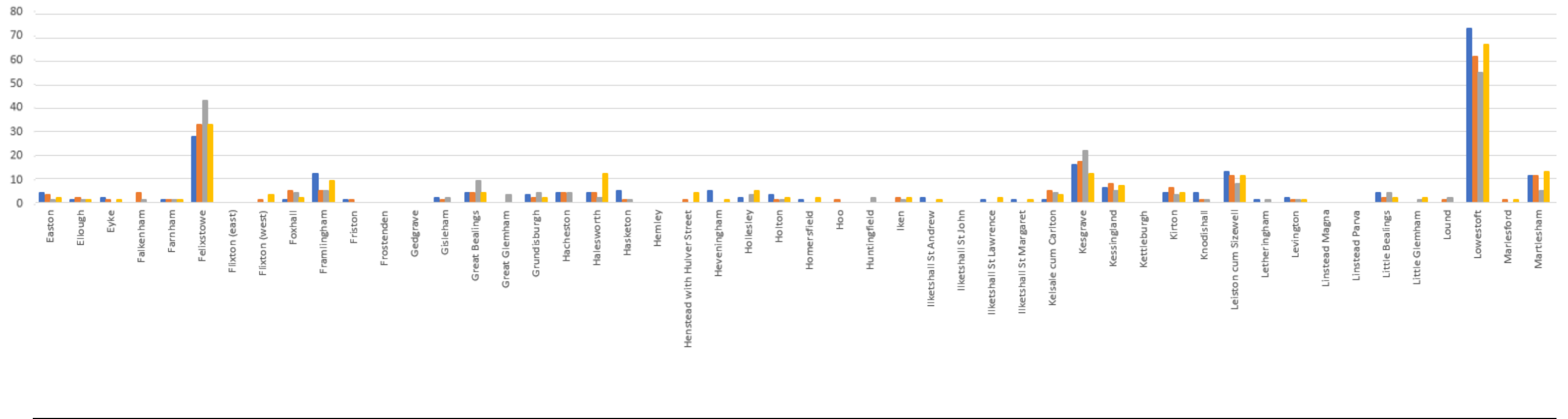
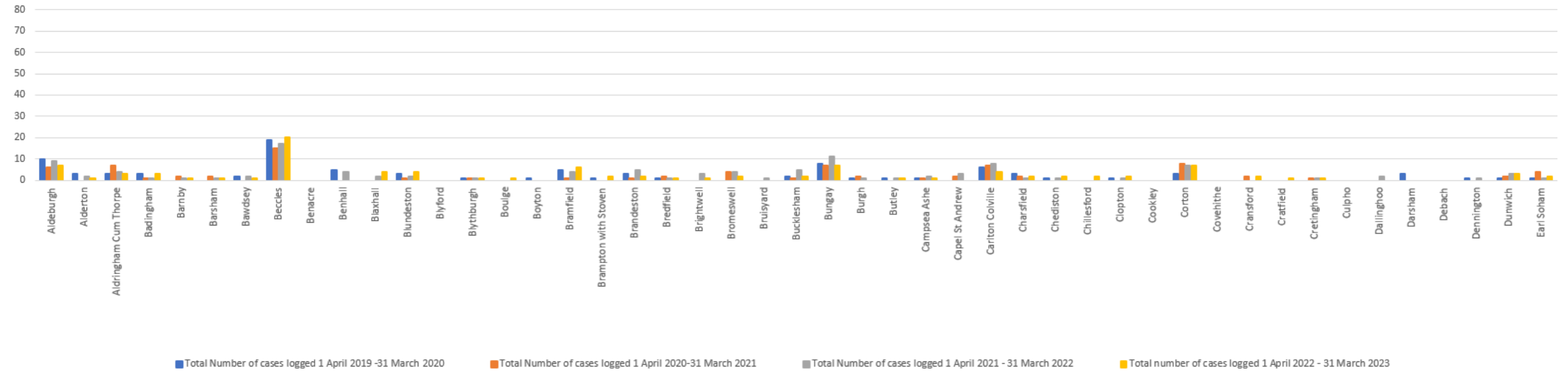
Appendix H: Geographical Distribution of logged Enforcement Cases

Figure 4: Number of Planning Enforcement cases logged per Parish 1 April 2022 – 31 March 2023

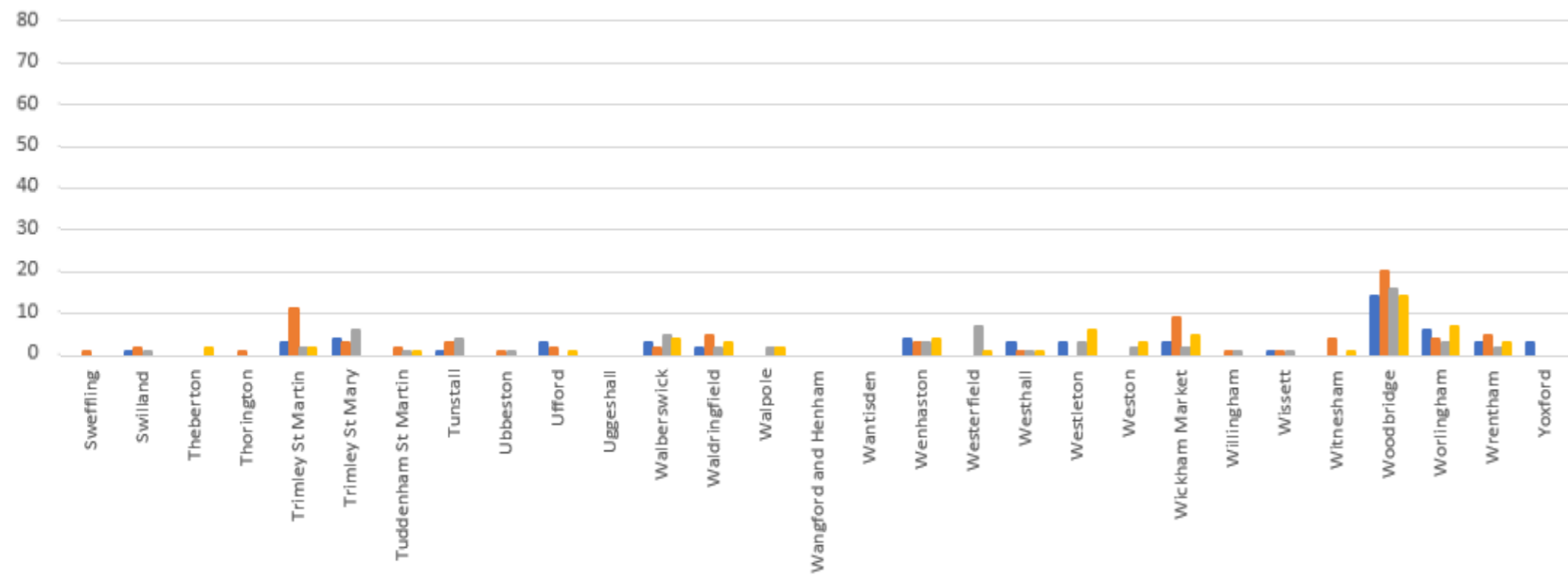
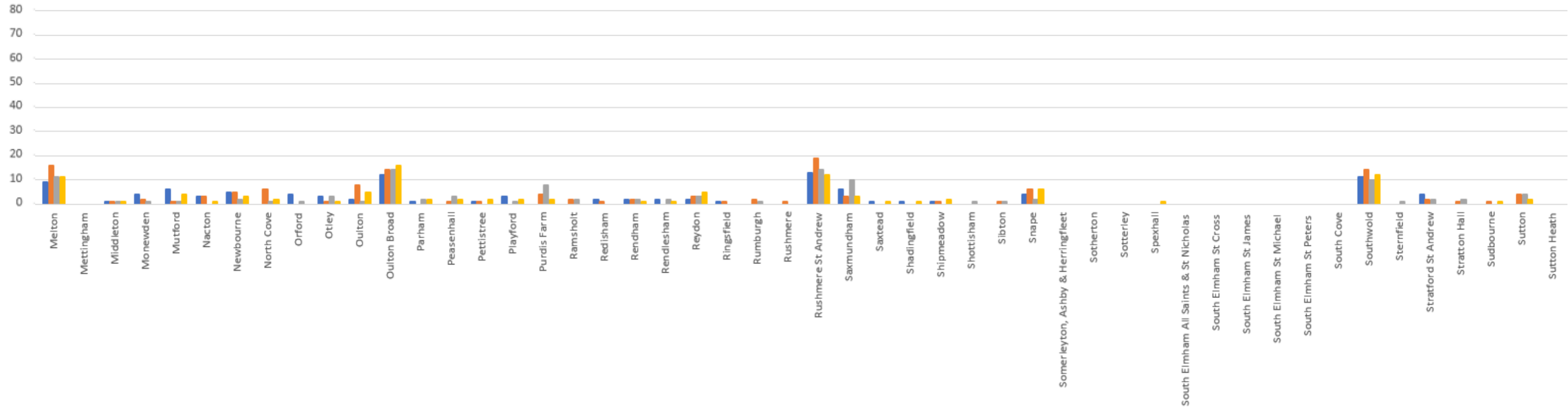


Appendix H: Geographical Distribution of logged Enforcement Cases

Figure 5: Number of Planning Enforcement cases logged per Parish during each financial year between 1 April 2019 – 31 March 2023



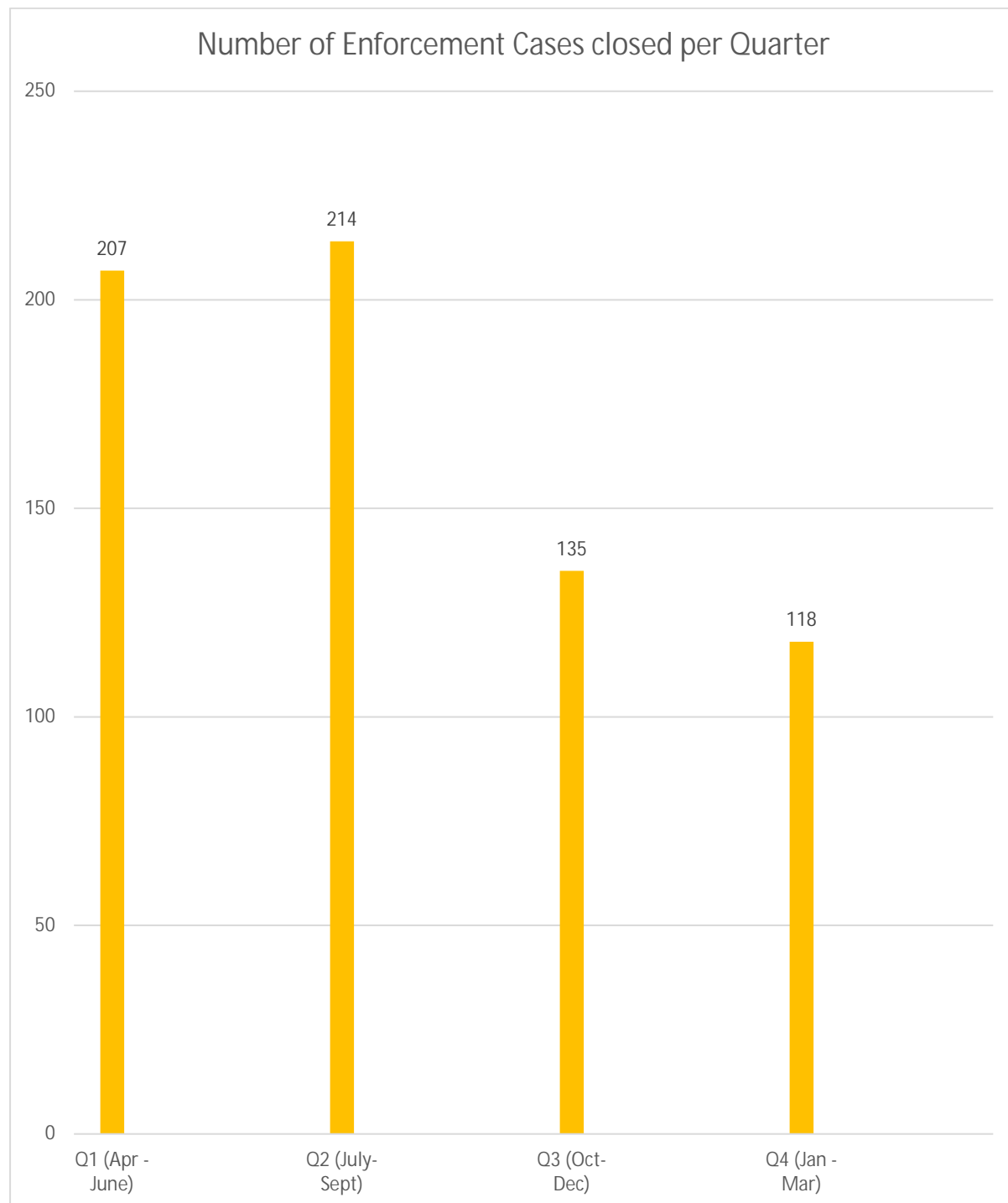
## Appendix H: Geographical Distribution of logged Enforcement Cases



## **Appendix I Numbers of Enforcement Cases closed**

## Appendix I: The Number of Planning Enforcement Cases closed

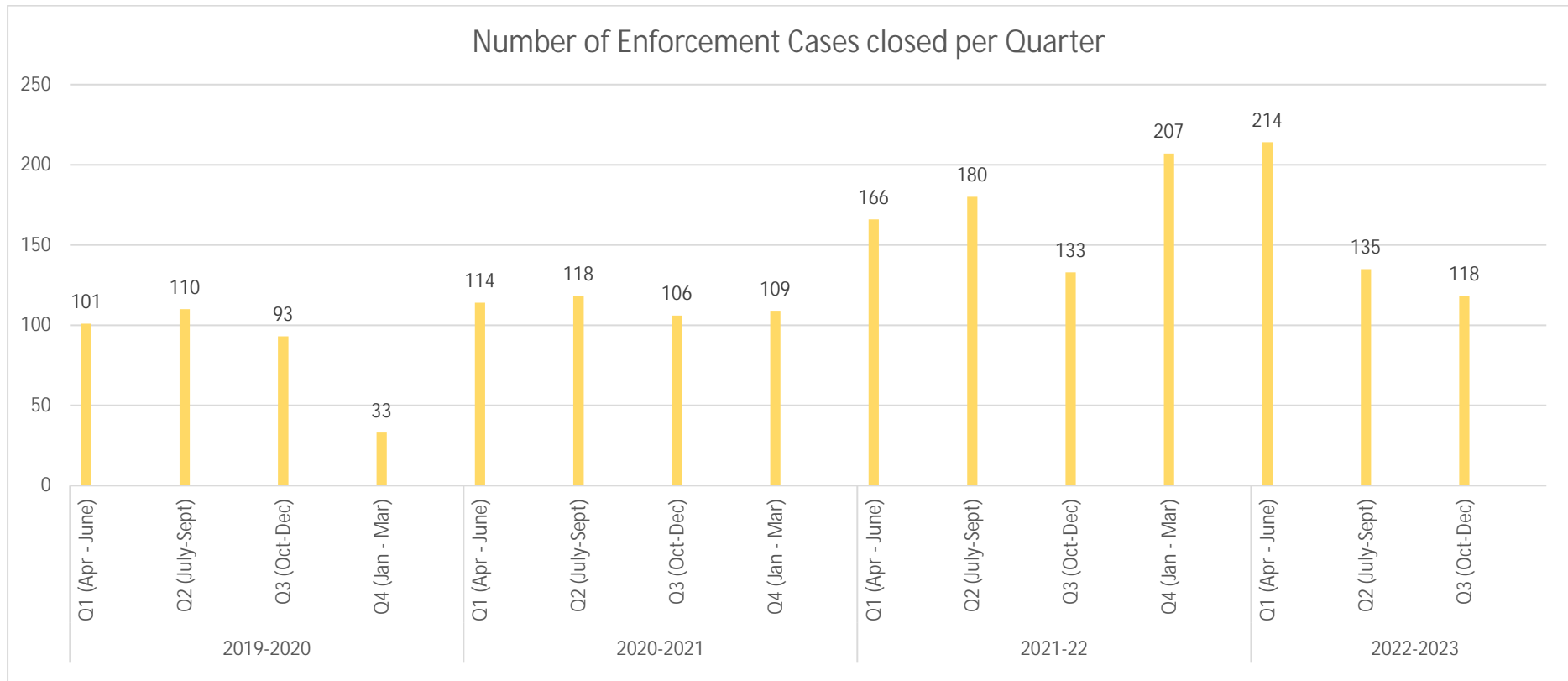
**Figure 1:** The number of Enforcement Cases closed per Quarter 1 April 2022-31 March 2023





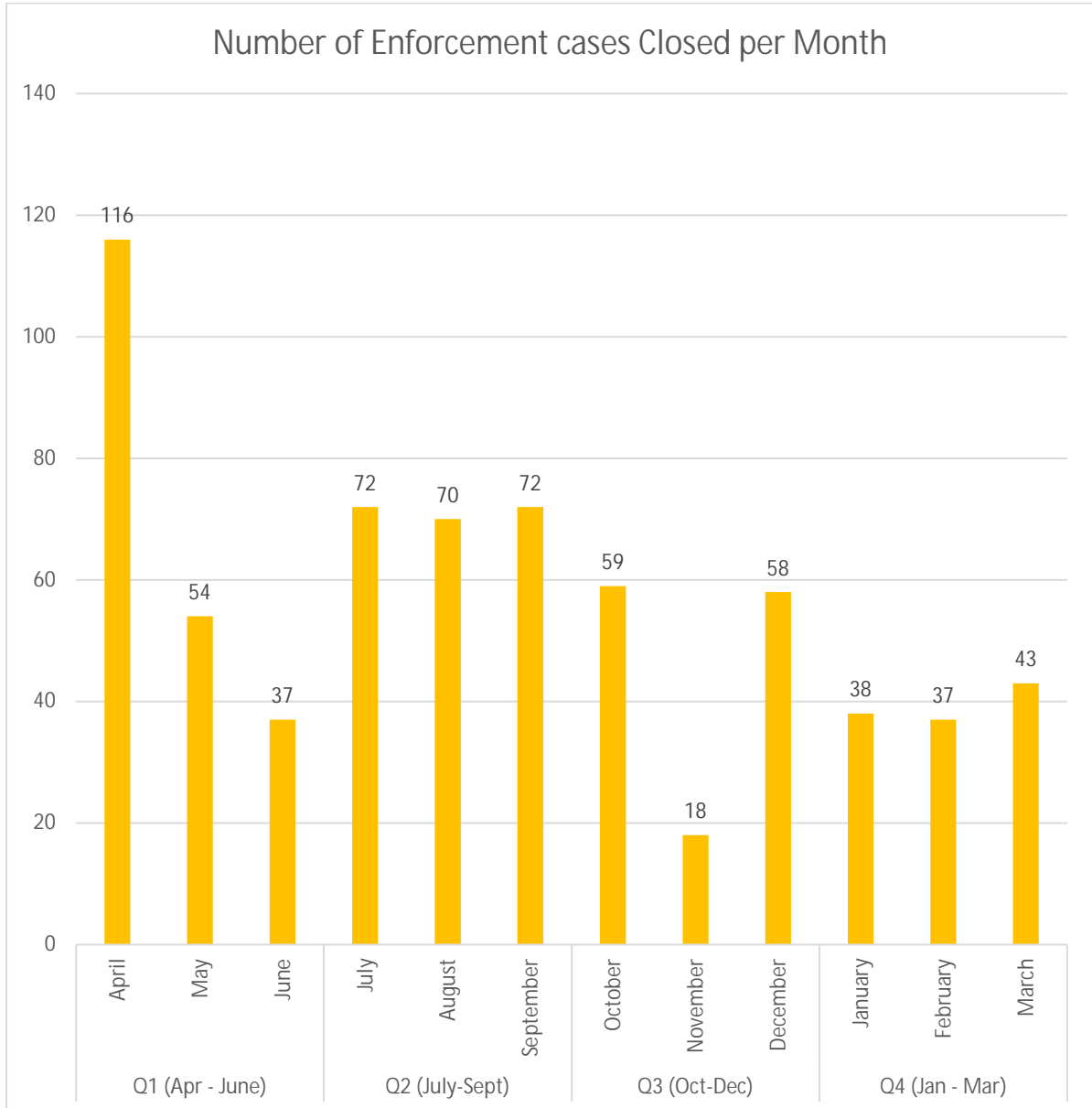
## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 2:** The number of Enforcement Cases Closed per Quarter July 2019-31March 2023



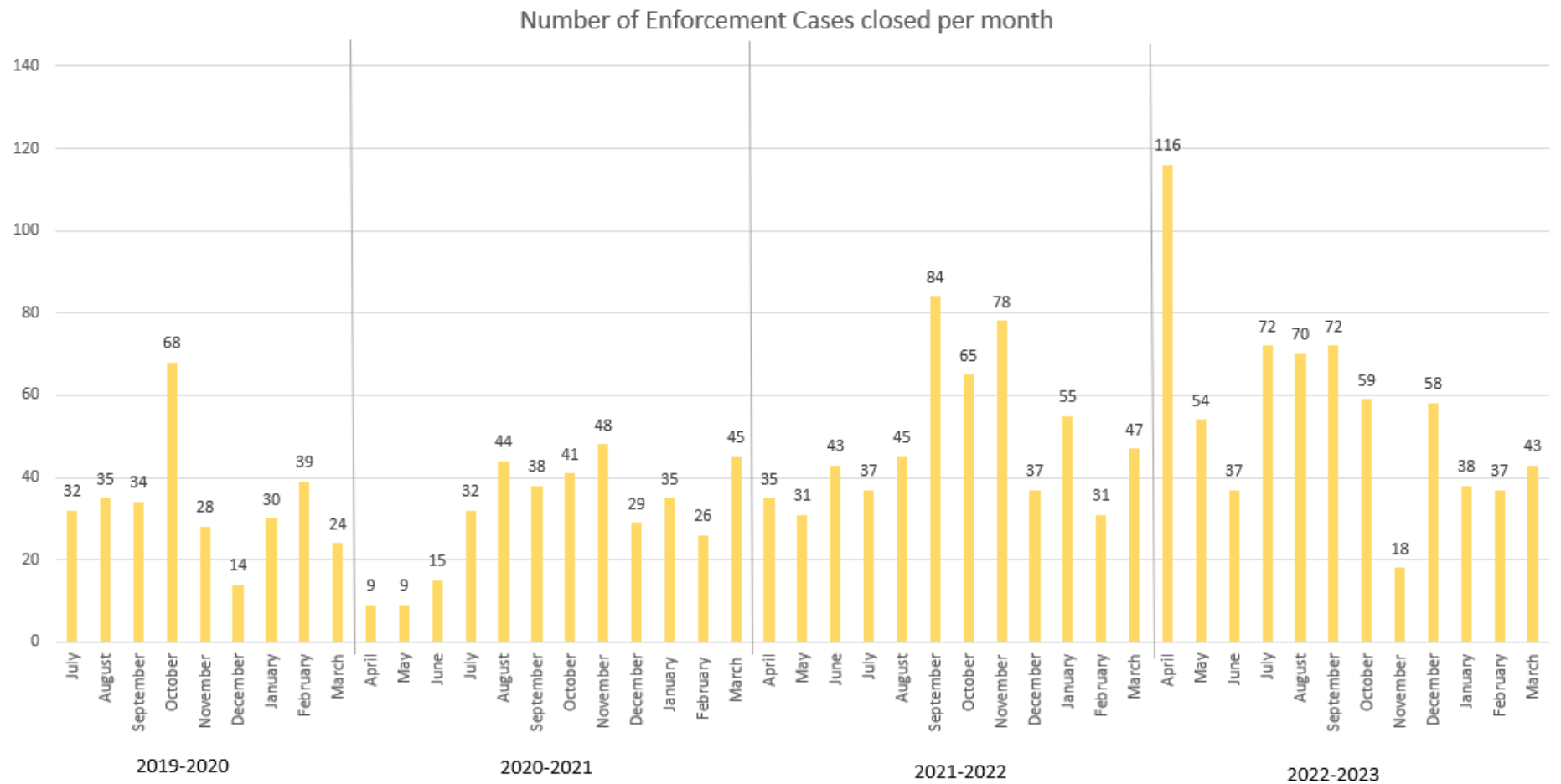
## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 3:** The number of Enforcement Cases closed per Month 1 April 2022- 31 March 2023



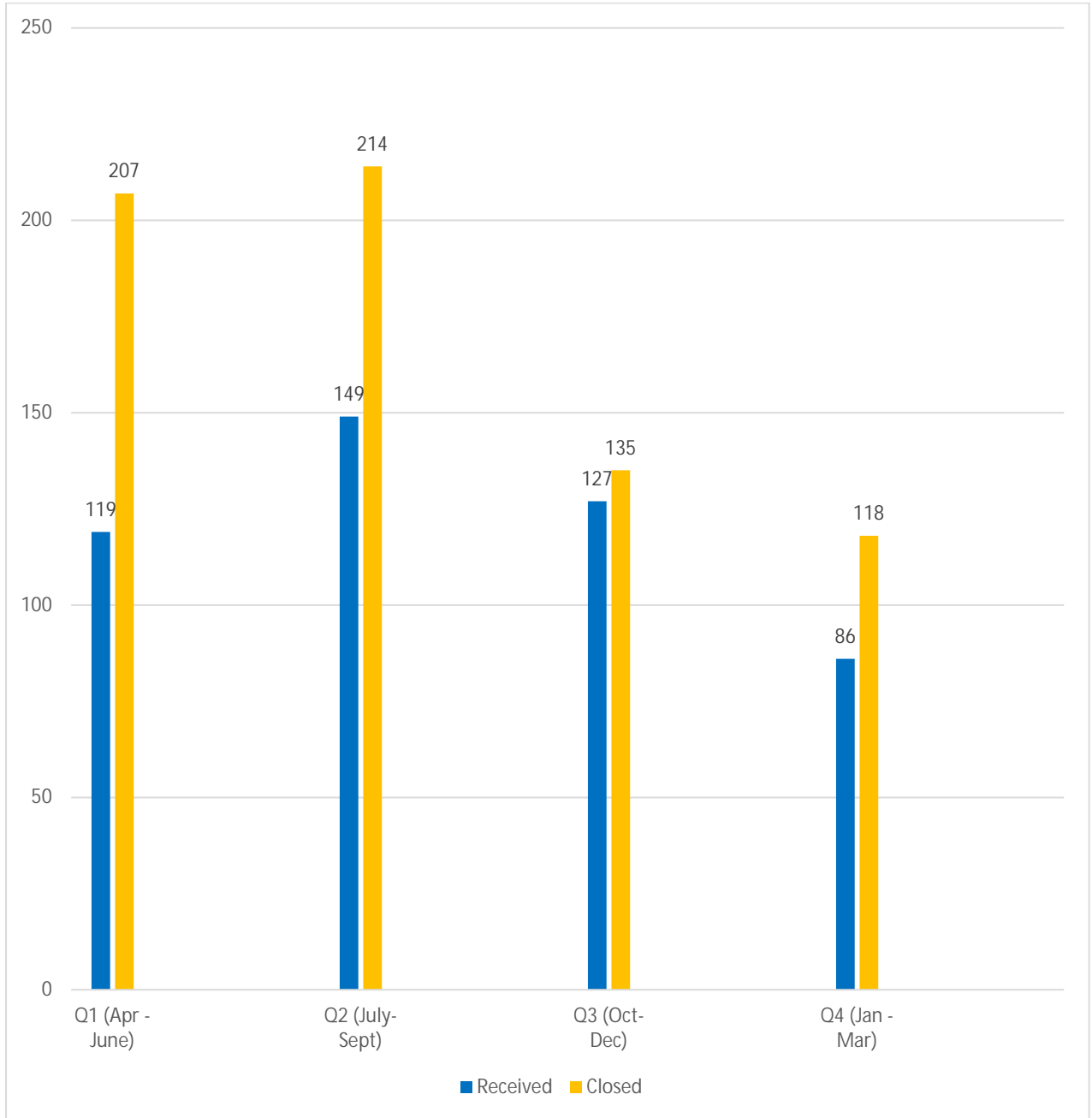
## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 4:** The number of Enforcement Cases closed per Month July 2019-31March 2023



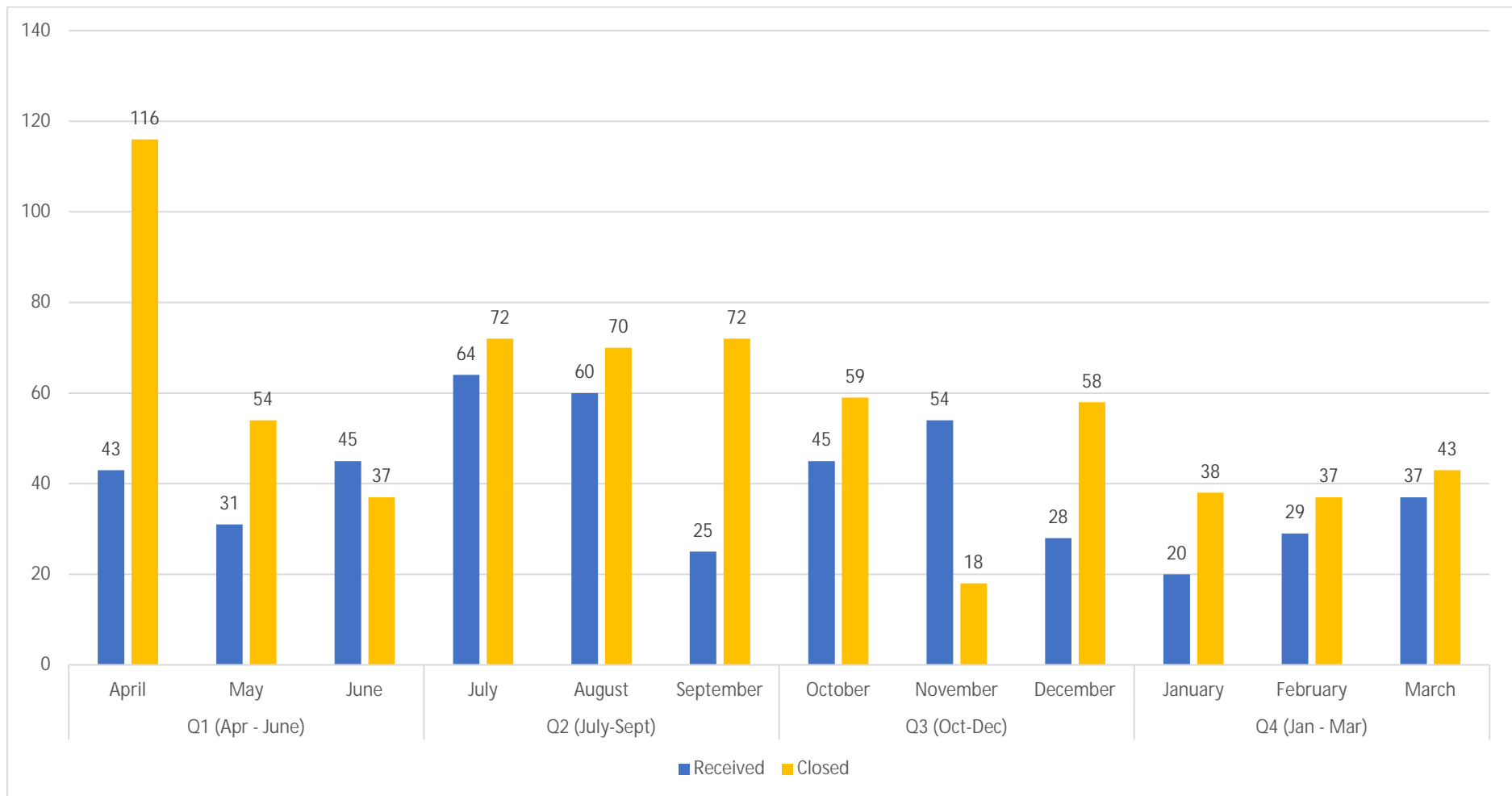
## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 5:** The number of Enforcement Cases received and closed per Quarter 1 April 2022-31 March 2023



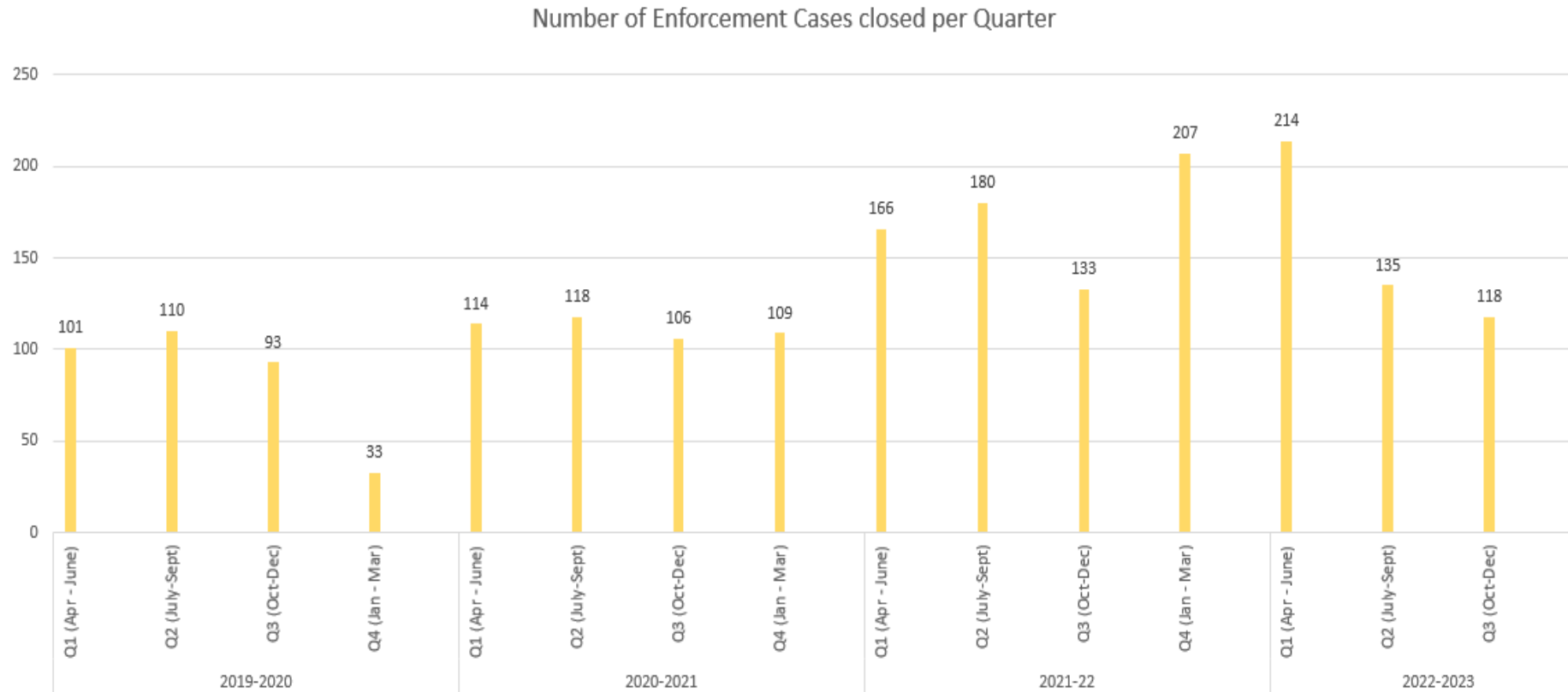
## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 6:** The number of Enforcement Cases received and closed per Month 1 April 2022 -31 March 2023



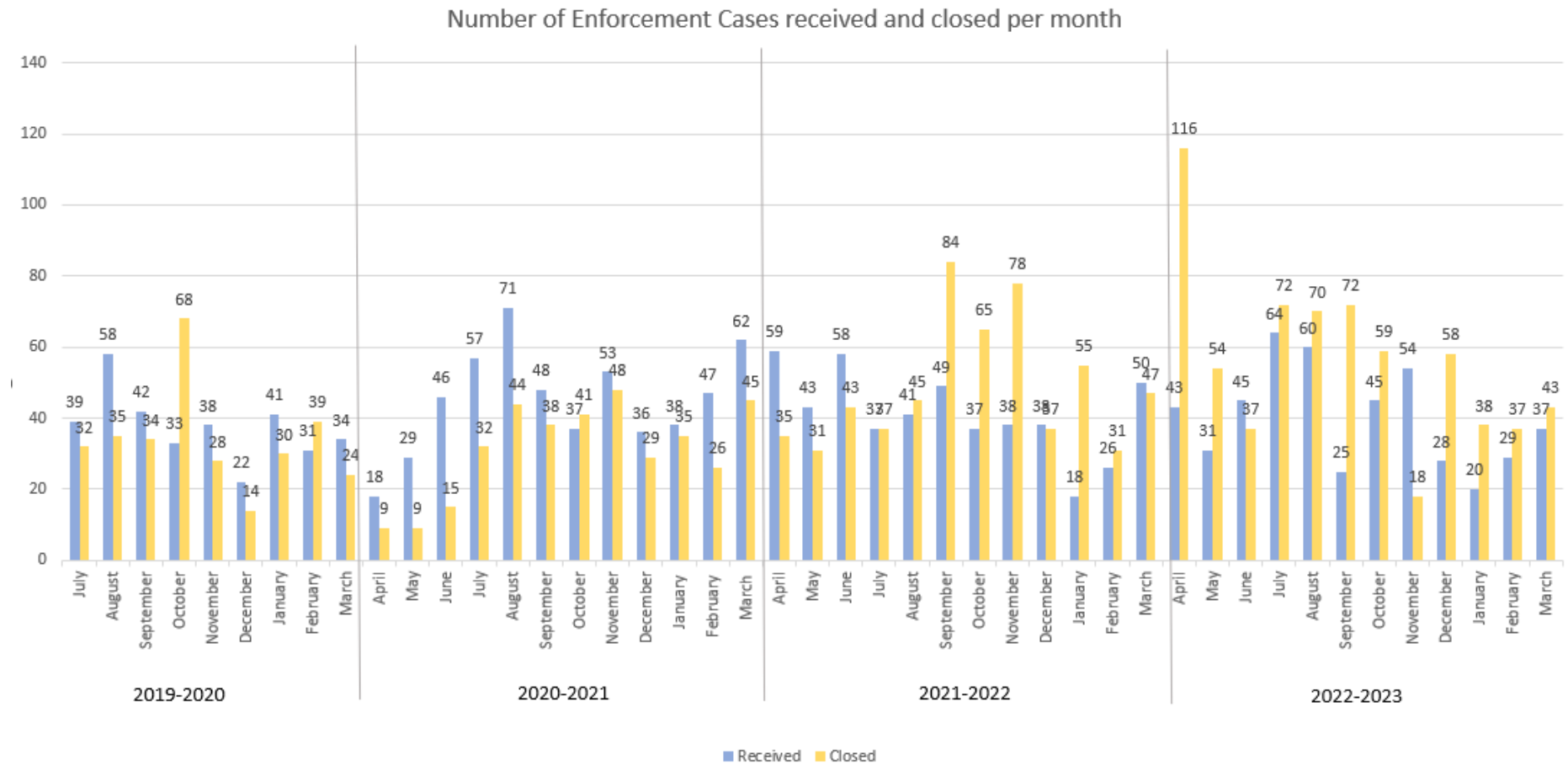
## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 7:** The number of Enforcement Cases received and closed per Quarter July 2019-31 March 2023



## Appendix I: The Number of Planning Enforcement Cases closed

**Figure 8:** The number of Enforcement Cases received and closed per Month 1 April 2019 -31 March 2023

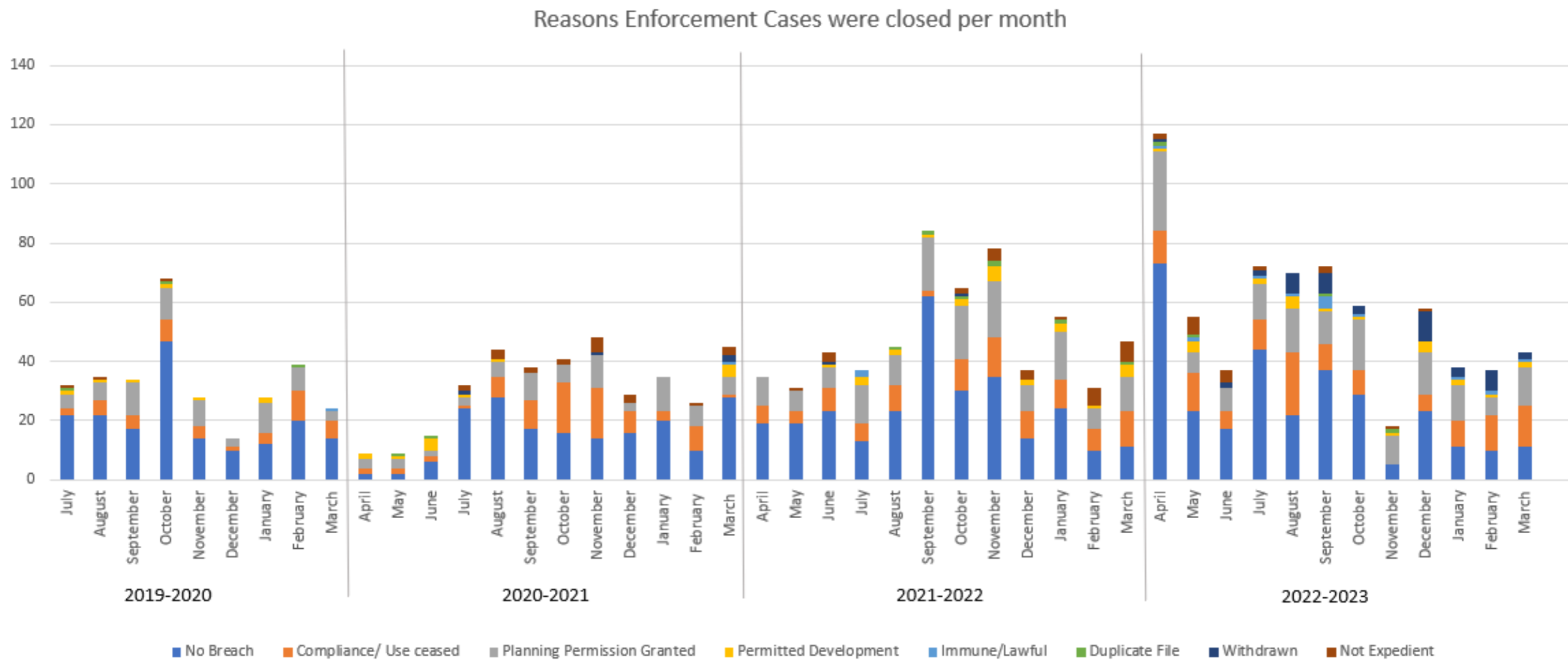


**Appendix J** The Reasons Enforcement Cases were closed  
between 01 April 2019 and 31 March 2023 shown per month



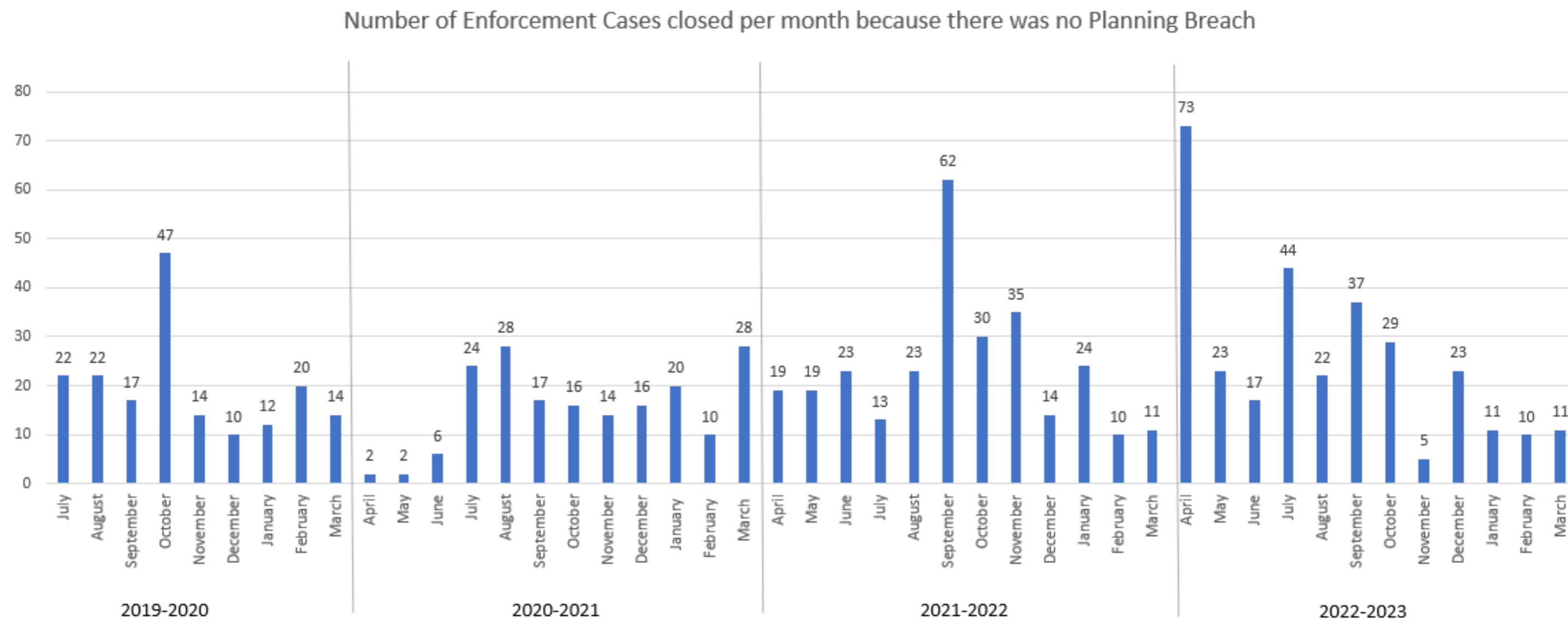
Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

Figure 1: The number of cases closed for each reason shown together during each month, 1 July 2019 – 31 March 2023



Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

Figure 2: The number of cases closed because there was no breach of planning control during each month, 1 July 2019 – 31 March 2023



Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

Figure 3: The number of cases closed because there was compliance with planning control (e.g. the use ceased) during each month, 1 July 2019 – 31 March 2023

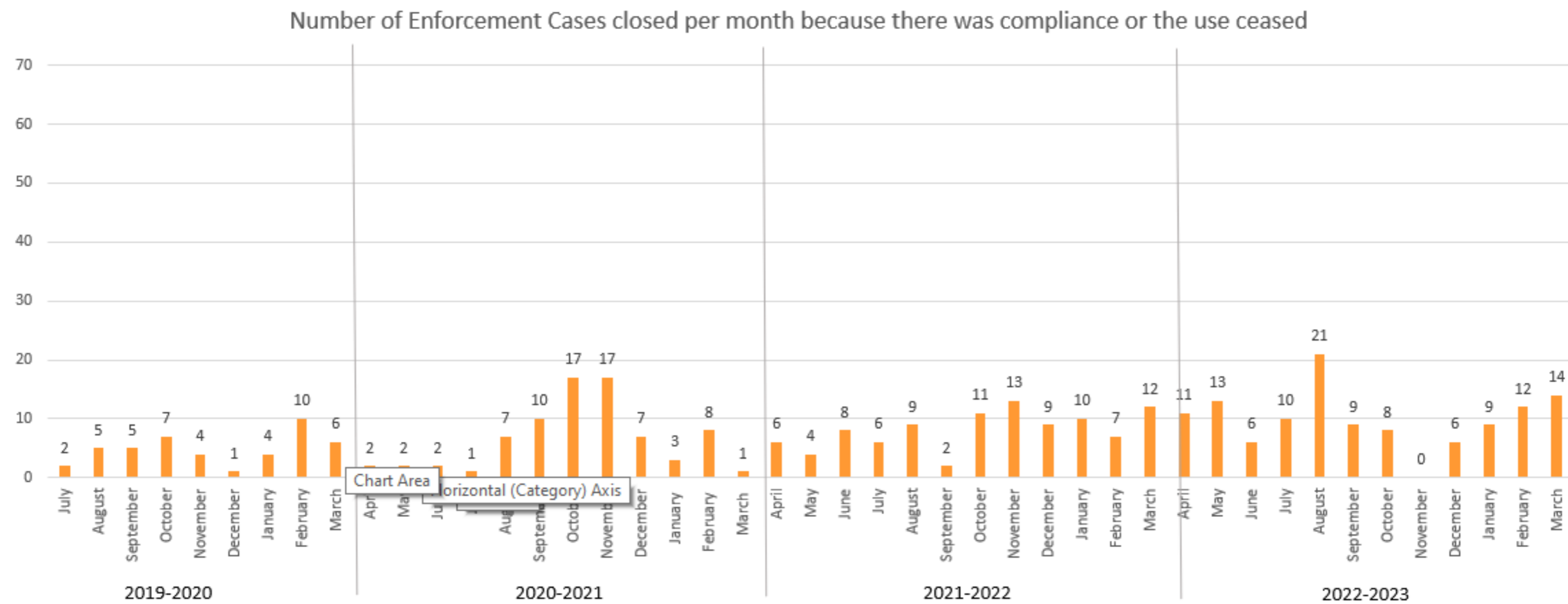
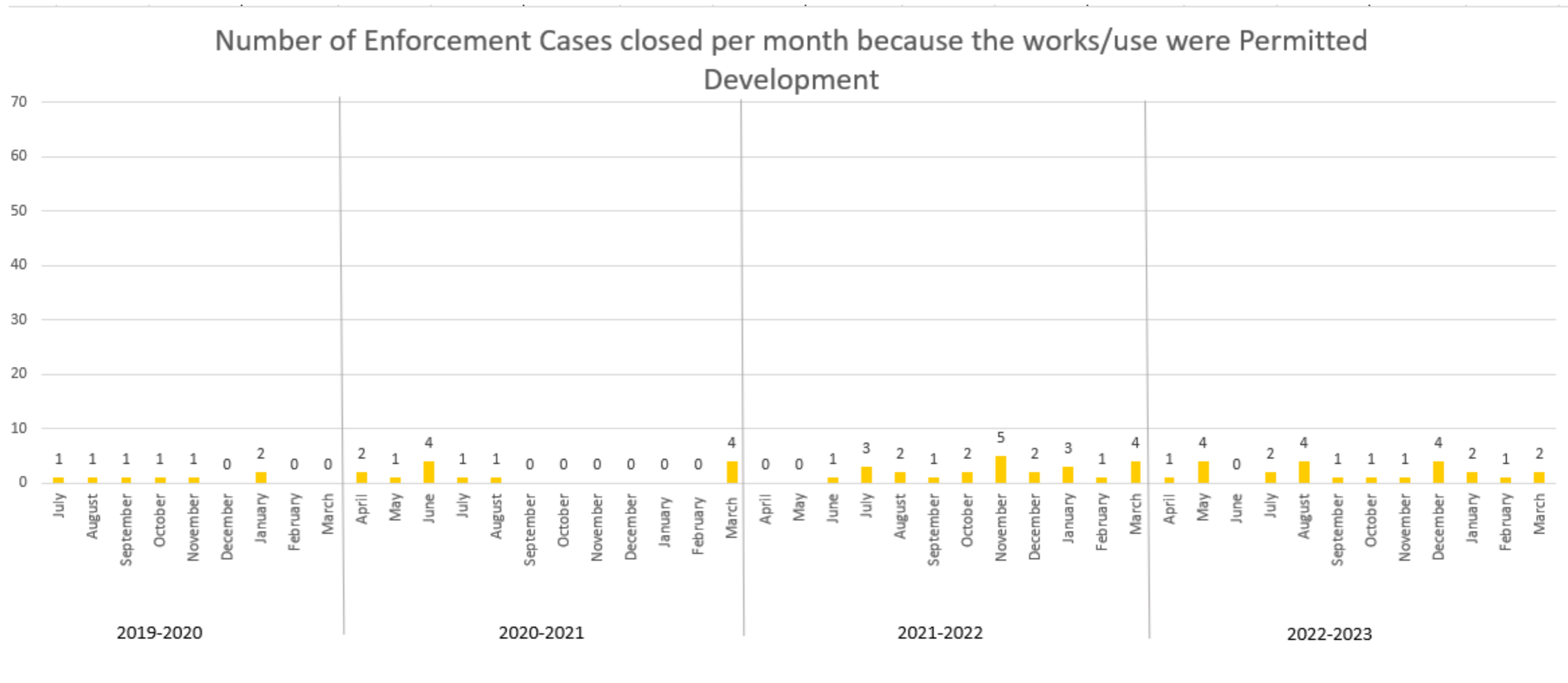


Figure 4: The number of cases closed because Planning Permission was granted during each month, 1 July 2019 – 31 March 2023



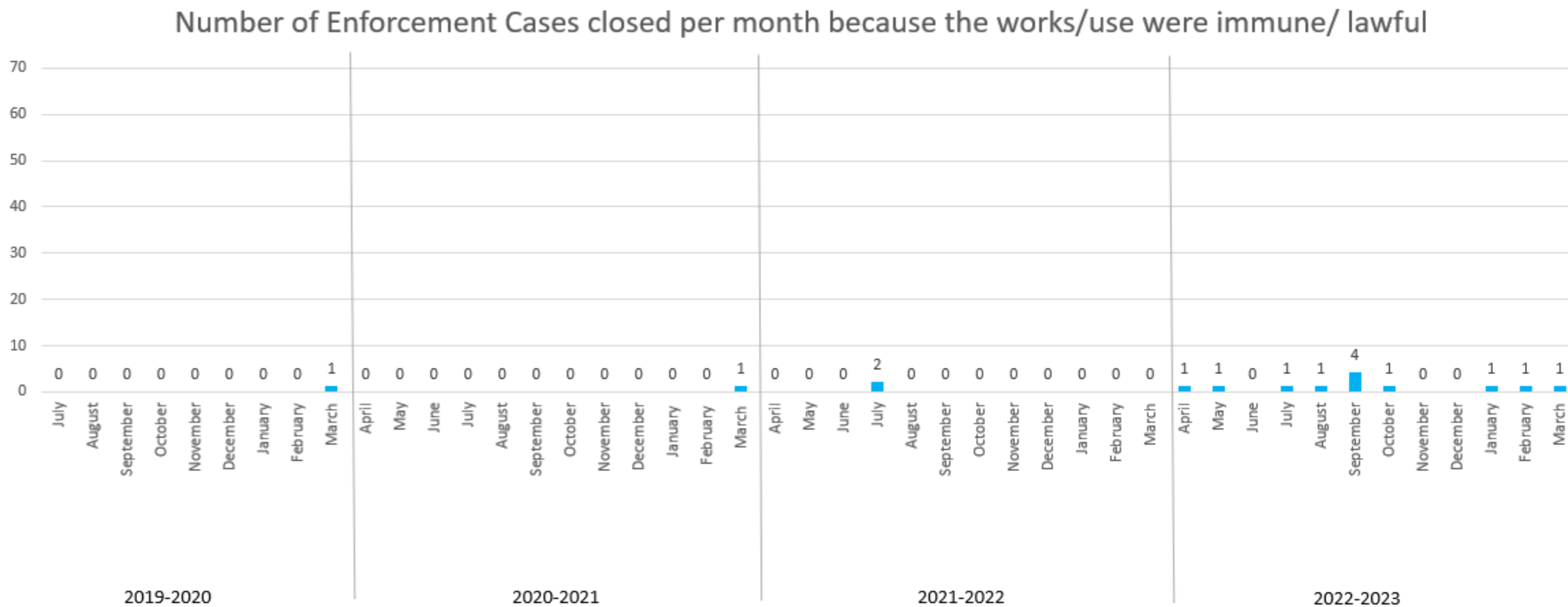
Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

Figure 5: The number of cases closed because the subject of the complaint was Permitted Development, during each month, 1 July 2019 – 31 March 2023



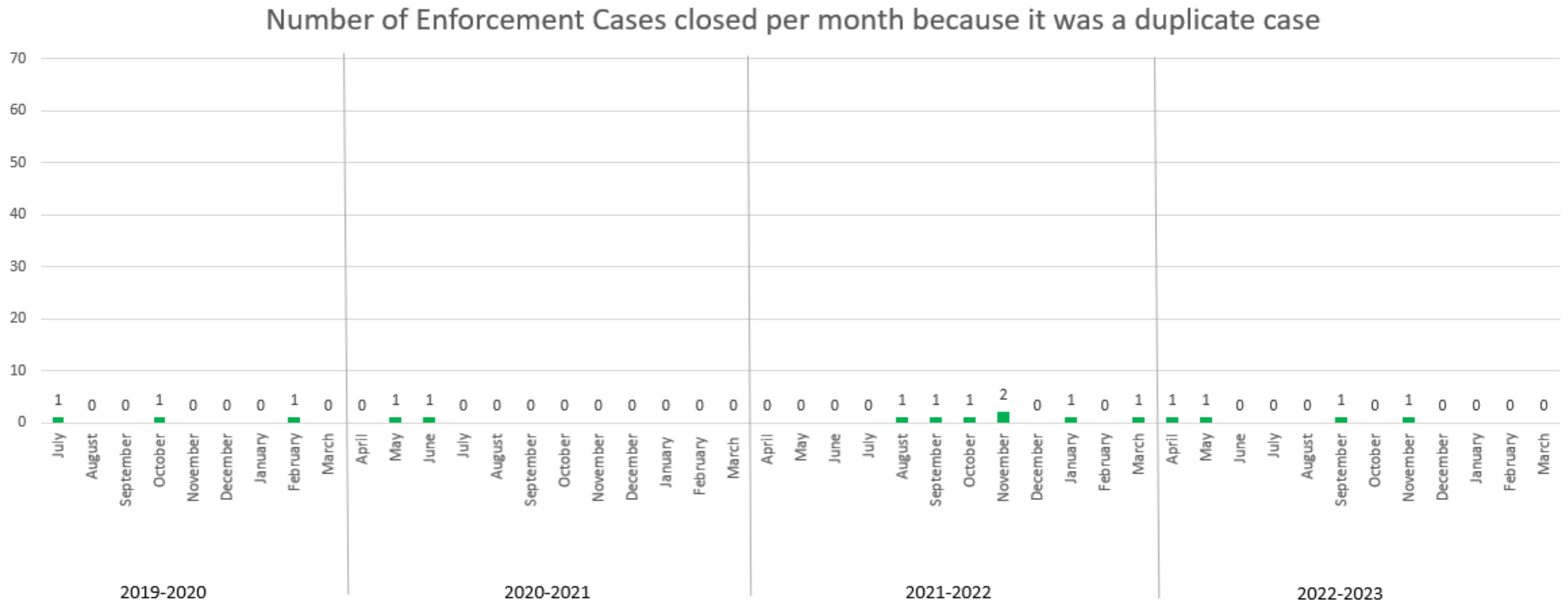
Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

Figure 6: The number of cases closed because the subject of the complaint was immune from action/lawful, during each month, 1 July 2019 – 31 March 2023



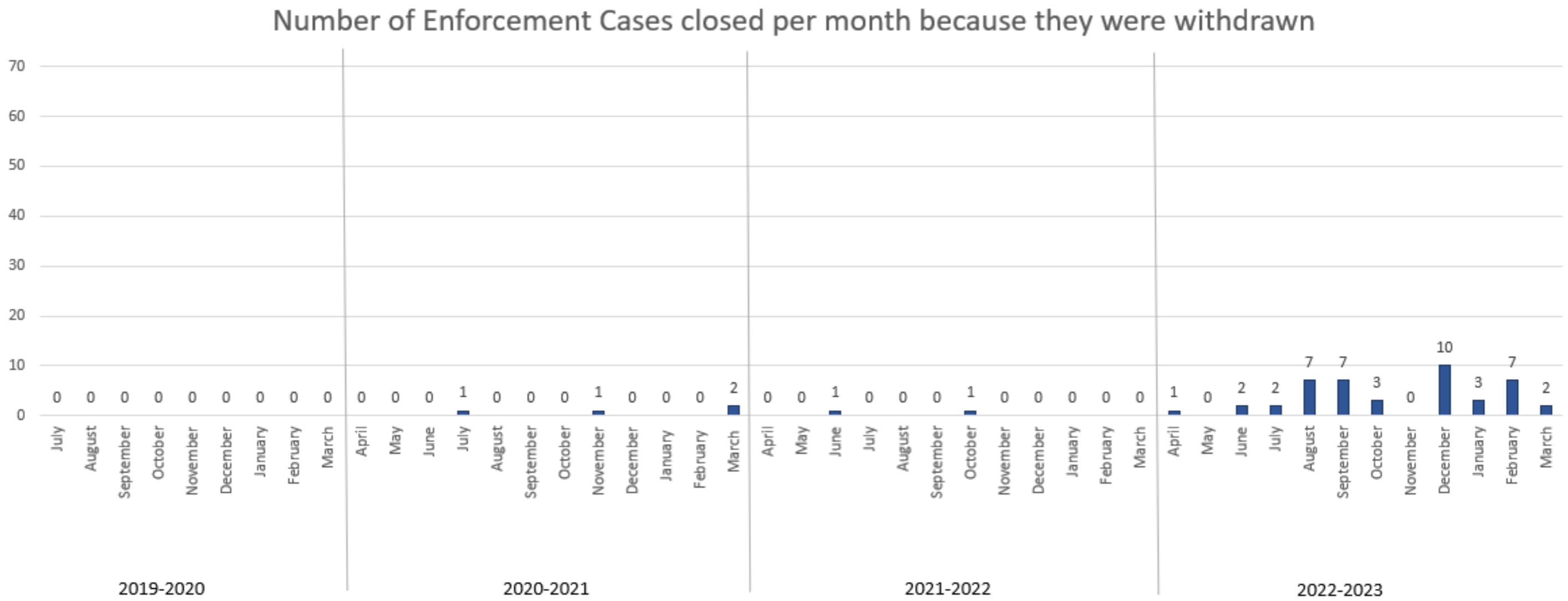
Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

Figure 7: The number of cases closed because they were duplicate cases, during each month, 1 July 2019 – 31 March 2023



Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

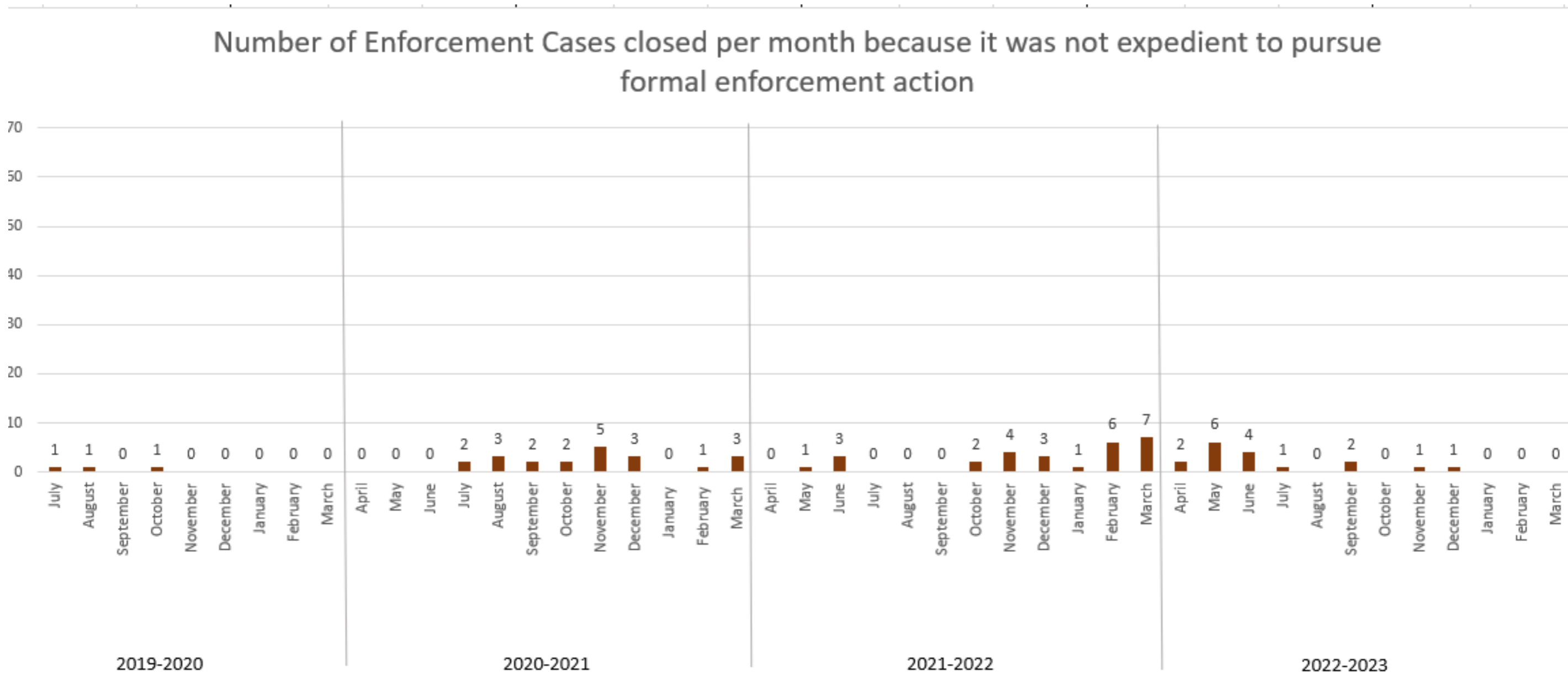
Figure 8: The number of cases closed because the subject of the complaint was withdrawn, during each month, 1 July 2019 – 31 March 2023





Appendix J: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

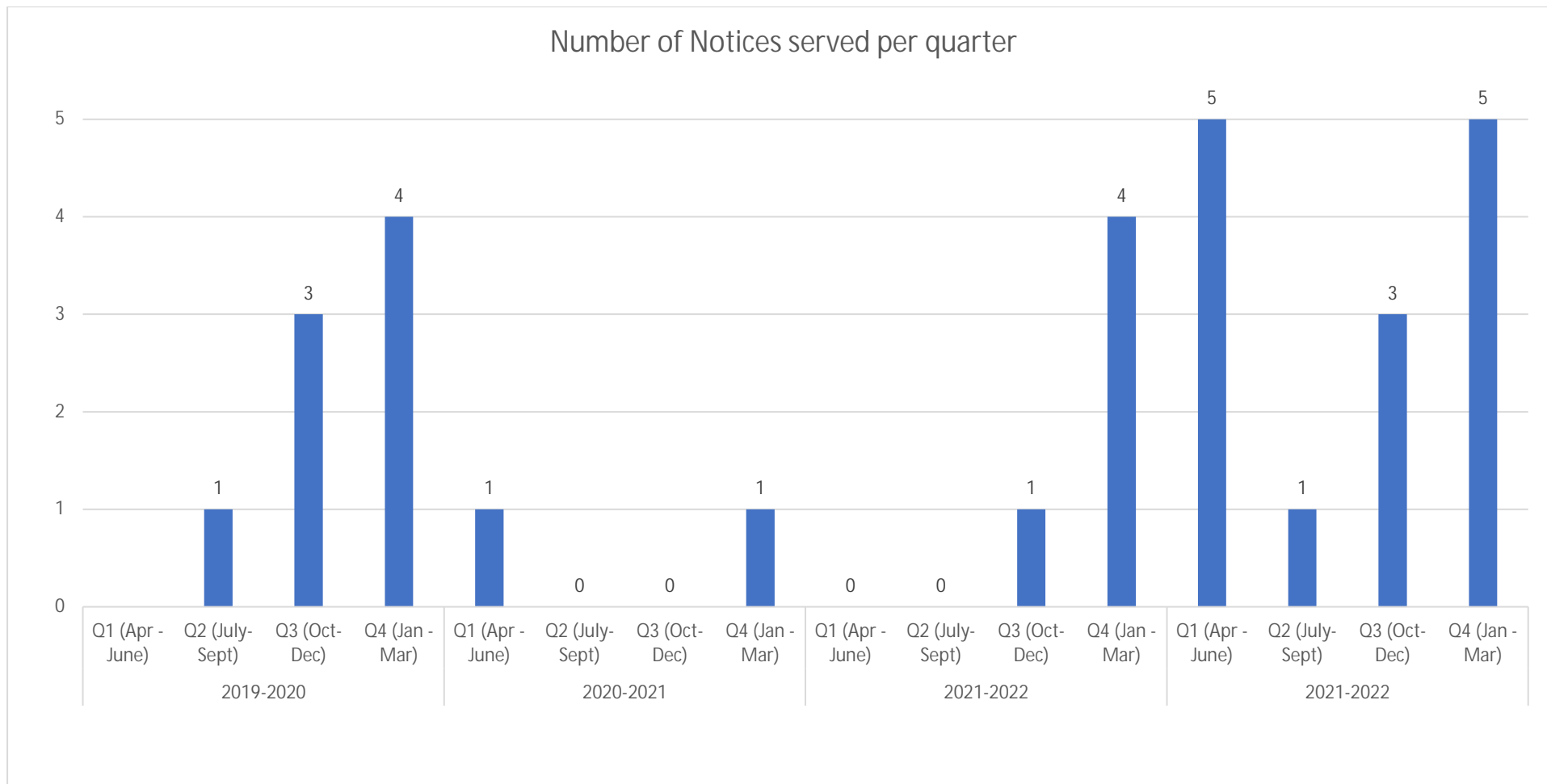
Figure 9: The number of cases closed because the subject of the complaint was withdrawn, during each month, 1 July 2019 – 31 March 2023



## Appendix K Numbers of Enforcement Notices Served

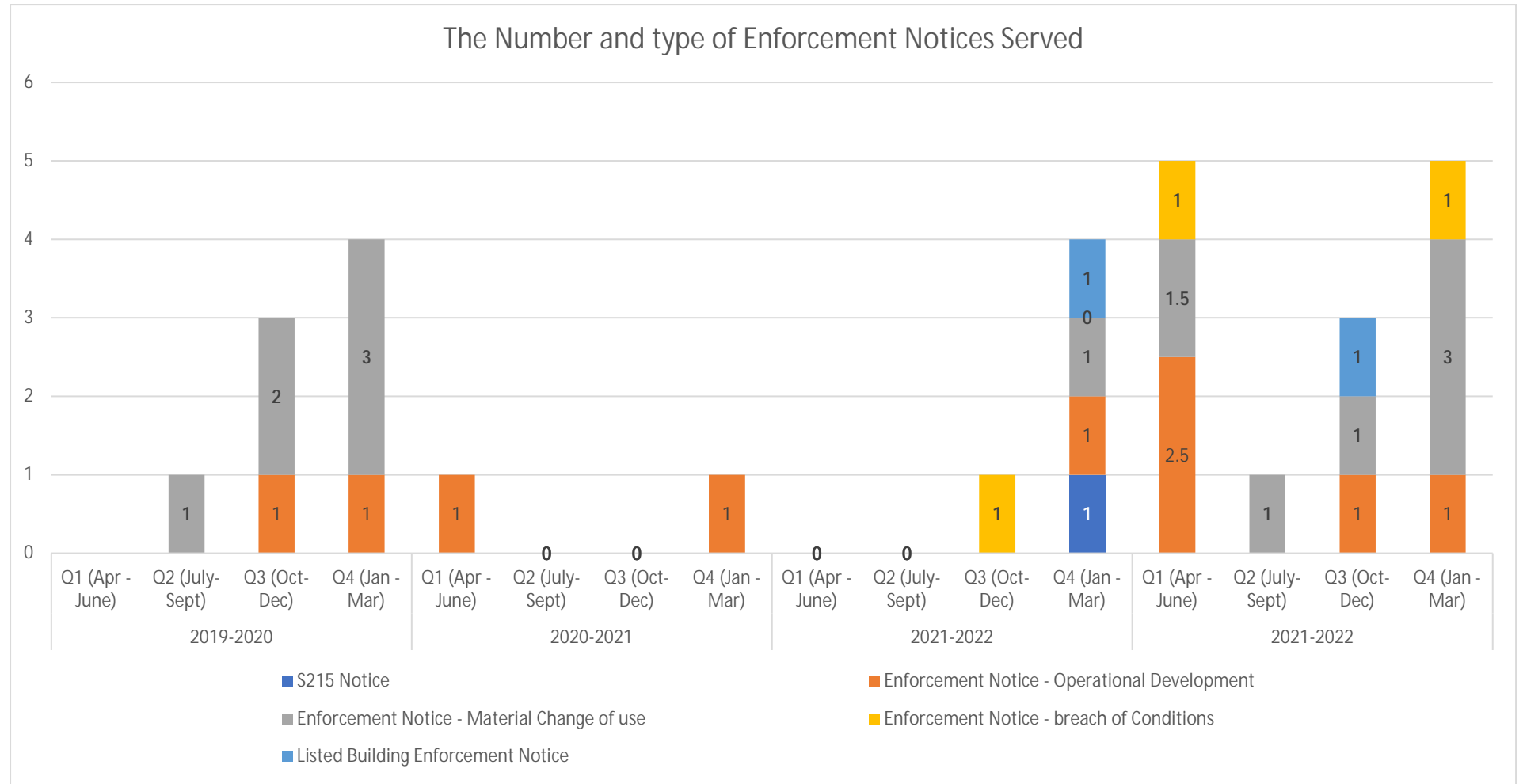
Appendix K: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

**Figure 1:** The number of Enforcement Notices served during each quarter 1 April 2022 – 31 March 2023



Appendix K: The reasons Enforcement Cases were closed between 01 April 2019 and 31 March 2023 shown per month

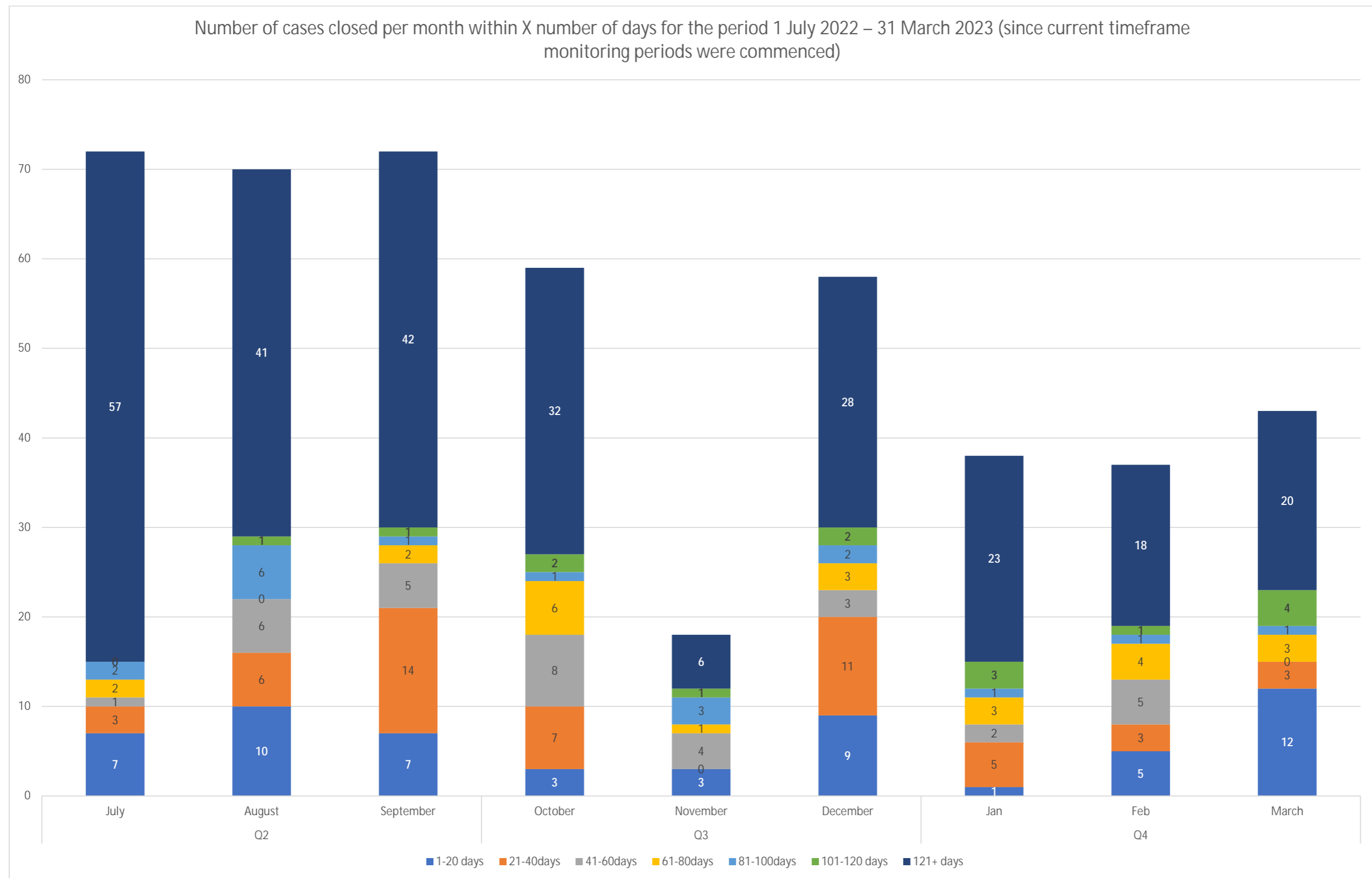
Figure 2: The number and type of Enforcement Notices served during each quarter 1 April 2019 – 31 March 2023



## **Appendix L** Timeframes for the closure of enforcement cases

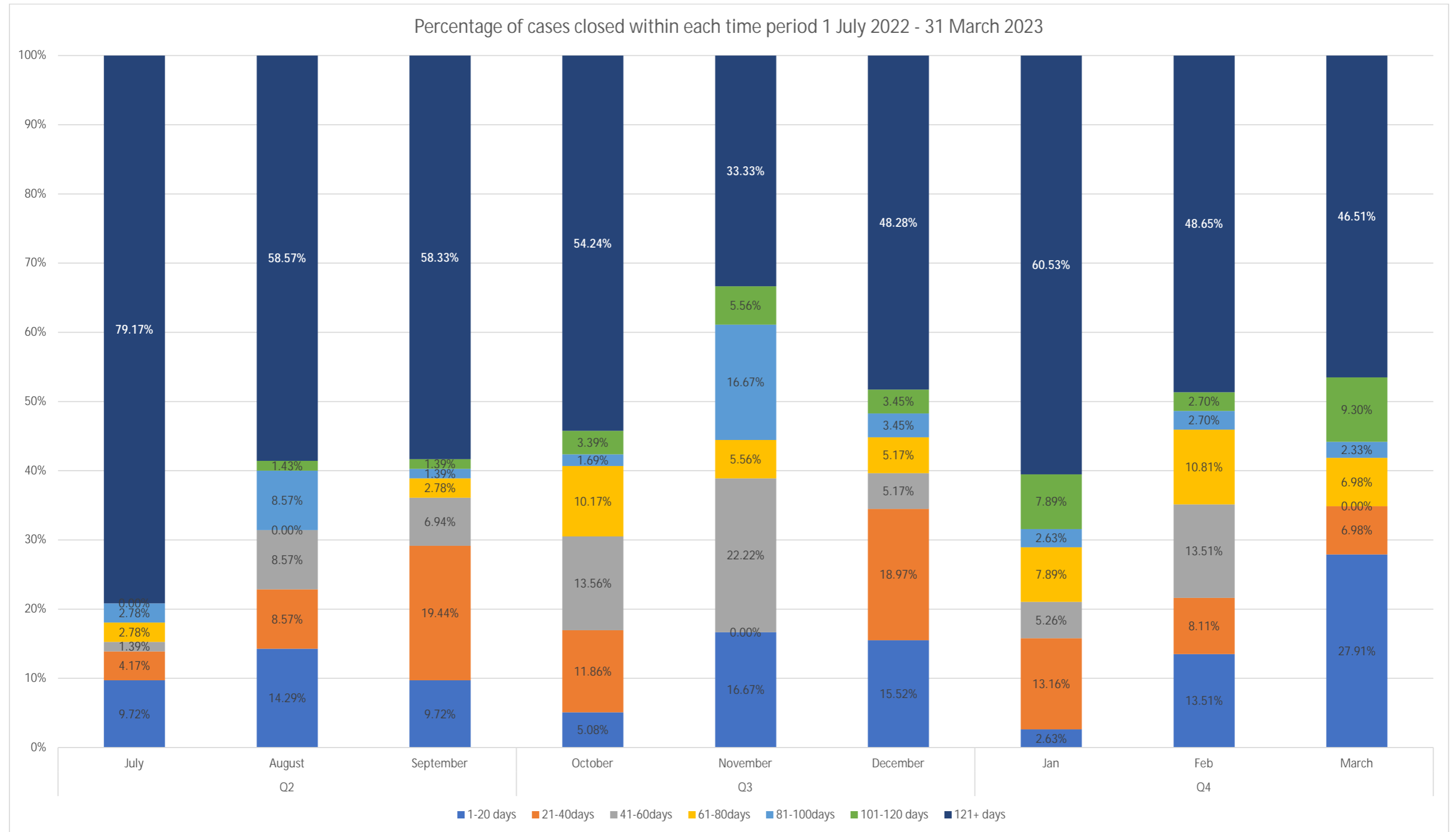
Appendix L: Timeframes for the closure of Enforcement Cases

Figure 1: Number of cases closed per month within X number of days for the period 1 July 2022 – 31 March 2023 (since current timeframe monitoring periods were commenced)



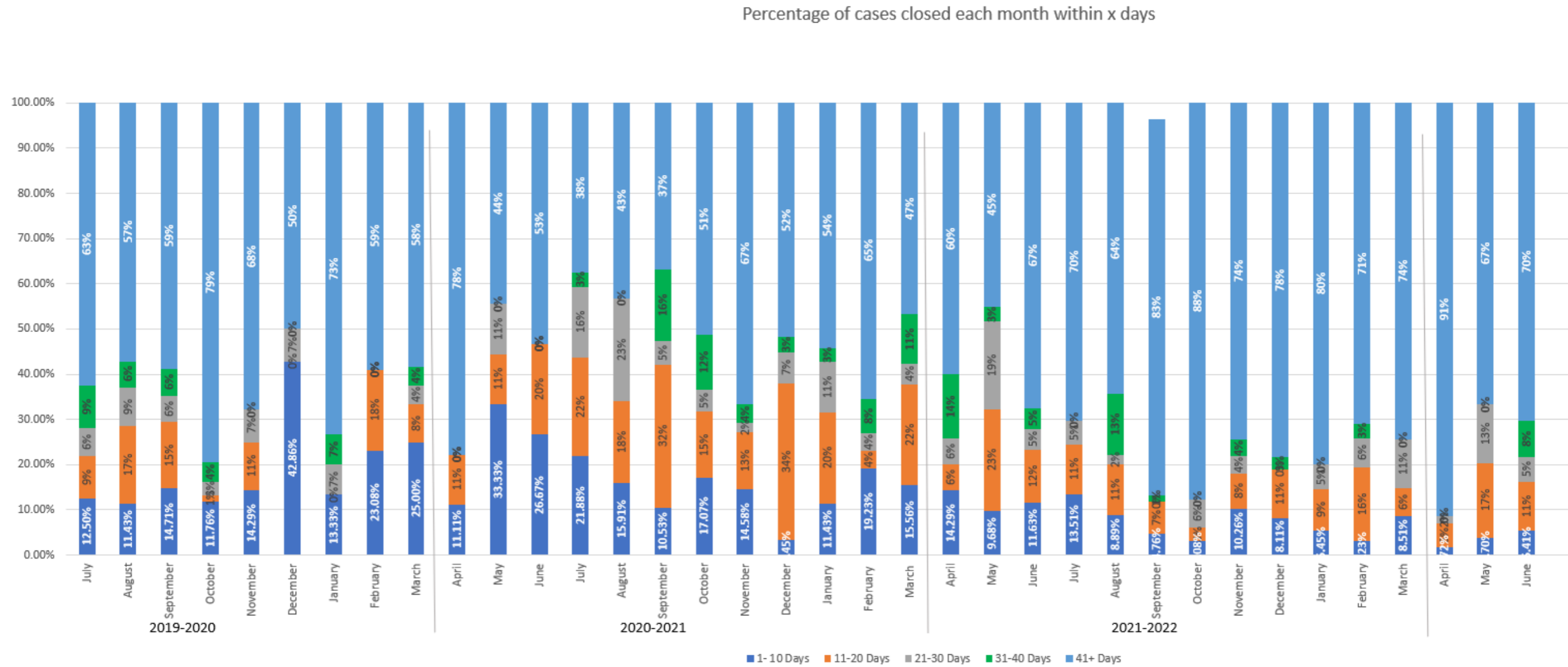
Appendix L: Timeframes for the closure of Enforcement Cases

Figure 2: Percentage of cases closed per month within X number of days for the period 1 July 2022 – 31 March 2023 (since current timeframe monitoring periods were commenced)



Appendix L: Timeframes for the closure of Enforcement Cases

Figure 3: Percentage of cases closed per month within X number of days for the period 1 July 2019 – 30 June 2022 (prior to current timeframe monitoring periods being commenced)

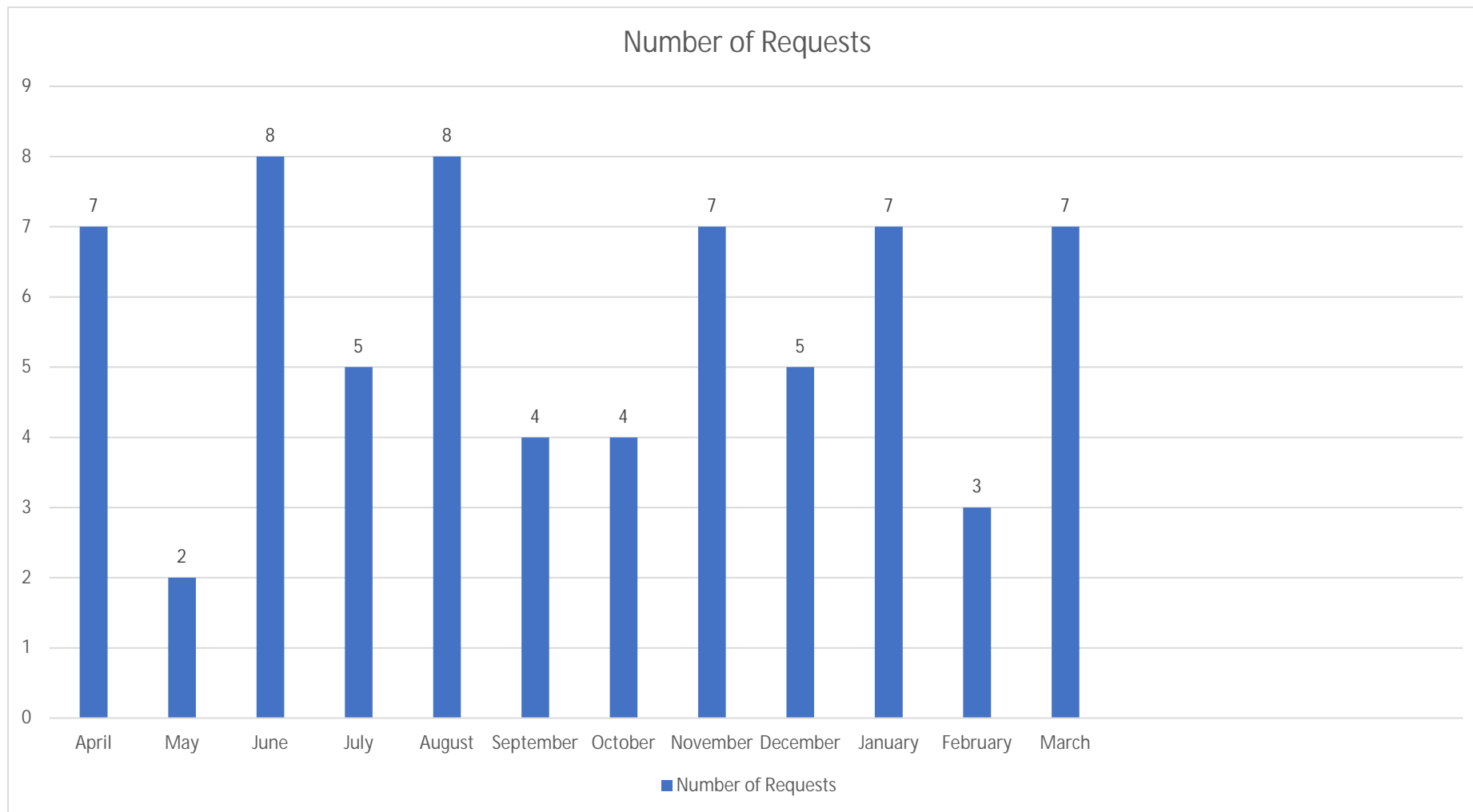




**Appendix M** The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023

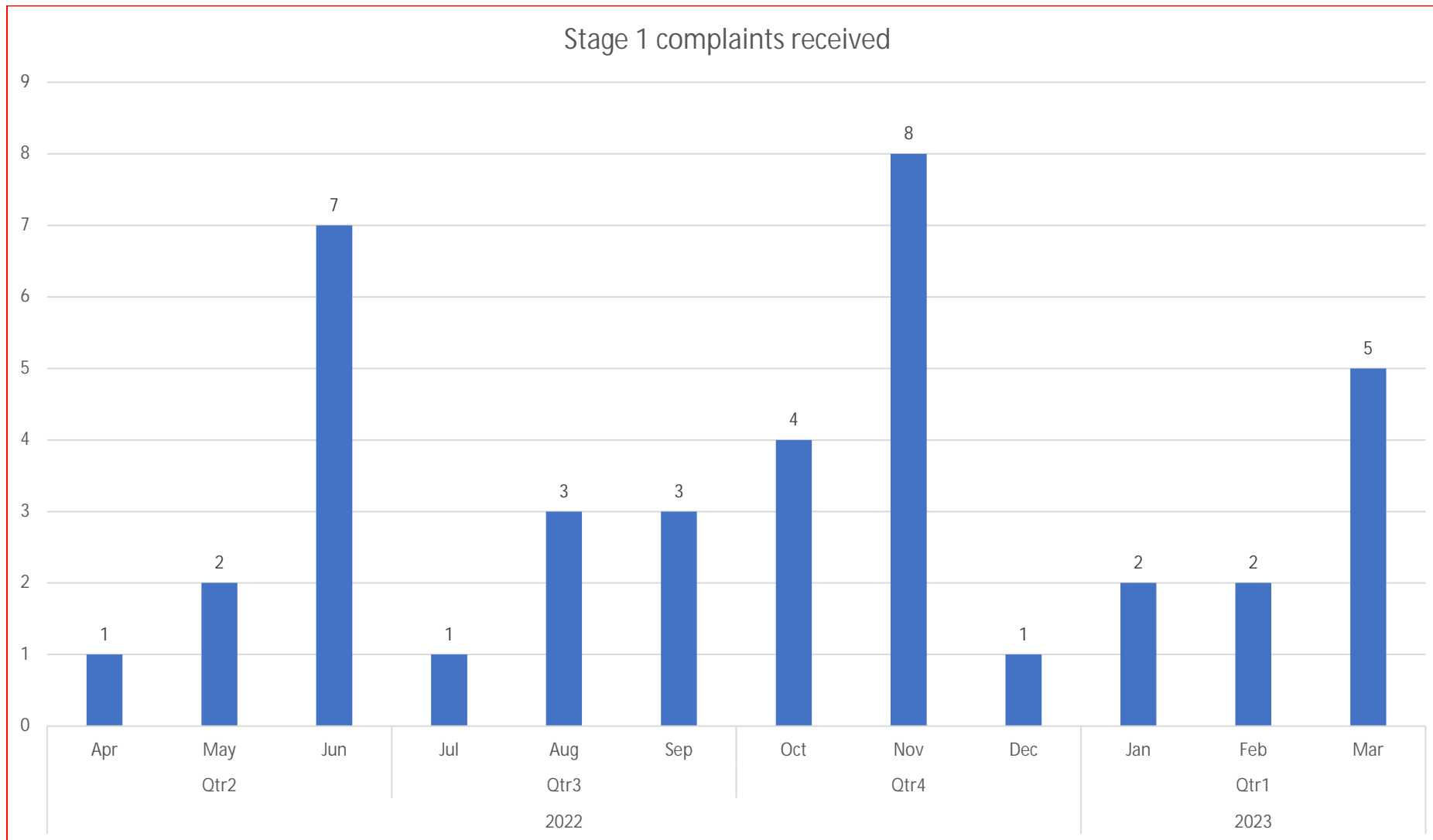
**Appendix M:** The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023

**Figure 1:** The number of Freedom of Information (FOI) Requests received for Planning and Building Control between 1 April 2022 to 31 March 2023



**Appendix M: The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023**

**Figure 2:** The number of Stage 1 Complaints to Planning Services between 1 April 2022 and 31 March 2023



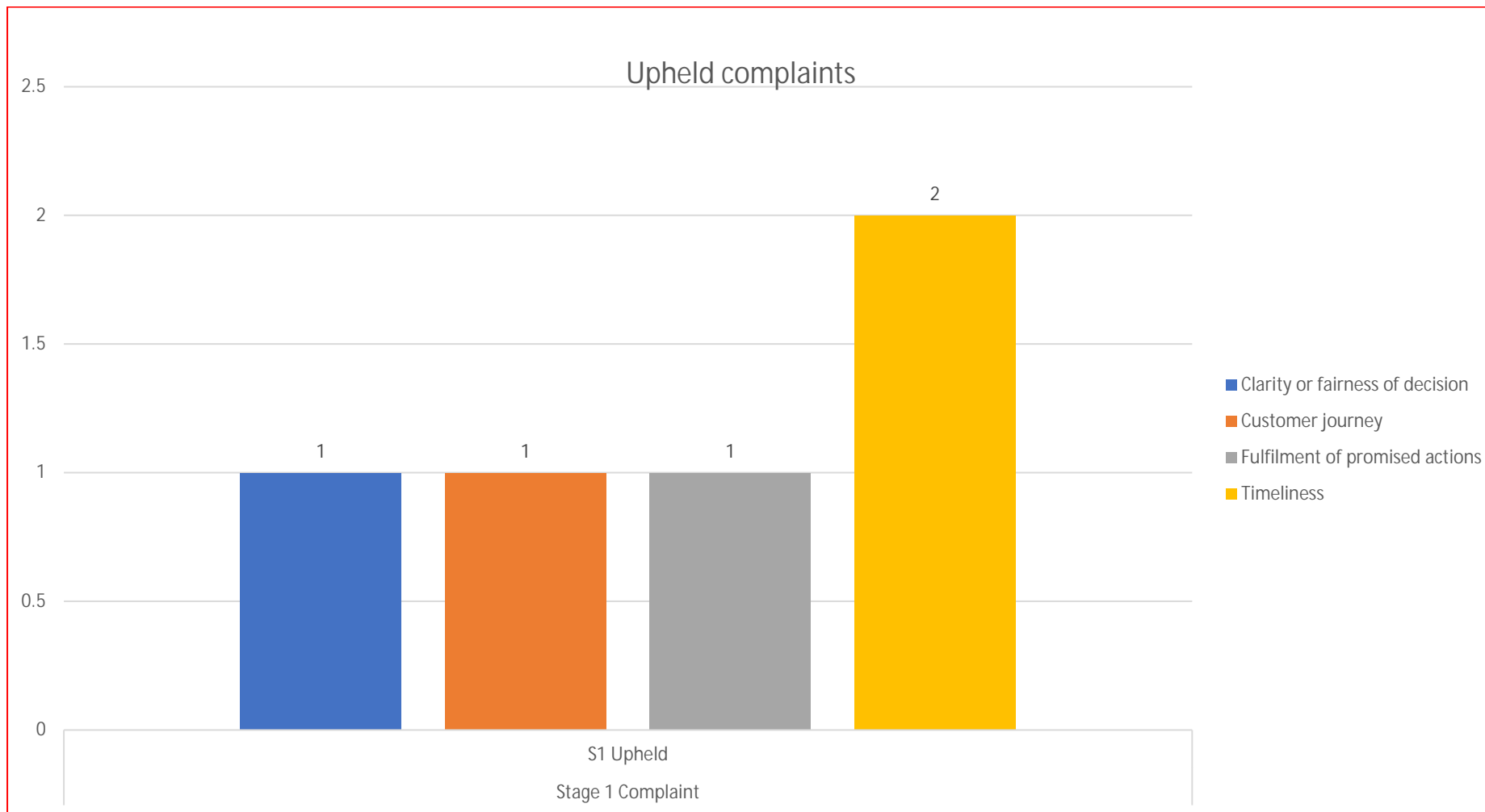
**Appendix M:** The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023

**Figure 3:** The Number of Stage 1 Complaints not Upheld, Partially Upheld and Upheld, received by Planning Services between 1 April 2022 and 31 March 2023



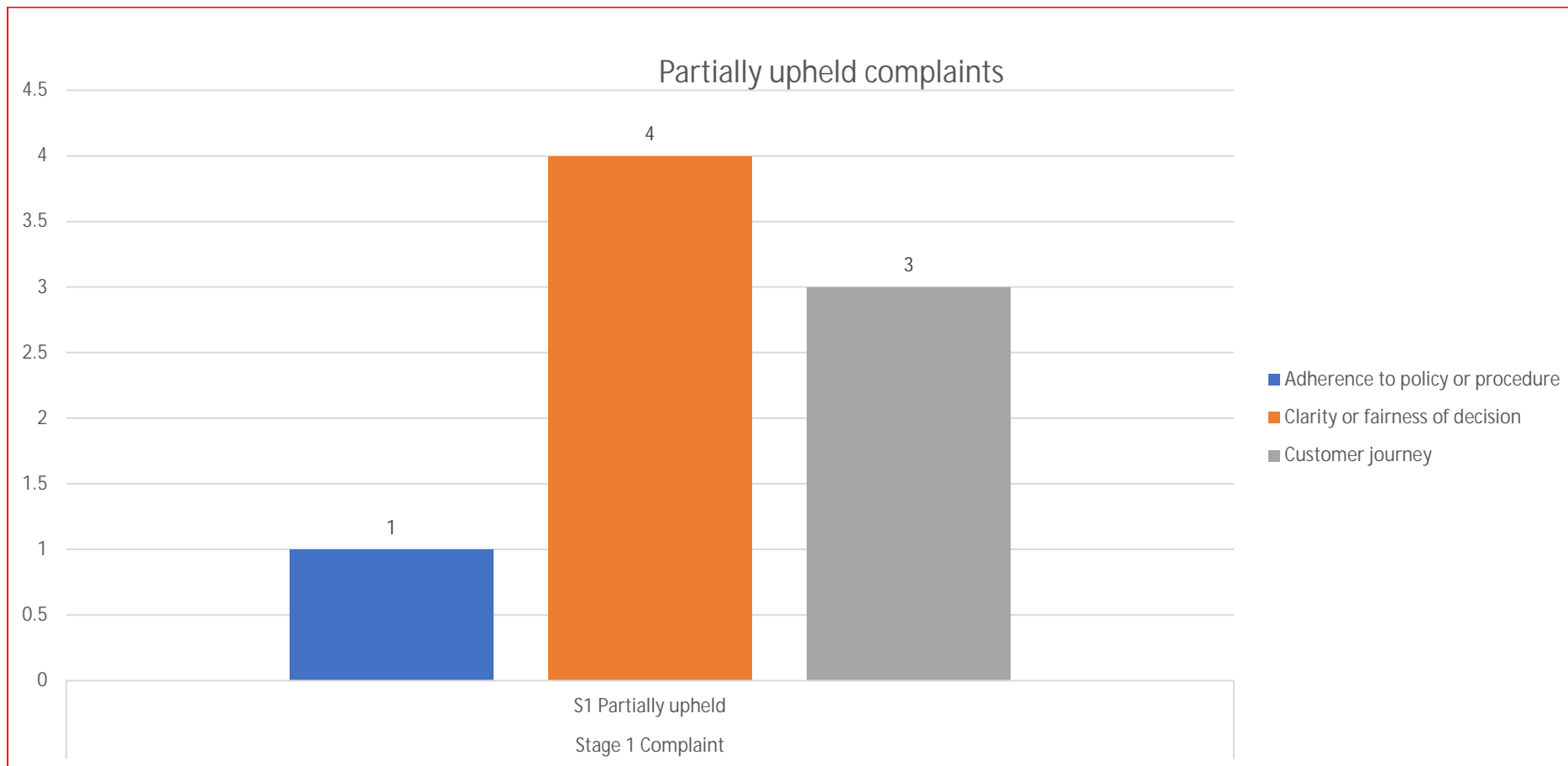
**Appendix M:** The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023

**Figure 4:** The reasons upheld complaints were upheld received by Planning Services between 1 April 2022 and 31 March 2023



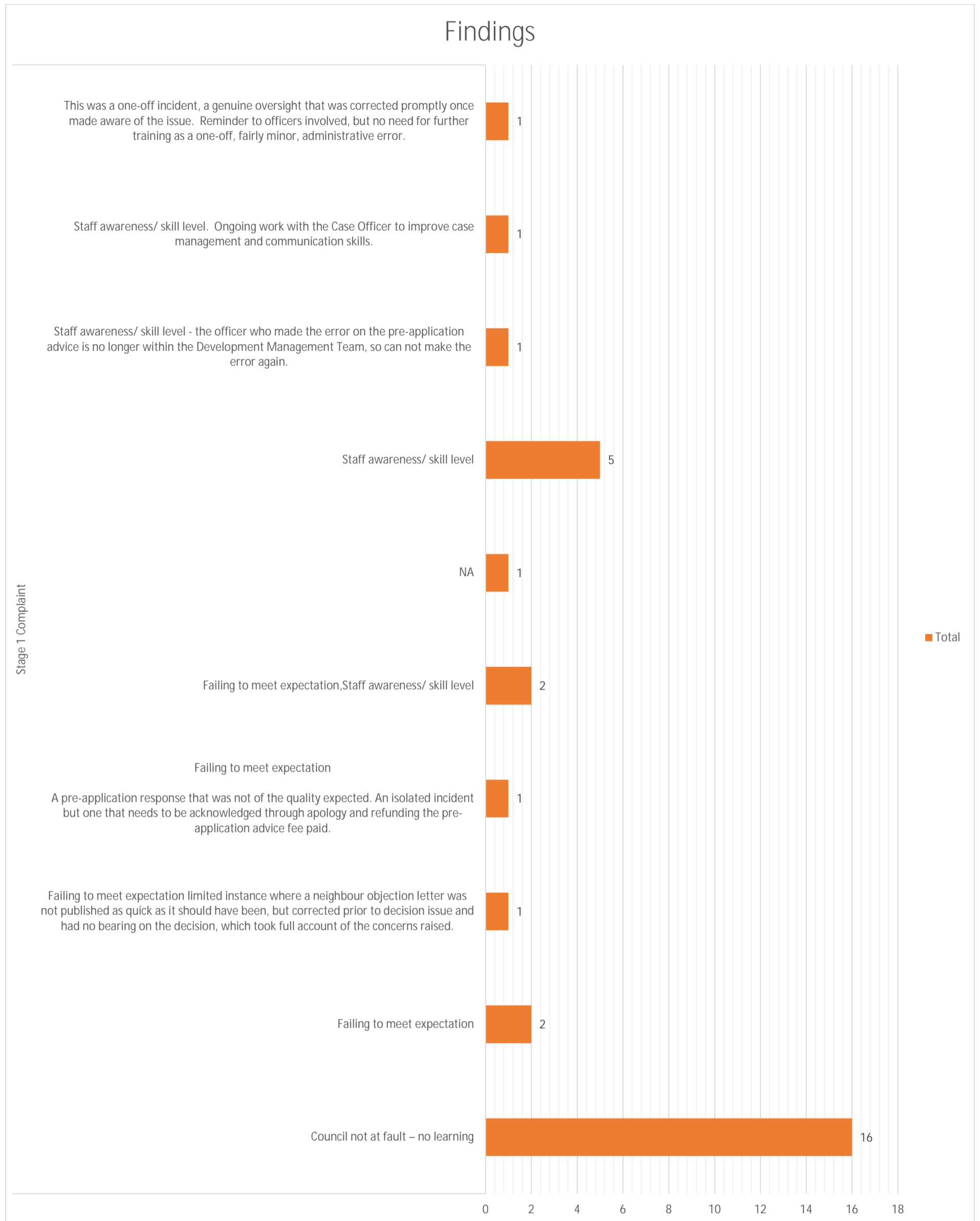
**Appendix M: The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023**

**Figure 5:** The reasons complaints were partially upheld received by Planning Services between 1 April 2022 and 31 March 2023



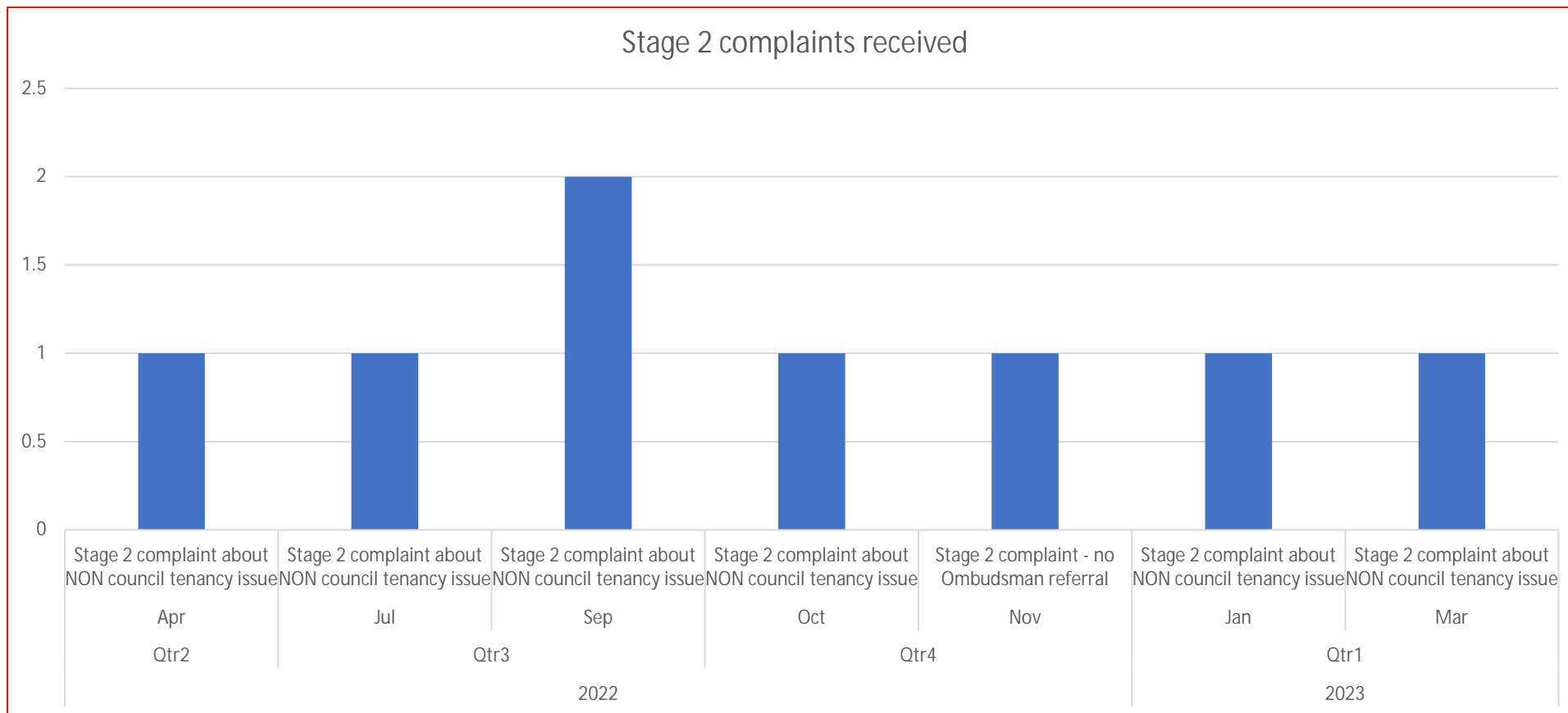
**Appendix M: The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023**

**Figure 6: The findings of Stage 1 Complaints received by Planning Services between 1 April 2022 and 31 March 2023**



**Appendix M: The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023**

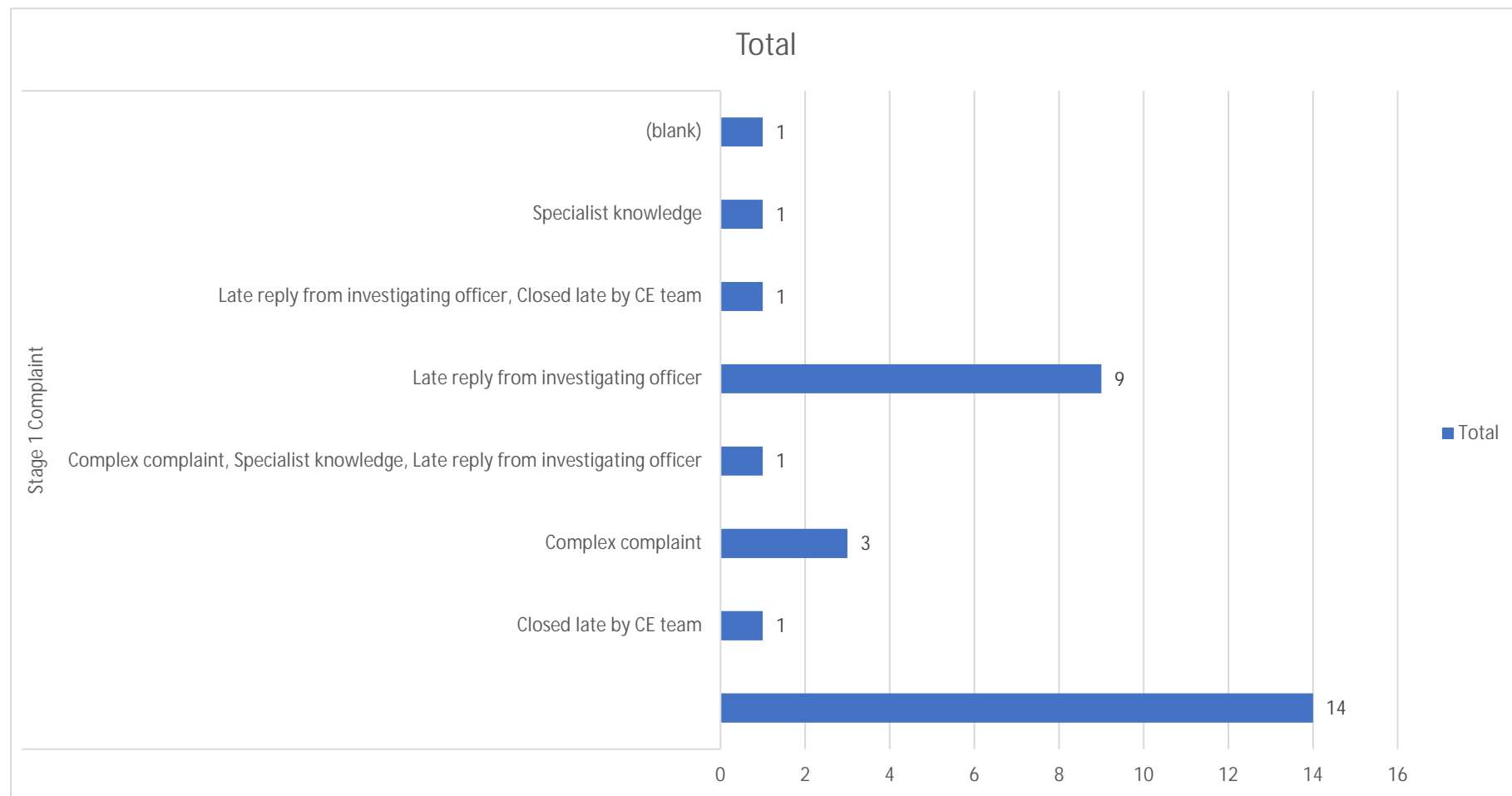
**Figure 7: The number of Stage 2 Complaints received by Planning Services between 1 April 2022 and 31 March 2023**





**Appendix M: The number of Freedom of Information Requests and Formal Complaints related to Development Management and Planning Enforcement for the period 1 April 2022 – 31 March 2023**

**Figure 8:** The response times on Stage 1 Complaints received by Planning Services between 1 April 2022 and 31 March 2023





## STRATEGIC PLANNING COMMITTEE

Monday, 03 July 2023

<b>Subject</b>	Appeals Performance Report – 15 February 2023 to 21 May 2023
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a>  Ben Woolnough Planning Manager (Development Management, Major Sites and Infrastructure) 07833 406681 <a href="mailto:Ben.woolnough@eastsoffolk.gov.uk">Ben.woolnough@eastsoffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:Katherine.scott@eastsoffolk.gov.uk">Katherine.scott@eastsoffolk.gov.uk</a>

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

## Purpose and high-level overview

**Purpose of Report:**

This report provides an update on the planning performance of the Development Management Team in terms of the quality and quantity of appeal decisions received from the Planning Inspectorate following refusal of planning permission by East Suffolk Council.

**Options:**

None.

**Recommendation/s:**

That the content of the report be noted.

## 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.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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 checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" 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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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 checked="" type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
To provide information on the performance of the enforcement section			

## Background and Justification for Recommendation

<b>1 Background facts</b>	
1.1	The report is presented to Members as rolling reporting mechanism on how the Council is performing on both the quality and quantity of appeal decisions received from the Planning Inspectorate.
<b>2 Current position</b>	
2.1	A total of 17 planning appeal decisions, and two costs decisions have been received from the Planning Inspectorate since 15 February 2023 following a refusal of planning permission from East Suffolk Council or appeals against non-determination.
2.2	A summary of all the appeal decisions received is appended to this report (Appendix A).
2.3	The Planning Inspectorate monitor appeal success rates at Local Authorities and therefore it is important to ensure that the Council is robust on appeals, rigorously defending reasons for refusal. Appeal decisions also provide a clear benchmark for how policy is to be interpreted and applications considered.
2.4	Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% appellant success rate for major applications, 27% success rate for minor applications and 39% success rate for householder applications.
2.5	All of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management.
2.6	Of the 17 planning appeals, 10 of the decisions were dismissed (58.8 %) and seven of the decisions were allowed (41.2%) by the Planning Inspectorate.
2.7	Two of the appeals were for Major Applications, with both allowed. One was a delegated refusal and allowed following a Public Inquiry (APP/X3540/W/22/3301868 Land west of Norwich Road, Halesworth, Suffolk) and the other a refusal by Planning Committee as an overturn of the officer recommendation of approval (APP/X3540/W/22/3300310, Land off St Andrews Place and Waterhead Lane, Melton).
2.8	11 of the appeals were for minor applications with five allowed (45 %) and six dismissed (54%).
2.9	Four of the appeals were for other applications and they were all dismissed (100%).
2.10	There were also two decisions, relating to applications for the award of costs against the Council, both of which were dismissed, the Inspectors concluding the Local Planning Authority had not acted unreasonably in reaching its decision.

2.11	<p>In terms of key outcomes of the appeals, these matters are of particulate note:</p> <ul style="list-style-type: none"> <li>The decision at Playford Lane, Rushmere St Andrew confirms the approach taken with the application of the cluster policy SCLP5.4 and the recently adopted Supplementary Planning Document, in that it confirms that dwellings within the settlement limits do not count as part of a 'cluster'.</li> </ul>
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### 3 How to address current situation

3.1	Quarterly monitoring
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### 4 Reason/s for recommendation

4.1	That the report concerning the appeals decisions received is noted
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## Appendices

### Appendices:

<b>Appendix A</b>	Summary of all appeal decisions received
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### Background reference papers:

None.
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**Appendix A**

**The following appeal decisions have been received. The full reports are available on the Council's website using the unique application reference.**

Planning Appeals relating to 'Majors'

<b>Application number</b>	DC/20/1831/OUT
<b>Appeal number</b>	APP/X3540/W/22/3300310
<b>Site</b>	Land off St Andrews Place and Waterhead Lane, Melton, Woodbridge, Suffolk IP12 1QX
<b>Description of development</b>	Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place
<b>Committee / delegated</b>	Committee
<b>Appeal decision date</b>	16 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	Whether the proposed development would provide suitable, safe and convenient access to the development proposed, the impact on local traffic conditions, and whether it would provide adequately for the use of transport other than the private car.
<b>Summary of decision</b>	<p>On-street parking and narrow width of the carriageway, combined with tight bends to access the application site could prove tricky during the construction phase. However, there is no doubt that St Andrew's Place would be able to cater for normal day to day traffic associated with the number of dwellings proposed. The configuration of the streets does not encourage anything other than slow and careful driving there would be adequate safety post construction with the traffic flows generated.</p> <p>There will be additional use of the Station Road and Wilford Bridge Road junctions however any delays at these junctions cannot be described as significant. Similarly, although the extra journeys in motor vehicles would be likely to have an impact on the functioning of the traffic light controlled junction in Melton, it is equally clear that any delays and increased congestion would be relatively modest.</p> <p>The off-site works include improvements to footways to make access on foot to Wilford Bridge Road more convenient. This in turn would enable access to the bus stops nearby, and to Melton railway station. The walk from the appeal site to the bus stops or</p>

	Melton Station via St Andrew's Place is easy and takes just a few minutes. The proposed scheme would provide sufficient opportunity for residents to travel other than by private vehicle.
<b>Learning point / actions</b>	It was a finely balanced decision however it was noted that the use of this access would also avoid there being a single access to the wider allocated land, as required by policy. Also, minor disruption during the construction period is unlikely to lead to unsafe highway conditions because of the configuration of the roads and resultant slow speeds and there would not be a severe cumulative residual impact on the road network therefore in NPPF terms there are no grounds to refuse planning permission.

<b>Application number</b>	DC/21/3016/FUL
<b>Appeal number</b>	APP/X3540/W/22/3301868
<b>Site</b>	Land west of Norwich Road, Halesworth, Suffolk
<b>Description of development</b>	Assisted Living Development (Class C2) comprising 80 Assisted Living Units, Communal/Health facilities, access, roadways, parking, open space and landscaping.
<b>Committee / delegated</b>	Delegated.
<b>Appeal decision date</b>	23 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	Whether or not the appeal site is an appropriate location for an assisted living development, having regard to local and national planning policy and guidance, in particular Policy WLP1.2 of the LP; and, whether or not the proposal makes adequate provision for affordable housing, with particular regard to Policy WLP8.2 of the LP.
<b>Summary of decision</b>	<p>Location The site lies outside the settlement boundary, but it was common ground it was in an accessible location with good access to services and facilities.</p> <p>Policy WLP1.2 lists the types of development that will not be permitted in the countryside, including residential development. The footnote to WLP1.2 confirms that 'residential development' is that falling within use classes C3 and C4. The Inspector did not accept the Council's case that the meaning of residential development includes use class C2. There was the option to</p>



	<p>include C2 extra care housing in the list of development not permitted in the countryside had the Council, or the Local Plan Inspector, wished to do so. But they did not.</p> <p>The need for extra care accommodation is not a relevant consideration as there is no policy basis for requiring that need be demonstrated.</p> <p>The proposal for a use class C2 development outside of a defined settlement boundary does not conflict with Policy WLP1.2 of the LP or the overall spatial strategy. The appeal site is, therefore, an appropriate location for an assisted living development.</p> <p><b>Affordable Housing</b>  The S106 secures a commuted sum payment for affordable housing which equates to 13% of the proposed homes (as the only viable approach) but Policy WLP8.2 requires 30%. The policy states that a reduction will only be acceptable where the scheme has 'wider sustainability benefits'. Wider sustainability benefits are not defined in the policy.</p> <p>The proposal would result in a number of sustainability benefits, including the provision of public open space, a new cycle route and job creation. It is also in an accessible location.  The benefits do not go beyond normal benefits applying to a proposal of this type. However, the proposal also secures: biodiversity net gain for hedgerows and habitats; Health and well being benefits for occupants with knock-on positive effects on the NHS through reduced demand for services and freeing up existing family sized housing.</p> <p>These benefits go beyond the proposal and the site itself and are therefore wider sustainability benefits. They outweigh the modest shortfall in affordable housing of 17%.</p>
<p><b>Learning point / actions</b></p>	<p>The appeal Inspector did not accept the Council's interpretation of the footnote to Policy WLP1.2 and therefore it would be beneficial to continue to reflect on the policy in relation to proposals falling within Use Class C2.</p>

Planning Appeals relating to 'Minors'

<b>Application number</b>	DC/21/3393/FUL
<b>Appeal number</b>	APP/X3540/W/22/3296951
<b>Site</b>	146 Kirton Road, Trimley St Martin
<b>Description of development</b>	Proposed café, wool-stores and workshop.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	21 February 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	<ul style="list-style-type: none"> <li>• Whether the proposal would be in a suitable location for new retail and commercial uses having regard to local and national policy; and</li> <li>• The effect of the proposal on the character and appearance of the area having regard to a nearby tree.</li> </ul>
<b>Summary of decision</b>	<p>The development includes a new building comprising retail development and a café which would fall within main town centre uses as set out in the Framework.</p> <p>The appeal site is situated in a rural location and the proposal would fail to accord with policies SCLP4.5b (economic development in the rural areas) and SCLP4.8 (New retail and commercial leisure development) by virtue of it being within a village and away from any town, district or local centre.</p> <p>No evidence was provided towards assessing alternative locations which could be sequentially preferable to the appeal site, as required by the Framework. Therefore, the proposal would fail to accord with the expectations of Policy SCLP4.8 and paragraph 87 of the Framework in this regard.</p> <p>There is no evidence that there would be a sufficient scale of population within the community to support the proposal and, while a café would be capable of providing a meeting place for isolated residents, this would provide only a limited social benefit.</p> <p>Support for local economic development that the proposal would provide through local spending and job creation would also result in a limited economic benefit.</p>

	<p>Taken together, the proposal would not be in a suitable location for new retail and commercial uses having regard to local and national policy.</p> <p>The positioning of the proposal would be located beneath part of the canopy of a large mature oak tree which lays just outside the site boundary. The oak is a highly visible feature in the street scene due to the absence of any other significant scale trees in the area.</p> <p>The appeal site’s settlement edge location where development transitions into more open countryside means that the tree makes a significant positive contribution to the transition between the developed area and countryside and thereby the character of the area.</p> <p>The proximity of the proposed building is such that damage to the root system during construction cannot be ruled out and an adverse impact on the tree avoided and the appellant has not provided any evidence that the proposal would not result in harm to the oak tree.</p> <p>As such, it is found that the proposal would result in a harmful effect on the character and appearance of the area having regard to a nearby tree. As such, the proposal would fail to accord with Policies SCLP10.4 (Landscape character), SCLP11.1 (Design Quality), SCLP12.34 (Strategy for the rural areas) which collectively seek to ensure development proposals will be expected to demonstrate their location, scale, form design and materials will protect and enhance distinctive landscape elements including trees and take account of any important landscape features and provide enhancements for biodiversity.</p> <p>The proposal would also fail to accord with paragraph 174(b) of the Framework which seeks for planning decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefit from natural capital and ecosystem services, including, amongst other things, trees.</p>
<p><b>Learning point / actions</b></p>	<ul style="list-style-type: none"> <li>• The limited social and economic benefits of the proposal are not significant enough to allow the appeal to be determined</li> </ul>

	<p>other than in accordance with the relevant policy considerations.</p> <ul style="list-style-type: none"> <li>• It has not been sufficiently demonstrated that the proposal could be implemented without undermining a neighbouring mature oak tree which provides an important positive contribution to the character of the area.</li> </ul>
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<b>Application number</b>	DC/21/3082/FUL
<b>Appeal number</b>	APP/X3540/W/22/3303790
<b>Site</b>	Land And Buildings West Of Playford Lane (Adjacent The Stables And 6 Playford Lane), Playford Lane, Rushmere St Andrew IP5 1DW
<b>Description of development</b>	Construction of a single storey dwelling
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	23 February 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue in this appeal is whether the site is a suitable location for the proposed dwelling having regard to development plan and national planning policies.
<b>Summary of decision</b>	<p>The site lies outside but adjacent to the settlement boundary of Rushmere St Andrew and is defined as countryside by Policy SCLP3.3 of the Local Plan. It is therefore countryside for planning purposes where development is only permitted subject to the exceptions defined in Local Planning Policies and the NPPF.</p> <p>The Inspector concurred with the view of the LPA that the site does not form part of a 'Cluster' as set out within the Local Plan and the associated Supplementary Planning Guidance on clusters, because the adjacent dwellings lie within the settlement boundary and therefore do not form part of a defined cluster.</p> <p>The development would have also been harmful to the rural character of the site and its immediate environs, representing an extension of the built-up area into the countryside.</p> <p>The appellants sought to make a case that the scheme should be allowed on the basis of personal circumstances to provide specialist accommodation for their disabled child and access to the nearby Ipswich Hospital for frequent emergency treatment and riding facilities. However, the Inspector stated they had limited evidence regarding the child's condition or frequency of</p>

	<p>treatment, whether the location is essential to the provision of treatment or whether such treatment could be provided elsewhere. They also had no evidence to demonstrate that access to riding for the child is essential for its wellbeing or treatment or that other provision to exercise could not be made without the development.</p> <p>It was not demonstrated to the satisfaction of the Inspector that the personal circumstances or benefits to the child outweigh the harm associated with the development, and therefore there was no justification to set aside Planning Policy, so the appeal was dismissed for the reasons outlined above.</p>
<b>Learning point / actions</b>	This decision demonstrates the usefulness of the recently adopted Supplementary Planning Document relating to clusters and confirms the adopted approach to exclude dwellings within a settlement boundary from forming part of a cluster.

<b>Application number</b>	DC/21/2638/FUL
<b>Appeal number</b>	APP/X3540/W/22/3291082
<b>Site</b>	Cosy Camping Suffolk, Tenth Road, Bucklesham, IPSWICH, IP10 0BP
<b>Description of development</b>	Change of use to permit the siting of a temporary dwelling (a mobile home) to house a site manager to oversee the day-to-day management of the Cosy Camping Suffolk facilities.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	9 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Whether there is an essential need for a dwelling to accommodate a rural worker.
<b>Summary of decision</b>	<p>The Inspector found policy SCLP 5.6 provided an appropriate basis for establishing whether there is an essential need for a rural worker to live permanently on the site as set out in the PPG and Para 80 of the NPPF.</p> <p>The argument that the presence of an on-site manager would act as both a deterrent and enable pre-emptive action to be taken to avoid an unfortunate event which could place visitors in danger was not sufficient to persuade the Inspector that living on site is the only option available to the appellant to manage these risks.</p>

	<p>The site has a reception building located close to the entrance to the site which doubles as a shop and office. A communal building has also recently been approved on site which will provide a café/bar, wet weather games area and enable the holding of events. When this building is operational it will mean that staff will be present on site between 7.30am and 10pm. Furthermore, a late night patrol could take place to ensure that there were no problems arising from noise and disturbance before the staff departed the site.</p> <p>The appellant confirmed they had not considered employing a night watchman to provide security during the night and to oversee the site and any CCTV.</p> <p>The Inspector concluded that it has not been demonstrated that even during the peak summer periods that the number of calls received would be so significant to warrant a permanent on site presence and that this could not be dealt with by an individual living within a reasonable travel distance of the site. This was further supported by both the applicant and her husband sharing the responsibilities.</p> <p>A temporary permission would be appropriate for new enterprises in order to establish its viability, but it does not remove the need to demonstrate a functional need for someone to live on the site.</p>
<b>Learning point / actions</b>	The Inspector suggests that other measures should be explored to help demonstrate the need for permanent dwelling.

<b>Application number</b>	DC/21/4195/FUL
<b>Appeal number</b>	APP/X3540/W/22/3295569
<b>Site</b>	Old Hall Farm, Bartholomews Lane, Wenhaston With Mells Hamlet IP19 9DG
<b>Description of development</b>	The development proposed was installation of a timber outbuilding to be used as a farm garden office.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	9 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The main issue was the effect on the character and appearance of the area including the effect on the setting of nearby listed buildings.

<b>Summary of decision</b>	Essentially, the Inspector disagreed with the Council's refusal reason, by finding that the building would be appropriate for its context which included the setting of a listed building.
<b>Learning point / actions</b>	The Inspector clarified that the appellant did not have to justify the need for the development, as there were no Development Plan policies requiring this.

<b>Application number</b>	DC/21/2584/OUT
<b>Appeal number</b>	APP/X3540/W/22/3297315
<b>Site</b>	Land to South of 19 Mill Road, Part of The Ugli Nursery, Mill Road, Newbourne, Suffolk IP12 4NP
<b>Description of development</b>	Outline Application (Some Matters Reserved) - Construction of a three Bedroomed Detached Dwelling
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	20 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Whether the proposed development would provide a suitable location for housing, having regard to its effect on the character and appearance of the area
<b>Summary of decision</b>	<p>The erection of a new dwelling in Newbourne is acceptable in principle, provided it satisfies the detailed requirements of Policies SCLP11.9 and (in this case) SCLP5.4. When considered together, these policies require that the proposed development amounts to infilling along an existing road frontage, while avoiding harm to the character and appearance of the area, including the distinctive characteristics of the LSAH area.</p> <p>In the surrounding area, detached dwellings are interspersed with substantial parcels of open land and several ranges of glasshouses are visible, set back from both sides of the road. As such, the pattern of former holdings can still be discerned.</p> <p>While the scale and appearance of the dwelling are not defined at this stage, this would amount to a significant encroachment of residential development into agricultural/horticultural land. The development would establish a more domestic character along the road frontage, leaving little sense of the former holding to the rear. This would disrupt the distinctive pattern of smallholdings which is characteristic of the LSAH area, to a harmful extent.</p>

	Given the extent of separation between the adjacent dwellings, the proposed development would not amount to infill of a clearly defined gap in an existing frontage.
<b>Learning point / actions</b>	Policy SCLP11.9 to be used alongside SCLP5.4 in relation to Newbourne. Significant weight given to the character and appearance of the LSAHs and the importance of spacious residential development and evidence of horticultural uses.

<b>Application number</b>	DC/21/5391/FUL
<b>Appeal number</b>	APP/X3540/W/22/3308126
<b>Site</b>	The Crown, King Georges Avenue, Leiston IP164JX
<b>Description of development</b>	Change of Use from former Public House to HMO providing a total of 11 rooms
<b>Committee / delegated</b>	Non-determination
<b>Appeal decision date</b>	27 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The main issue is whether the proposed conversion of a community facility to residential use is adequately justified.
<b>Summary of decision</b>	<p>The Crown is a 2 storey public house with letting rooms and a large car park, situated on the edge of Leiston town centre. An application to register The Crown as an Asset of Community Value (ACV) was not successful. Suffolk Coastal Local Plan (LP) policy SCLP8.1 states that proposals to change the use of a community facility not registered as an ACV will only be permitted if one of 3 criteria applies. The criteria applicable to this case are, in summary: (a) demonstration that there is no community need for the current use or an alternative community use; or (b) demonstration that the current or alternative community uses are not viable, including marketing evidence.</p> <p>The Inspector considered that the presence of other local pubs and drinking establishments, the lack of reference in the NP and the ACV bid's lack of success all indicate that there is no clear community need for the use of The Crown as a pub.</p> <p>The Inspector acknowledged the marketing evidence requirements within the Local Plan, and that in the view of ESC the asking price was too high, but concludes that the asking price was not unreasonable or unrealistic. He also made reference to the fact that although there was evidence of interest in the</p>



	<p>property when marketed, there was no evidence of a bid being made and rejected, even below the marketed price.</p> <p>The Inspector also concluded there was no conflict with Policy SCLP4.9, which supports a flexible approach to future uses and redevelopment opportunities within town centres. The proposal would add to the range and amount of residential accommodation in the central area.</p> <p>The appeal was allowed subject to conditions.</p>
<b>Learning point / actions</b>	<p>The alternative facilities around a site can be a determining factor in assessing the potential community need for a facility.</p> <p>If the marketing is undertaken in general accordance with Policy SCLP8.1 and Appendix E of the Local Plan and no substantive interest is shown, then the requirements of part (b) of the Policy will have been met.</p> <p>The determination of this application within the nationally set statutory timescales may have avoided an appeal.</p>

<b>Application number</b>	DC/21/5189/OUT
<b>Appeal number</b>	APP/X3540/W/22/3294378
<b>Site</b>	36 Jackson Road, Newbourne, IP12 4NR
<b>Description of development</b>	Erection of detached dwelling, garage and access
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	29 March 2023
<b>Appeal decision</b>	Allowed with conditions.
<b>Main issues</b>	The main issue is whether the proposed development would provide a suitable location for housing, having regard to its effect on the character and appearance of the area.
<b>Summary of decision</b>	Based on the extent of the site and the indicative layout plan, it is clear that the proposed dwelling would be close to the road and that it would occupy land already used in association with an existing dwelling. There is established residential development to either side of the appeal site and along Jackson Road, as well as another dwelling immediately opposite. As such, the proposal would comprise infill development, since it would occupy a well-defined gap in an otherwise continuous built-up frontage. The

	<p>proposal was therefore considered to accord with SCLP5.4. However, the Inspector noted that the size of the plot would be smaller than that the surrounding development, although this was not detrimental to an extent that harm to the character of the cluster or streetscene was identified due to the varied streetscene.</p> <p>Matters relating to RAMS were concluded as part of the appeal, where it was confirmed that Natural England consider that the appropriate assessment and financial contribution would appropriately mitigate the likely adverse effects on the integrity of the relevant Habitats Sites.</p>
<b>Learning point / actions</b>	<p>Whilst this proposal was considered to accord with SCLP5.4 and SCLP11.9 in this instance, the Inspector is clear that the proposal would not set a precedent for future developments. In any event, the circumstances surrounding individual sites are rarely identical and any future development would be considered on its merits. The comments raised by the Inspector in considering the appeal are noted and will be consideration in assessing other 'cluster' applications in Newbourne.</p>

<b>Application number</b>	DC/22/1361/FUL
<b>Appeal number</b>	APP/X3540/W/22/3309436
<b>Site</b>	Land at 1 Charity Cottage, Swilland Road, Otley, IP6 9NE
<b>Description of development</b>	Retention of use of land for the stationing of shipping containers for storage use. Retention of access track.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	12 April 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue is whether the appeal site is in a suitable location for employment development.
<b>Summary of decision</b>	The proposal is contrary to Local Plan Policy SCLP4.2 in that it has not been demonstrated that there are no sequentially preferable sites available. There is also insufficient information in respect of the operation of the business, its staff, or its area of coverage. Therefore, the appellants' assertions that the storage of the machinery and materials elsewhere would be significantly less convenient than the appeal site, would affect the efficiency of the business, and reduce vehicle emissions, have not been robustly substantiated. Nor was there substantive evidence to

	<p>demonstrate that the appeal site is required to meet the needs of the business.</p> <p>Furthermore, the development does not comply with paragraph 84(a) of the Framework as, even if a shipping container could be considered a 'building', as functional boxes, they are not well-designed.</p> <p>In reference to the main issue, the appeal site is not in a suitable location for employment development. It conflicts with Policies SCLP3.2, SCLP3.3, SCLP4.2 and SCLP4.5 of the LP which, amongst other things, seek to control the spatial distribution of development across the plan area, direct development towards the settlement boundaries, avoid the loss of further undeveloped land in the countryside, and control the sprawl of existing settlements.</p>
<b>Learning point / actions</b>	N/A.

<b>Application number</b>	DC/21/1822/FUL
<b>Appeal number</b>	APP/X3540/W/22/3290957
<b>Site</b>	Middle Barn, Ferry Road, Bawdsey IP12 3AS
<b>Description of development</b>	Extend and convert redundant agricultural buildings to form a single dwelling.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	12 April 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The effect of the development on the character and appearance of the site and the existing barns
<b>Summary of decision</b>	<p>While the proposed extension to the barn would be a significant alteration to the existing buildings, considering what has already been approved and the fact that the extension infills a gap between three existing walls and would partially reinstate the historic form of this range of former agricultural buildings, it would not result in any harm to the character and appearance of the site or the wider AONB.</p> <p>The design of the proposed link better reflects the traditional scale and form of the buildings being converted than the</p>

	previously approved narrow corridor link, which is not a feature or characteristic of a range of historic farm buildings.
<b>Learning point / actions</b>	More weight was given to the policy than the wording in the supporting text and while it was agreed that the proposal would be contrary to part c of SCLP5.5 in that it resulted in a significant alteration, the overall design would not harm the character or appearance of the existing buildings or wider landscape.

<b>Application number</b>	DC/21/3352/FUL
<b>Appeal number</b>	APP/X3540/W/21/3285489
<b>Site</b>	24 The Josselyns, Trimley St. Mary IP11 0XW
<b>Description of development</b>	Demolition of existing extension and erection of 1No. semi-detached two-storey dwelling.
<b>Committee / delegated</b>	Non-determination (I.e. the Council did not issue a decision within the prescribed period or within an agreed extension of time period).
<b>Appeal decision date</b>	11 May 2023
<b>Appeal Decision</b>	Allowed with conditions
<b>Background and main issues</b>	<p>The application follows the granting of outline planning permission for a similar proposed dwelling. However, a change in the extent of the site boundary prevented the proposed development being progressed through the submission of reserved matters.</p> <p>If the Council had they reached a decision, planning permission would have been refused for two reasons: the effect on the occupiers of neighbouring properties at the rear having regard to privacy and absence of evidence in relation to the effect of the proposed development on Habitats Sites.</p> <p>The appellant was invited to reconsider the position of a first-floor rear-facing window and provide additional submission material concerning RAMS outside of an agreed extension of time period.</p> <p>The main issues are therefore:</p> <ul style="list-style-type: none"> <li>• the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to privacy at 8 Great Field, and</li> <li>• the effect on the integrity of Suffolk Coastal Habitats Sites.</li> </ul>
<b>Summary of decision</b>	The proposed dwelling would introduce first floor windows within a part of the site where these do not currently exist.

	<p>However, there are first floor windows on the front and rear elevations of the existing dwelling and also on the rear elevations of properties fronting Great Field.</p> <p>The existing first floor windows on surrounding properties already overlook neighbouring rear elevations and back gardens and most of them are not obscure glazed, nor are they otherwise designed to prevent views between the properties.</p> <p>The degree of separation is typical of what is a relatively modern housing estate, where some degree of inter-visibility between properties is the norm.</p> <p>The dwelling at 8 Great Field is less directly overlooked than its neighbours and the proposed dwelling would be set slightly closer to this adjacent property than the existing dwelling. However, the relationship between the proposed dwelling and the rear of 8 Great Field would remain comparable to the generally established relationship between properties in this part of The Josselyns and Great Field.</p> <p>It is therefore concluded that an acceptable standard of privacy would be maintained and that the development would not harm the living conditions of occupiers of neighbouring properties, with regard to privacy at 8 Great Field.</p> <p>Subsequent to the submission of this appeal, both parties have confirmed that the required financial RAMS contribution and forms have been provided, comprising an undertaking under Section 111 of the Local Government Act 1972. This has been updated to enable a payment made in respect of the unimplemented outline planning permission ref DC/18/3956/OUT to be transferred to the appeal proposal.</p>
<p><b>Learning point / actions</b></p>	<p>The determination of this application within the nationally set statutory timescales may have avoided an appeal.</p> <p>Consider providing greater weight towards the prevailing relationship between existing neighbouring properties with respect to privacy impacts when judging proposals for infill dwellings.</p>

<p><b>Application number</b></p>	<p>DC/21/5535/OUT</p>
<p><b>Appeal number</b></p>	<p>APP/X3540/W/22/3301185</p>

<b>Site</b>	Land West of Bell Green, Holly Tree Farmhouse, Cratfield IP19 ODN
<b>Description of development</b>	Outline Application With Some Matters Reserved - Development of no. 3 residential units
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	11 May 2023
<b>Appeal Decision</b>	Dismissed
<b>Main issues</b>	<ul style="list-style-type: none"> <li>• whether the site is in a suitable location for housing development</li> <li>• the effect of the proposed development on the landscape character</li> <li>• the effect of the proposed development on the setting of two Grade II listed buildings</li> <li>• the effect of the proposed development on protected and priority species.</li> </ul>
<b>Summary of decision</b>	<p>The Inspector agreed that the appeal site is located adjacent to the defined 'cluster' and did not fall within it, contrary to SCLP5.4 (a) and Paragraph 2.2 of the Clusters SPD. Therefore, there is no need to determine whether the proposal meets criteria (b) (c) or (d).</p> <p>As the appeal site did not meet the requirements of SCLP5.4 the Inspector concluded that the appeal site would not be in a suitable location for residential development having regard to the accessibility of services and facilities and that there would be a reliance on the private car, in conflict with Policy SCLP7.1 and the framework.</p> <p>The inspector noted that the proposal would extend the built-up form of the village connecting it to a small group of dwellings that are currently isolated from the village, comprising ribbon development, which the Suffolk County Council Landscape Character Assessment states can have a considerable impact on the wider landscape. The Inspector therefore agreed that the construction of three dwellings in this location would erode the landscape setting of the village, harm the rural approach towards the village, and result in a harmful visual intrusion into the surrounding landscape.</p> <p>The Inspector was of the view that although limited information had been submitted in respect to heritage assets, nevertheless the information was sufficient to assess the proposal. This refusal reason was on the basis of lack of information rather than harm caused. The Inspector concluded that the siting of</p>

	<p>the proposed dwellings would erode the significance of the farmhouse's open and undeveloped setting and erode the uninterrupted gateway/approach to the building in any case.</p> <p>The final matter related to potential harm to a European Protected species due to lack of assessment. This matter had been resolved during the appeal process.</p>
<b>Learning point / actions</b>	<ul style="list-style-type: none"> <li>• A good decision in terms of the consideration given to the wording of the Cluster SPD and highlighted the benefit of this document.</li> <li>• Even if there is a minimal heritage information an assessment of harm should be made in any case.</li> </ul>

Planning Appeals relating to 'Others' (including householders and Advertisements)

<b>Application number</b>	DC/22/1474/FUL
<b>Appeal number</b>	APP/X3540/D/22/3312808
<b>Site</b>	Plum Tree Farm, Dunwich Lane, Heveningham, Suffolk IP17 2JT
<b>Description of development</b>	The development proposed was a lodge (annexe).
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	28 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue was the effect of the proposal on the character and appearance of the property and the local landscape.
<b>Summary of decision</b>	The Inspector found in favour of the Council, agreeing that the height and siting of the lodge/annexe was inappropriate – causing harm to the character and appearance of the area.
<b>Learning point / actions</b>	The appellant relied heavily on the approval of a 1.5 storey annexe building relatively nearby; however, the Inspector made clear that each case is assessed on individual merit and dismissed the appeal. This is useful confirmation of an important planning principle that 'precedent' of other approved development is rarely material to a decision.

<b>Application number</b>	DC/22/2427/FUL
<b>Appeal number</b>	APP/X3540/W/22/3306824
<b>Site</b>	Land and verges at St Martin's Green, Trimley St Martin, Suffolk IP11 0UZ
<b>Description of development</b>	Proposed Garage
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	31 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The application was refused on the grounds of adverse visual amenity impact and character of the area (SCLP 11.1). The siting and scale of the proposed outbuilding would erode the openness and character of the street to a significant degree and conflicts with policy SCLP 11.1. The applicant also submitted a claim for costs against the local planning authority.
<b>Summary of decision</b>	<p>The Council were not unreasonable in coming to their decision, as following consideration of the application on its merits alone, I have concurred with the Council. Therefore, I do not find that the Council delayed a decision which should have otherwise been approved and as such, the applicant's costs associated with the appeal were a necessary part of the process".</p> <p>The proposed development would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.</p>
<b>Learning point / actions</b>	No action required. The application was refused. Even a small grass verge within a highly built-up area can provide valuable break in the building line that contributes to the visual amenity of the area.

<b>Application number</b>	DC/22/4403/FUL
<b>Appeal number</b>	APP/X3540/D/23/3316037
<b>Site</b>	65 Chatsworth Drive, Rushmere St Andrew, Ipswich IP4 5XA
<b>Description of development</b>	Erection of boundary fence
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	26 April 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Appearance of fence to character of area and Highway safety



<b>Summary of decision</b>	The appeal was dismissed as although the inspector did not feel the appearance of the fence would harm the character of the area, the new position would increase the danger to highway safety and pedestrians walking along the footpath by restricting visibility when leaving the parking area.
<b>Learning point / actions</b>	Moving fences out to cover verges may not have such a significant impact on the character of an area as defined within policy SCLP11.1.

<b>Application number</b>	DC/22/3644/FUL
<b>Appeal number</b>	APP/X3540/D/22/3313863
<b>Site</b>	33 Park Drive, Worlingham, Suffolk, NR34 7DL
<b>Description of development</b>	extension to existing dropped kerb and associated extension/alterations to parking bay
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	09 May 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue is the effect of the proposed development on the character and appearance of the area
<b>Summary of decision</b>	Not clear what was permitted under recent planning permission for extension to dwelling and two parking bays- however the subject of the appeal is a continuation of the raised platform and retaining wall across the whole site frontage to the eastern boundary, which the LPA considers is detrimental to the streetscene and local character of the area. The Inspector agreed with this, saying that the presence of front gardens, adds a significant sense of greenery and spaciousness to the area's attractive uniformity. The development (which has progressed without planning permission) draws attention to itself and results in entirely car parking-dominated frontage, at odds with the character of the area.
<b>Learning point / actions</b>	Contrary to WLP8.29 which seeks to retain the character and appearance of the surrounding area. Mostly retrospective, therefore this case will now be picked up and concluded by the Enforcement Team.

### Appeals relating to Part 3 Prior Notifications

There were no Appeal decisions of this type during this quarter.

### Enforcement Appeals

There were no Appeal decisions of this type during this quarter.

### Costs Decisions

<b>Application number</b>	DC/20/1831/OUT
<b>Appeal number</b>	APP/X3540/W/22/3300310
<b>Site</b>	Land off St Andrews Place and Waterhead Lane, Melton, Woodbridge, Suffolk IP12 1QX
<b>Description of development</b>	The appeal was against the refusal of planning permission for residential development of up to 55 dwellings with access off St Andrew's Place
<b>Committee / delegated</b>	Committee
<b>Appeal decision date</b>	16 March 2023
<b>Appeal decision</b>	Refused
<b>Main issues</b>	Whether the Council acted unreasonably during the course of the application
<b>Summary of decision</b>	<p>A committee resolution to grant permission subject to the completion of a S106 agreement would have been encouraging to the applicant however, until the permission is issued it cannot be relied upon.</p> <p>It was after that site visit that the Committee changed its view, which it was entitled to do. The decision took a long time to be reached however there were matters which required to be addressed including re-consultation. The Council didn't act unreasonably on this matter.</p> <p>The Committee patently took a judgement after having visited the application site. Taking a decision based on the submissions and their own observations and experience is a normal part of the decision-making process. That I have reached a different conclusion on access does not mean that the Members were unreasonable to decide otherwise.</p> <p>The phrasing of part of the reason for refusal, namely that "the scheme should provide measures to improve sustainable travel opportunities for the occupiers of the development and reduce the need for motor vehicle use which are not evident" to be erroneous. Taking that view was an unreasonable stance to take</p>

	<p>as conditions and S106 were proposed to deal with this. That said, it has not caused any unnecessary expense since the matters in issue would have had to be dealt with in any case in relation to the S106 obligation.</p> <p>The footway link is not a requirement of Policy MEL20, but there can be little doubt that it would be beneficial. The Council took a view which was defensible – that in the absence of the link the development would not maximise opportunities to encourage sustainable travel. Taking that view was not unreasonable.</p> <p>Therefore no unreasonable behaviour has occurred.</p>
<b>Learning point / actions</b>	Each element of any reason for refusal must be entirely and reasonably be justified but differing opinions on the severity of issues raised does not necessarily result in unreasonable behaviour, if justified.

<b>Application number</b>	DC/22/2427/FUL
<b>Appeal number</b>	APP/X3540/W/22/3306824
<b>Site</b>	Land and verges at St Martin's Green, Trimley St Martin, Suffolk IP11 0UZ
<b>Description of development</b>	Proposed Garage
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	31 March 2023
<b>Appeal decision</b>	Refused
<b>Main issues</b>	The application was refused on the grounds of adverse visual amenity impact and character of the area (SCLP 11.1). The siting and scale of the proposed outbuilding would erode the openness and character of the street to a significant degree and conflicts with policy SCLP 11.1. The applicant also submitted a claim for costs against the local planning authority.
<b>Summary of decision</b>	PINS concluded: "I find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that a full award of costs is not justified".
<b>Learning point / actions</b>	n/a



**STRATEGIC PLANNING COMMITTEE**  
**Monday, 03 July 2023**

<b>Subject</b>	Review of the North, South and Strategic Planning Committees and the work of the Referral Panel 2022-2023
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officers</b>	Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a>  Ben Woolnough Planning Manager (Development Management) 01394 444681 <a href="mailto:ben.woolnough@eastsoffolk.gov.uk">ben.woolnough@eastsoffolk.gov.uk</a>  Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:katherine.scott@eastsoffolk.gov.uk">katherine.scott@eastsoffolk.gov.uk</a>

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	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 Town and Parish Council and Ward Member involvement. It includes a statistical analysis of the route of determination of all applications.

**Options:**

Not applicable.

**Recommendation/s:**

That the content of the report be noted and that no changes be made to the Referral process.

## 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.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
To provide information on the performance of the development management and enforcement section			

## Background and Justification for Recommendation

1 Background facts	
1.1	<p>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 2022 to March 2023. As per the report in June 2022, the reporting for this matter now provides far greater depth and analysis led by oversight of the process by Katherine Scott, Principal Planner (Technical Lead). This remains important to understand the effectiveness and efficiency of decision making and to maintain public confidence in the scrutiny and accountability the Planning Committees and Referral Panel provide. Importantly this also provides an annual review of the involvement of Ward Members and Town and Parish Councils in the planning process.</p>
1.2	<p>This report should be read as a whole, but it is split into the following sections:</p> <ul style="list-style-type: none"><li><a href="#">1 Background facts</a></li><li><a href="#">2 Summary of Current position</a></li><li><a href="#">3 Conclusions</a></li><li><a href="#">4 How to address current situation</a></li><li><a href="#">5 Reason/s for recommendation</a></li><li><a href="#">6 Detailed Analysis informing recommendation above</a></li></ul>
1.3	<p>This report should be read alongside the reports on planning performance and appeals decision which are being presented to the Strategic Planning Committee. This year is should also be read alongside the report on the Scrutiny Committee Response, which is evidenced by data from this report. The report is structured to provide 'Headline Points' in this main part of the report followed by 'Detailed Analysis' which makes full reference to a comprehensive Appendices pack of graphs and figures.</p>

2 Summary of Current position	
2.1	<p>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. Monitoring of the effectiveness of the scheme of delegation remains an important function of the Local Planning Authority. A copy of the scheme of delegation is included as <b>Appendix A</b> to this report.</p>

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 (SALC), based on a SALC survey responded to by 59 of the 175 Town and Parish Councils in East Suffolk, further details of which are included in the "Response to Scrutiny Committee Report of March 2023" that is also on this meeting's agenda.
2.4	<p><b><u>Headline Points</u></b></p> <p>There was a reduction in the overall total of the number of 'Planning Applications' determined by the Local Planning Authority during this period. For each financial year:</p> <ul style="list-style-type: none"> <li>- 1 April 2022 – 31 March 2023, 2151 Planning Applications were determined,</li> <li>- 1 April 2021 – 31 March 2022, 2560 Planning Applications were determined,</li> <li>- 1 April 2020 – 31 March 2021, 2327 Planning Applications were determined, and</li> <li>- 1 April 2019 – 31 March 2020, 2,529 Planning Applications were determined.</li> </ul> <p>This is consistent with the national reduction in planning applications, from 459,177 in 2021/22 to 395,227 in 2022/23.</p>
2.5	<p><b><u>Percentage delegated?</u></b></p> <p>There were 200 items at the Planning Referral Panel meetings between 1 April 2022 and 31 March 2023. This is a decrease on preceding years correlating with the reduction in the overall total number of applications, with:</p> <ul style="list-style-type: none"> <li>- 1 April 2021 – 31 March 2022 having 244 items,</li> <li>- 1 April 2020 – 31 March 2021 having 230 items, and</li> <li>- 1 April 2019 – 31 March 2020 having 295 items.</li> </ul>
2.6	The Planning Referral Panel Delegated 158 applications to Officers for determination (79%) and referred 38 applications to Planning Committee (19%), with the remaining 3 applications being withdrawn.



2.7	This compares to 88% delegated and 12% referred in 2021/22, 82% delegated and 18% referred in 2020/21, and 87% delegated and 12% referred in 2019/20.
2.8	In 2022-23, 47% of items at the Planning Referral Panel were from the South area and 53% from the North Area ( <b>Appendix E, Figure 1</b> ). This follows the pattern of the preceding years, during which North has had a higher proportion of the items at Planning Referral Panel for two out of the three years.
2.9	The two Wards with the highest number of applications at the Planning Referral Panel are Aldeburgh & Leiston, and Southwold. Neither Saxmundham or Western Felixstowe had any items at the Referral Panel ( <b>Appendix G, Figure 1</b> ).
2.10	The majority of these applications have triggered the Planning Referral Panel Process due to the Town/Parish Council comments rather than written comments from Ward Members ( <b>Appendix N, Figure 3</b> ).
2.11	There has consistently been limited Ward Member involvement in applications through the submission of written comments triggering the Planning Referral Panel Process. 91% of items at the Referral Panel had no written comments from Ward Members. ( <b>Appendix N, Figure 1</b> ).
2.12	Only 11 of the 29 wards had comments from the Ward Members prior to the Panel meetings (Approximately 38%), and the maximum number of applications in a single ward with comments from a Ward Member was 4 applications (Southwold Ward, which had 21 items at the Referral Panel in total) ( <b>Appendix J, Figure 6</b> ).
2.13	55% of members did not attend any Referral Panel meetings during the whole year ( <b>Appendix P, Figure 2</b> )
2.14	67 or 38% of the Parishes had at least one application at the Planning Referral Panel.
2.15	The majority of cases at referral panel have comments from the relevant Town or Parish Council, with only 2 out of the 200 items at the Planning Referral Panel did not have any comments from the relevant Town/Parish Council ( <b>Appendix L, Figure 5</b> ).
2.16	The majority of comments from Town and Parish Councils that trigger the Planning Referral Process are representations of 'Objection' at 83%, with just 15% of items at Planning Referral Panel having a representation of 'Support' from the relevant Town/Parish Council ( <b>Appendix N, Figure 2</b> ).
2.17	The largest settlements (Felixstowe and Lowestoft) had more applications at the Planning Referral Panel than many of the smaller settlements, with 11 and 12 items respectively ( <b>Appendix H, Figure 1</b> ).

2.18	However, some of the other towns such as Aldeburgh (10), Southwold (10), and Woodbridge (13) also had a similar number of items, even though they each had a significantly smaller number of 'Planning Applications' ( <b>Appendix H, Figure 1</b> ).
2.19	The parish with at least 10 planning applications determined in the calendar year and the highest proportion of its applications triggering the Planning Referral Process was Walberswick at 56% ( <b>Appendix H, Figure 3</b> ).
2.20	During the period 1 April 2022 – 31 March 2023, the three planning committees met for more than 50 hours, almost 21 hours in North Planning Committee, almost 23 hours in South Planning Committee and over 6 hours in Strategic Planning Committee.
2.21	During this period applications were at Planning Committee for the following reasons ( <b>Appendix S, Figure 1</b> ): <ul style="list-style-type: none"> <li>- 49% of applications were at Planning Committee due to referral by the Planning Referral Panel.</li> <li>- 24% of applications at Planning Committee were taken directly by the Head of Service</li> <li>- None were taken directly by referral by the Chairman/Vice-Chairman of the Planning Committee.</li> <li>- 27% were there due to an East Suffolk Council connection</li> </ul>
2.22	In terms of application scales, 17 (22.7%) of the items at Planning Committee were 'Majors', 23 (30.7%) were 'Minors' and 35 (46.7%) were 'Others' ( <b>Appendix R</b> ).
2.23	In respect of public and Ward Member participation in Planning Committees ( <b>Appendix T, Figure 1</b> ): <ul style="list-style-type: none"> <li>- Town and Parish Councils spoke at Planning Committee on 24% of applications</li> <li>- Third parties/objectors spoke on 16% of applications</li> <li>- Agents or Applicants spoke on 16% of applications</li> <li>- Ward Members spoke on 24% of applications.</li> </ul>
2.24	In terms of the proportions of applications approved ( <b>Appendix V</b> ): <ul style="list-style-type: none"> <li>- 91% of all 'Planning Applications' were Approved and 9% Refused within East Suffolk between 1 April 2022 and 31 March 2023. This compares with 88% of applications approved nationally.</li> <li>- 94.7% of applications determined as delegated by officers were approved</li> <li>- 89% of applications delegated back to officers by the Referral Panel were approved</li> <li>- 92% of applications `determined at Planning Committee were approved</li> </ul>

2.25	<p>Between 1 April 2022 and 31 March 2023, there were 45 Planning related Appeal Decisions received, with (<b>Appendix F of the Planning Performance Report, also on this agenda</b>):</p> <ul style="list-style-type: none"> <li>- 32 (71%) dismissed (i.e. upholding the ESC’s decision), and 13 (29%) were allowed (i.e. overturning ESC’s decision)</li> <li>- 84% being against schemes that were refused at officer level in accordance with the scheme of delegation,</li> <li>- 11% against Committee Refusals (including 7% overturn of officer recommendation) and 5% against non-determination.</li> </ul>
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### 3 Conclusions

3.1	<p>The Planning Referral Process is successfully directing a number of applications to Planning Committee, because 49% of the items at Planning Committee last year had come through that process.</p>
3.2	<p>The proportion of delegated decisions not triggering the Referral Panel Process has remained relatively consistent with previous years and other Local Planning Authorities (see Response to Scrutiny Committee Report also on this agenda). However, there has been a small increase in the percentage of Referral Panel items being referred to Planning Committee.</p>
3.3	<p>The majority of applications at the Planning Referral Panel Process were triggered by comments from the Town/Parish Council, and very few cases at the Panel had any form of written comments from Ward Members. There is also limited attendance by Ward Members at the Planning Referral Panel, and proportionally even fewer are speaking on items in their wards at Planning Committee.</p>
3.4	<p>Opportunities for greater Ward Member involvement exist within the current process. Members are notified when validation applications are received and available to view on Public Access, notified if/when an application is to be considered at the Planning Referral Panel and at a Planning Committee meeting, so they are informed of the various key points in the application process.</p>
3.5	<p>Following the recent elections, training was provided to members on Planning Processes including the Planning Referral Process, and Planning Committee process. The means by which they can be involved and trigger the Referral and Committee Process formed a key part of that training.</p>
3.6	<p>Ward member attendance at Referral Panel is actively welcomed by officers and all new members, in particular, are encouraged to at least attend a Referral Panel this year to observe the process.</p>

3.7	Town/Parish Councils are consulted on applications, which most utilise and respond to, but only a limited number appear to be utilising their opportunity to speak at Planning Committee, even if the application has been referred to Planning Committee by the Planning Referral Panel having reached the Panel because of Town/Parish comments. In the Town and Parish Council Forum being held in July, this point will be emphasised, and all Towns and Parishes will be encouraged to engage with the Planning Committee process.
3.8	Further Town/Parish Council training on how they can ensure they are signed up for notifications of Planning Committees and monitor Planning Applications online through Public Access could form part of those sessions, to encourage greater attendance and speaking by Town/Parish Councils at Planning Committee meetings.
3.9	There have been recent instances of Town and Parish Councils claiming they have been ignored despite very detailed coverage of their comments in Committee Reports, detailed written consideration by officers and the opportunity for speaking and questions in the Planning Committee. Further training will aid Town and Parish Councils in understanding the amount of officer time and attention which does go into consideration of their comments, including through the Referral Panel process.
3.10	In recent years it has also been recognised by Managers and Principal Planners that the Referral Process is providing an excellent opportunity for those senior officers to provide greater influence on decisions and improve support for all officers in the team. Prior to the point that reports are shared with the Panel, often improvements are made to applications and reporting, adding extra scrutiny, quality control and consistency. This is an advantage of the Referral Process which is often not seen or recognised by Members or Town and Parish Councils and it does result in better quality decisions and reports being published.

#### **4 How to address current situation**

4.1	Yearly monitoring and reporting to Strategic Planning Committee, subject to the consideration and outcome of the 'Response to Scrutiny Committee Report'. which is also on this agenda.
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#### **5 Reason/s for recommendation**

5.1	That the contents of the report are noted and that no changes are made to the Referral Panel Process.
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## 6 Detailed Analysis informing recommendation above

6.1	<p><b><u>Application interactions with Ward Members, and Town/Parish Councils</u></b></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>
6.2	<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"> <li>- An application is validated within their ward, and thus available for them to view online and submit comments if they wish,</li> <li>- If the address or description is revised during the application process,</li> <li>- When the application status is changed e.g., when an application is scheduled for a Planning Committee, and</li> <li>- When the application is determined.</li> </ul>
6.3	<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>
6.4	<p>The formal interaction points for Ward Member interaction points during applications that are outlined above are shown on a diagram of the application process in <b>Figure 1 of Appendix B</b> to this report.</p>
6.5	<p>In the East Suffolk Council area, 162 Town and Parish Councils or 92% have a Public Access account set up through formal clerk email addresses (Figures confirmed 12 May 2023). 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"> <li>- An application is validated within their area, and thus available for them to view online and submit comments if they wish,</li> <li>- If the address or description is revised during the application process,</li> <li>- When the application status is changed e.g., when an application is scheduled for a Planning Committee, and</li> <li>- When the application is determined.</li> </ul>

6.6	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).
6.7	Town and Parish Clerks also have the option to sign up to the CMIS system through the East Suffolk Website, so that they receive notifications of Committee Meetings affecting their Parish and/or adjacent Parishes (including Planning Committees).
6.8	The formal interaction points for Town/Parish Councils during applications that are outlined above are shown on a diagram of the application process in <b>Figure 3 of Appendix B</b> to this report.
6.9	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.
6.10	<b>Figures 5 and 7 of Appendix B</b> to this report illustrate the key formal interaction points during planning applications for Statutory Consultees, Non-Statutory Consultees and Third Parties.
6.11	<b><u>The Referral Panel Process</u></b> Once the consultation process has been completed on a 'Planning Application', officers assess the scheme and consider the comments received in detail and form a 'Minded to' recommendation. Then at this point the application will either trigger the Planning Referral Process or direct to Planning Committee (further details later in this report) or if no triggers are met, will be delegated to officers for determination.
6.12	An application is triggered to the Planning Referral Panel by part for of the Scheme of Delegation ( <b>Appendix A</b> ). This means that if the comments received from either the Ward Member, Town/Parish Council and/or a statutory consultee during the consultation process are contrary to the 'Minded to' recommendation of officers, the application goes to the Planning Referral Panel. For example, if the Ward Member and/or Town/Parish Council and/or a Statutory Consultee Objects to the application, and officers are 'Minded to' approve, the process is triggered. Similarly, if the Ward Member and/or Town/Parish Council and/or a Statutory Consultee Support the application, and officers are 'Minded to' Refuse, the Planning Referral Process is triggered.
6.13	In accordance with paragraph 3.11 of the East Suffolk Council Constitution ( <a href="#">Constitution » East Suffolk Council</a> ), the Planning Referral Panel is there to consider the determination process route of the application i.e. whether it should be referred to Planning Committee on the basis of material issues which should be debated in public, or delegated back to officers for determination. The Panel does not decide if the application should be approved or refused.

6.14	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, the Panel Members are furnished with both a written report and a detailed visual and verbal presentation of the application by officers. The Protocol for Planning Referral Panel process is included in Appendix C to this report.
6.15	In accordance with the Planning Referral Panel Meeting Protocol / Terms of Reference ( <b>Appendix C</b> ), 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 and have the opportunity to confirm if the item as presented is factually correct 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). A copy of that notification is included in <b>Appendix D</b> to this report.
6.16	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.
6.17	<p>In June 2022 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 resolved that:</p> <p style="padding-left: 40px;"><i>“1. That the content of the report be noted.</i></p> <p style="padding-left: 40px;"><i>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.”</i></p>
6.18	The second part of this resolution was enacted from 1 July 2022, and further details of this process are detailed below.
6.19	<p><b><u>Planning Referral Panel – Ward Members</u></b></p> <p>In accordance with paragraph 9.1 of the East Suffolk Council’s Constitution, Ward Members are not formally consulted on applications within their Ward because the applications are accessible via the portal/Public Access. All Ward Members are set up on the Public Access System, so although not sent a consultation letter, 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 (diagram in <b>Figure 1 of Appendix B</b>). Their comments can trigger the Planning Referral Process when their views are contrary to the ‘minded to’ recommendation of officers (illustrated in <b>Figure 2 of Appendix B</b>).</p>

6.20	Part 4 of the East Suffolk Councils Constitution ( <a href="#">Constitution » East Suffolk Council</a> ) sets out the Code of Good Practice/ Guidance for Members in relation to Planning and Rights of Way, including their role in making representations on applications. This section of the Constitution explains that the representational role of Members is a key part of the planning process (alongside the other requirements within the legal and policy framework of planning).
6.21	However, whilst there have been applications from most wards at the Planning Referral Panel during the past year (Saxmundham and Western Felixstowe being the exceptions with zero applications, <b>Figure 1 in Appendix G</b> ), the majority of these applications have triggered the Planning Referral Panel Process due to the Town/Parish Council comments rather than written comments from Ward Members, because as there has consistently been limited Ward Member involvement in applications through the submission of written comments triggering the Planning Referral Panel Process ( <b>Appendix N</b> shows the proportions of applications at Planning Referral Panel with comments from Ward Members and/or Town/Parish Councils).
6.22	As shown in <b>Figure 3 – 5 of Appendix O</b> , significantly more applications were at the Planning Referral Panel with comments from the relevant Town/Parish Council, than from the Ward Member, and even when the Town/Parish Council were objecting, that was only accompanied by an objection from a relevant Ward Member in 5 cases for the entire year.
6.23	<b>Appendix J</b> shows the number of applications at the Planning Referral Panel with written comments from Ward Member(s) between 1 April 2022 and 31 March 2023. As shown in Figure 4 only 11 of the 29 wards had comments from the Ward Members prior to the Panel meetings (Approximately 38%), and the maximum number of applications in a single ward with comments from a Ward member was just 4 applications (Southwold, which had 21 items at the Referral Panel in total).
6.24	There was an average of just 0.58 Referral Panel items per ward with comments from Ward Members. During this 91% of items at the Referral Panel had no written comments from Ward Members ( <b>Figure 1 of Appendix N</b> ). The limited proportion of applications at the Referral Panel with written comments from Ward Members is shown clearly in the graphs in <b>Figures 6 and 7 of Appendix J</b> and indicates a lack of formal Ward Member involvement during the consultation period during which they should submit comments to potentially trigger the Planning Referral Process.
6.25	As of 1 July 2022, a new Planning Referral Panel Meeting Protocol/Terms of Reference came into effect (copy in <b>Appendix C</b> ). This enables members to attend meetings when there are applications in their ward, to hear the presentations provided to the Panel by officers and confirm if the item as presented is factually correct.



6.26	Throughout the period 1 April 2022 to 31 March 2023, all elected members were on a 'Teams' chat in which the agenda for the follow weeks Planning Referral Panel meeting was posted (usually on a Friday afternoon), and the members for wards with items on the agenda were 'tagged' (example in <b>Appendix D</b> ). Therefore, all members were notified of all agendas for the Planning Referral Panel, and it was specifically highlighted when they had an item.
6.27	However, attendance at the Planning Referral Panel meetings by relevant Ward Members was not particularly high, with 55% of members not attending any Referral Panel meetings during the whole year ( <b>Figure 2 of Appendix P</b> ).
6.28	Whilst it is expected that the members for wards with no items at the panel (Saxmundham and Western Felixstowe) would be unlikely/not needed to attend, those wards consist of 4 member seats (just 13.8% of the total members), and one of the members for Western Felixstowe was a member of the Panel anyway, so that does not explain the limited attendance by other Ward Members.
6.29	It is also interesting to note that of the members that attended at least one meeting, the number of meetings they attended was not necessarily related to the number of items from their ward at the Referral Panel.
6.30	For example, the members for the ward with the highest number of items, Aldeburgh and Leiston (23 items, over 13 meetings) two of the three members only attended 1 meeting. The third member being at a higher proportion of the Panel meetings, but he was vice-portfolio holder so that was to be expected. In contrast the two members for Carlford and Fynn Valley (15 Items, over 14 meetings) each attended 5 and 12 meetings.
6.31	As is to be expected the highest level of attendance at the Panel meetings was by the Referral Panel Members, the Portfolio Holder and Vice-Portfolio Holder. However, one of the Ward Members for Gunton and St Margarets, who was not a member of the panel, attended more than 30 of the Panel meetings, despite there only being 5 items from that Ward at the Panel (at 5 meetings). However, that Ward Member was an exception and attended for their own training and interest so was an exception to the general pattern of limited attendance which was relatively low across most wards.
6.32	A simple visual comparison of the graph showing attendance by Ward Members at the Referral Panel which is in <b>Figure 2 of Appendix P</b> , with the number of Referral Panel items on which written comments had been received from Ward Members (thereby triggering the Planning Referral Process) which is in <b>Figure 4 of Appendix J</b> shows that even with the limited attendance by some Ward Members, more are attending the meetings than submitting written comments.

6.33	Therefore, between 1 April 2022 and 31 March 2023, many Ward Members missed their opportunity to trigger the Planning Referral Process, and as such there are applications that could potentially be referred to the Planning Referral Panel but aren't triggering that process due to the lack of Ward Member engagement with the planning application process during the critical consultation period. Ward member attendance at Referral Panel remains low but is actively welcomed by officers.
6.34	<b><u>Planning Referral Panel - Town and Parish Council</u></b> During the year 1 April 2022 – 31 March 2023, 67 or 38% of the Parishes had at least one application at the Planning Referral Panel. The overall average of number of Planning Referral items for each Parish was 1.14 during the same period.
6.35	As might be expected, during the period 1 April 2022 – 31 March 2023, the largest settlements (Felixstowe and Lowestoft) had more applications at the Planning Referral Panel than many of the smaller settlements, with 11 and 12 items respectively ( <b>Figure 1 of Appendix H</b> ). As show on Figure 2 of the same Appendix, these are the parishes in which the most 'Planning Applications' were determined over the year.
6.36	However, some of the other towns such as Aldeburgh (10), Southwold (10), and Woodbridge (13) also had a similar number of items, even though they each had a significantly smaller number of 'Planning Applications' ( <b>Figure 2 of Appendix H</b> ).
6.37	The village of Walberswick which is significantly smaller in size with significantly fewer 'Planning Applications' (16), had 9 items at the Planning Referral Panel, which as shown on <b>Figures 2 and 3 of Appendix H</b> means 56% of Planning Applications in that Parish Triggered the Referral Process.
6.38	The settlements/parishes with the next highest number of items triggering the Planning Referral Process were Waldringfield (7), Kesgrave (6), Kessingland (6), Leiston cum Sizewell (6), Rushmere St Andrew (6), Ufford (6), Beccles (5), Framlingham (5) and Halesworth (5).
6.39	As shown on <b>Figure 3 of Appendix H</b> , the parishes with proportionally the highest number of 'Planning Applications' triggering/at the Planning Referral Panel, were South Elmham All Saints and St Nicholas (100%), South Elmham St Michael (100%), Tuddenham St Martin (100%), Wangford and Henham (100%) and Wissett (100%). However, all those parishes have a low number of applications per year, so one or two applications can make a significant difference to the proportions triggering the Planning Referral Process, and therefore the proportions in those parishes are easily skewed.
6.40	Therefore, in looking at this data it is advisable to focus on those parishes with at least ten planning applications, in order to get a fairer picture of the proportions triggering the process. The parish with at least 10 'Planning Applications' and the

	parish with highest proportion triggering the Planning Referral Process was Walberswick at 56%.
6.41	There were a number of parishes with at least 10 Planning Applications in which none triggered the Planning Referral Process. They included Bawdsey (13 Planning Applications), Dennington (11 Planning Applications), Otley (11 Planning Applications), Pettistree (10 Planning Applications), Sweffling (10 Planning Applications), Trimley St Martin (15 Planning Applications), Wenhaston (17 Planning Applications), Westerfield (11 Planning Applications), Westleton (12 Planning Applications), Wickham Market (15 Planning Applications), Wivesham 11 Planning Applications), Worlingham (12 Planning Applications), Wrentham (12 Planning Applications) and Yoxford (10 Planning Applications).
6.42	The lack of items triggering the Planning Referral Process means that Town Parish Councils within those parishes have been of the same view as planning officers in terms of whether a scheme should be approved or refused. It also means within those parishes, the Ward Member did not submit comments contrary to those of officers, and the recommendations of officers agreed with those of any relevant statutory consultees. Therefore, this could be an indication that within those Parishes there is an understanding of the relevant planning policies and material planning considerations, so similar views are reached, or it could simply be that due to the nature and type of proposals submitted they were not particularly controversial or on balance decisions, so did not generate contrary views. Therefore, the lack of triggering in these parishes should necessarily be seen as lack of Town/Parish Council engagement with the planning application process.
6.43	Town and Parish Council's are consulted on all 'Planning Applications' within their town/parish boundary. They therefore have the opportunity to comment on all such applications, and in turn their comments can potentially trigger the Planning Committee Process, as set out in <b>Figures 3 and 4 of Appendix B</b> .
6.44	As shown in <b>Figure 6 of Appendix K and Figure 6 of Appendix L</b> , the majority of cases at referral panel have comments from the relevant Town or Parish Council, with only 2 out of the 200 items at the Planning Referral Panel between 1 April 2022 and 31 March 2023, not having any comments from the Town/Parish Council. This has been the case not only for March 2022 – April 2023, but also the preceding three years, as reported in last year's Annual Review of Committee and Referral Panel report to Strategic Planning Committee, a copy of which is included as Appendix B to the "Response to Scrutiny Committee Report of March 2023" that is also on this meeting's agenda.
6.45	The majority of comments from Town and Parish Councils that trigger the Planning Referral Process are representations of 'Objection' at 83%, with just 15% of items at Planning Referral Panel having a representation of 'Support' from the relevant Town/Parish Council ( <b>Figure 2 of Appendix N</b> ). These are shown with a breakdown by Parish in <b>Figure 6 of Appendix L</b> .

6.46	<p><b><u>Planning Referral Panel – Statutory Consultees</u></b></p> <p>The comments received from Statutory Consultees can also trigger the Planning Referral Process. Which organisations constitute Statutory Consultees depends upon the scale of the application, the nature of the proposals and any designations or constraints on or close to the site, and therefore they vary between applications, but can include the Environment Agency, Natural England, Historic England, SCC as Local Highway Authority, SCC as Local Archaeological Service and SCC as Lead Local Flood Authority. They do not include local amenity societies or local resident associations etc.</p>
6.47	<p>Statutory Consultees are consulted on all relevant applications as appropriate, and their key formal interaction points with the Planning Application process are set out in <b>Figure 5 of Appendix B</b>. The means by which their comments can trigger the Planning Referral Process are outlined in <b>Figure 6 of Appendix B</b>.</p>
6.48	<p>As set out in the Figures in Appendix O, few of the applications at the Planning Referral Panel have comments from Statutory Consultees contrary to the recommendation of Officers. However, that is to be expected, as generally fewer applications require consultations with Statutory Consultees, where as explained above, Town/Parish Councils are consulted on all ‘Planning Applications’ within their geographical area. The limited number of contrary views from Statutory Consultees is also likely as a result of the fact that Statutory Consultees are the technical experts on the issues they comment on, and therefore officers can only recommend contrary to their views in exceptional circumstances, where there are strong material planning justifications for doing so.</p>
6.49	<p><b><u>Planning Referral Panel – Numbers, Proportions and Scale of Applications</u></b></p> <p>As referred to elsewhere in this report, there were 200 items at the Planning Referral Panel meeting between 1 April 2022 and 31 March 2023. This is a decrease on preceding years, with:</p> <ul style="list-style-type: none"> <li>- 1 April 2021 – 31 March 2022 having 244 items,</li> <li>- 1 April 2020 – 31 March 2021 having 230 items, and</li> <li>- 1 April 2019 – 31 March 2020 having 295 items.</li> </ul> <p>(further details on figures for preceding years in Appendix B of Appendix B to the “Response to Scrutiny Committee Report of March 2023” that is also on this meeting’s agenda).</p>

6.50	<p>However, this reduction in the number of Planning Applications at the Planning Referral Panel could be explained by a number of factors, including a reduction in the overall total of the number of 'Planning Applications' determined by the Local Planning Authority during this period. For each of the preceding financial years:</p> <ul style="list-style-type: none"> <li>- 1 April 2022 – 31 March 2022, 2151 Planning Applications were determined,</li> <li>- 1 April 2021 – 31 March 2022, 2560 Planning Applications were determined,</li> <li>- 1 April 2020 – 31 March 2021, 2327 Planning Applications were determined, and</li> <li>- 1 April 2019 – 31 March 2020, 2,529 Planning Applications were determined.</li> </ul>
6.51	<p>In addition to the variation in total number of applications received, there would have been natural variations in the types, scale and nature of the proposals submitted to the Local Planning Authority for determination. Therefore, the lower number of applications at the Referral Panel during the past financial year is not a matter for concern at this time.</p>
6.52	<p>Planning Applications are defined into three scale categories, which are defined at a National level. In terms of the applications that East Suffolk Council deals with as Local Planning Authority at a district Council, they are defined as:</p> <ul style="list-style-type: none"> <li>- 'Major' <ul style="list-style-type: none"> <li>o 10 or more dwellinghouses, or</li> <li>o a site area of 0.5 hectares or more where the number of dwellinghouses is unknown, or</li> <li>o the floorspace to be created is 1,000sqm or more, and/or</li> <li>o the site area is 1 hectare or more.</li> </ul> </li> <li>- 'Minor' <ul style="list-style-type: none"> <li>o 1 – 9 dwellings,</li> <li>o A site area of up to 0.5 hectares where the number of dwellings is unknown,</li> <li>o Up to 1,000sqm of floorspace (excluding works to existing dwellings), and/or</li> <li>o The site area is less than 1 hectare.</li> </ul> </li> <li>- 'Other' <ul style="list-style-type: none"> <li>o Works to existing dwellinghouses, often referred to as Householder applications,</li> <li>o Changes of use where no additional floorspace is created.</li> </ul> </li> </ul>

6.53	As set out in <b>Figures 2 and 3 of Appendix E</b> , there were a higher number of ‘other’ applications than ‘Minors’ or ‘Others’ heard at the Planning Referral Panel during 1 April 2022 – 31 March 2023. However, this reflects the fact that a smaller number of ‘Major’ applications are submitted to and determined by East Suffolk than the numbers of ‘Minors’ and ‘Others’. It may also be explained by the fact that some ‘Major’ are called directly into Committee without passing through the Referral Panel Process.
6.54	There was some variation between these proportions in North and South Areas, but not significantly so to be a cause for concern ( <b>Figures 4 and 5 of Appendix E</b> ). Similarly, there was variation between the wards (figures 6 and 7), and at each meeting (figure 8), but those variations are to be expected as there is variation in the types and scales of application submitted across the district and throughout the year.
6.55	<p><b><u>Planning Referral Panel – Geographical Distribution of Applications</u></b></p> <p>As shown in <b>Figure 1 of Appendix E</b> 47% of items at the Planning Referral Panel were from the South area and 53% from the North Area. This follows the pattern of the preceding years, during which North has had a higher proportion of the items at Planning Referral Panel for two out of the three years:</p> <ul style="list-style-type: none"> <li>- 1 April 2021 – 31 March 2022, 50% North and 50% South.</li> <li>- 1 April 2020 – 31 March 2021, 54% North and 46% South,</li> <li>- 1 April 2019 – 31 March 2020, 55% North and 45% South</li> </ul> <p>(further details on figures for preceding years in Appendix F of Appendix B to the “Response to Scrutiny Committee Report of March 2023” that is also on this meeting’s agenda).</p>
6.56	<b>Figure 1 of Appendix G</b> shows the total number of applications at the Referral Panel for each Ward between 1 April 2022 and 31 March 2023. The two Wards with the highest number of applications at the Planning Referral Panel are Aldeburgh & Leiston, and Southwold. Neither Saxmundham or Western Felixstowe had any items at the Referral Panel.
6.57	The higher number for the Aldeburgh and Leiston coincides with that Ward having a higher number of ‘Planning Application’ (i.e. applications that could trigger the Referral Panel Process). However, the ward with the next highest number of applications at the Planning Referral Panel was Southwold, which does not have the highest number of Planning Applications, that being Carlford and Fynn Valley, which was the third highest Ward in terms of the number of applications at the Planning Referral Panel (number of ‘Planning Applications’ by Ward are shown in <b>Figure 2 of Appendix G</b> , and <b>Figure 3</b> shows them alongside the numbers at the Planning Referral Panel).

6.58	Both Saxmundham and Western Felixstowe had significantly fewer ‘Planning Applications’ than Aldeburgh & Leiston, and Southwold, so it is reasonable to expect those wards to have a lower number of applications at the Referral Panel. However, the lower number of ‘Planning Applications’ does not entirely explain the lack of items triggering the Planning Referral Panel process because the Rushmere St Andrew Ward had fewer ‘Planning Application’ than either Saxmundham or Western Felixstowe, but had four applications at the Planning Referral Panel, which was a higher percentage than any other Ward at over 20% ( <b>Figure 4, Appendix G</b> ).
6.59	This year’s pattern/spread of the proportion of items triggering Planning Referral Panel per Ward, does not reflect the spread seen in the preceding year (The graph showing the percentages by Ward for 2021-2022 are shown in Figure 1 of Appendix I of Appendix B to the “Response to Scrutiny Committee Report of March 2023” that is also on this meeting’s agenda). During 2021-2022, Rendlesham and Orford was the Ward with the highest proportion of Planning Applications triggering the Planning Referral Panel at more than 30%, and the Aldeburgh & Leiston Ward only had approximately 7% triggering, which was fewer than 18 other wards. This variation could simply be a result in the variation in the types and numbers of applications within the ward.
6.60	<b>Appendix F</b> shows the number of items from each Ward at each Referral Panel Meeting between 1 April 2022 and 31 March 2023. Figures 3 to 31 contain graphs for each Ward with the number of items from that ward at each meeting, and show that there is no apparent pattern to the number of items in any ward triggering the Referral Panel Process based upon the time of year.
6.61	Between 1 April 2022 and 31 March 2023, there appears to be some correlation between the number of applications at the Planning Referral Panel and the size of the settlement/parish ( <b>Figure 1 of Appendix H</b> ). The largest towns of Felixstowe (11 Items) and Lowestoft (12 items) had the highest number of applications at the Planning Referral Panel, with the Towns of Aldeburgh (10 items), Southwold (10 items) and Woodbridge (13 Items) having the next highest numbers.
6.62	However, there are some village parishes with higher numbers at the Planning Referral Panel than the other towns. For example, both Walberswick (9 items) and Waldringfield (7 items) had higher numbers of applications at the panel than Beccles (5 items), Bungay (3 items), Framlingham (5 items), Halesworth (5 items), Kesgrave (6 items) Leiston (6 items) and Saxmundham (0 items). Therefore, the number of applications triggering the Planning Referral Process does not appear to be entirely linked to the size of the settlement.
6.63	<b>Planning Referral Panel – Variations over the year</b> There is no apparent pattern in the number of applications at each Planning Referral Panel meeting based upon the time of year for the period 1 April 2022 - 31 March 2023. <b>Figure 1 of Appendix F</b> shows the number of items at each Planning Referral Panel Meeting, with significant variation in the numbers of items, but the peaks and troughs do not appear to relate to any particular season

	or time of year, other than the obvious gaps when meetings were cancelled such as over the Christmas/New Year Period.																				
6.64	<p><b>Planning Referral Panel – Proportions Referred to Planning Committee</b></p> <p>Between 1 April 2022 and 31 March 2023, the Planning Referral Panel Delegated 158 applications to Officers for determination (79%), referred 38 applications to Planning Committee (19%), with the remaining 3 applications being withdrawn.</p>																				
6.65	<p>There is natural variation overtime, as to the proportion of applications that are delegated or referred to Planning Committee, as show in the figures for the past 4 years set out in this table.</p> <table border="1" data-bbox="379 622 1334 1603"> <thead> <tr> <th>Year</th> <th>Delegated to Officers for Determination by the Planning Referral Panel</th> <th>Referred to Planning Committee by the Planning Referral Panel</th> <th>Overall proportion of planning applications determined by officers (including both those that trigger and do not trigger Referral Panel)</th> </tr> </thead> <tbody> <tr> <td>1 April 2022 – 31 March 2023</td> <td>79%</td> <td>19%</td> <td>97.52%</td> </tr> <tr> <td>1 April 2021 – 31 March 2022</td> <td>88%</td> <td>12%</td> <td>97.5%</td> </tr> <tr> <td>1 April 2020 – 31 March 2021</td> <td>82%</td> <td>18%</td> <td>96.5%</td> </tr> <tr> <td>1 April 2019 – 31 March 2020</td> <td>87%</td> <td>12%</td> <td>96.4%</td> </tr> </tbody> </table> <p><b>Table 1:</b> The proportions of applications delegated to officers / Referred to Planning Committee by the Planning Referral Panel in comparison with the overall proportions of Planning Applications determined at officer level during each financial year.</p>	Year	Delegated to Officers for Determination by the Planning Referral Panel	Referred to Planning Committee by the Planning Referral Panel	Overall proportion of planning applications determined by officers (including both those that trigger and do not trigger Referral Panel)	1 April 2022 – 31 March 2023	79%	19%	97.52%	1 April 2021 – 31 March 2022	88%	12%	97.5%	1 April 2020 – 31 March 2021	82%	18%	96.5%	1 April 2019 – 31 March 2020	87%	12%	96.4%
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6.66	<p>This variation is to be expected, as when looking at Planning Applications, the Referral Panel’s role is to consider whether there are material planning considerations and/or justifications that require being heard, debated and considered at Planning Committee. The potential presence of such material issues varies between each application, both due to the nature of the proposals, but also based upon the comments received from the Ward Member,</p>																				



	Town/Parish Council and Statutory Consultees. Therefore, there will always be variation in the numbers/proportions of applications being referred to Planning Committee by the Panel.
6.67	It should be noted that the Referral Panel does not have any form of target for the number or proportion of applications that it should delegate or refer. In the view of officers, it would be inappropriate to set any such targets, as applications should be referred to Planning Committee purely on the basis of the material planning issues requiring debate and consideration in the public forum.
6.68	To seek to set a target could increase the number of inappropriate applications being referred unnecessarily, which could overload Planning Committee agendas with applications that do not to be there. It should be noted that between 1 April 2022 and 31 March 2023, almost half of the applications at Planning Committee were referred by the Planning Referral Panel in any case ( <b>Figure 1 of Appendix S</b> ).
6.69	Having a target for the number/proportion of applications being referred, would likely increase the number of items on the Planning Committee, which would lengthen Planning Committee Meetings and/or reducing the time the Planning Committee has to focus on the larger more controversial cases. It would also likely increase the length of time the referred applications take to determined, because they would have to wait for the next available Planning Committee meeting, creating unnecessary delay for applicants before they receive a decision. Alongside this it would require additional officer resource because of the additional office time required to prepare and take applications to Planning Committee.
6.70	<p><b><u>Routes to Planning Committee</u></b></p> <p>In accordance with the East Suffolk Constitution (relevant extract in <b>Appendix A</b>), Planning Applications are triggered directly to either the North or South Planning committee by one of the following:</p> <ol style="list-style-type: none"> <li>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; or</li> <li>2. the applicant or landowner is East Suffolk Council; or</li> <li>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</li> <li>4. the application is referred by the Planning Referral Panel</li> </ol>
6.71	As stated in paragraph 15.9 of the East Suffolk Councils constitution the Planning Committees are 'Quasi-judicial bodies'. This means they are there to determine Planning Applications on the basis of the consideration of Planning Law, Planning Policy and material Planning Considerations.

6.72	As stated in paragraph 3.3 of the East Suffolk Councils constitution both the North and South Planning Committees have to have a minimum of 5 members in attendance for quorum. It is 7 members for Strategic Planning Committee.
6.73	The North and South Planning Committees each meet approximately every four weeks, so each has 12 meetings scheduled a year, with the Strategic Planning Committee meeting quarterly. Planning Applications determined by Planning Committee predominately via the North or South Planning Committees, based upon their site location.
6.74	Planning Committee takes significant officer and member time. During the period 1 April 2022 – 31 March 2023, the three planning committees met for more than 50 hours, almost 21 hours in North Planning Committee, almost 23 hours in South Planning Committee and over 6 hours in Strategic Planning Committee.
6.75	Based upon the length of each meeting and the number of planning applications at each meeting, the average time taken within the meeting for each planning application was approximately 36 mins.
6.76	In addition to this formal meeting time, there is significant preparation time for these meetings, not only on the day in terms of setting up the rooms and video link, but also in the weeks prior to the meeting, including planning officers drafting reports, those reports being reviewed by Principal Planners and the Development Manager, Democratic Services Officers collating and publishing these reports online and circulating links to members, planning officers preparing PowerPoint presentations and an update sheet, which are then also published online and circulated by Democratic Services Officers, and time required by members to read those reports, and any reviewing of the plans etc via Public Access they may wish to undertake prior to the meetings.
6.77	Following the Planning Committee meetings officers then have to undertake follow up processes, which include planning officers completing an outcome sheet, finalising any outstanding issues (which can include legal agreements) and the issuing of the decision notice. Democratic services officers also have to type up/collate the minutes and then arrange for publication.
6.78	<b>Planning Committee – Route to Planning Committee</b> In accordance with the Council’s Constitution as set out above, Planning Applications reach Planning Committee via one of three routes; they are referred directly by the Head of Service or Planning Committee Chairs/vice-chairs, they are triggered directly due to an East Suffolk Council connection, or they are referred by the Planning Referral Panel.

6.79	As shown in <b>Figure 1 of Appendix S</b> , during the period 1 April 2022 – 31 March 2023, 24% of applications at Planning Committee were taken directly by the Head of Service (none were taken directly by the Chairman/Vice-Chairman of the Planning Committee), 27% were there due to an East Suffolk Council connection and the remaining 49% were at Planning Committee due to referral by the Planning Referral Panel.
6.80	The proportion of items at Planning Committee because they had been referred by the Planning Referral Panel increased from the preceding year (1 April 2021 – 31 March 2022), during which the proportions were; 34.2% of applications at Planning Committee were taken directly by the Head of Service or the Chairman/Vice-Chairman of the Planning Committee, 36.9% were there due to an East Suffolk Council connection and the remaining 28.8% were at Planning Committee due to referral by the Planning Referral Panel.
6.81	The only change to the Planning Referral Process between the two years was the introduction of the ability for Ward Members to attend meetings to confirm accuracy of presentations to the panel. However, as explained earlier in this report, the proportions of applications at the Planning Referral Panel being referred to Planning Committee has not increased, and the overall number of Planning Applications at the Planning Referral Panel has decreased. Therefore, there are fewer planning applications at Planning Committee via the Referral panel and its proportional increase must be linked to a decrease in the number of applications at Planning Committee for the other two reasons. This could be at least in part linked to the reduction of the overall number of 'Planning Applications' submitted and determined by the Local Planning Authority (further details are included in the Planning Performance Report also on the agenda for this meeting).
6.82	<b><u>Planning Committee – Numbers, Proportions and Scale of Applications</u></b> During the 1 April 2021 to 31 March 2022 period 17 (22.7%) of the items at Planning Committee were 'Majors', 23 (30.7%) were 'Minors' and 35 (46.7%) were 'Others'.
6.83	As illustrated in <b>Figures 2 – 4 of Appendix R</b> , there was a variation in the numbers/proportions of 'Majors', 'Minors' and 'Others' at Planning Committee each month and across each ward. That is to be expected because there is a natural variation in the numbers of each scale of application submitted for determination.
6.84	<b><u>Planning Committee – Geographical Distribution of Applications</u></b> Between 1 April 2022 and 31 March 2023, there were 34 items at North Planning Committee and 41 items at South Planning Committee. Therefore, at a glance it appears that North Planning Committee is less busy than South Planning Committee. However, based upon the graph in <b>Figure 4 of Appendix S</b> , it appears the total number of South items was significantly increased by 6 items in the Eastern Felixstowe Ward which were at Planning Committee due to an East Suffolk Council connection.

6.85	There were four wards without any items at Planning Committee (Deben, Melton, Rendlesham and Orford, Saxmundham, Western Felixstowe, and Wrentham, Wangford and Westleton). With the exception of Saxmundham, all of these wards had at least one item at Planning Committee during the previous financial year (2021-22), and with the exception of Western Felixstowe and Saxmundham, the wards only contain villages rather than towns, so the lack of items in these wards at Planning Committee during 2022-23 could simply be a reflection of the size and nature of the applications that were submitted within those wards during that year.
6.86	Saxmundham is unusual because it didn't have any items at the Planning Referral Panel or Planning Committee during either financial year. The number of items within that ward during the two financial years prior to that was also relatively small in comparison with other towns across the district (Saxmundham had four items at the Referral Panel in 2019-2020, and two in 2020-21).
6.87	<p><b><u>Planning Committee – Variations over the year</u></b></p> <p>During 2022-2023 financial year there was significant variation in the number of items at each of the North and South Planning Committees (<b>Figure 1 of Appendix R</b>). There were lower numbers of items in the late summer/autumn months (August – October) at both committees, which could be linked to knock on effects of the summer which can be a period during which agents and their consultants understandably take holidays so there can be delays if additional information is required during the application process, particularly if that requires significant additional technical information or survey work. It is also often a holiday period for Planning Officers which can also result in delays of a week or so in requesting such information. Once such additional information has been produced and submitted it usually requires an additional consultation period, so the application determination process can be delayed by several weeks, leading to a delay in reaching Planning Committee for such items.</p>
6.88	There was also some variation in the proportion of items at committee for each reason per month but not to significant degree as to warrant concern ( <b>Figures 2 and 3 of Appendix R</b> ).
6.89	<p><b><u>Planning Committee – Ward Member, Town/Parish Council, Agent/Applicant and Third Party Speaking</u></b></p> <p>As set out in the extract in Appendix Q, Part 4 of the East Suffolk Councils constitution sets out the Code of Good Practice/ Guidance for Members in relation to Planning and Rights of Way, including their role in making representations on applications and making decisions contrary to officer recommendation at Planning Committee. As set out in those extracts there is a role for speaking by various representatives at Planning Committee items, with an Objector, the relevant Town/Parish Council, the applicant or their representative, and Ward Member(s) being able to speak on and item after the officers presentation, prior the the application being debated by the Planning Committee.</p>

6.90	As set out in <b>Figure 1 of Appendix T</b> , during 1 April 2022 – 31 March 2023 there was relatively low levels of speaking on Planning Committee items, no matter why they were at Planning Committee, with Agents/applicants speaking on the most number of items, on 38 (40%) of items, then Town/Parish Councils and Ward Members who each spoke on 18 (24%) of items, with third parties/objectors only speaking on just 12 (16%) of the 72 items heard at Planning Committee during that time.																									
6.91	<p>As detailed in <b>Figures 2 – 4 of Appendix T</b> and in the table below, the reason for an item being at planning Committee appears to affect the level of public speaking, with agents/applicants speaking most on items that have reached Planning Committee via the Planning Referral Panel (65.6%), and Ward Members speaking most on items that were called straight to committee by the Head of Service or the Chairman/Vice-Chairman of Planning Committee (31.6%).</p> <table border="1" data-bbox="320 736 1385 1641"> <thead> <tr> <th></th> <th><b>Straight to committee by the Head of Service or the Chairman/ Vice-Chairman of Planning Committee.</b></th> <th><b>ESC Connection</b></th> <th><b>Via the Planning Referral Panel</b></th> <th><b>Overall</b></th> </tr> </thead> <tbody> <tr> <td><b>Town/Parish Council</b></td> <td>21%</td> <td>2.4%</td> <td>28.1%</td> <td>24%</td> </tr> <tr> <td><b>Third Party / Objector</b></td> <td>18.4%</td> <td>4.9%</td> <td>9.4%</td> <td>16%</td> </tr> <tr> <td><b>Agent or Applicant</b></td> <td>42.1%</td> <td>2.4%</td> <td>65.6%</td> <td>40%</td> </tr> <tr> <td><b>Ward Member (Specifically mentioned as speaking as Ward Member in the minutes)</b></td> <td>31.6%</td> <td>0%</td> <td>18.8%</td> <td>24%</td> </tr> </tbody> </table> <p><b>Table 2:</b> The proportions each party spoke on applications at Planning Committee (shown in the graphs in <b>Appendix T</b>). <i>(These percentages will not equal 100% as some items have more than one speaker and others have none)</i></p>		<b>Straight to committee by the Head of Service or the Chairman/ Vice-Chairman of Planning Committee.</b>	<b>ESC Connection</b>	<b>Via the Planning Referral Panel</b>	<b>Overall</b>	<b>Town/Parish Council</b>	21%	2.4%	28.1%	24%	<b>Third Party / Objector</b>	18.4%	4.9%	9.4%	16%	<b>Agent or Applicant</b>	42.1%	2.4%	65.6%	40%	<b>Ward Member (Specifically mentioned as speaking as Ward Member in the minutes)</b>	31.6%	0%	18.8%	24%
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6.92	It is disappointing the opportunities for speaking at Planning Committee are not being utilised to a greater extent by all parties. A key part of the Planning Committee process is to enable various parties to have their say in person at the meeting.																									

6.93	The proportions of speaking by Town/Parish Councils on items at Planning Committee via the Planning Referral Panel is particularly disappointing given that many of these applications initially triggered the Planning Referral Panel Process due to the comments of the Town/Parish Council.
6.94	It is also disappointing that Ward Members only spoke on 18.8 % of items at Planning Committee via the Planning Referral Process, and not a single member spoke as the relevant Ward Member on an application that was at Planning Committee due to an East Suffolk Council Connection.
6.95	<p><b><u>Application outcomes</u></b></p> <p>As illustrated in the figures within <b>Appendix V</b>, 91% of ‘Planning Applications’ were Approved and 9% Refused within East Suffolk between 1 April 2022 and 31 March 2023. There was a difference in these proportions between the various determination process routes, with 94.7% of applications determined by officers being approved, 89% of applications delegated back to officers by the Referral Panel being approved, and 92% of applications determined at Planning Committee being Approved. In terms of Planning Committee decisions, 94% of applications called straight to committee by the Head of Service or Chairman/ Vice-chair were approved, 91% of applications reaching Planning Committee via the Referral Panel were approved and in terms of applications with an ESC connection 90% were approved.</p>
6.96	Despite these variations, the proportions being approved/refused via each determination route are not so significant as to suggest any substantial inconsistency in consideration and determination approach between the determination routes.
6.97	<p><b><u>Appeal Outcomes</u></b></p> <p>As explained in the Planning Performance Report on this agenda, the outcomes of appeals are reported on a quarterly basis to the Strategic Planning Committee and the latest of these is also on this meetings agenda. As also explained in that report between 1 April 2022 and 31 March 2023, there were 45 Planning related Appeal Decisions received, with 32 (71%) dismissed (i.e. upholding the ESC’s decision), and 13 (29%) were allowed (i.e. overturning ESC’s decision) (<b>Appendix F, Figure 3</b> to the Performance Report).</p>
6.98	The appeals were against applications that were determined both by Planning Committee and those delegated to officers ( <b>Appendix F, Figure 1</b> ), with 84% being against schemes that were refused at officer level in accordance with the scheme of delegation, 11% against Committee Refusals (including 7% overturn of officer recommendation) and 5% against non-determination.

6.99	The proportions dismissed/allowed and their ESC determination route are detailed in <b>Appendix F, Figure 2</b> , which shows that 72% of Appeals were dismissed as per the delegated decision to refuse, 22% allowed contrary to delegated decision to refuse, 2% were allowed contrary to officer recommendation and Planning Committee decision to refuse, 2% were allowed contrary to Planning Committee refusal which was an overturn of the officer recommendation of approval, and 2% were allowed as non-determination appeals. There were no appeals dismissed as per Planning Committee decision to refuse as per officer recommendation.
6.100	Based upon these figures there are no concerns regarding the decisions being made at Planning Committee or at officer level (either triggering or not triggering the Planning Referral Process).
6.101	<p><b><u>Timeliness of Determination based upon determination route</u></b></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>
6.102	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.
6.103	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.
6.104	<p>The statutory time periods for determination of planning applications are:</p> <ul style="list-style-type: none"> <li>- 8 weeks for other/minor applications</li> <li>- 13 weeks for Major applications</li> <li>- 16 weeks for applications accompanied by an Environmental Statement (EIA development)</li> </ul>
6.105	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.
6.106	As detailed in <b>Appendix W</b> of this report, the process route by which an application is determined, can significantly affect the time taken for determination and the ability to determine a Planning Application in time.
6.107	Figure 8 of that Appendix shows very clearly that no decisions at Planning Committee between 1 April 2022 at 31 March 2023, were made within the Nationally set targets of 8/13 weeks, and that the Planning Referral Process significantly reduces the proportion of applications that are determined in time, even when those applications have been delegated back to officers for determination.
6.108	Therefore whilst the importance of these processes to democracy is recognised, it must also be acknowledged that the Planning Referral Panel and Planning Committee Processes significantly reduce the ability of the Local Planning Authority to determine Planning Applications within Nationally set targets, and our ability to ensure the 2 year monitoring targets are met (further details in the Planning Performance Report, also on this agenda).
6.109	<p><b><u>Recommendations of Scrutiny Committee</u></b></p> <p>In March 2023, the Scrutiny Committee resolved to recommend:</p> <ul style="list-style-type: none"> <li>- the introduction of a triple-lock process as an additional mechanism to take applications to Planning Committee directly,</li> <li>- a casting vote by a member at the Planning Referral Panel,</li> <li>- the potential increase of the time permitted for objectors to speak at Planning Committee,</li> <li>- the addition of a QR code on site notices to link to a webpage with advice on commenting on applications, and</li> <li>- queried the outcomes and if there were any further actions arising from the meeting between SALC and officers.</li> </ul>
6.110	These are considered in the 'Response to Scrutiny Committee Report of March 2023' which is also on the agenda for this meeting.



## Appendices

Appendices:	
Appendix A	The Scheme of Delegation for Planning as set out in the East Suffolk Council Constitution
Appendix B	The key formal interaction points during the Planning Application Process
Appendix C	The Planning Referral Panel Protocol
Appendix D	A screenshot of the “ <i>Notification of Upcoming Planning Referral Panel meetings</i> ” Teams chat, showing the type of notification all ward members receive every week.
Appendix E	The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023
Appendix F	The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023
Appendix G	The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by ward
Appendix H	The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by Town/Parish
Appendix I	The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/Parish for the period 1 April 2022 – 31 March 2023
Appendix J	The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023
Appendix K	The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Ward for the period 1 April 2022 – 31 March 2023
Appendix L	The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Town/Parish for the period 1 April 2022 – 31 March 2023
Appendix M	The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Town/Parish Council for the period 1 April 2022 – 31 March 2023
Appendix N	A comparison of Town/Parish Council responses and Ward Members comments on applications at the Planning Referral Panel
Appendix O	The number and proportion of items at Planning Referral Panel meetings with or without comments from the Statutory Consultees for the period 1 April 2022 – 31 March 2023
Appendix P	Attendance by relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023
Appendix Q	The Planning Committee Protocol as set out in the East Suffolk Council Constitution
Appendix R	The number and scale of Planning Applications at Planning Committee between 1 April 2022 and 31 March 2023
Appendix S	The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023
Appendix T	Attendance / Public Speaking at Planning Committee

Appendix U	The proportions of Planning Applications being determined via each route between 1 April 2022 and 31 March 2023
Appendix V	The outcomes of Planning Applications between 1 April 2022 and 31 March 2023
Appendix W	The timeliness of decisions, based upon determination route

**Background reference papers:**

None.

**Appendix A: The Scheme of Delegation for Planning as set out in the East Suffolk Council Constitution**

## Appendix A: The Scheme of Delegation for Planning as set out in the East Suffolk Council Constitution

### **REGISTER OF SPECIFIC OFFICER FUNCTIONS**

#### **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:

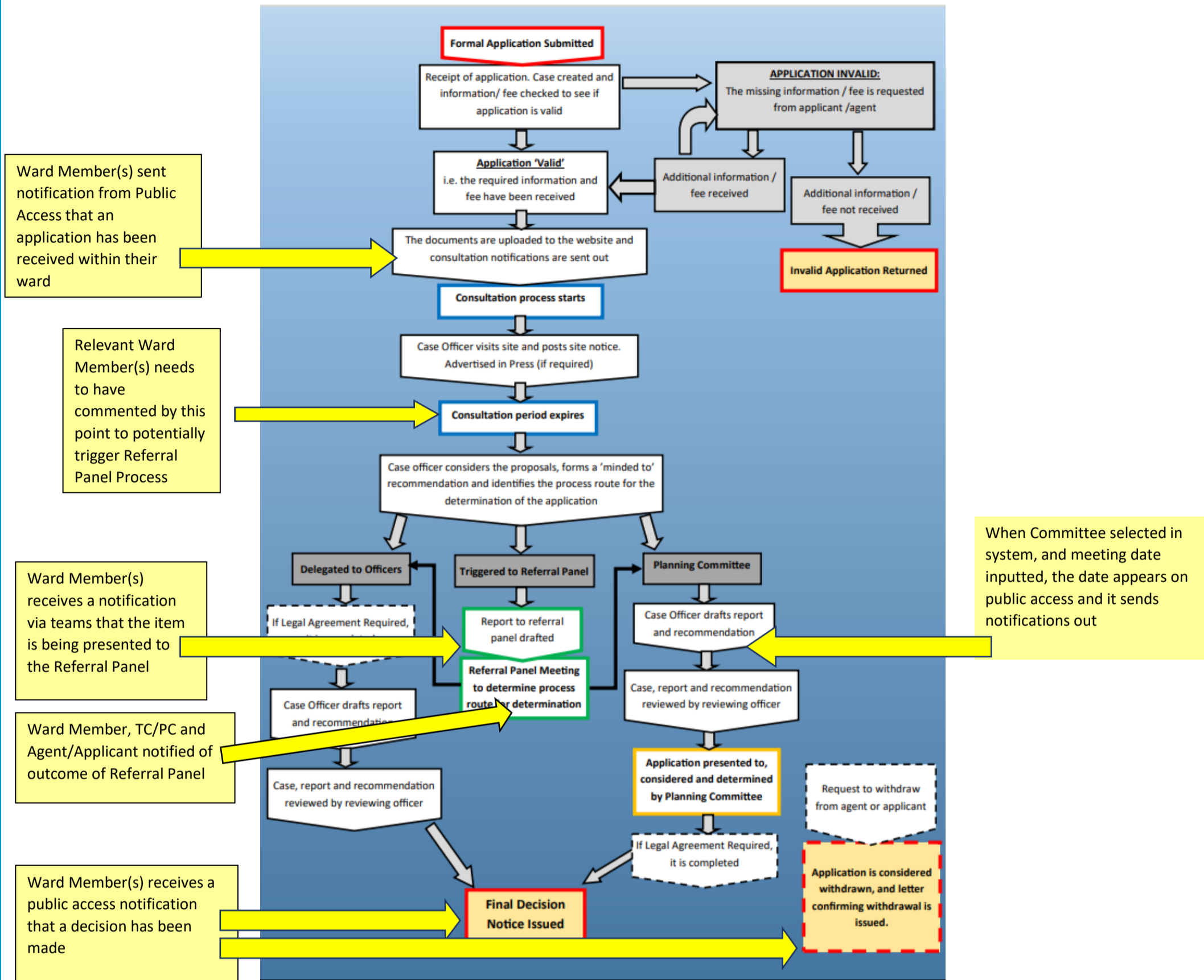
1. The Planning Application is, in the opinion of the Head of Planning and Coastal Management or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect; 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.

**Appendix B: The key formal interaction points during the Planning Application Process.**

Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

Figure 1: A diagram of the application process with the key formal interaction points with Ward Member(s)



## Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

**Figure 2:** Summary of the way Ward Member(s) can trigger the Planning Referral Panel Process.

### Triggering the Referral Process – comments from Ward Member

**In order to trigger the Referral Process, the relevant Ward Members must:**

- Submit comments within the consultation period,
- Comments have to be positive or negative, and contrary to the 'minded to' recommendation of officers e.g. if a ward member supports and the recommendation is one of refusal.

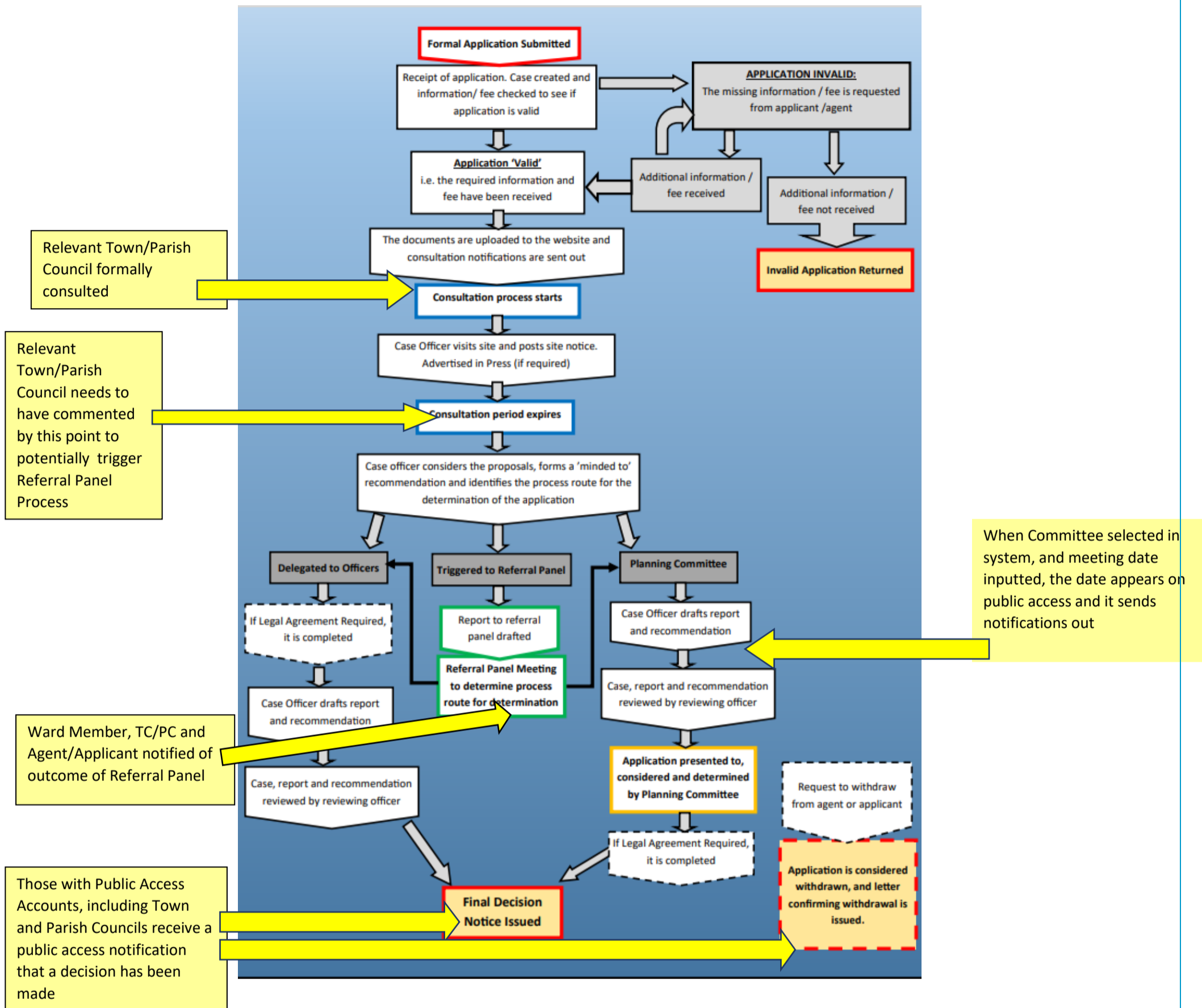
**The Referral Process cannot be triggered by relevant Ward Members if:**

- The relevant ward members do not submit comments,
- The comments are submitted after the closure of the consultation period,
- Comments are aligned with the 'minded to' recommendation of officers e.g. if a ward member supports and the recommendation is one of approval.

**Note – Even when there are no comment from the Ward Member(s) and/or their comments don't trigger the process, the Referral Process can be (and often is) still triggered by the comments of the Town or Parish Council. The process can also be potentially triggered by the comments of a Statutory Consultee.**

Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

Figure 3: A diagram of the application process with the key formal interaction points with Town and Parish Councils





## Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

**Figure 4:** Summary of the way Town and Parish Councils can trigger the Planning Referral Panel Process.

### Triggering the Referral Process – comments from Town/Parish Council

**In order to trigger the Referral Process, the relevant Town or Parish Council must:**

- Submit comments within the consultation period,
- Comments have to be positive or negative, and contrary to the 'minded to' recommendation of officers e.g. if the relevant Town/Parish Council supports and the officer recommendation is one of refusal.

**The Referral Process cannot be triggered by Town or Parish Councils if:**

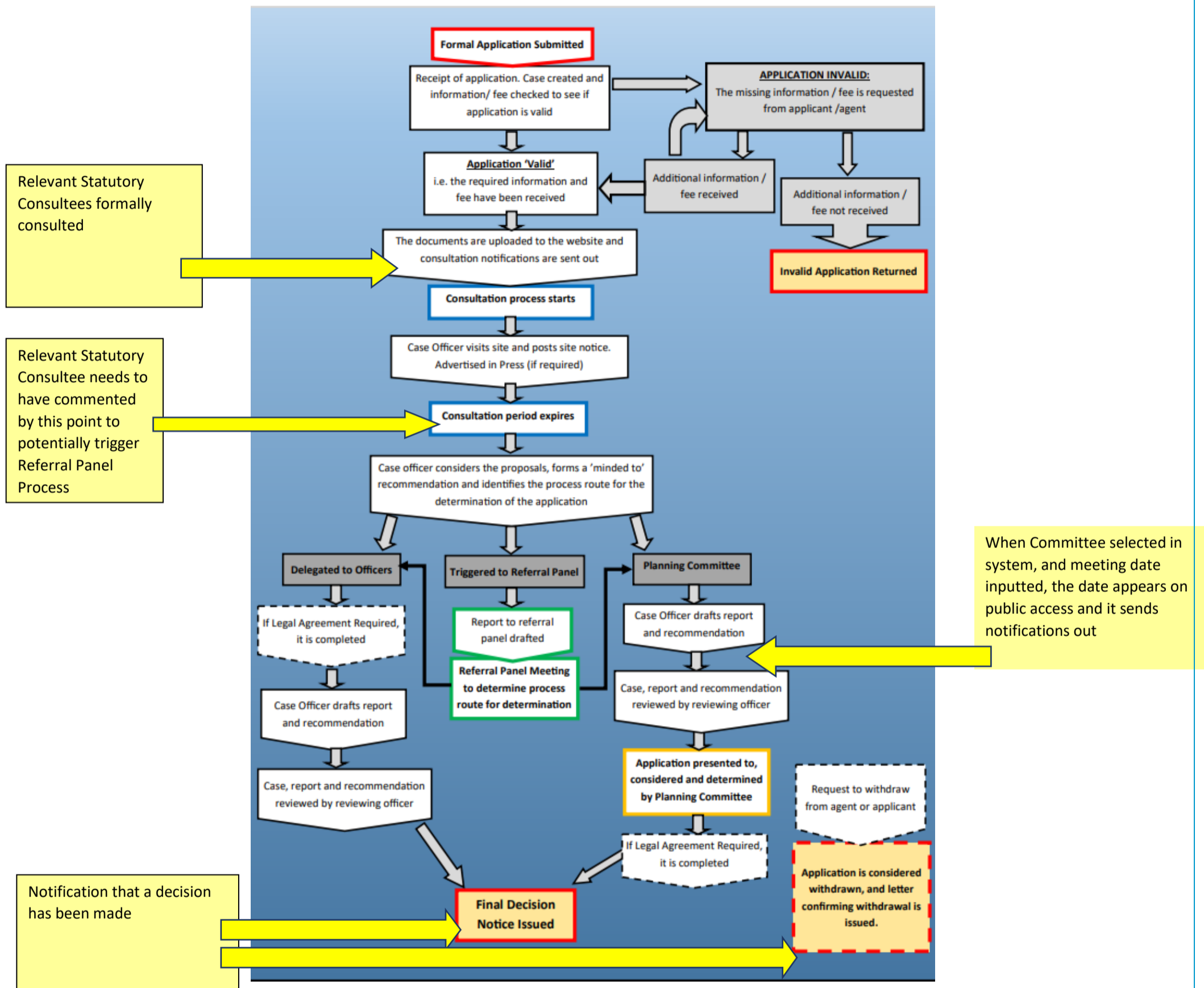
- They do not submit comments
- The comments are submitted after the closure of the consultation period,
- Comments are aligned with the 'minded to' recommendation of officers e.g. if the relevant Town or Parish Council supports and the recommendation is one of approval.
- The comments are neutral e.g.

**Note – the Referral Process can still be triggered by the Ward Member or a statutory consultee, even if the Town/Parish Council doesn't trigger the process.**



Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

Figure 5: A diagram of the application process with the key formal interaction points with Statutory Consultees



## Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

**Figure 6:** Summary of the way Statutory Consultees can trigger the Planning Referral Panel Process.

### Triggering the Referral Process – comments from Statutory Consultee

**In order to trigger the Referral Process, a relevant statutory consultee must:**

- Submit comments within the consultation period,
- Comments have to be positive or negative, and contrary to the 'minded to' recommendation of officers e.g. if the relevant statutory consultee supports and the officer recommendation is one of refusal.

**The Referral Process cannot be triggered by Statutory consultee if:**

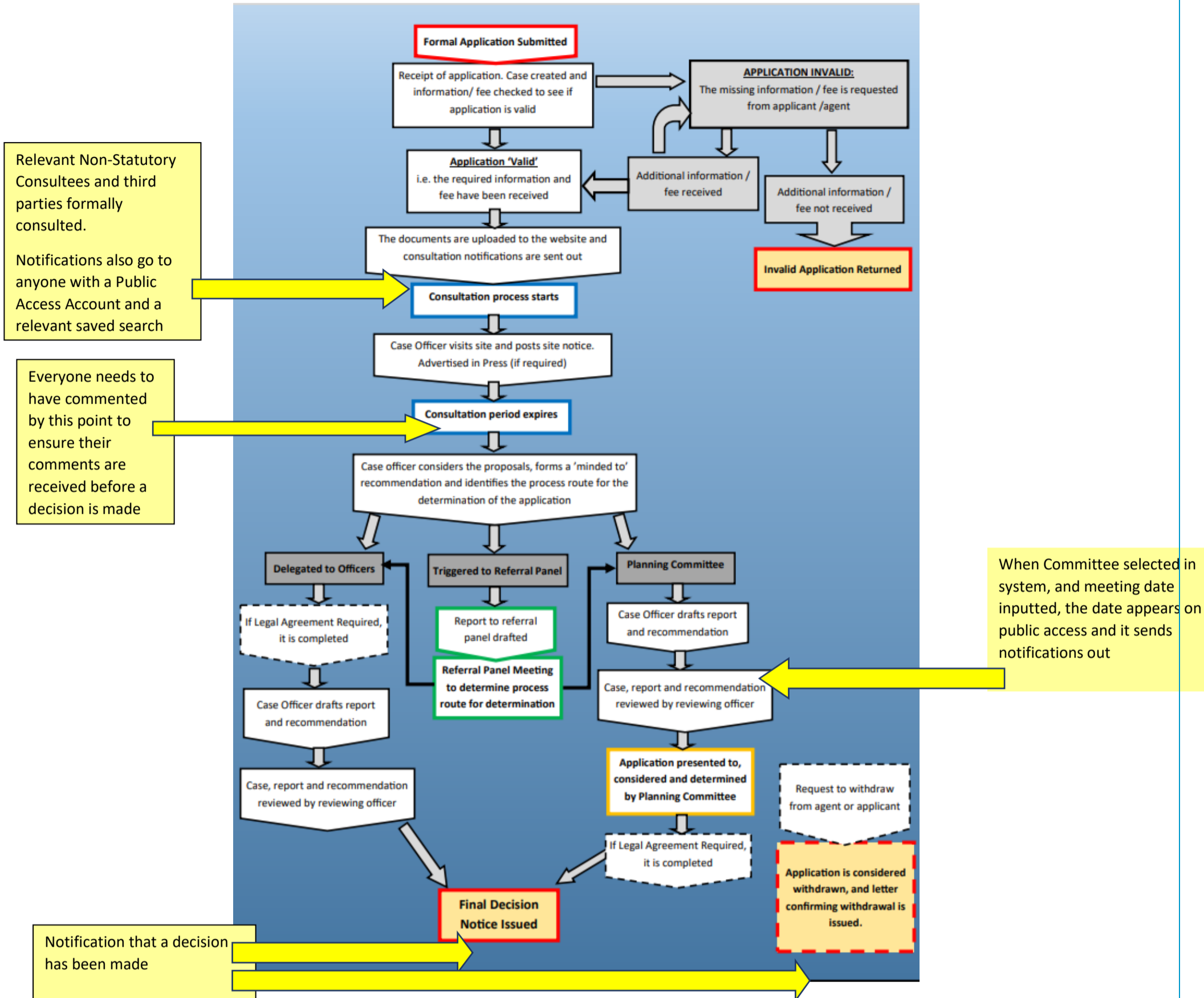
- They do not submit comments
- The comments are submitted after the closure of the consultation period,
- Comments are aligned with the 'minded to' recommendation of officers e.g. if the relevant statutory consultee supports and the recommendation is one of approval.
- The comments are neutral e.g.

**Note – the Referral Process can still be triggered by the Ward Member or a Town/Parish Council, even if a Statutory Consultee doesn't trigger the process.**



Appendix B: A diagram of the application process with the key formal interaction points with Ward Member(s)

Figure 7: A diagram of the application process with the key formal interaction points with Third Parties and non-statutory consultees



## Appendix C: The Planning Referral Panel Protocol



## Planning Referral Panel Meeting Protocol / Terms of Reference

This protocol sets out the process/rules for Planning Referral Panel meetings that take place from 1 July 2022 onwards. It follows a process change that was agreed at Strategic Planning Committee on 6 June 2022 and allows for Ward Members to attend the Planning Referral Panel meetings to confirm if the item as presented is factually correct.

Ward Members can attend the Planning Referral Panel meetings, even if they have not responded/provided comments during the consultation process on the relevant application. However, they must recognise that this is not an opportunity for them to repeat the comments of local residents or their own views. They must respond, if required, solely to matters of fact related to material planning considerations relevant to the planning application.

If Ward Members wish their own views to be known these should be submitted during the consultation process earlier in the application process either via the [public access system](#) or via email to [planning@eastsoffolk.gov.uk](mailto:planning@eastsoffolk.gov.uk), so that they can be logged on the case file and officers made aware of their views. Comments should not be submitted as Teams messages. If/when written comments are submitted from Ward Members, they are provided to the Panel within the Officer Report. Comments received after the consultation period will still be considered but in accordance with the constitution but will not trigger the Referral Process.

### Prior to the Meeting

On the last working day of the week prior to the meeting (usually a Friday, with the exception of Bank Holidays), the Panel Members, Portfolio Holder and Vice-Portfolio Holder shall be sent a copy of the officer report and PowerPoint slides for the presentation at the meeting. This will take place via a Teams chat message with link to the documents.

On the same day a notification of the Agenda/items scheduled for the next meeting shall be posted on the 'Teams' chat 'Notification of Upcoming Planning Referral Panel meetings'.

Any Ward members (other than the Panel Members, the Portfolio Holder and Vice-Portfolio holder) wishing to attend the meeting shall respond to the message to confirm their wish to

attend. A Teams Meeting Link within a Microsoft Outlook calendar invite will then be sent to the relevant Member.

During the Planning Referral Panel meeting:

As has been the case previously, the meetings will continue to take place via Teams.

For each item before the Planning Referral Panel the following procedure/process steps shall be adhered to:

- 1) The case officer (or another officer if appropriate in the case of staff absence) shall present the application to the panel with a PowerPoint presentation that includes the existing and proposed plans, site photographs and a summary of the comments from those parties that have triggered the referral process (i.e. the Town/Parish Council, Ward Member and/or statutory consultees).
- 2) The Panel Members may then ask questions of the officer.
- 3) The relevant Ward Member(s) (if in attendance) will be asked to confirm if the presentation was factually correct. If they consider there were factual inaccuracies related to the planning merits of the case they will be given the opportunity to explain/provide factual corrections.
- 4) The Planning Referral Panel Members may ask follow up questions of the relevant Ward Member(s) and/or officers if clarification is required.
- 5) The Planning Referral Panel Members will then discuss the appropriate determination route. This debate must focus on whether there is sufficient material planning merit to justify referring the application to North/South Planning Committee, or whether the application should be delegated to the Head of Planning and Coastal Management for determination or if the application should be deferred to a later Referral Panel meeting to enable clarification of any remaining factual 'inaccuracies' relating to material planning considerations

Material planning merits that may be relevant to justify referring to Planning Committee or delegating the determination of the application may include:

- Whether the comments raised by those triggering the process (i.e. the Town/Parish Council, Ward Member and/or statutory consultees), are of sufficient material relevance as to require debate in public.

And/or

- Whether there are any other relevant material aspects of the case not raised by those triggering the referral process, are of sufficient material relevance as to require debate in public.

The Panel members may highlight if they consider a suggested planning condition is missing from the officer's recommendation, but they must not debate/determine the outcome of the application itself (i.e. if it should be approved or refused)

- 6) The relevant Ward Member(s) (if in attendance) will be asked to confirm if there were any factual inaccuracies during the discussion. If they consider there were factual inaccuracies relating to the planning merits of the case they will be given the opportunity to explain/provide factual corrections.
- 7) The Referral Panel Members can then seek clarification from officers, on any matters material to their decision and/or process before they make a decision. This decision is to be solely on the determination route of the application (i.e. as to whether the application should be referred to North / South Planning Committees or delegated to officer level for determination or deferred to a later Panel meeting if points of material planning clarification remain to be resolved). This decision is made by each member voicing their recommendation. The determination route is decided by the majority vote and is a recommendation to the Head of Planning Services and Coastal Management for his consideration.

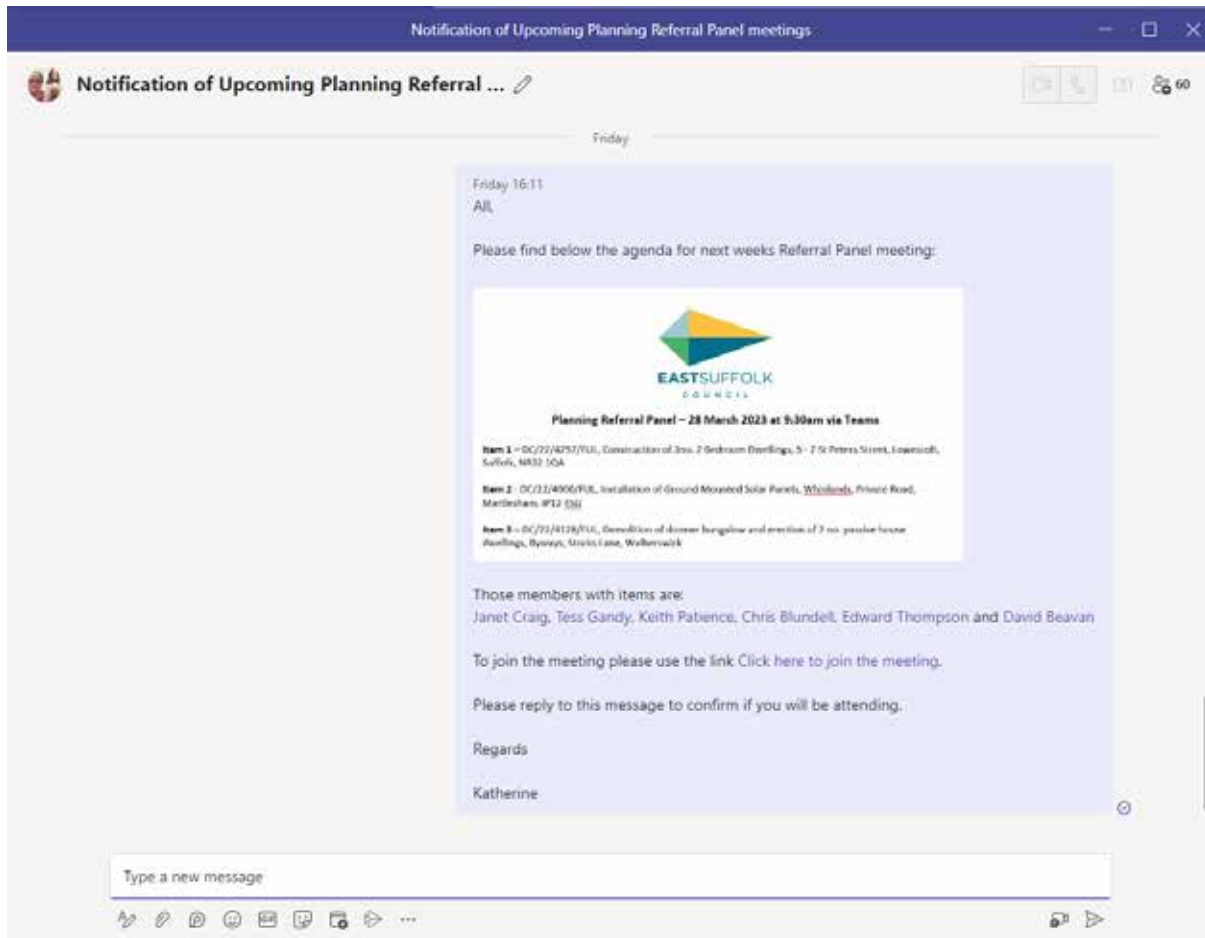
#### After the Referral Panel Meeting

On every application that was considered at the Referral Panel, the case officer will notify the applicant/ agent, the Town/Parish Council and relevant Ward Member(s) of the outcome (i.e. if the application is to be determined at Planning Committee or is delegated to officer level for determination). These notifications are usually sent out within 24 hours of the Referral Panel Meeting.



**Appendix D:** A screenshot of the “*Notification of Upcoming Planning Referral Panel meetings*” Teams chat, showing the type of notification all ward members receive every week.

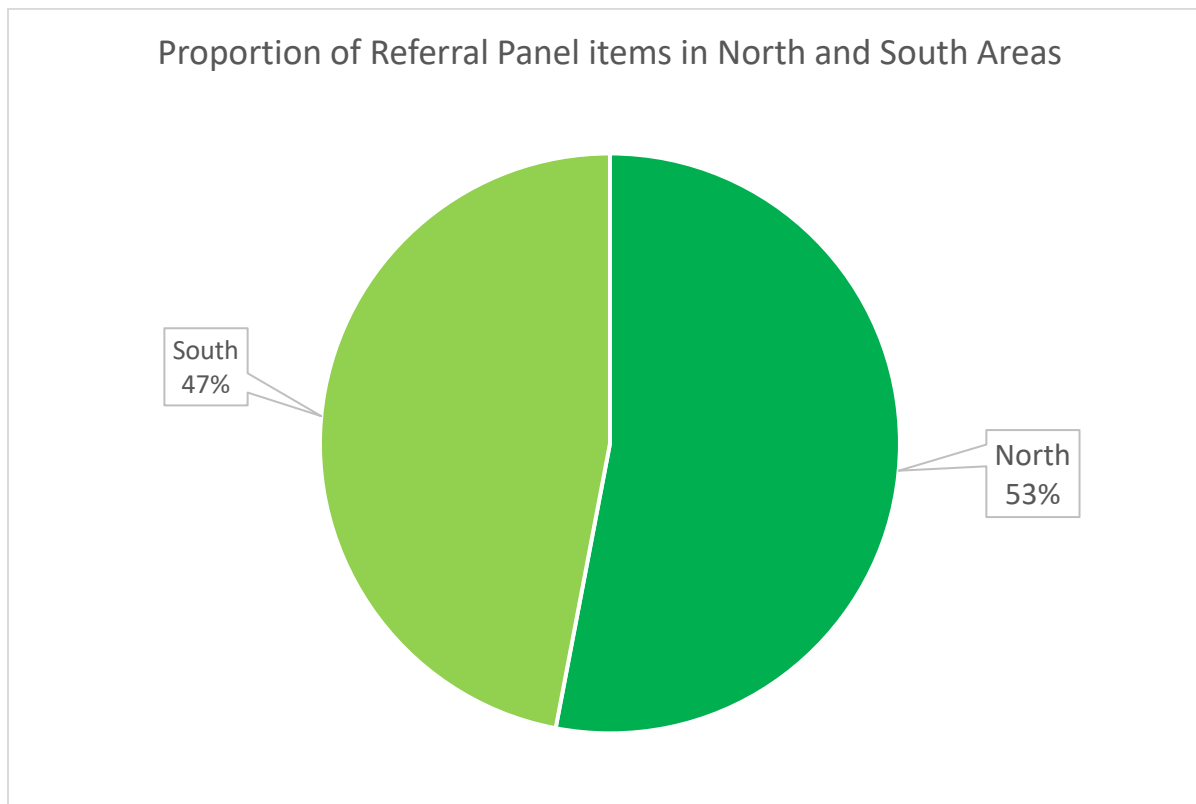
**Appendix D:** A screenshot of the “Notification of Upcoming Planning Referral Panel Meetings” Teams chat, showing the type of notification all ward members receive every week



**Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023**

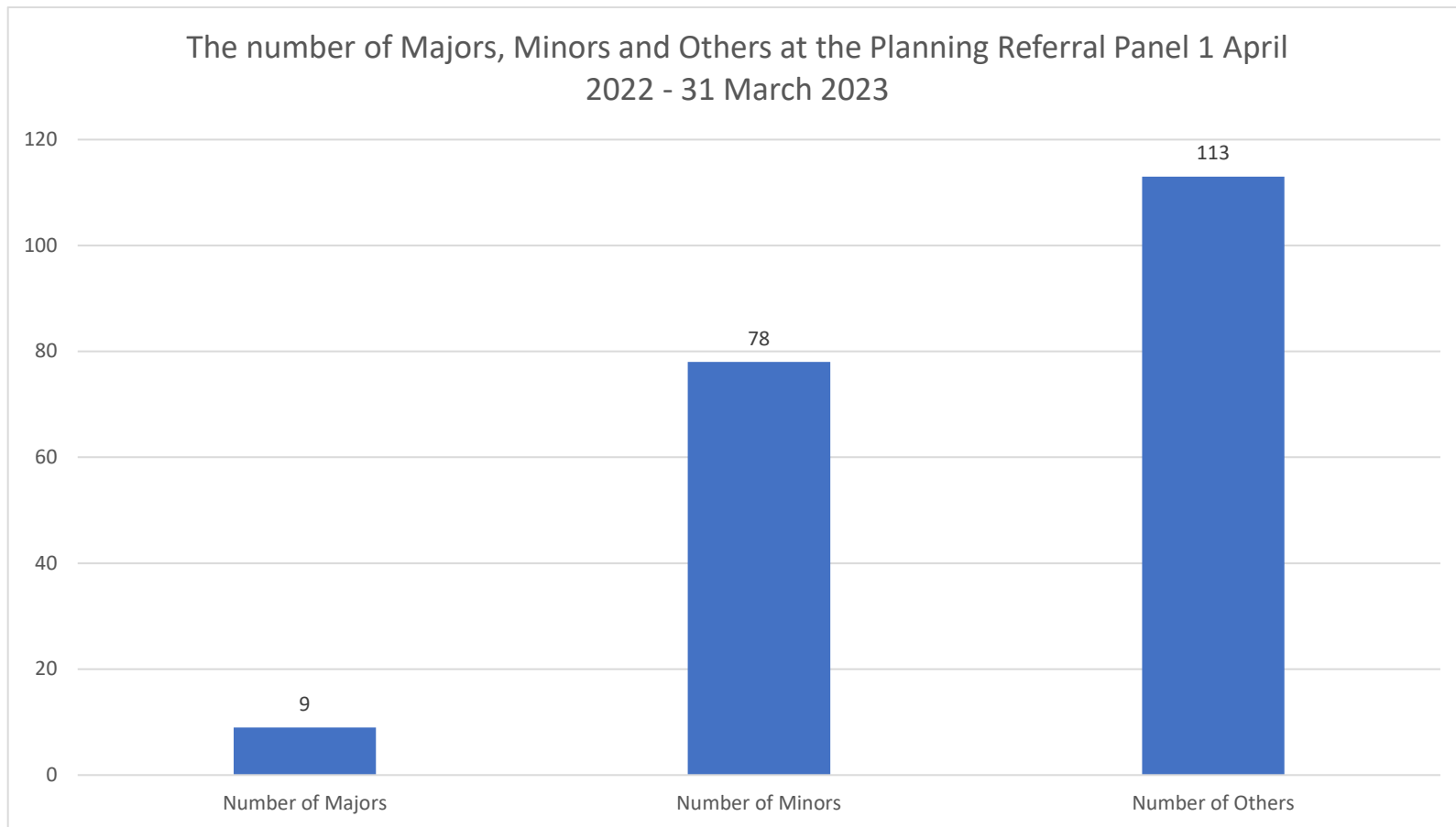
Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023

**Figure 1:** The Percentage of Referral Panel Items in the North/South Areas between 1 April 2022 and 31 March 2023



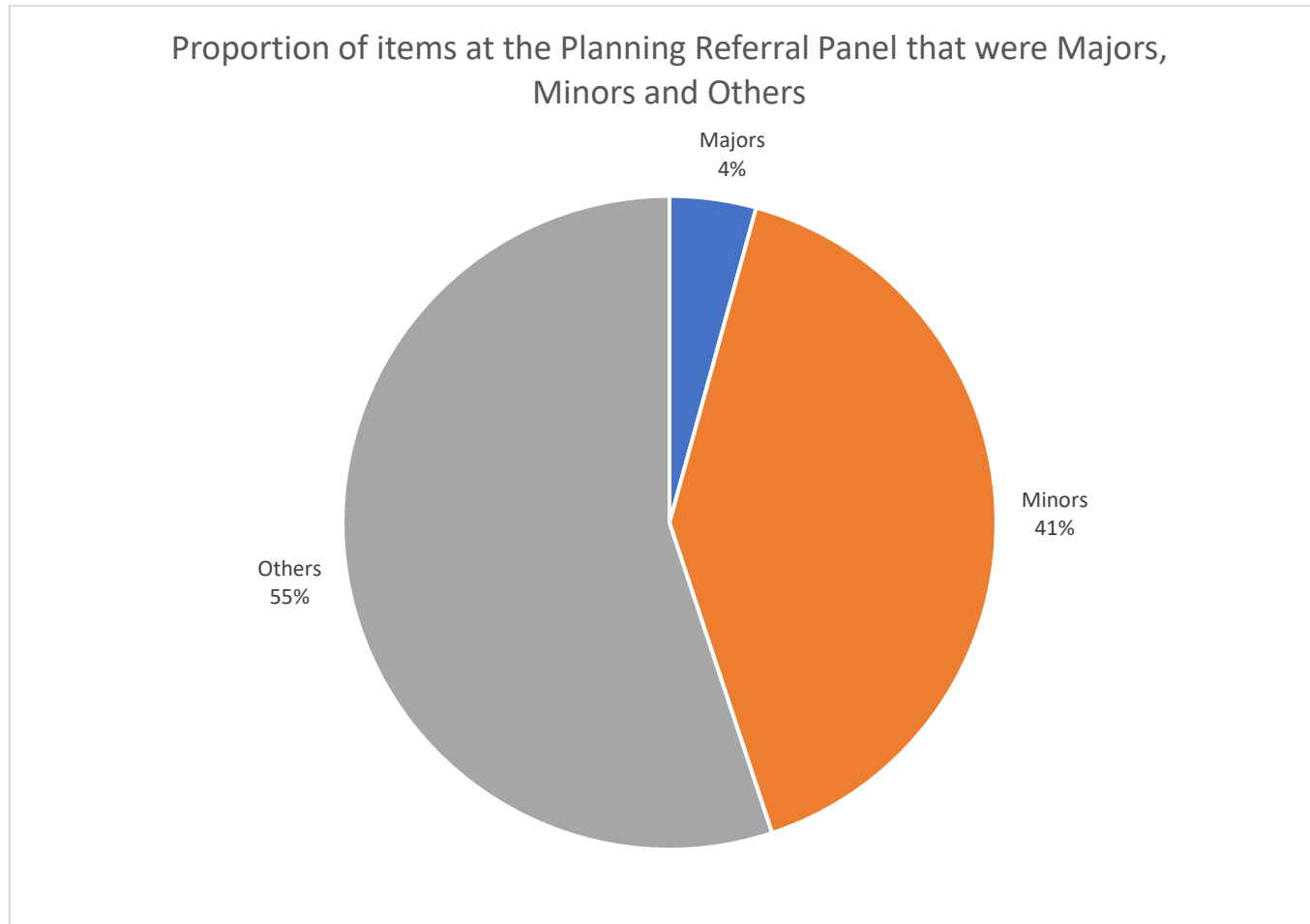
Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023

**Figure 2:** The number of Majors, Minors and Others at Referral Panel between 1 April 2022 and 31 March 2023



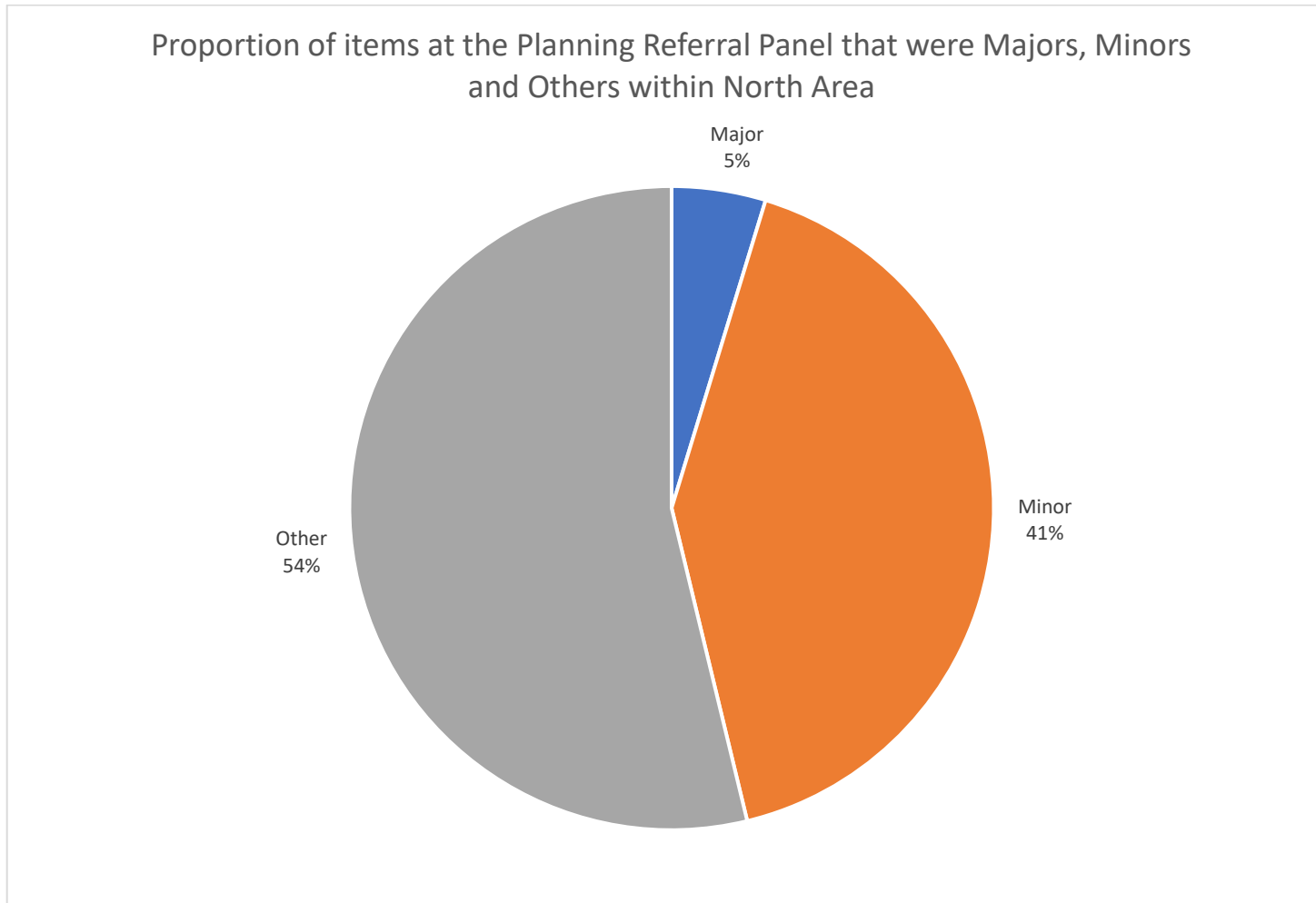
**Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023**

**Figure 3: The percentage of items that were Majors, Minors and Others at Referral Panel between 1 April 2022 and 31 March 2023**



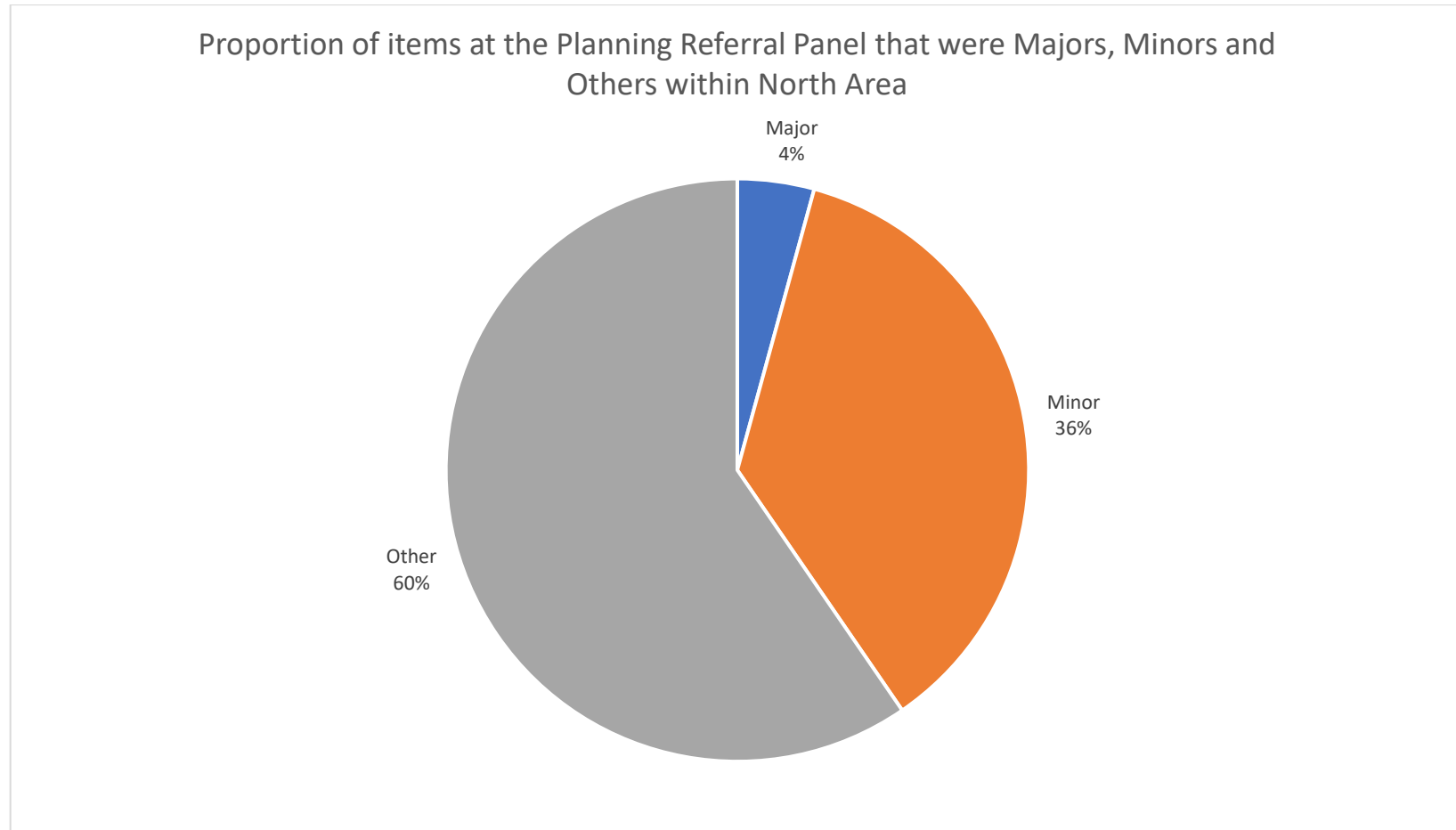
**Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023**

**Figure 4: The Percentage of Majors, Minors and Others within the North Area at Referral Panel between 1 April 2022 and 31 March 2023**



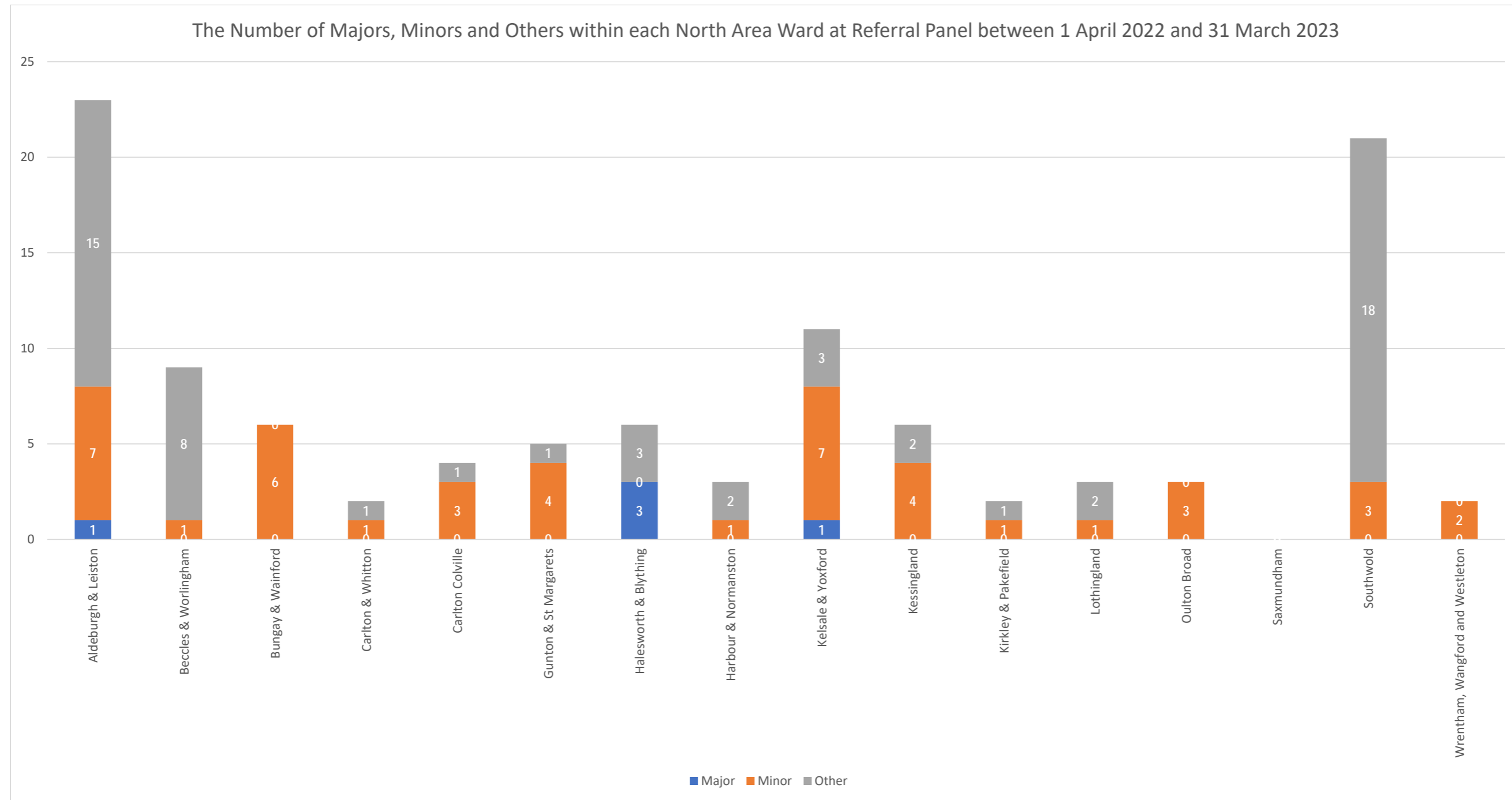
**Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023**

**Figure 5: The Percentage of Majors, Minors and Others within the South Area at Referral Panel between 1 April 2022 and 31 March 2023**



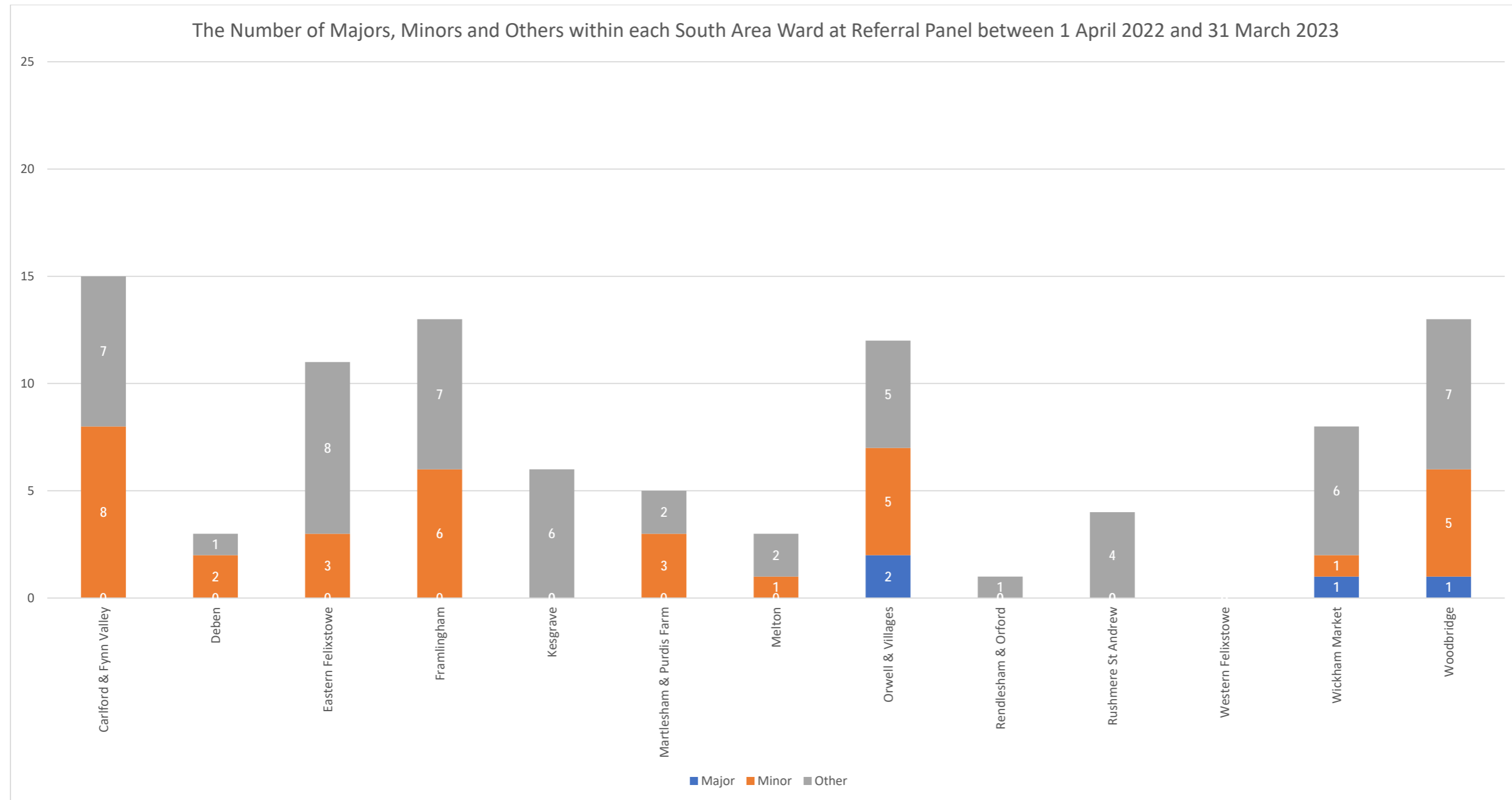


**Figure 6:** The Number of Majors, Minors and Others within each North Area Ward at Referral Panel between 1 April 2022 and 31 March 2023



Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023

**Figure 7:** The Number of Majors, Minors and Others within each South Area Ward at Referral Panel between 1 April 2022 and 31 March 2023



Appendix E: The numbers, proportions and scale of applications at the Planning Referral Panel between 1 April 2022 and 31 March 2023

Figure 7: The Number of Majors, Minors and Others at each meeting of the Referral Panel between 1 April 2022 and 31 March 2023

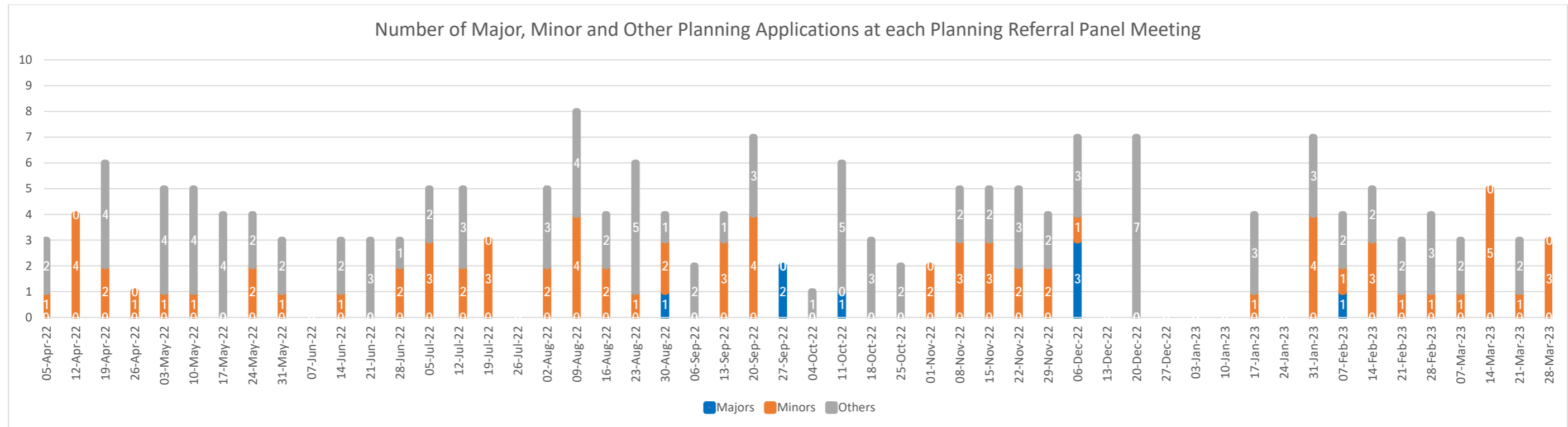
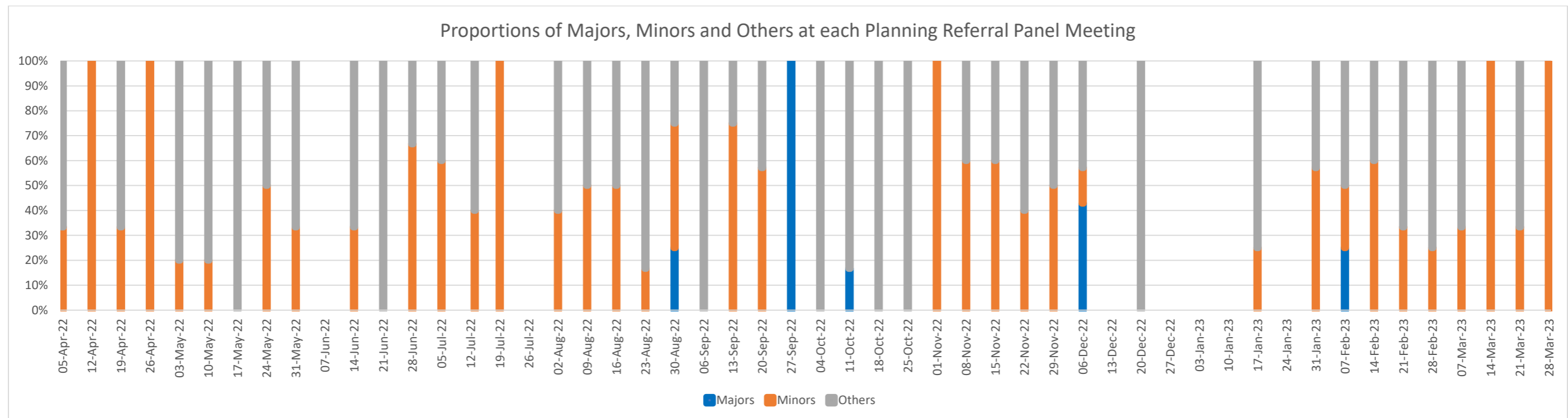


Figure 8: The Proportion of Majors, Minors and Others at each meeting of the Referral Panel between 1 April 2022 and 31 March 2023



**Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023:**

Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 1:** The number of items per Planning Referral Panel Meeting between 1 April 2022 and 31 March 2023

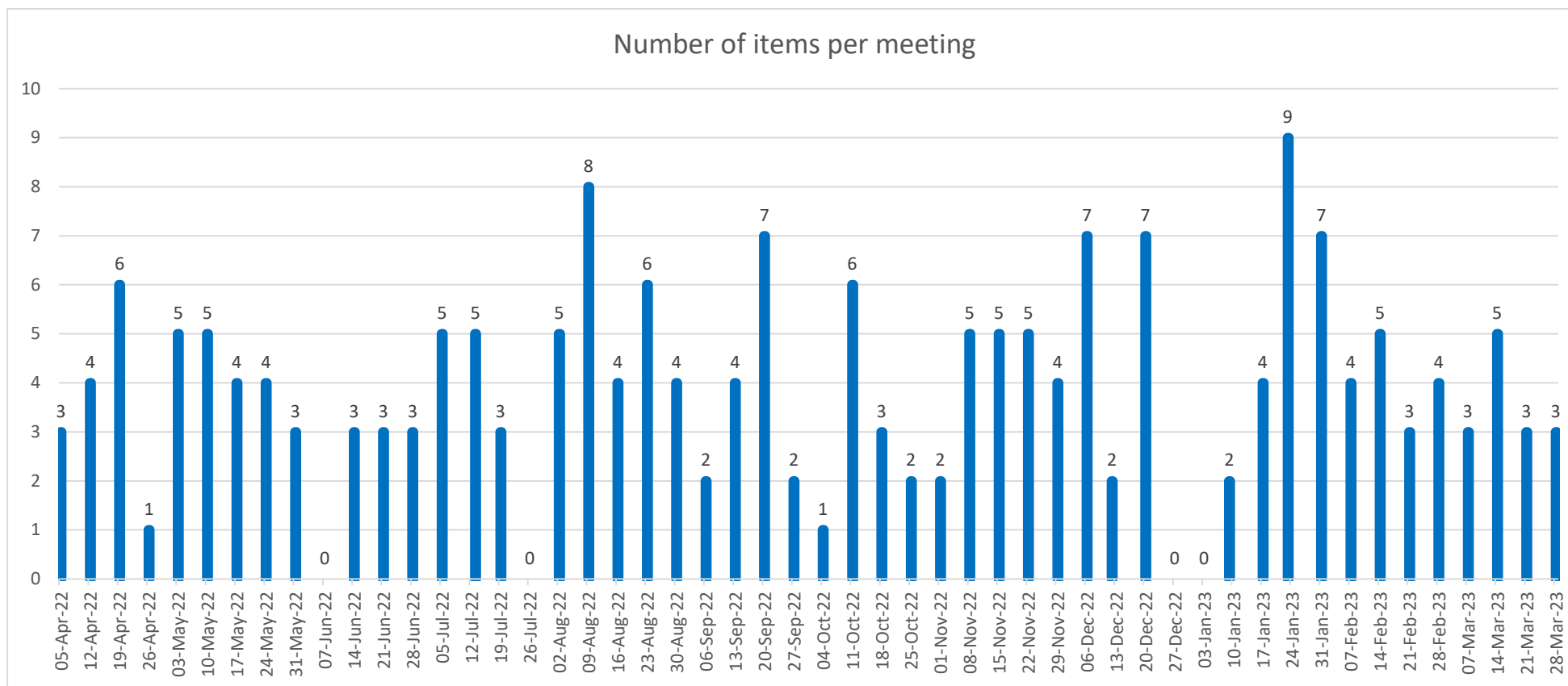
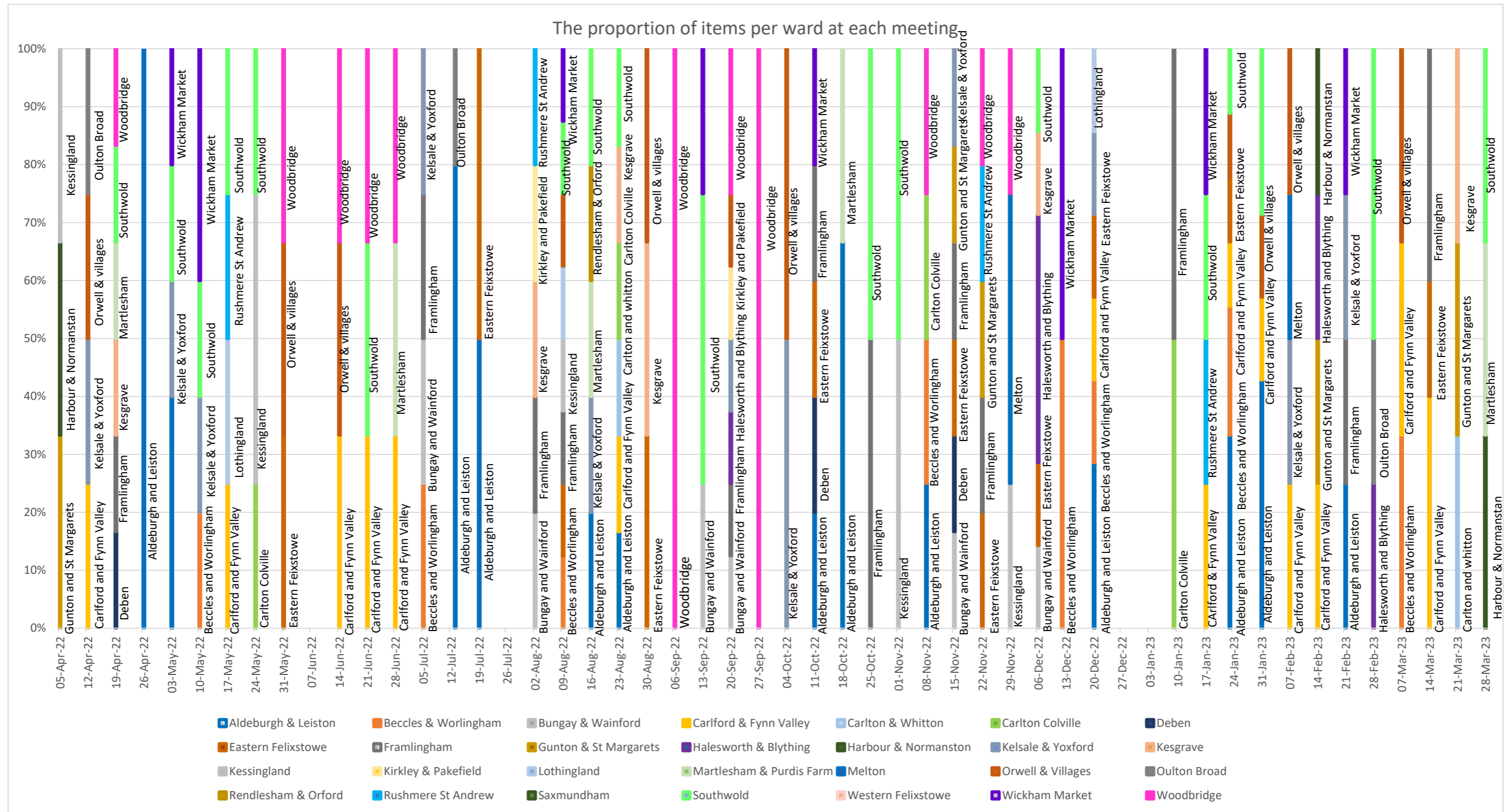
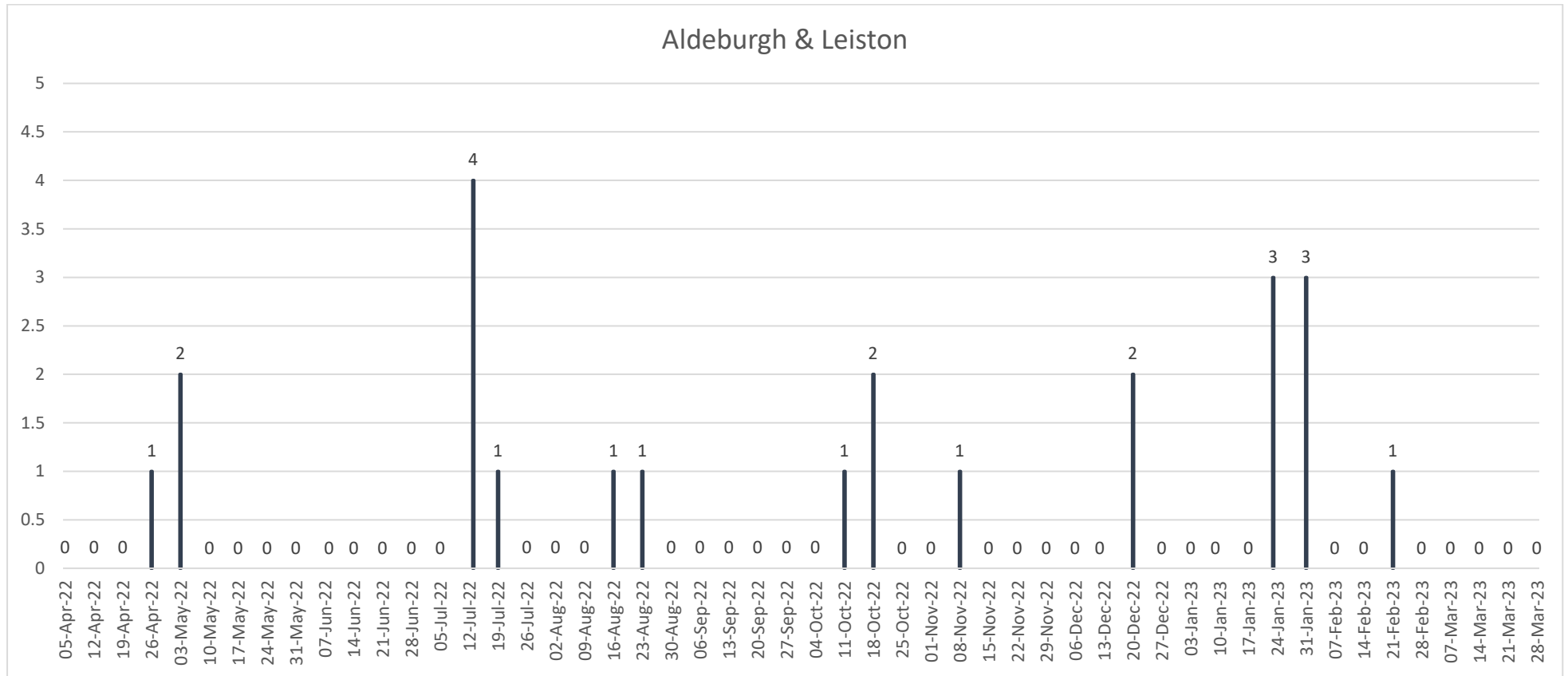


Figure 2: The Proportion of items from each Ward at each meeting between 1 April 2022 and 31 March 2023 (actual numbers shown by ward in Figures 3-31)



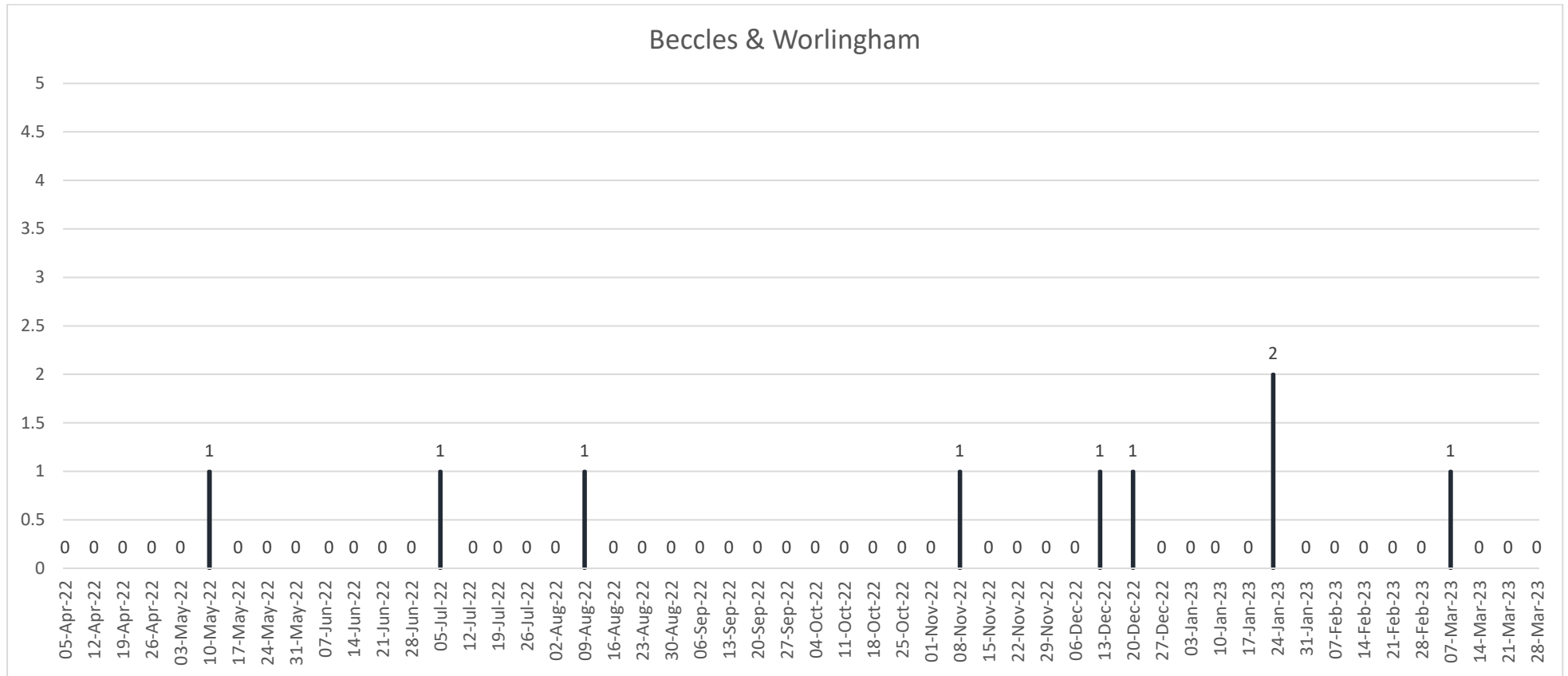
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 3:** The number of items from Aldeburgh and Leiston Ward at each meeting between 1 April 2022 and 31 March 2023



Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

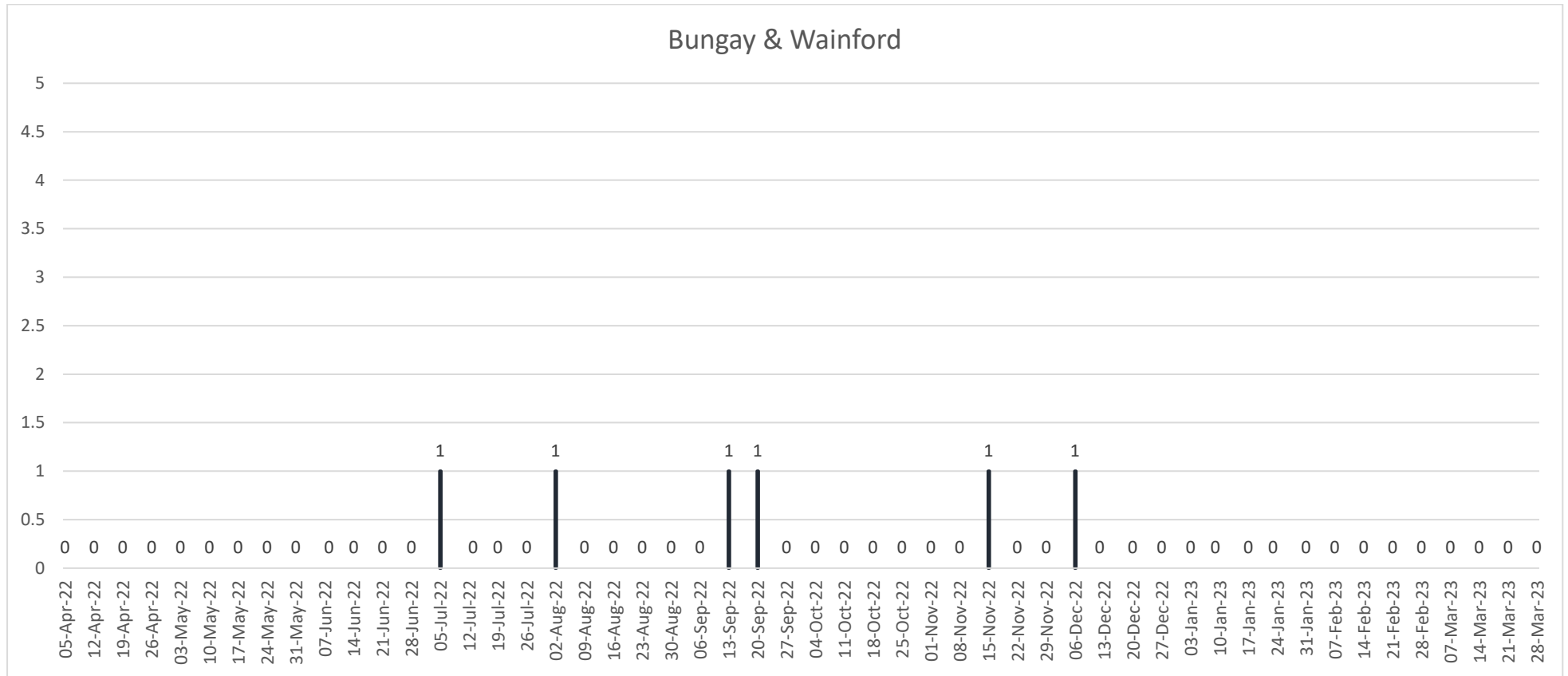
Figure 4: The number of items from Beccles and Worlingham Ward at each meeting between 1 April 2022 and 31 March 2023x





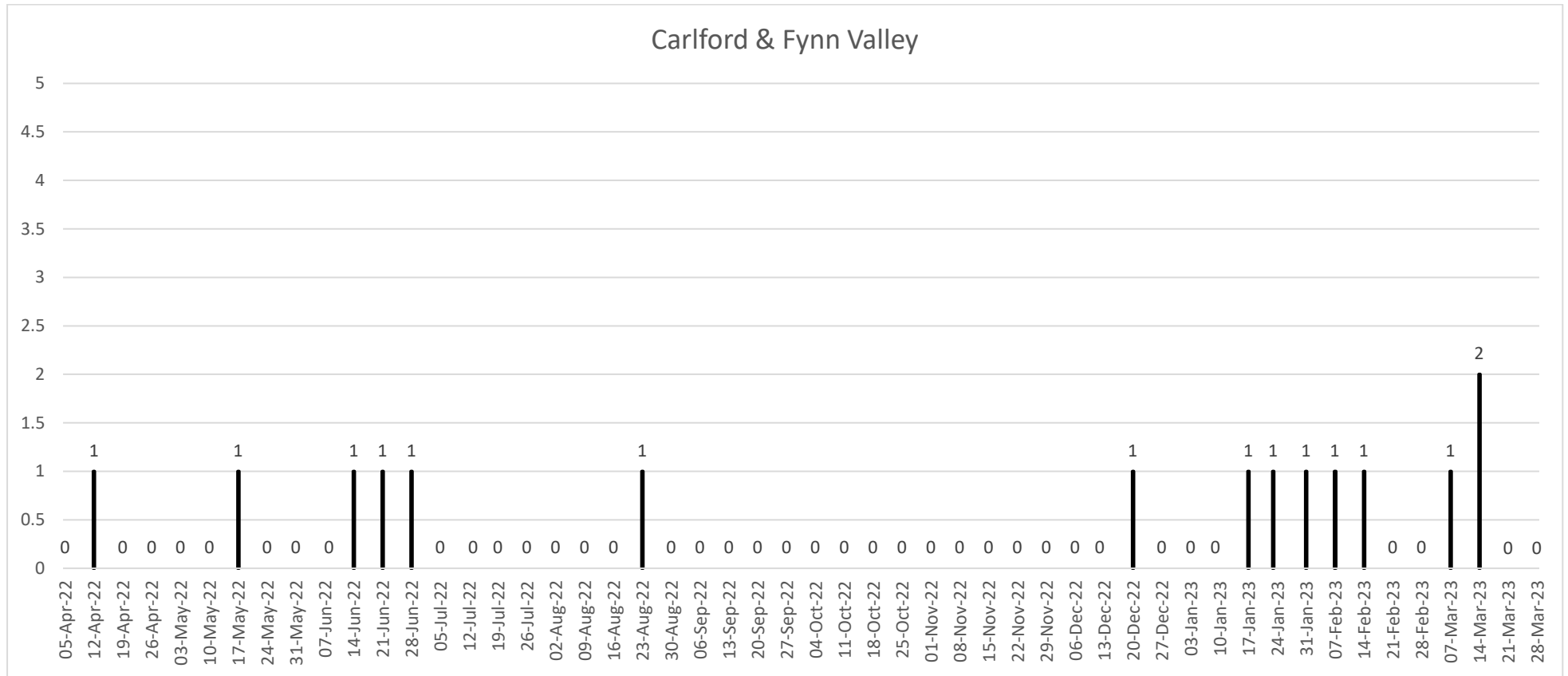
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 5:** The number of items from Bungay and Wainford Ward at each meeting between 1 April 2022 and 31 March 2023



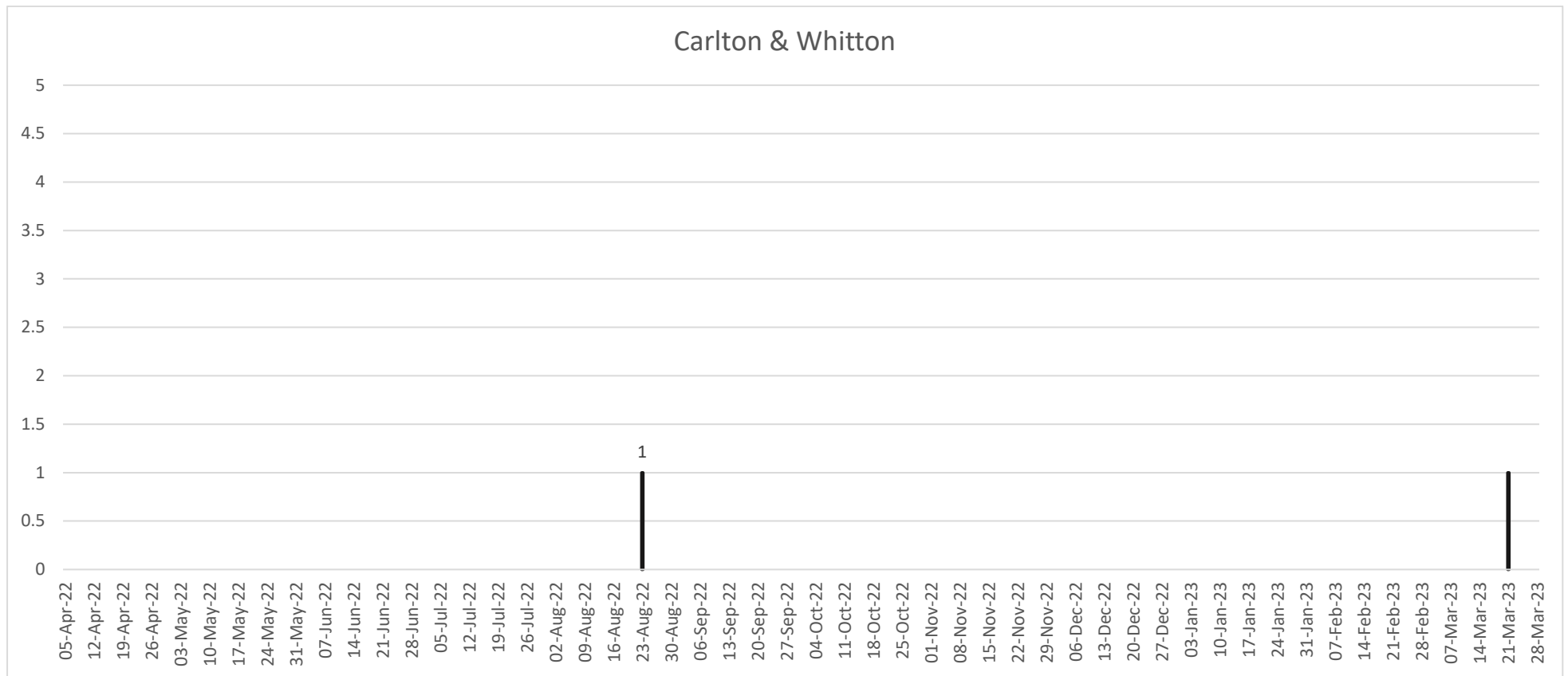
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 6:** The number of items from Carlford and Fynn Valley Ward at each meeting between 1 April 2022 and 31 March 2023



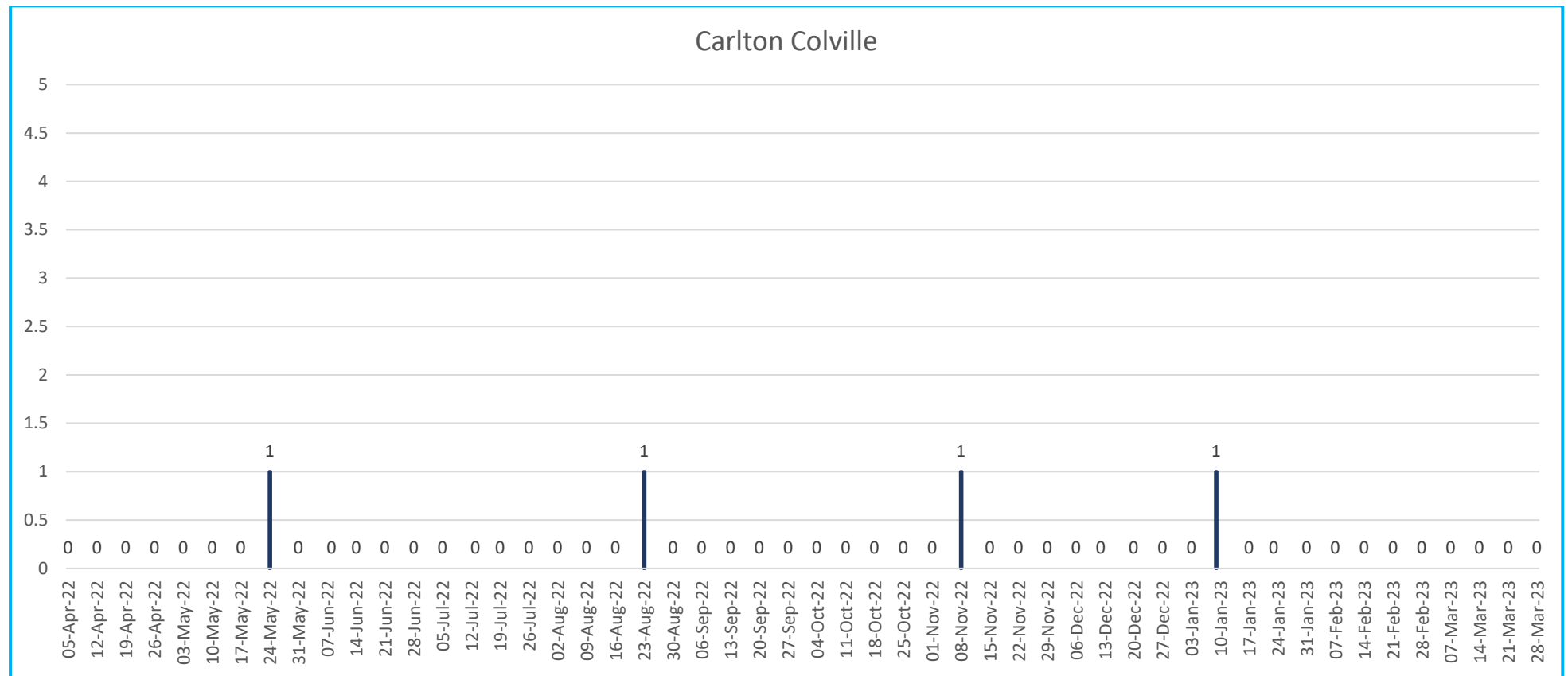
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 7: The number of items from Carlton and Whitton Ward at each meeting between 1 April 2022 and 31 March 2023



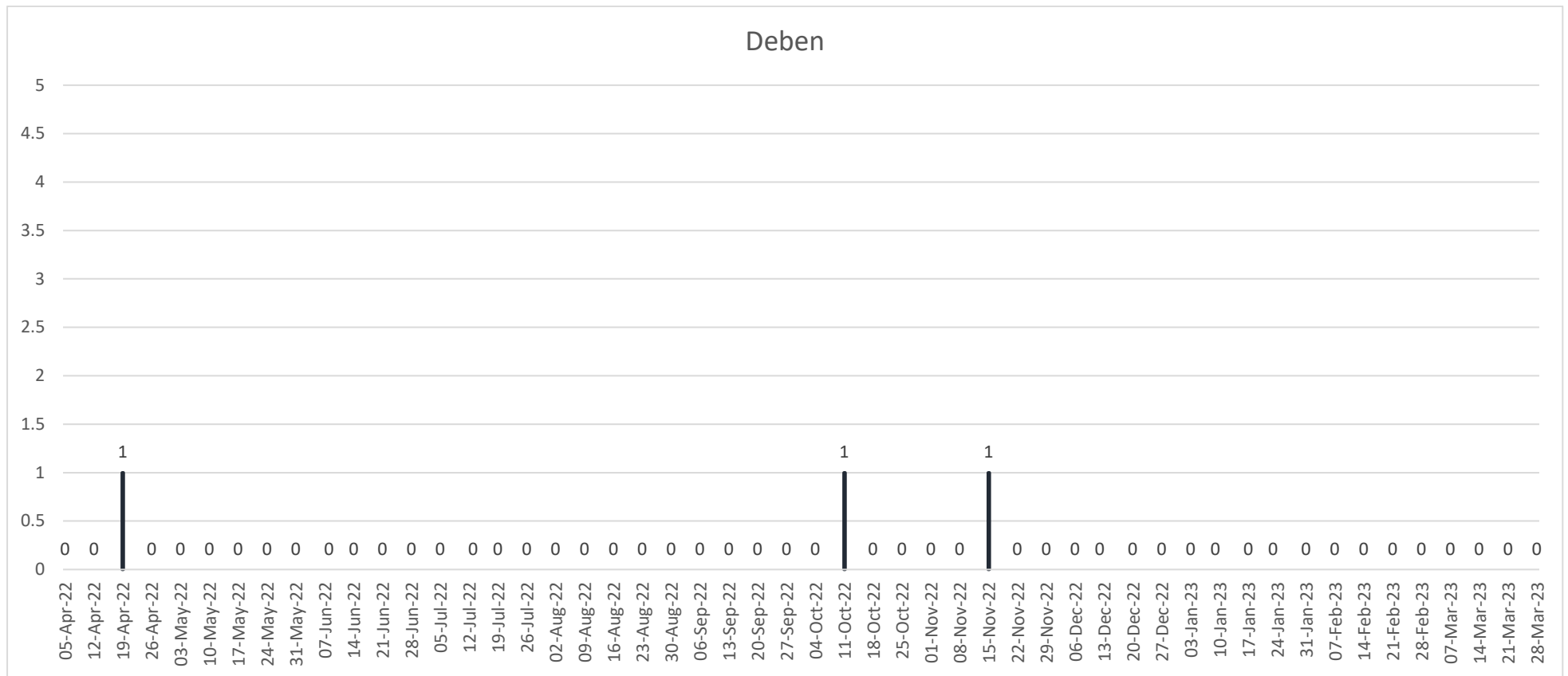
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 8: The number of items from Carlton Colville Ward at each meeting between 1 April 2022 and 31 March 2023



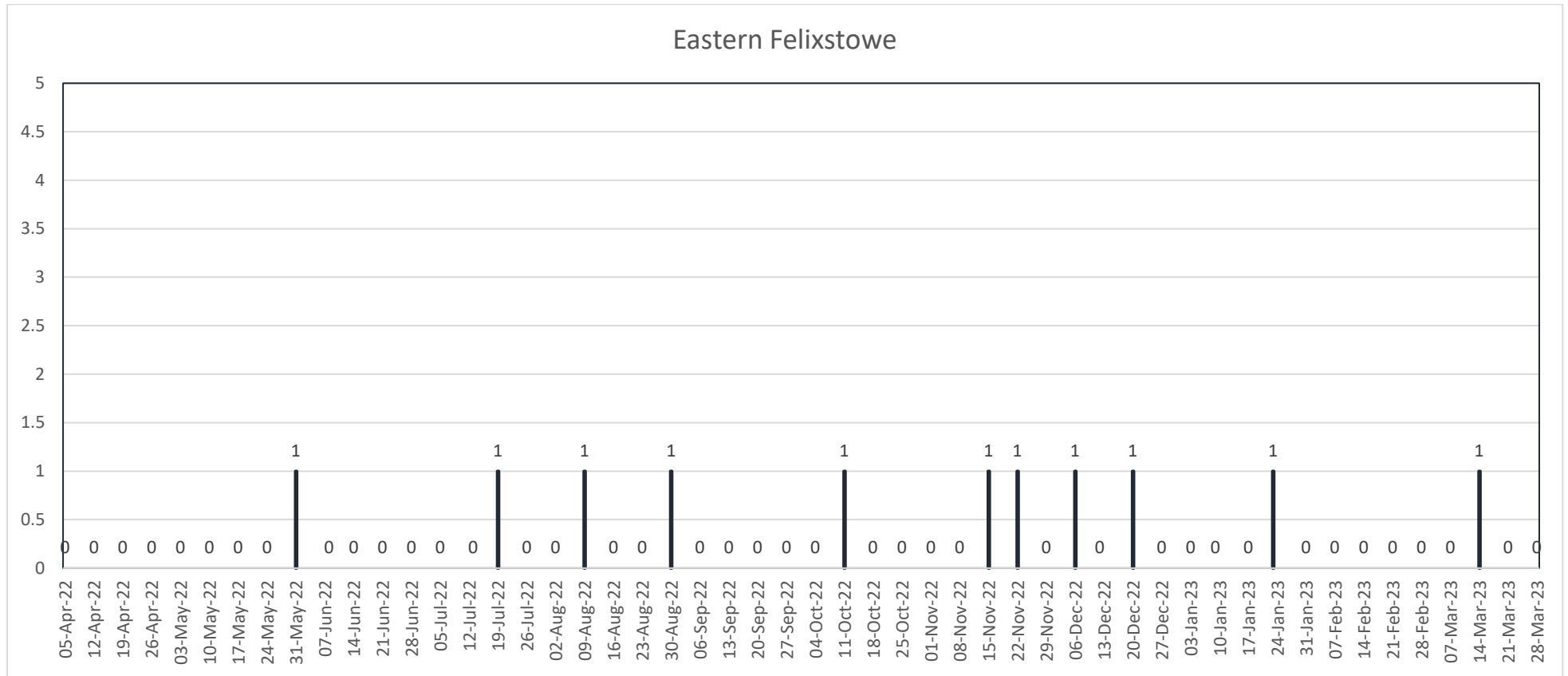
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 9:** The number of items from Deben Ward at each meeting between 1 April 2022 and 31 March 2023



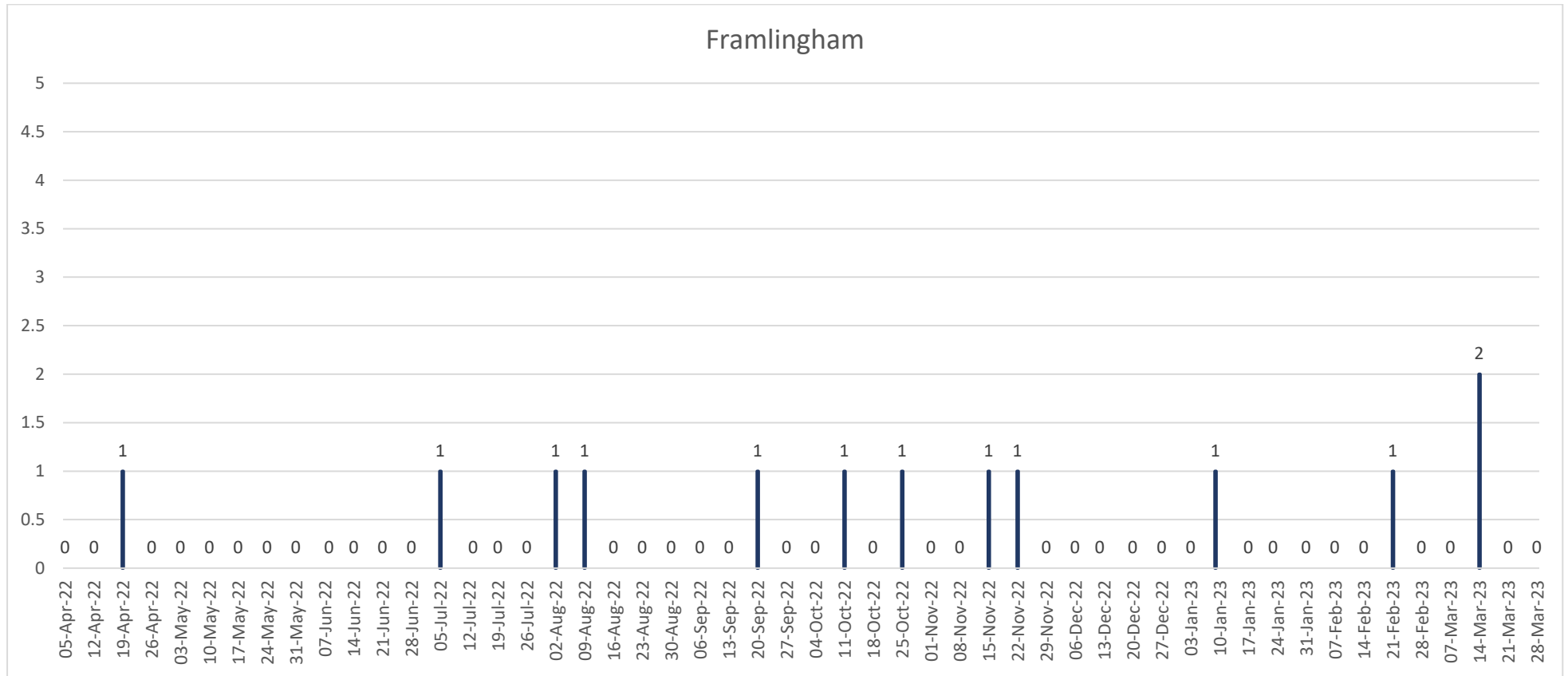
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 10:** The number of items from Eastern Felixstowe Ward at each meeting between 1 April 2022 and 31 March 2023



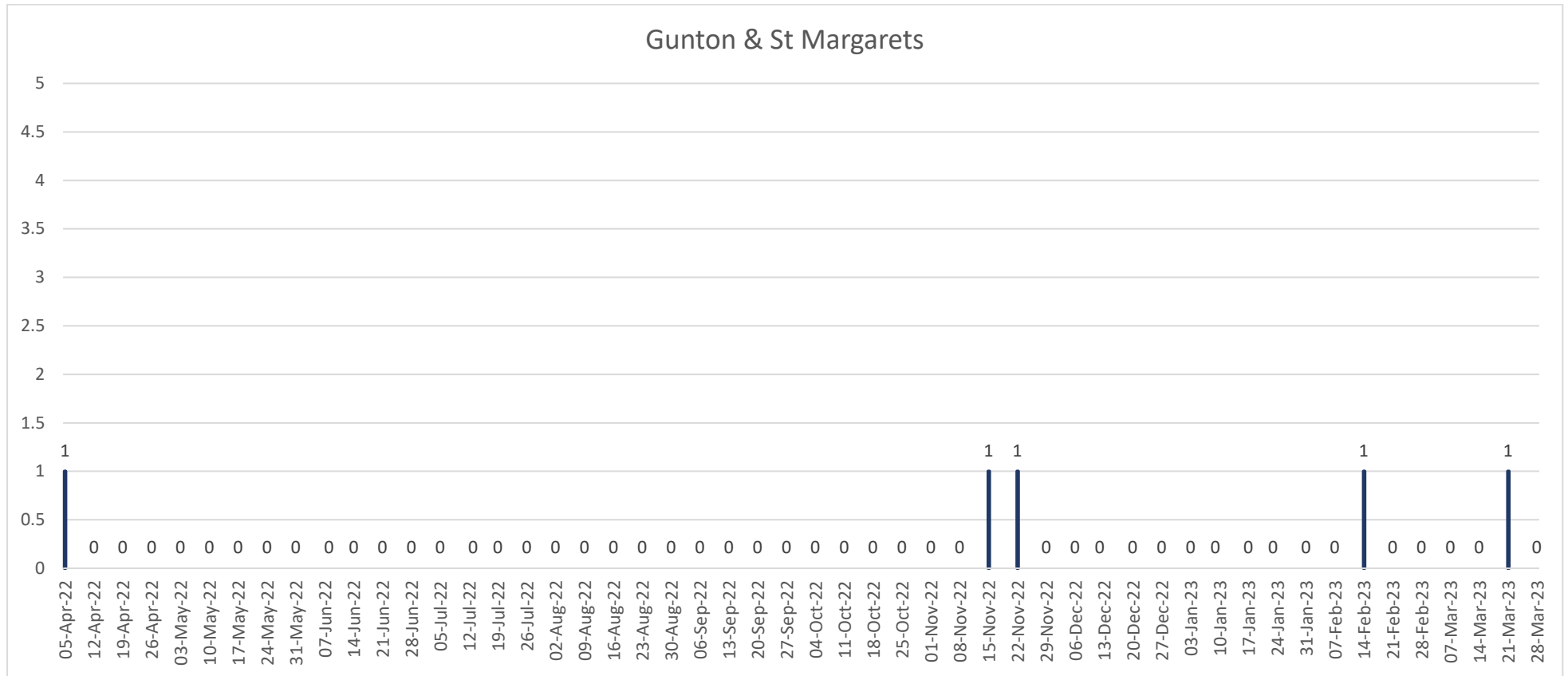
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 11:** The number of items from Framlingham Ward at each meeting between 1 April 2022 and 31 March 2023



Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

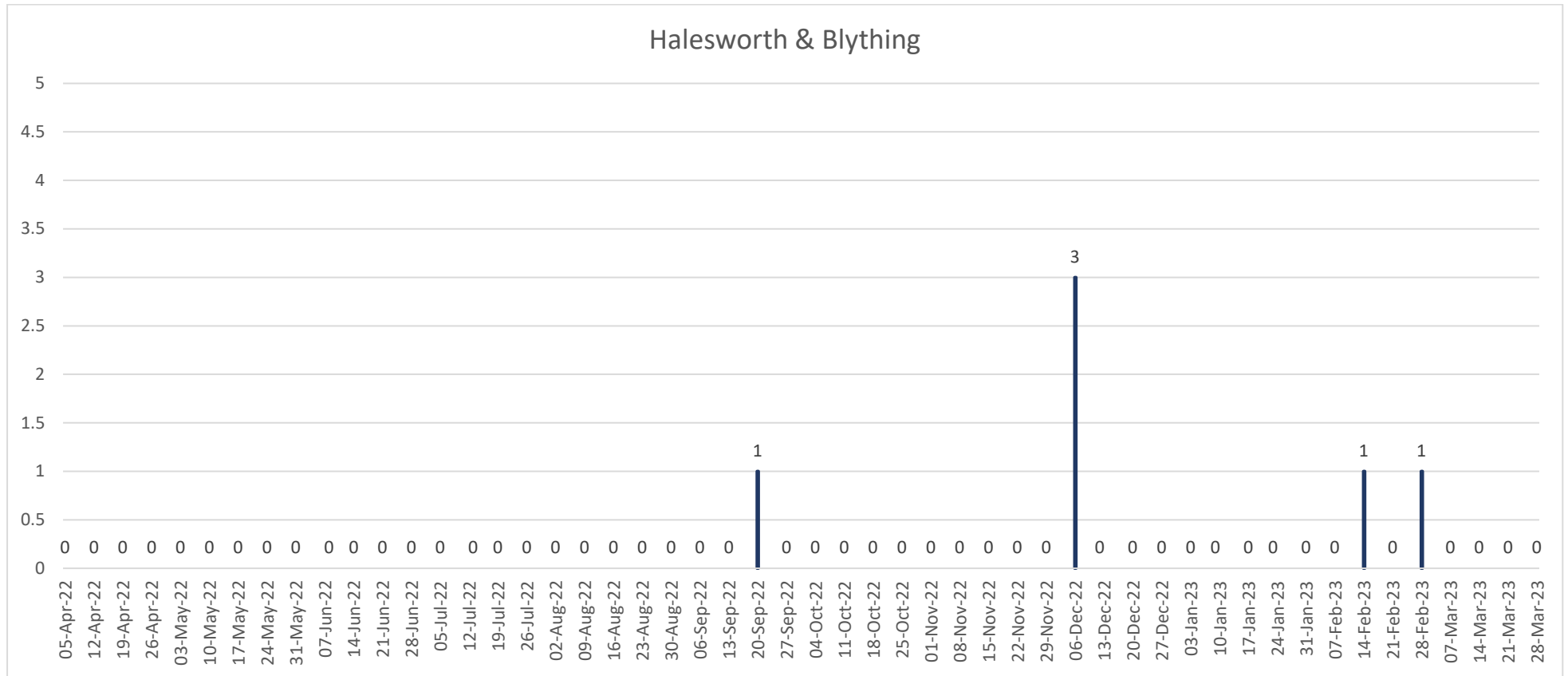
Figure 12: The number of items from Gunton & St Margarets Ward at each meeting between 1 April 2022 and 31 March 2023





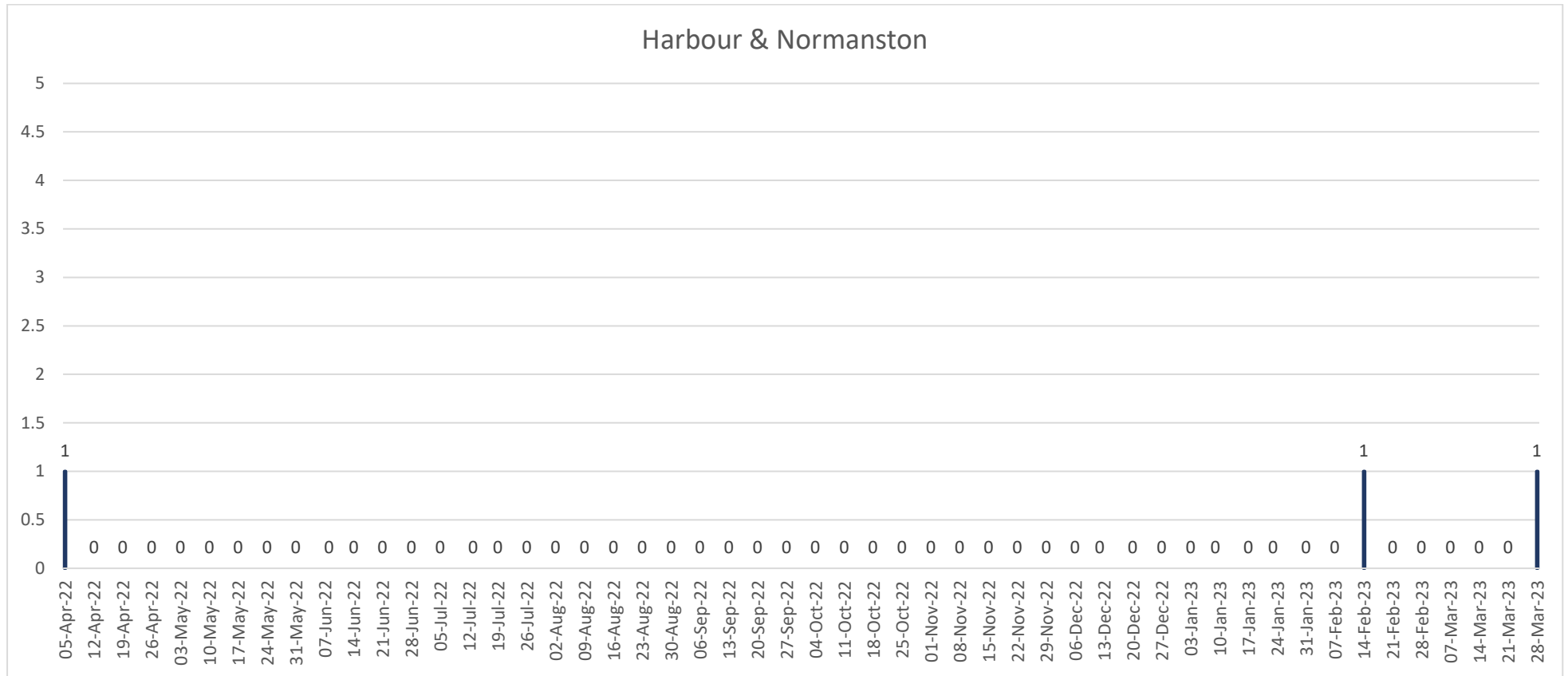
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 13: The number of items from Halesworth & Blything Ward at each meeting between 1 April 2022 and 31 March 2023



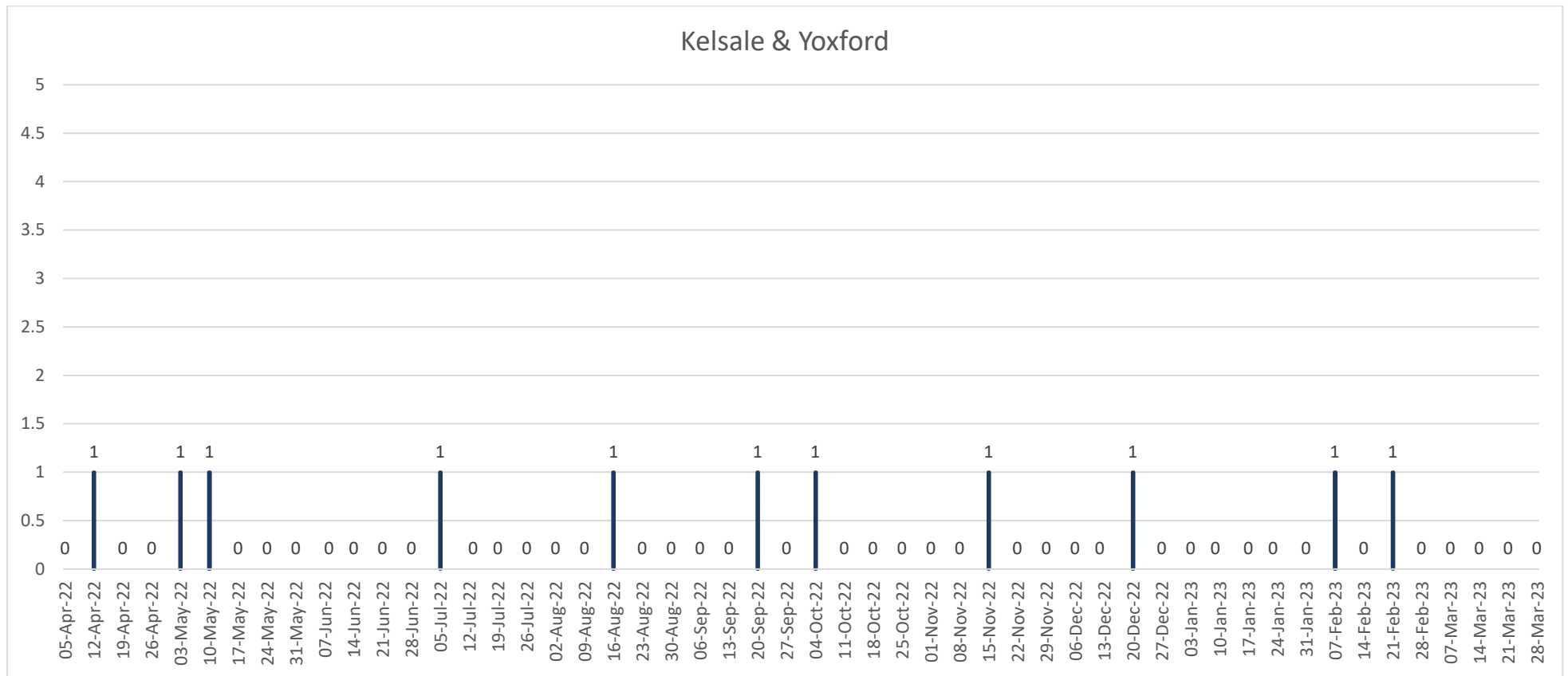
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 14:** The number of items from Harbour and Normanston Ward at each meeting between 1 April 2022 and 31 March 2023



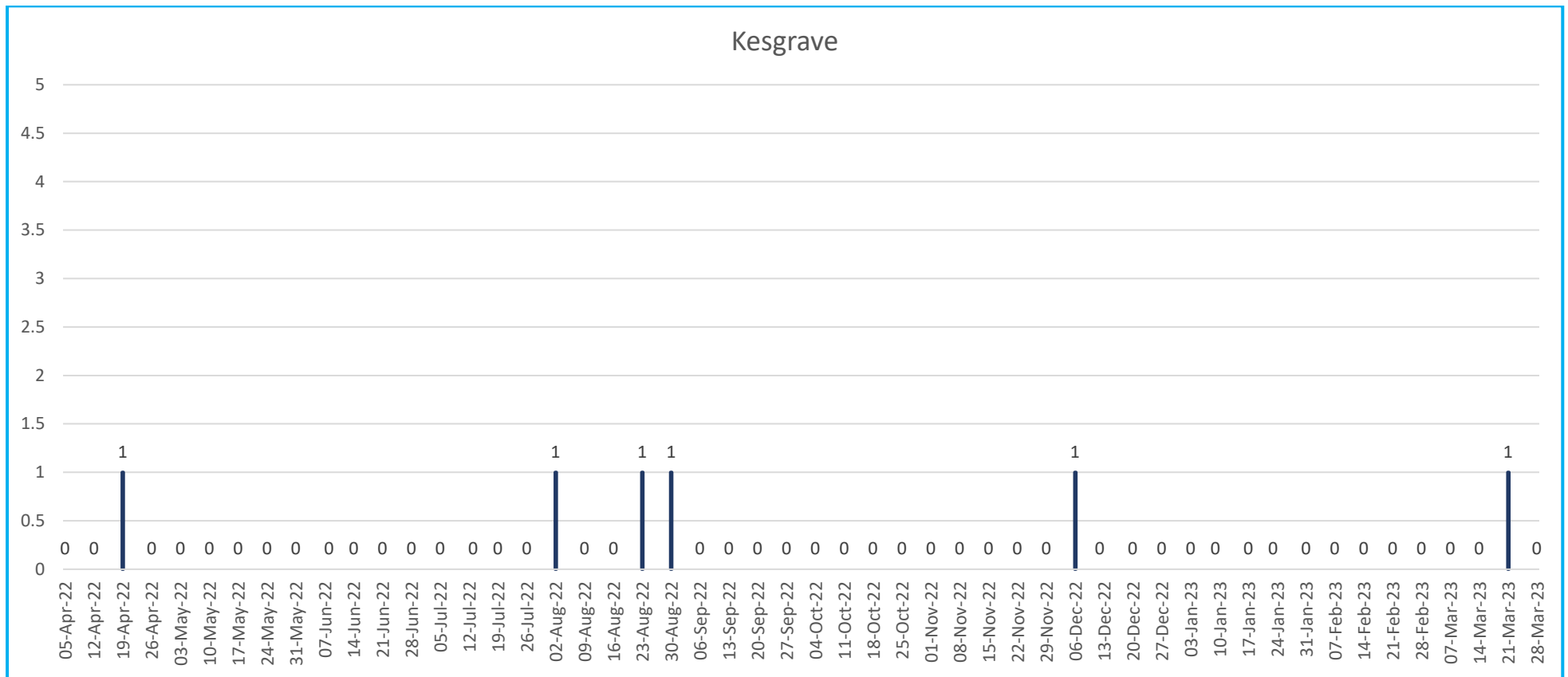
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 15:** The number of items from Kelsale and Yoxford Ward at each meeting between 1 April 2022 and 31 March 2023



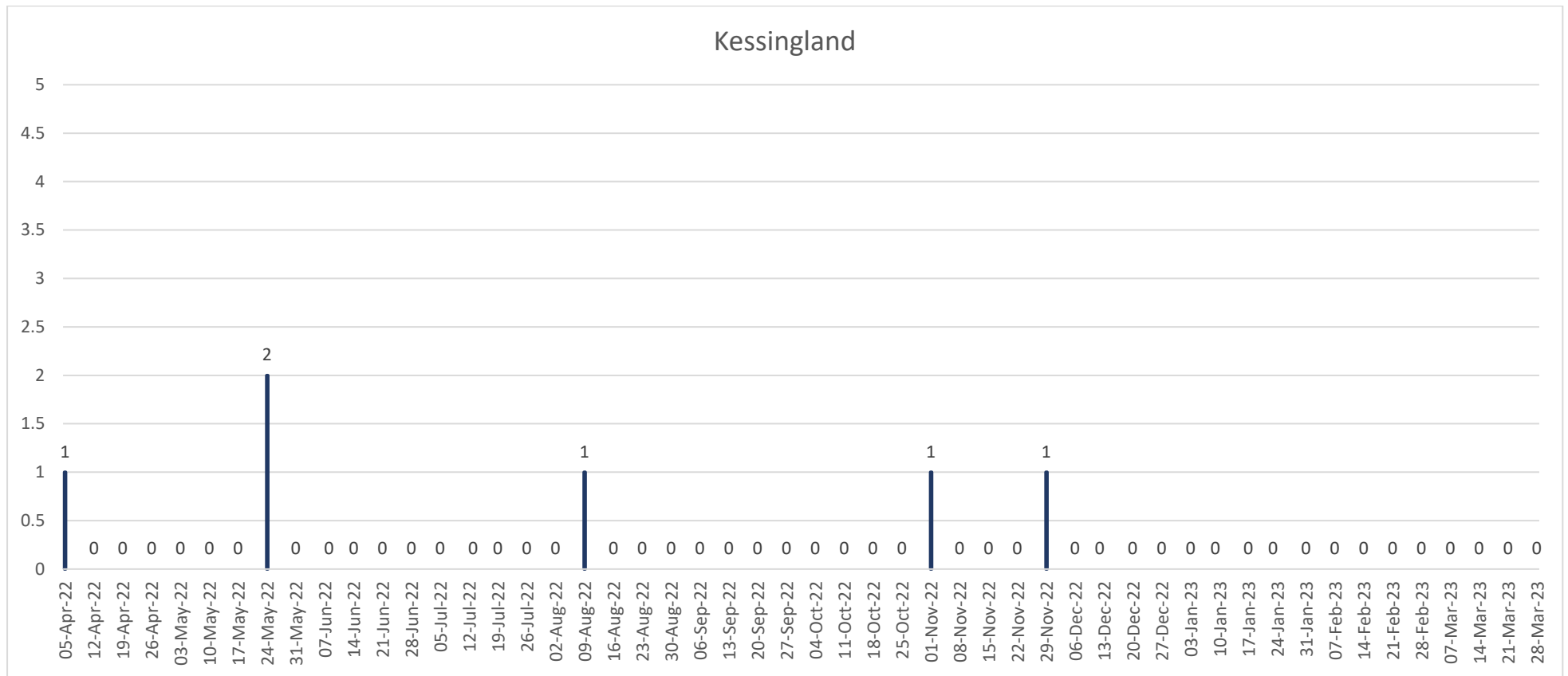
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 16: The number of items from Kesgrave Ward at each meeting between 1 April 2022 and 31 March 2023



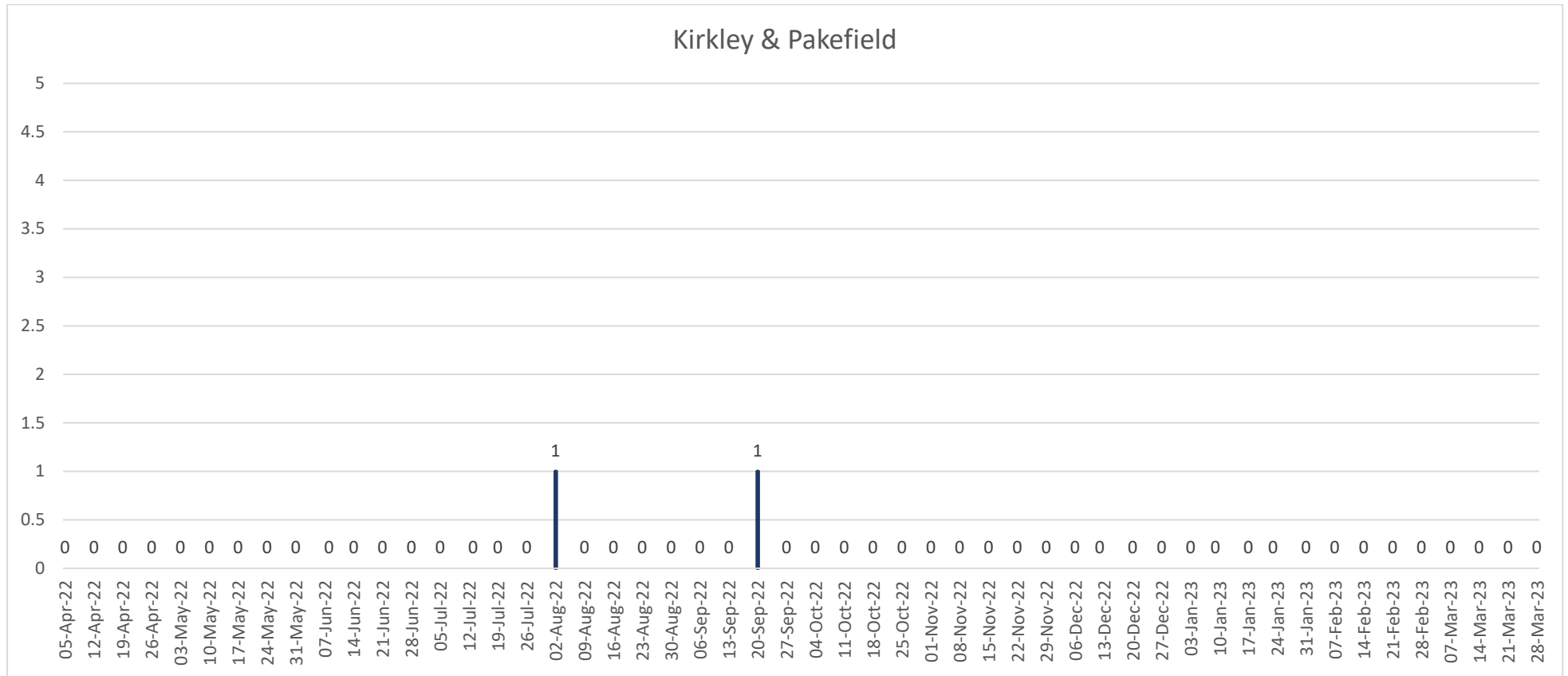
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 17: The number of items from Kessingland Ward at each meeting between 1 April 2022 and 31 March 2023



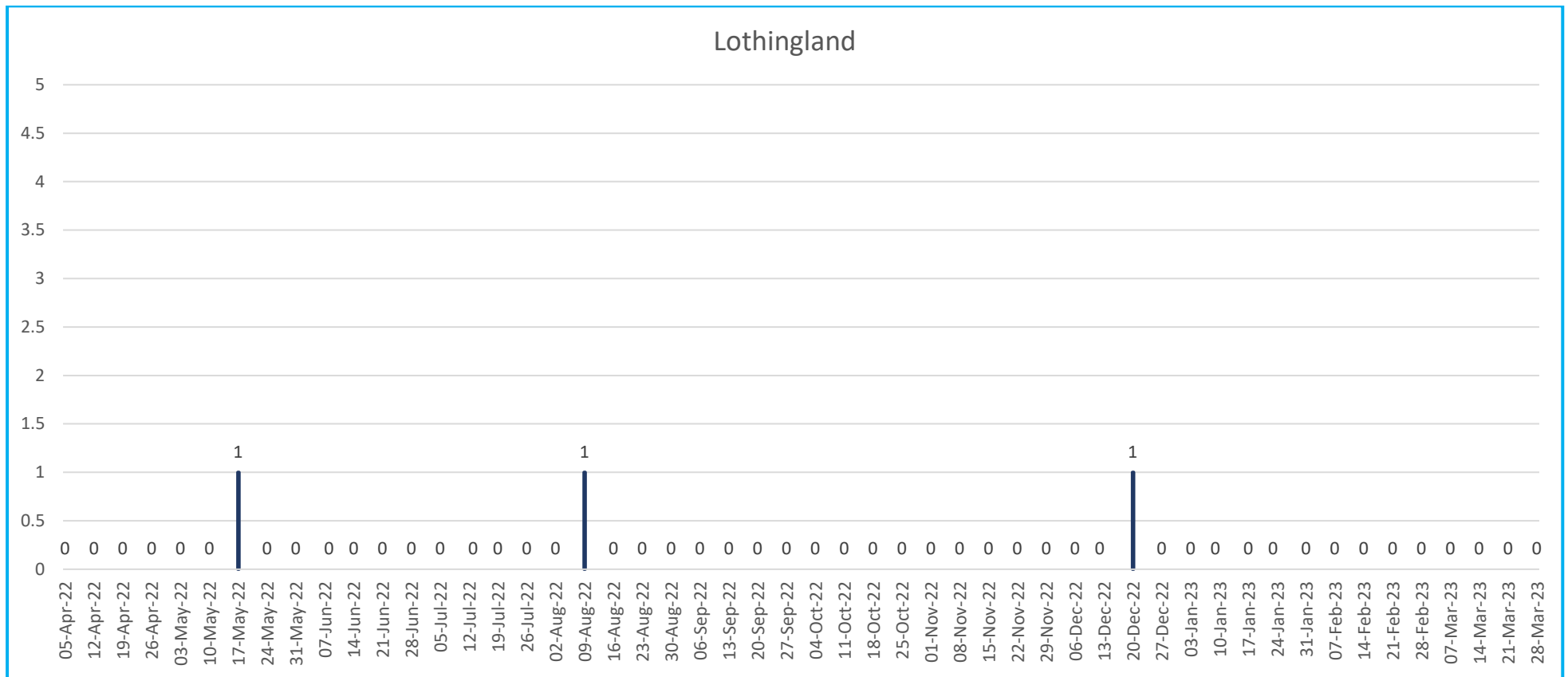
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 18:** The number of items from Kirkley and Pakefield Ward at each meeting between 1 April 2022 and 31 March 2023



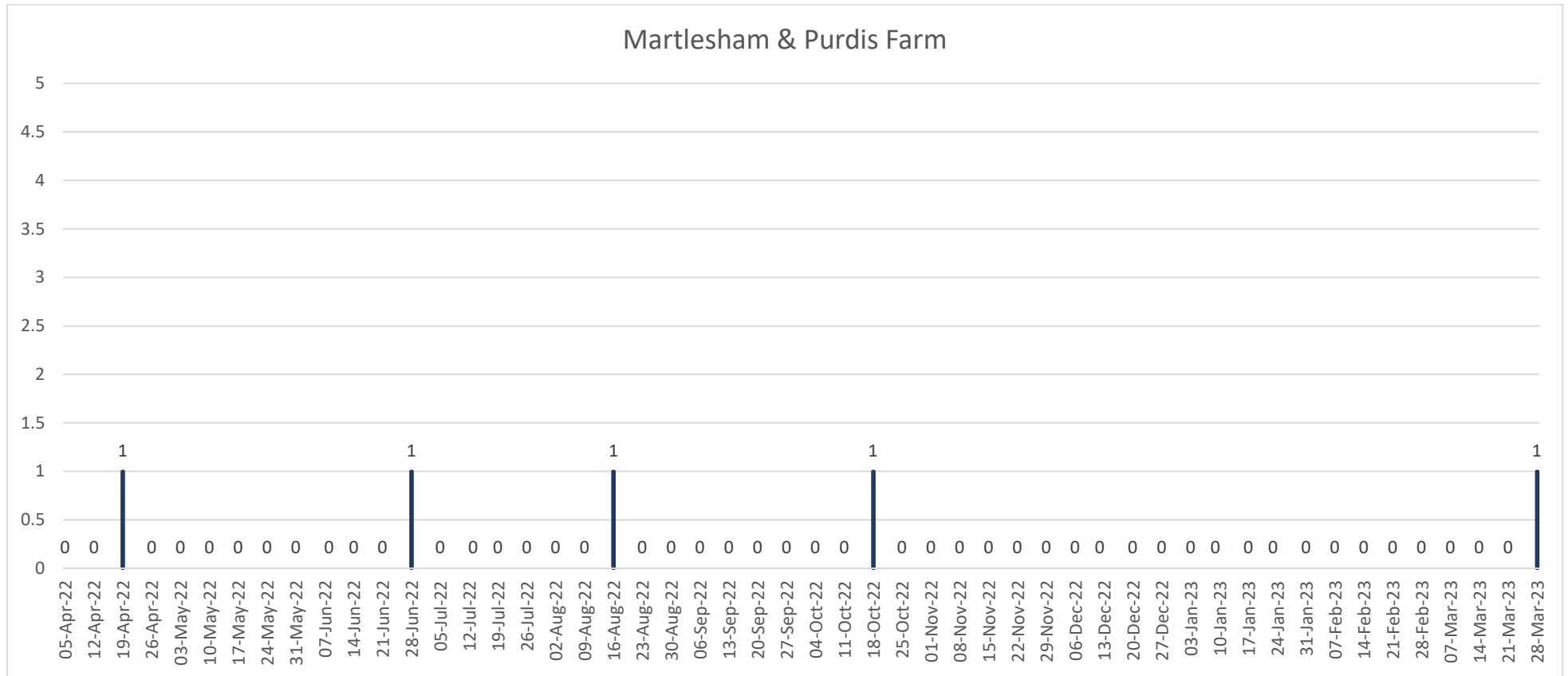
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 19: The number of items from Lothingland Ward at each meeting between 1 April 2022 and 31 March 2023



Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

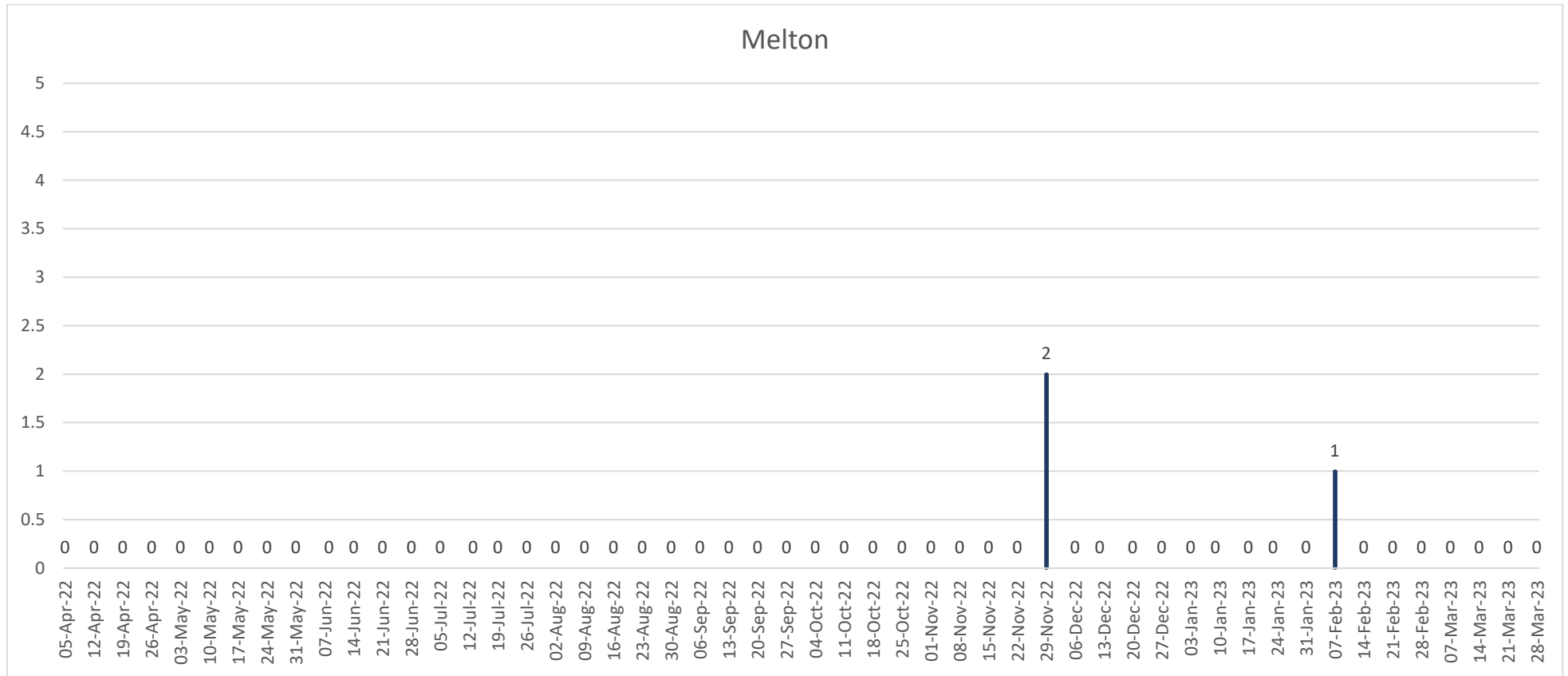
Figure 20: The number of items from Martlesham & Purdis Farm Ward at each meeting between 1 April 2022 and 31 March 2023





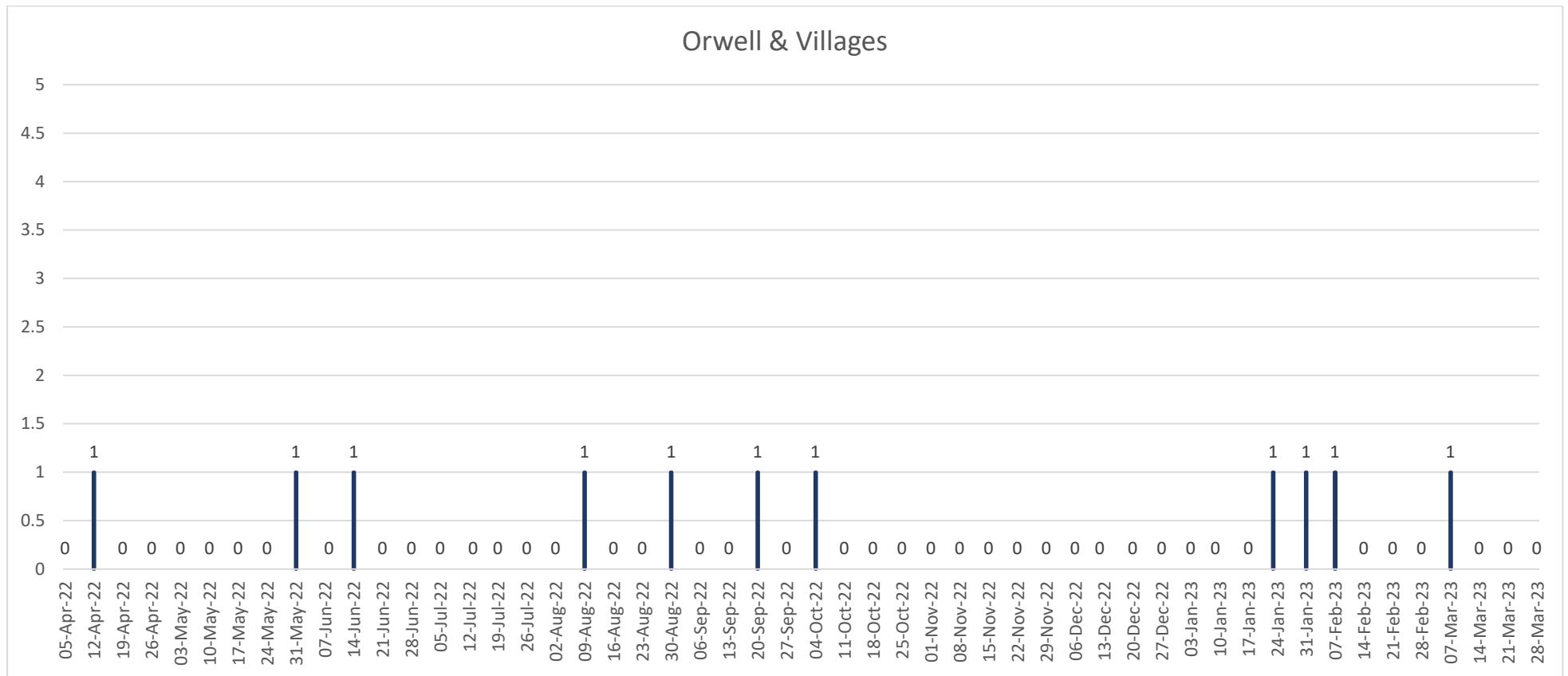
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 21: The number of items from Melton Ward at each meeting between 1 April 2022 and 31 March 2023



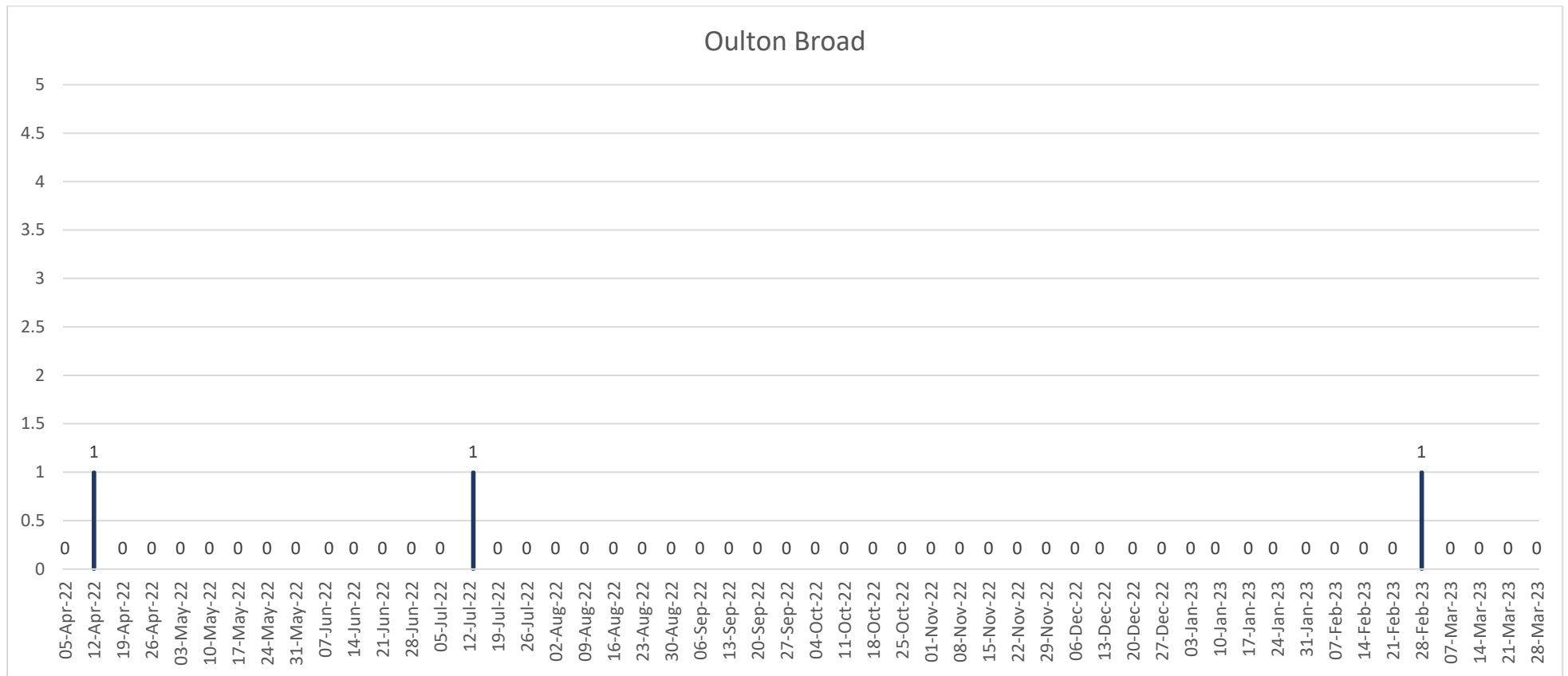
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 22:** The number of items from Orwell & Villages Ward at each meeting between 1 April 2022 and 31 March 2023



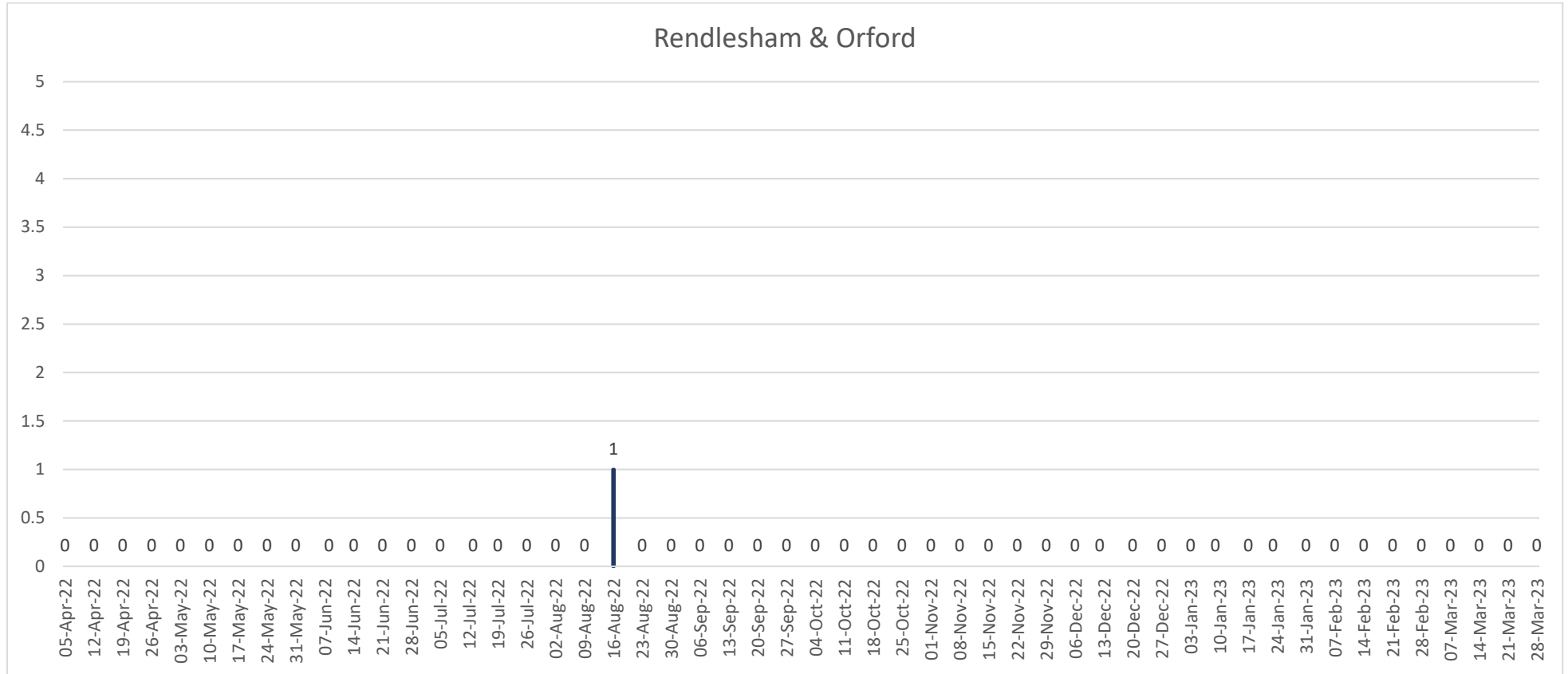
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 23: The number of items from Oulton Broad Ward at each meeting between 1 April 2022 and 31 March 2023



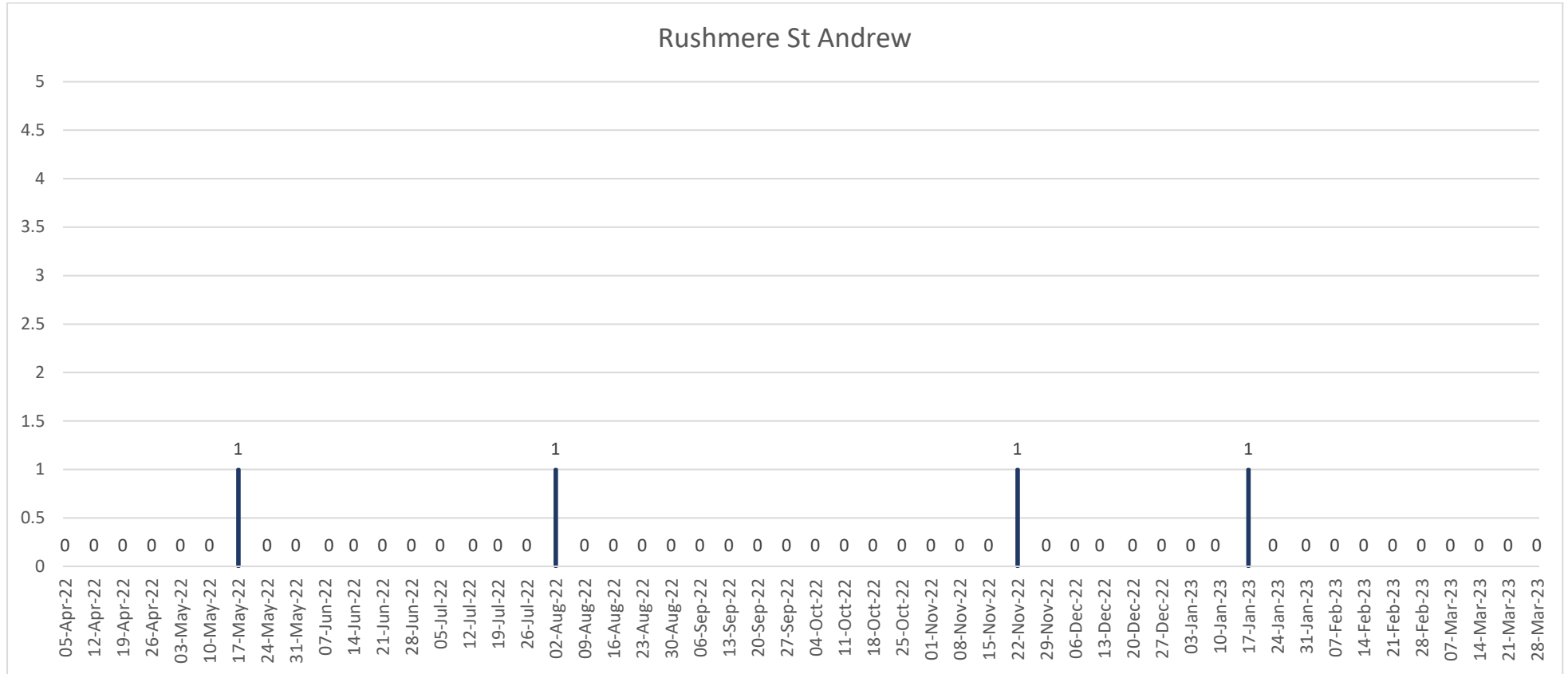
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 24:** The number of items from Rendlesham and Orford Ward at each meeting between 1 April 2022 and 31 March 2023



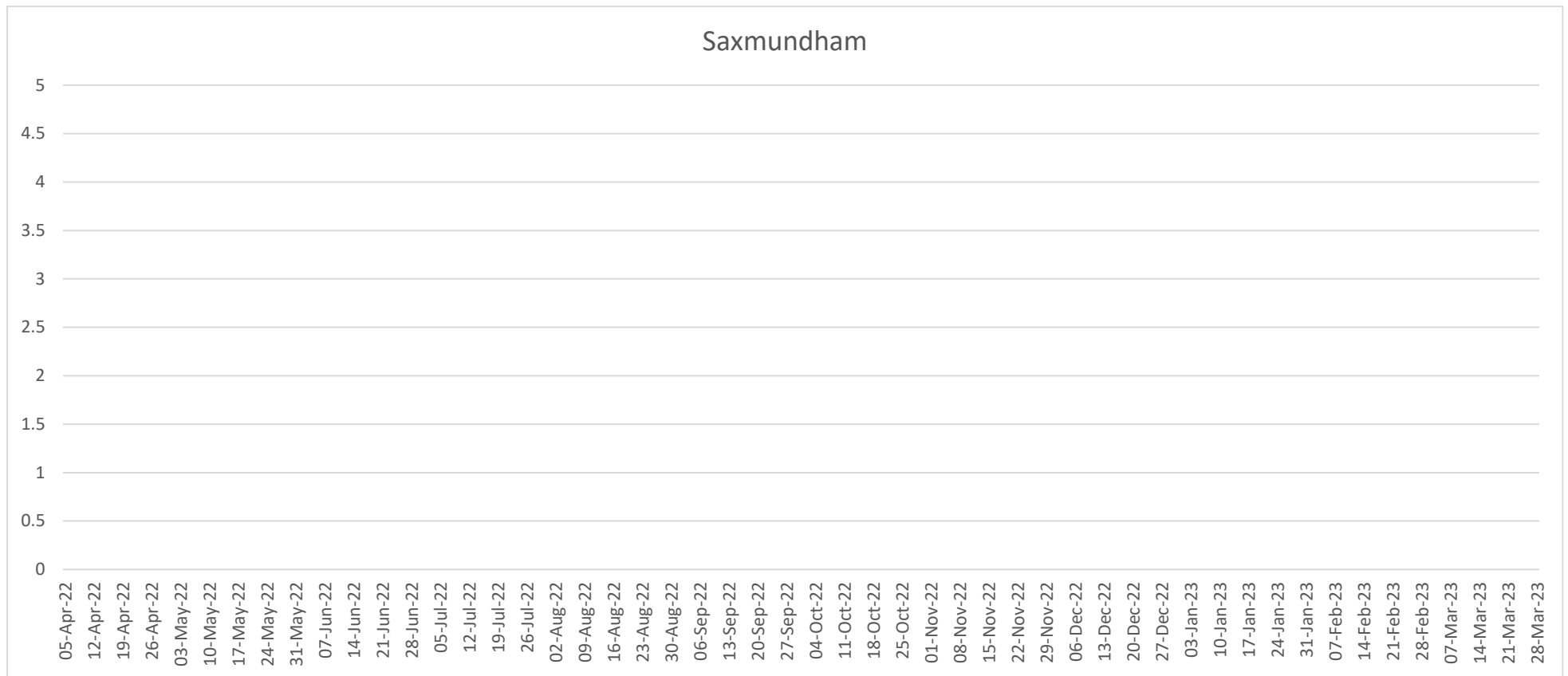
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

Figure 25: The number of items from Rushmere St Andrew Ward at each meeting between 1 April 2022 and 31 March 2023



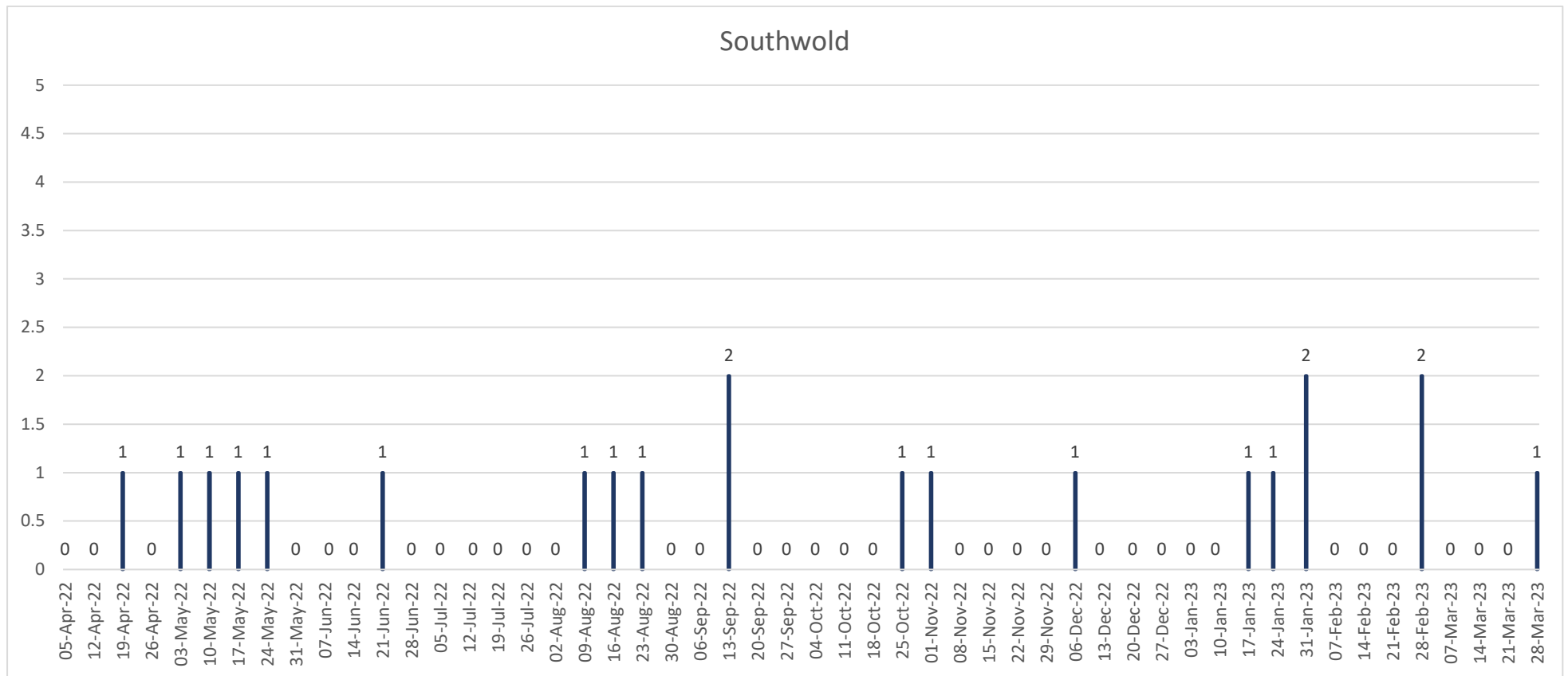
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 26:** The number of items from Saxmundham Ward at each meeting between 1 April 2022 and 31 March 2023



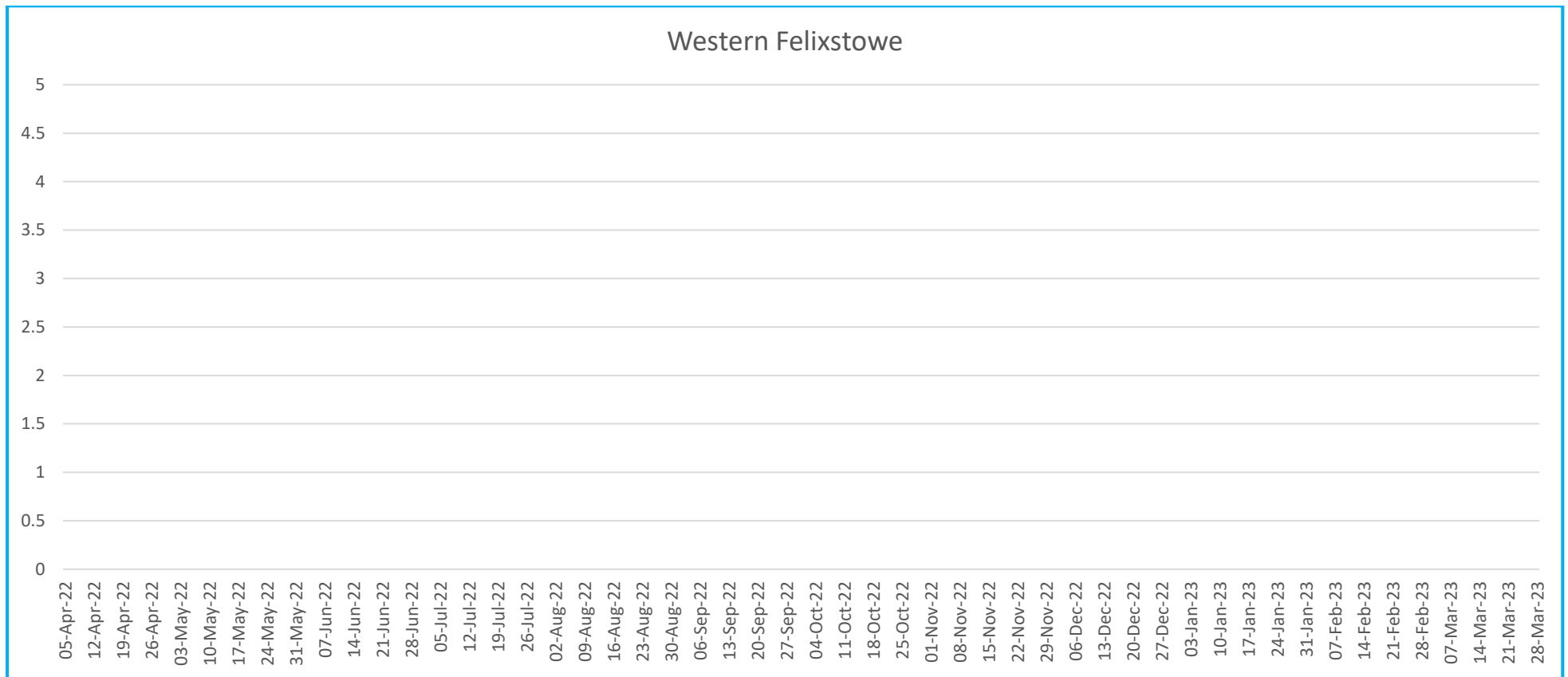
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 27:** The number of items from Southwold Ward at each meeting between 1 April 2022 and 31 March 2023



Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 28:** The number of items from Western Felixstowe Ward at each meeting between 1 April 2022 and 31 March 2023





Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 29:** The number of items from Wickham Market Ward at each meeting between 1 April 2022 and 31 March 2023



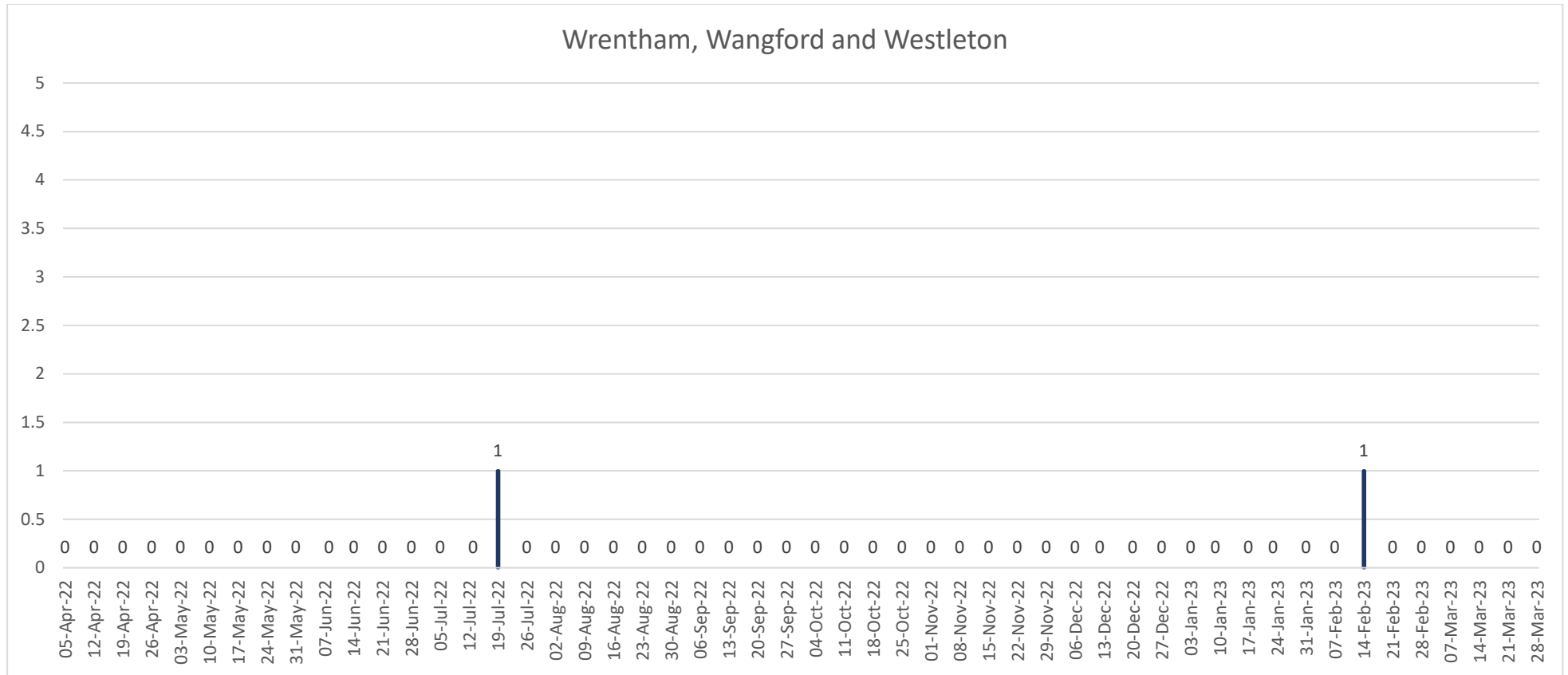
Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

**Figure 30:** The number of items from Woodbridge Ward at each meeting between 1 April 2022 and 31 March 2023



Appendix F: The numbers of items for each ward at each of the Referral Panel meetings between 1 April 2022 and 31 March 2023

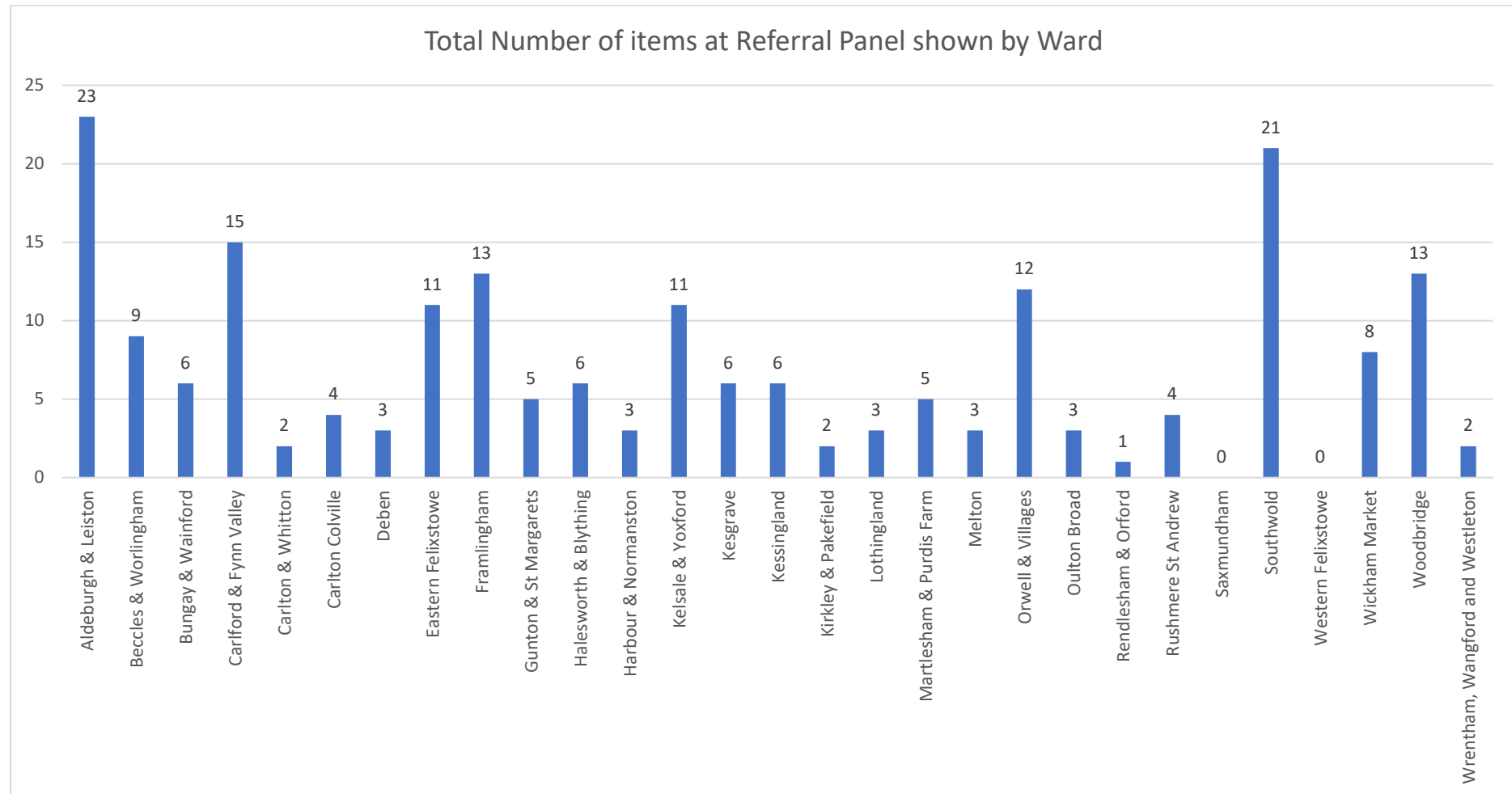
Figure 31: The number of items from Wrentham, Wangford and Westleton Ward at each meeting between 1 April 2022 and 31 March 2023



**Appendix G: The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by ward**

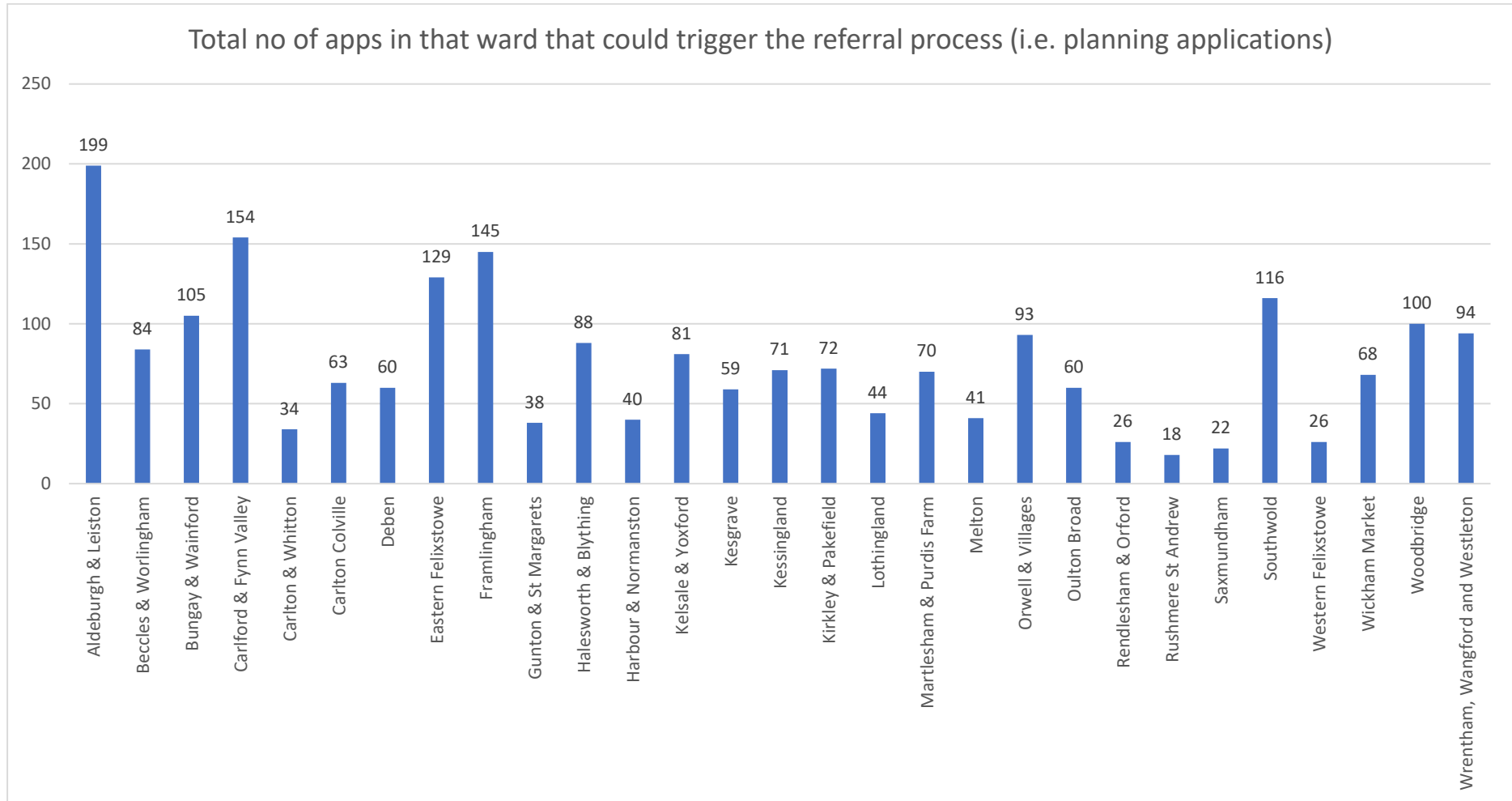
## Appendix G: The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by ward

**Figure 1:** Number of items at Referral Panel (by Ward) between 1 April 2022 and 31 March 2023



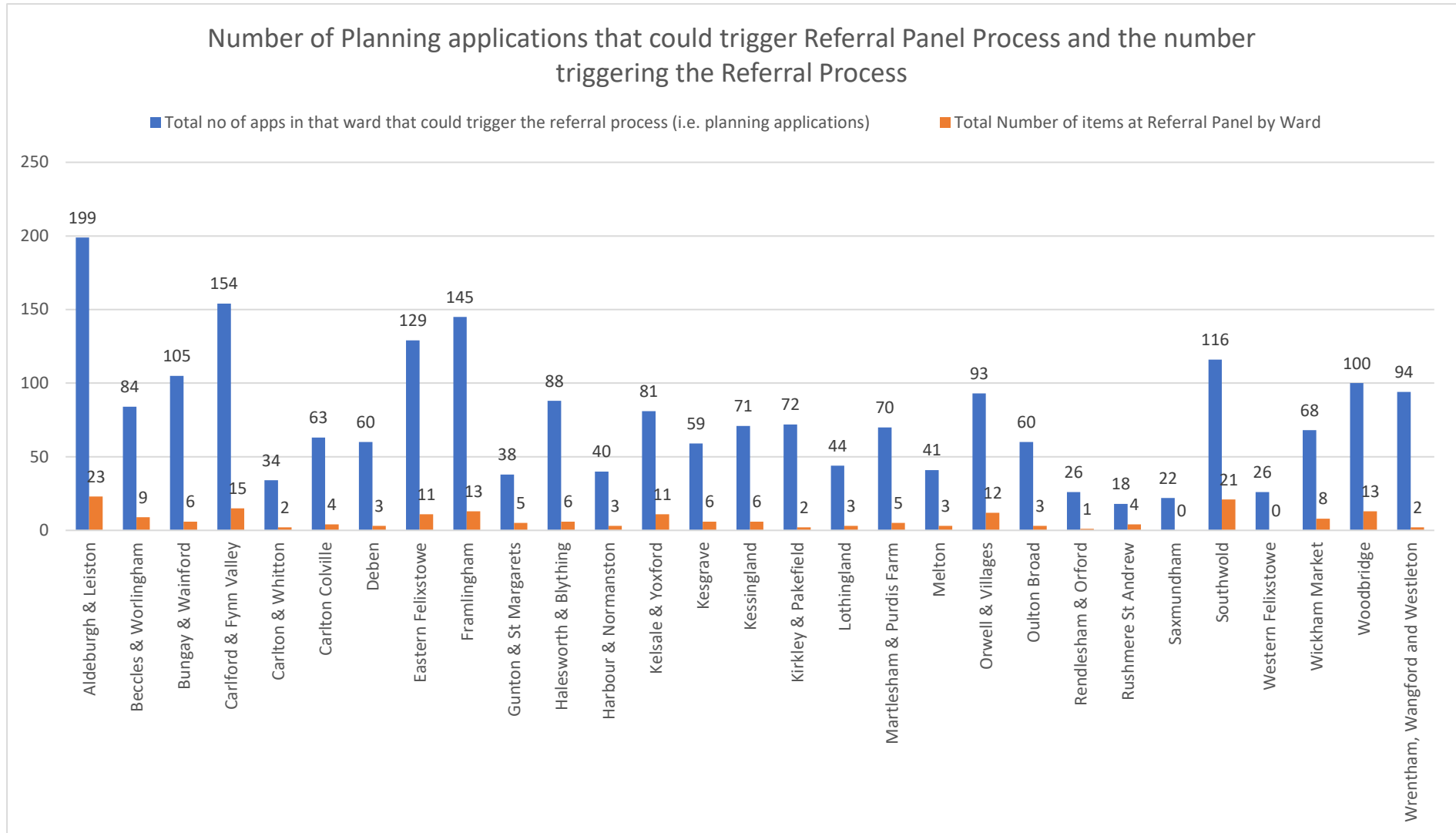
Appendix G: The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by ward

**Figure 2:** Number of Planning Applications in each ward that could trigger the referral process, between 1 April 2022 and 31 March 2023



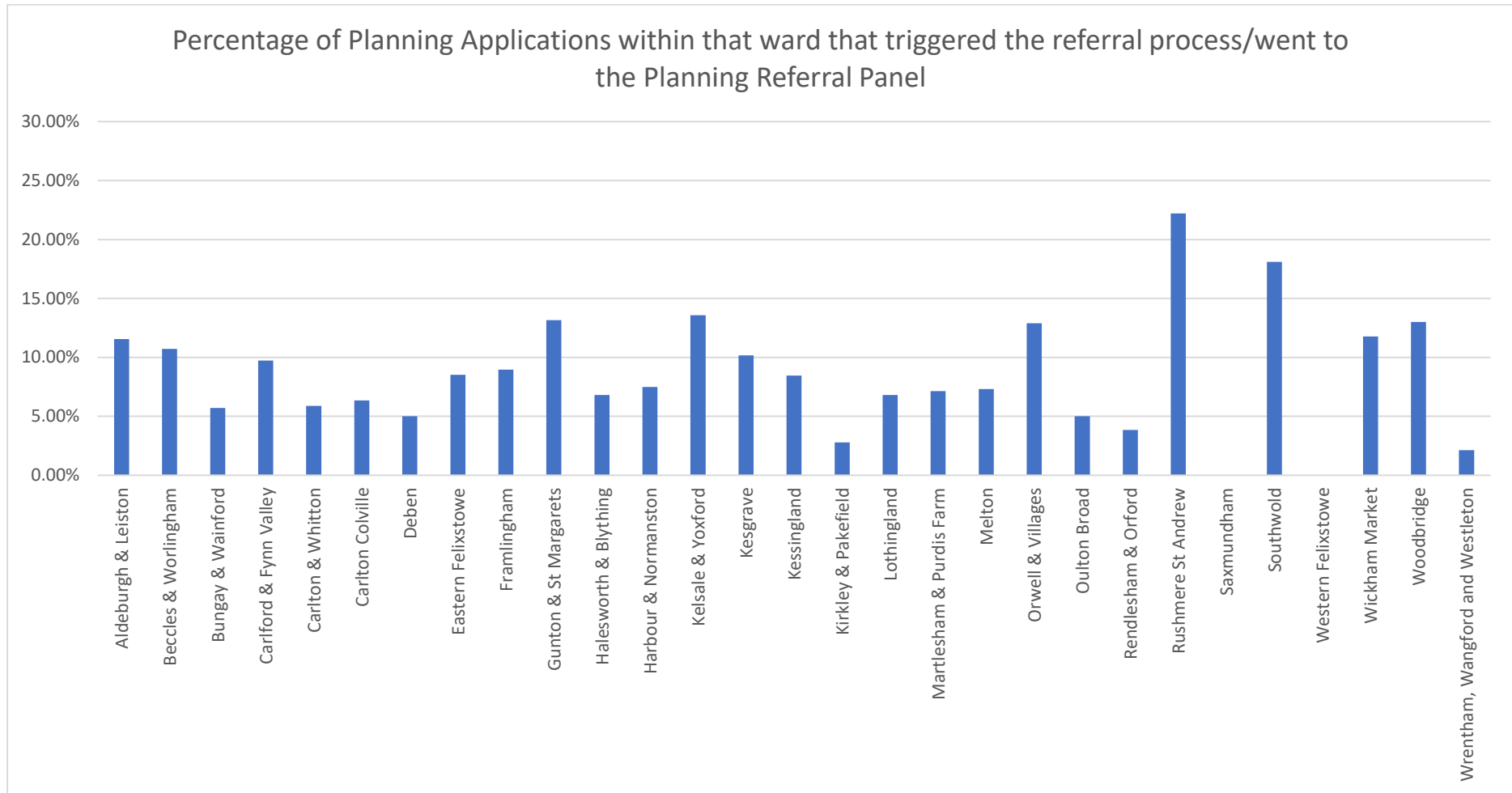
## Appendix G: The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by ward

**Figure 3:** Number of Planning Applications that have triggered the Referral Panel/could have triggered the referral panel process (shown by ward in alphabetical order) between 1 April 2022 and 31 March 2023



Appendix G: The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by ward

**Figure 4:** Percentage of Planning Applications that have triggered the Referral Panel (by ward in alphabetical order) between 1 April 2022 and 31 March 2023

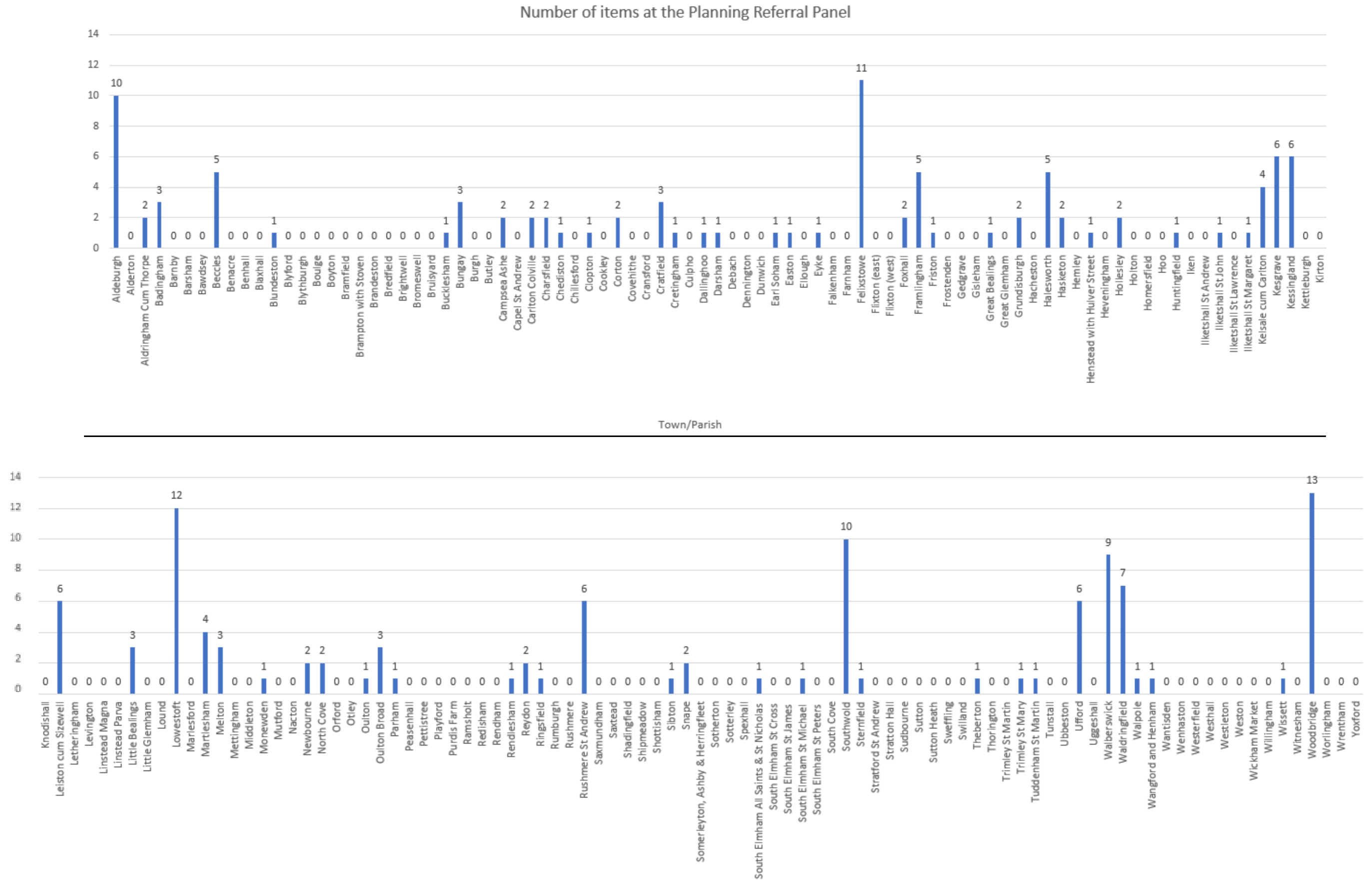




**Appendix H: The numbers and proportions of Planning Applications at the Planning Referral Panel, shown by Town/Parish**

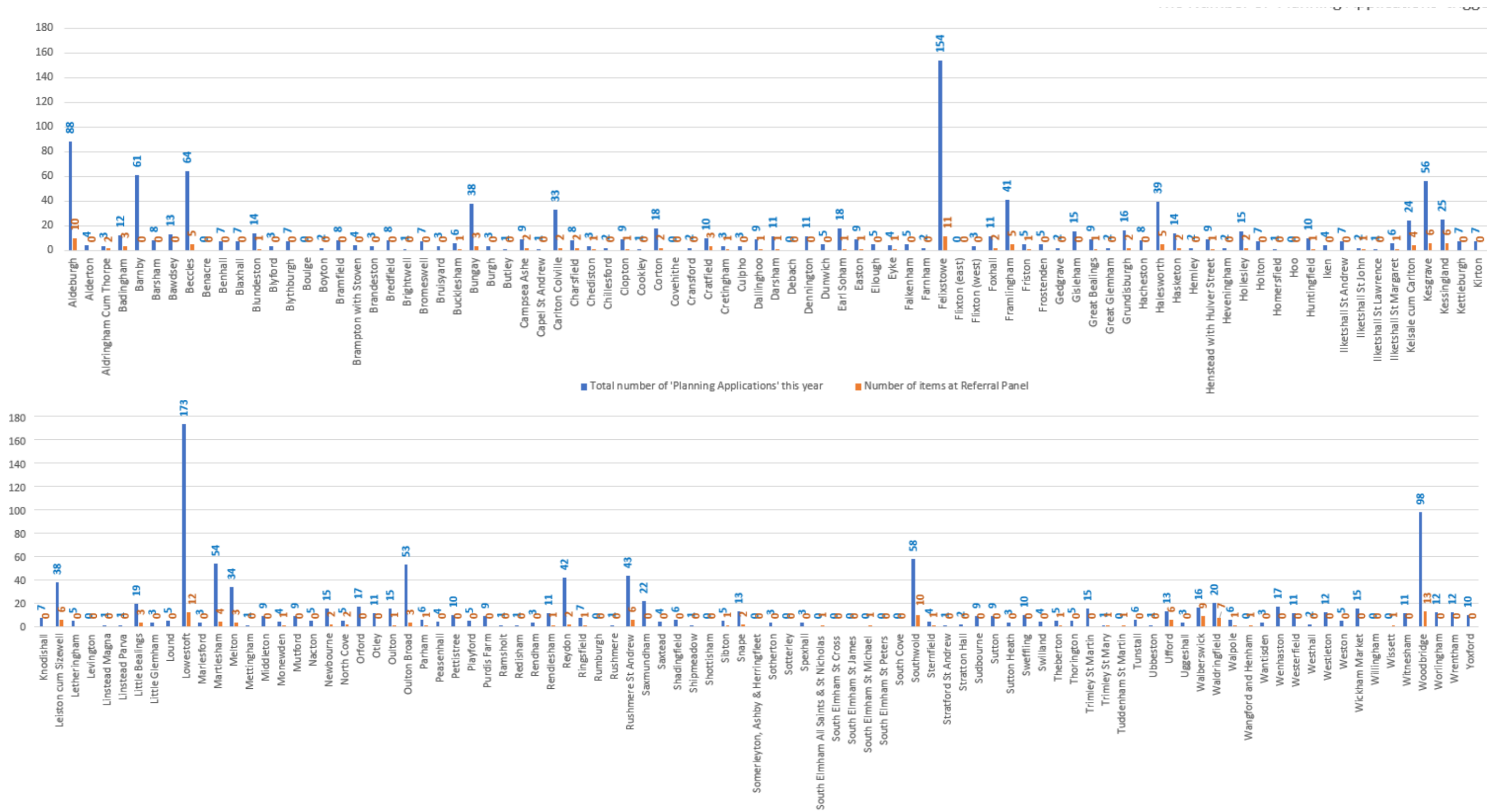
Appendix H: The numbers of Planning Applications at the Planning Referral Panel, shown by Town/Parish

Figure 1: The number of items at the Referral Panel shown by Town/Parish between 1 April 2022 and 31 March 2023



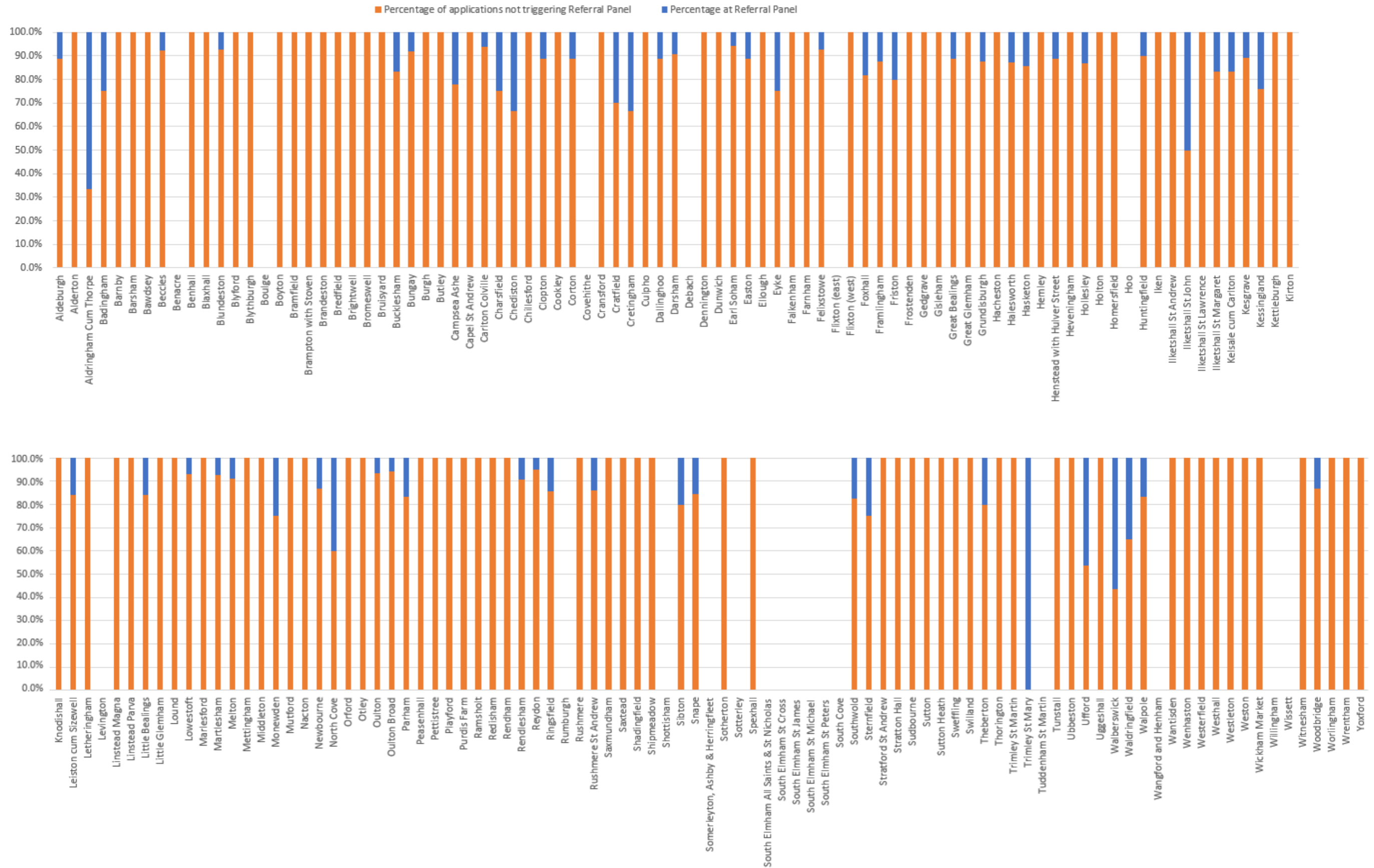
Appendix H: The numbers of Planning Applications at the Planning Referral Panel, shown by Town/Parish

Figure 2: The Number of Planning Applications going through/not going through the Planning Referral Panel Process between 1 April 2022 and 31 March 2023, shown in Town/Parish alphabetical order.



Appendix H: The numbers of Planning Applications at the Planning Referral Panel, shown by Town/Parish

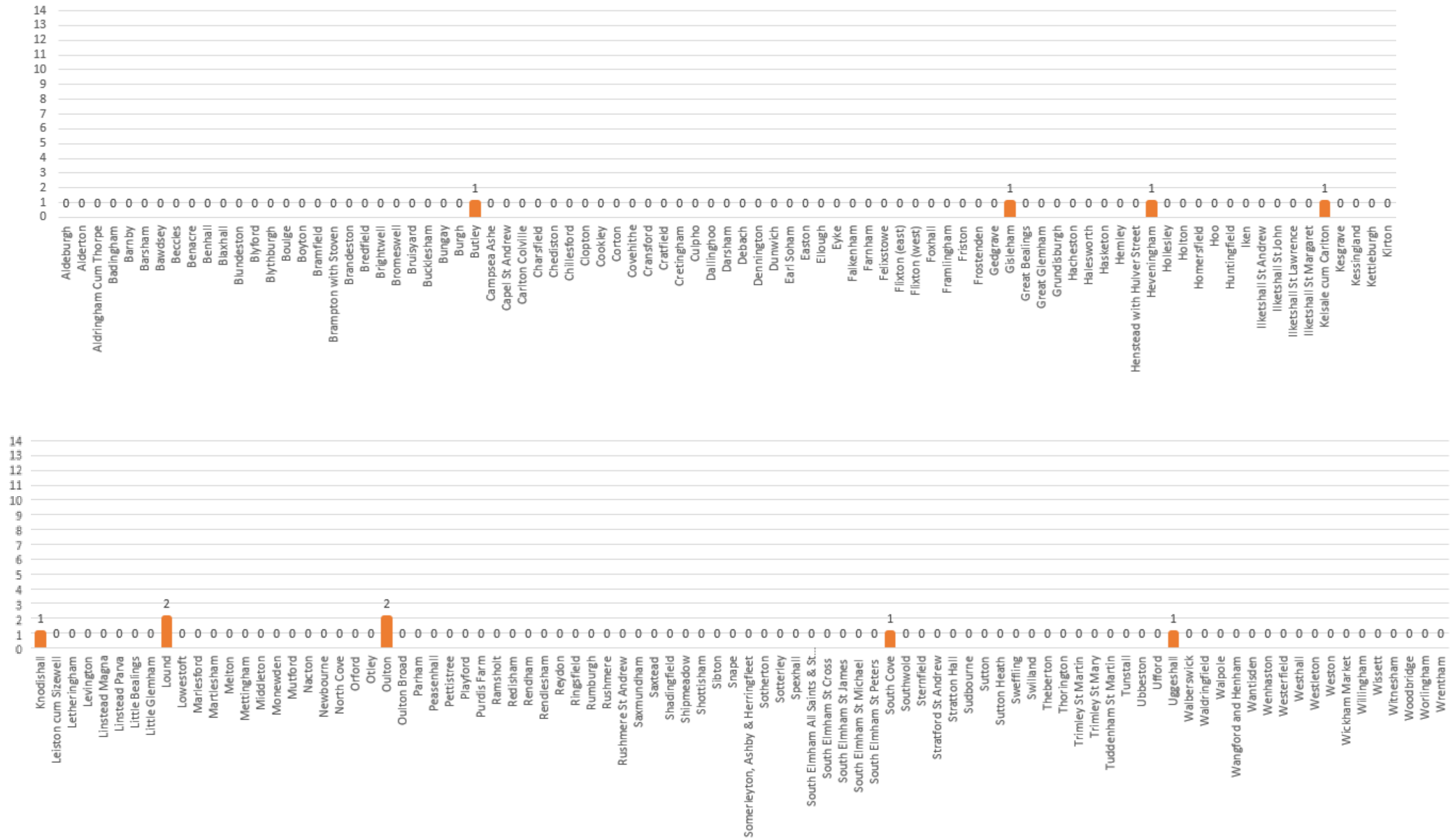
Figure 3: The Proportion of Planning Applications going through/not going through the Planning Referral Panel Process between 1 April 2022 and 31 March 2023, shown by Town/Parish



**Appendix I: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/ Parish for the period 1 April 2022 – 31 March 2023**

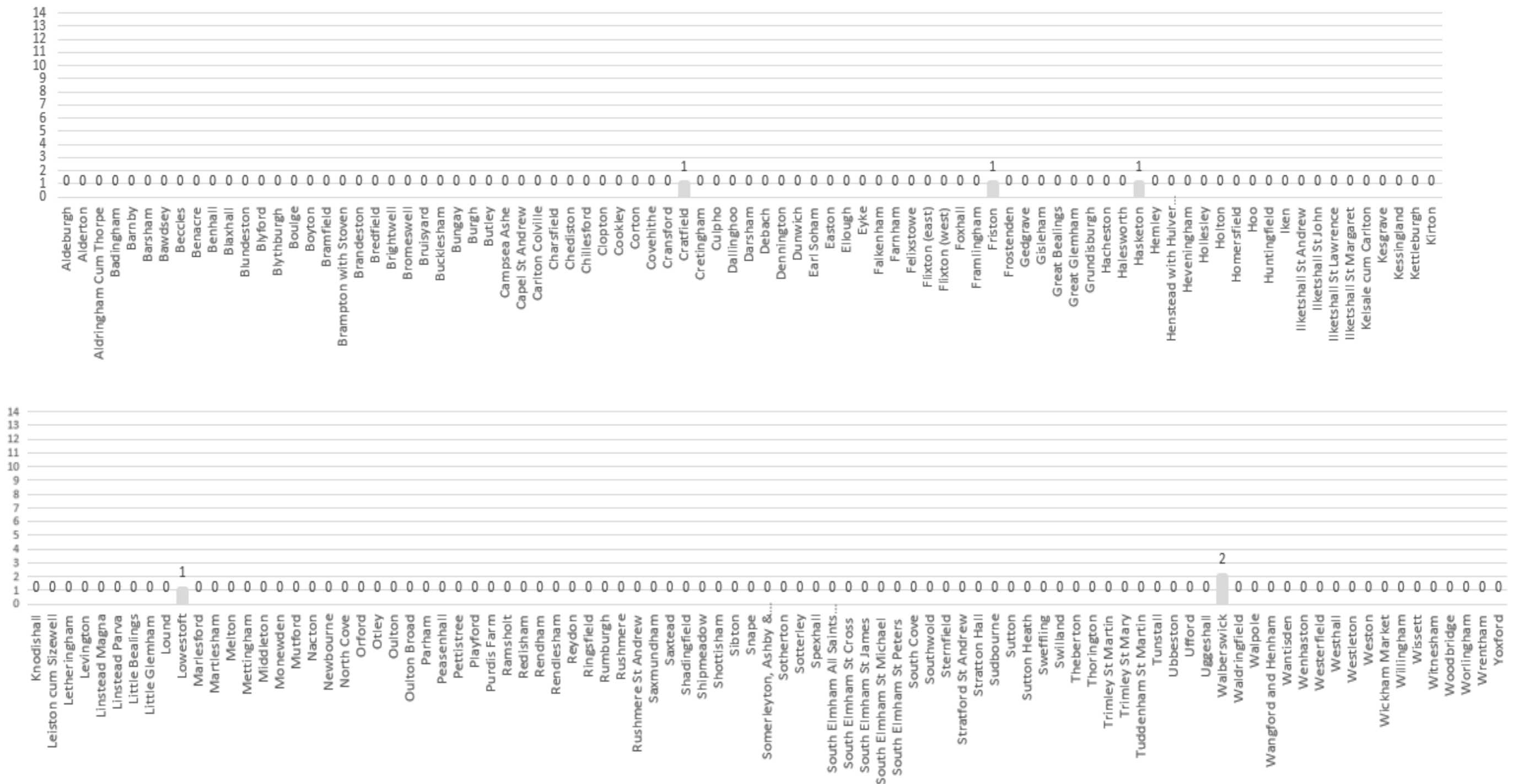
Appendix I: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/ Parish for the period 1 April 2022 – 31 March 2023

Figure 1: The number of items at Planning Referral Panel with Objections from relevant Ward Member(s), shown by Town/Parish for the period 1 April 2022 – 31 March 2023



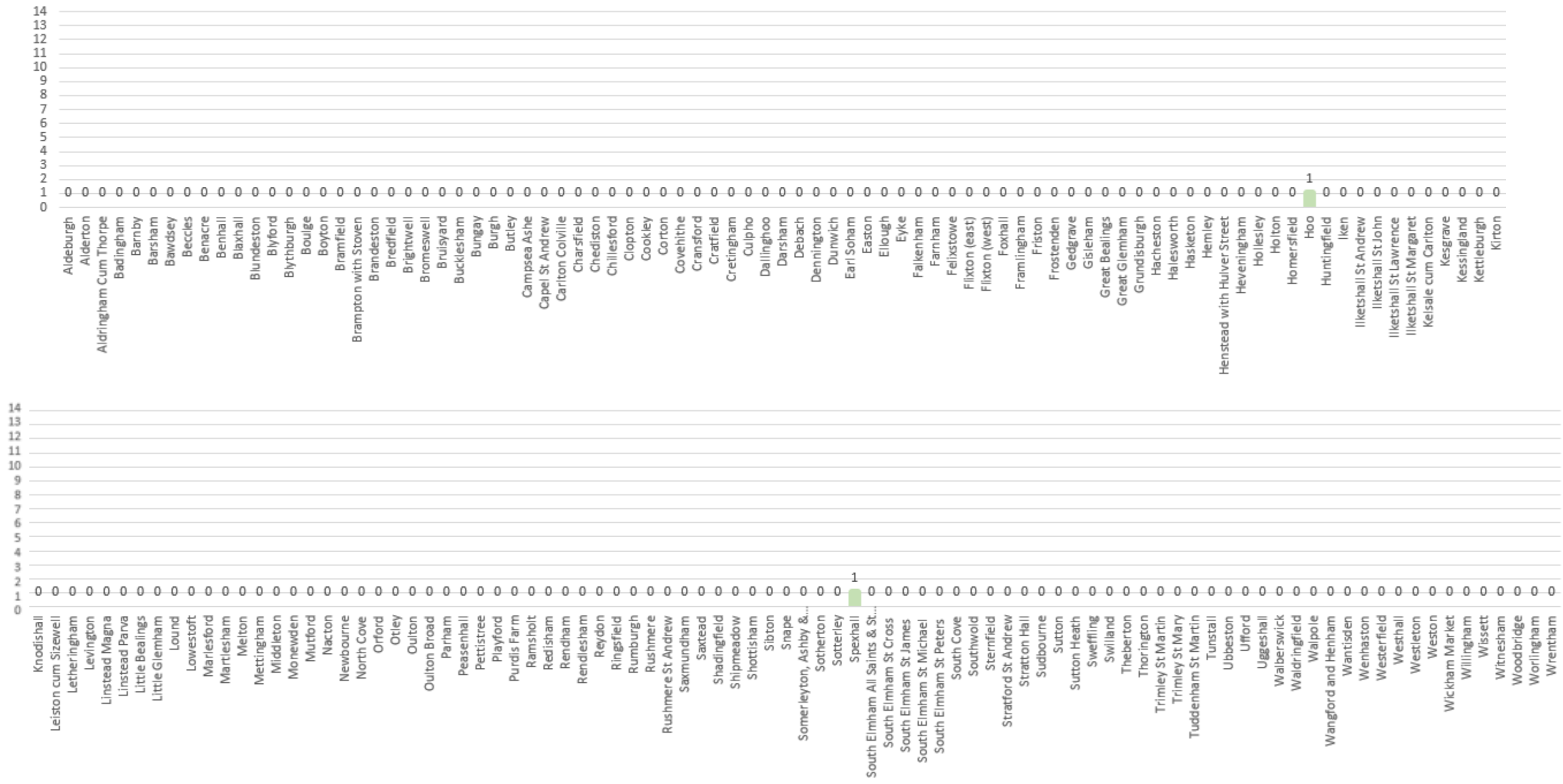
Appendix I: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/ Parish for the period 1 April 2022 – 31 March 2023

Figure 2: The number of items at Planning Referral Panel with No Objections/Neutral comments from relevant Ward Member(s), shown by Town/Parish for the period 1 April 2022 – 31 March 2023



Appendix I: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/ Parish for the period 1 April 2022 – 31 March 2023

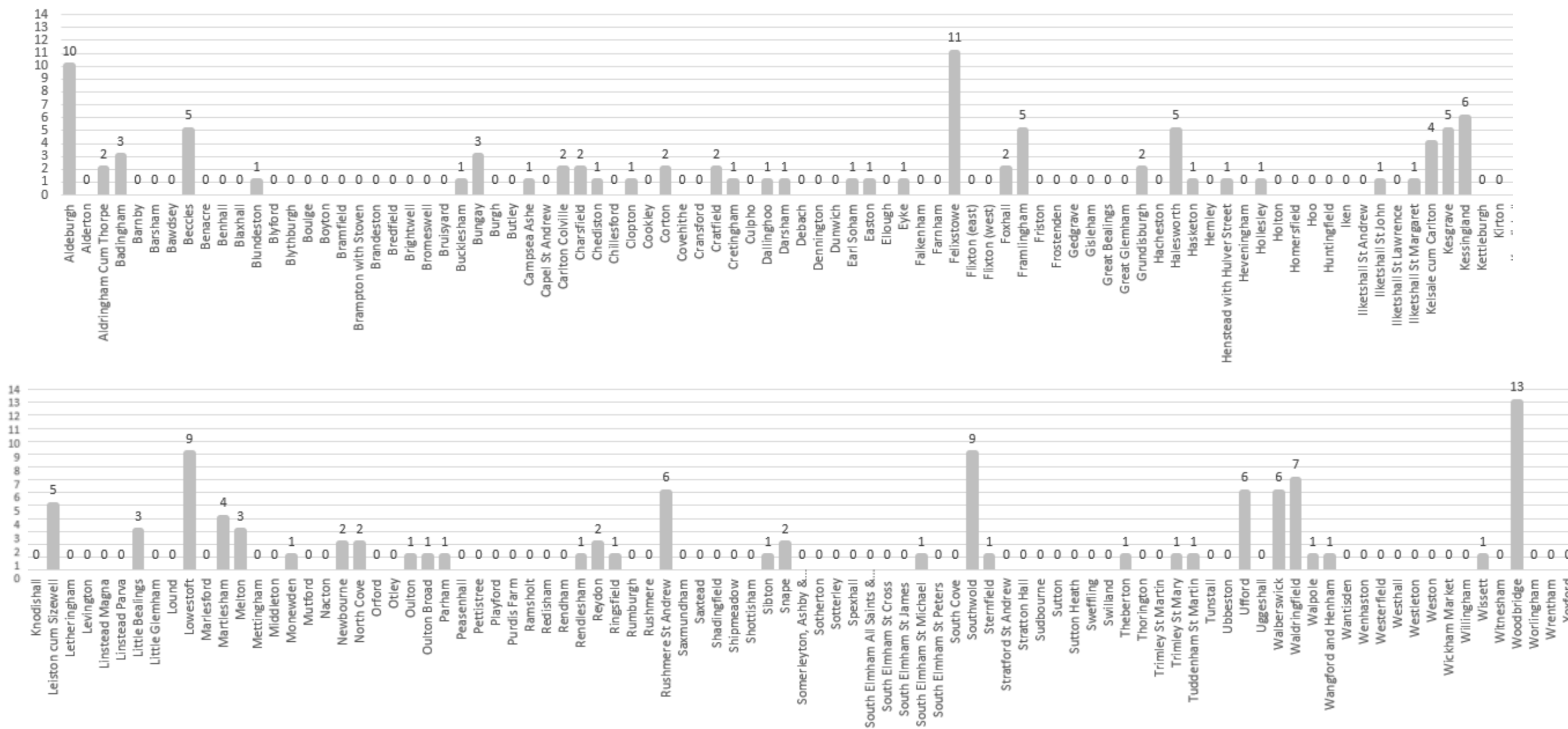
Figure 3: The number of items at Planning Referral Panel with Support from relevant Ward Member(s), shown by Town/Parish for the period 1 April 2022 – 31 March 2023





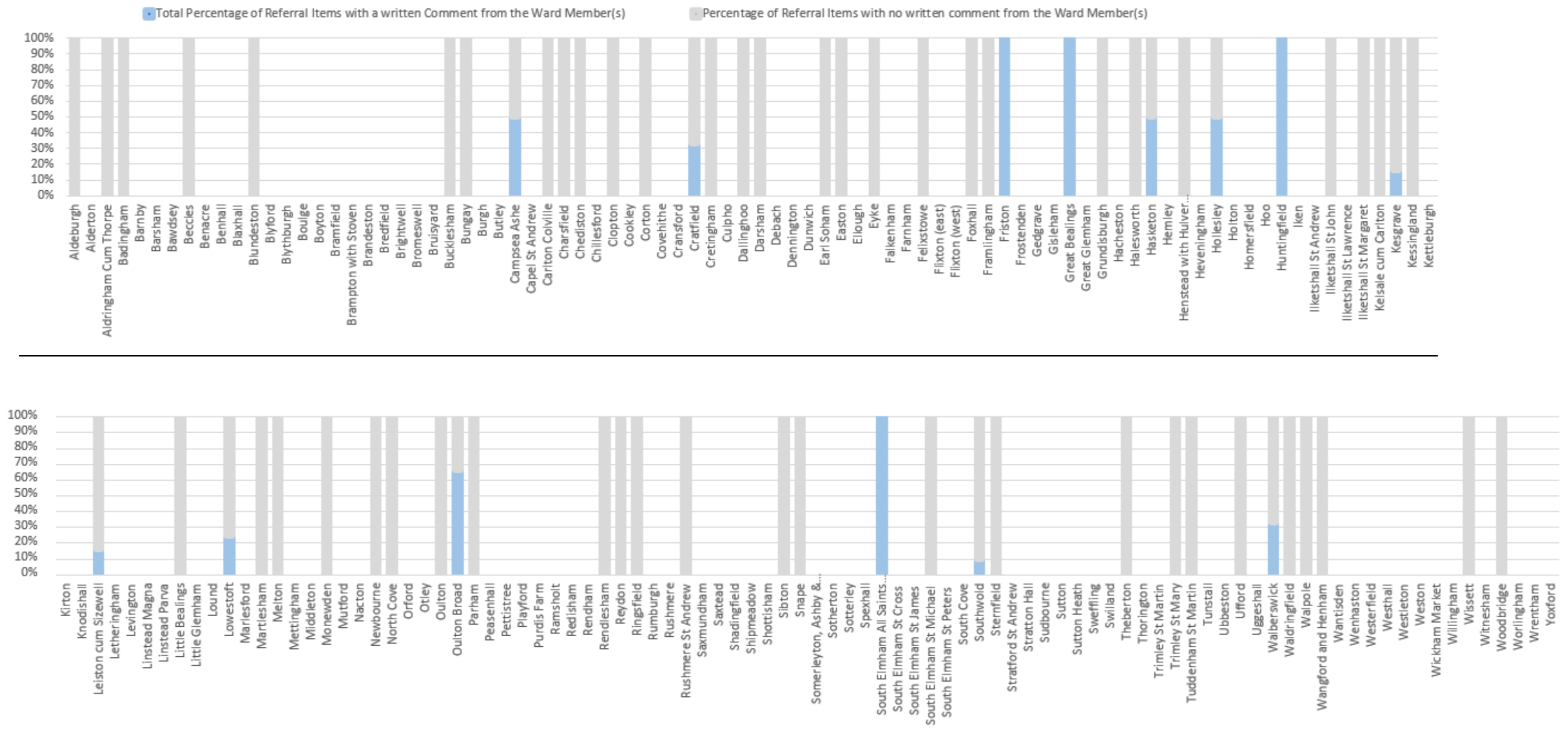
Appendix I: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/ Parish for the period 1 April 2022 – 31 March 2023

Figure 4: The number of items at Planning Referral Panel with no written comments from relevant Ward Member(s), shown by Town/Parish for the period 1 April 2022 – 31 March 2023



Appendix I: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Ward Members, shown by Town/ Parish for the period 1 April 2022 – 31 March 2023

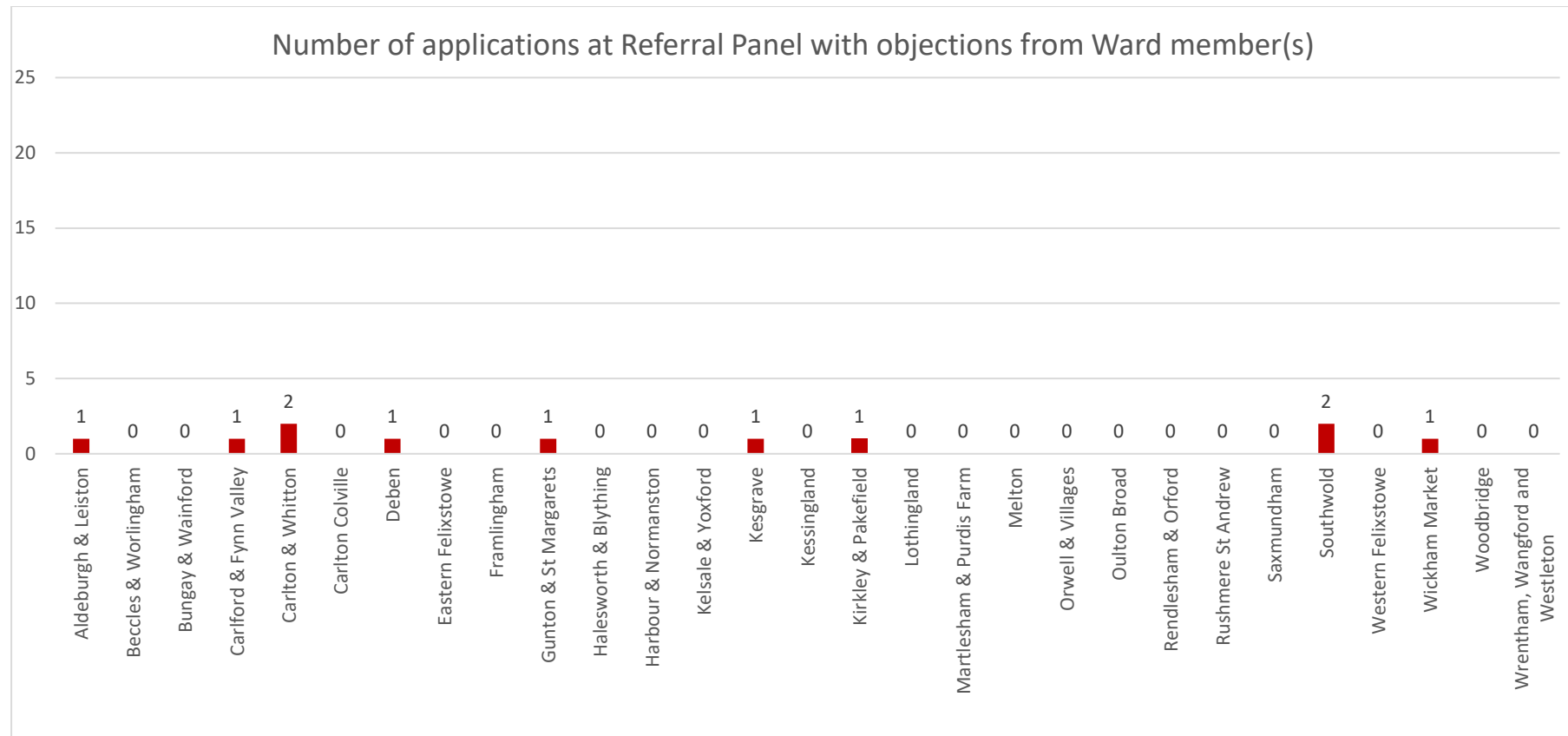
Figure 5: The proportion of items at Planning Referral Panel with or without written comments from relevant Ward Member(s), shown by Town/Parish for the period 1 April 2022 – 31 March 2023



**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

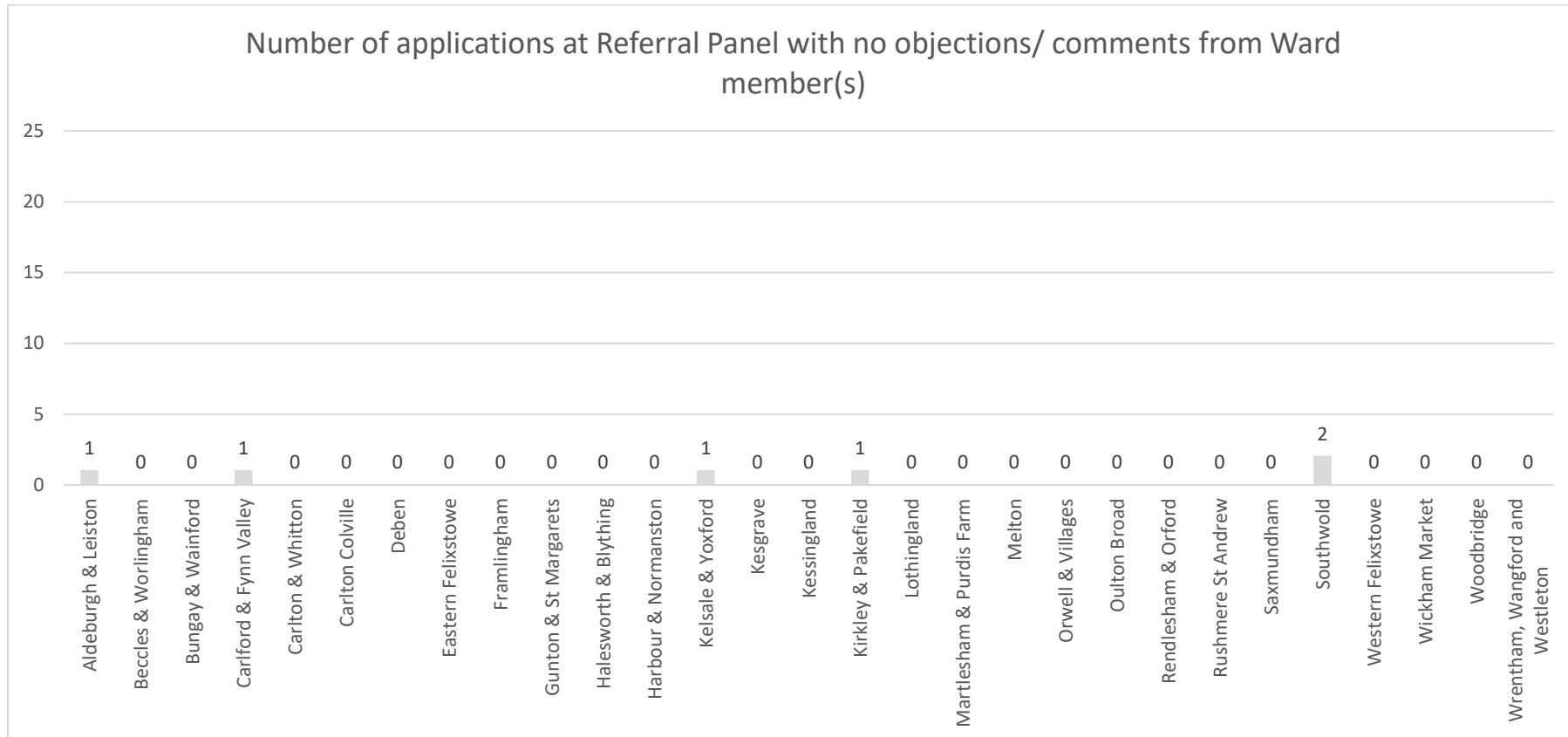
**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

**Figure 1:** The number of items at each meeting with Objections from relevant Ward Members, for the period for the period 1 April 2022 – 31 March 2023



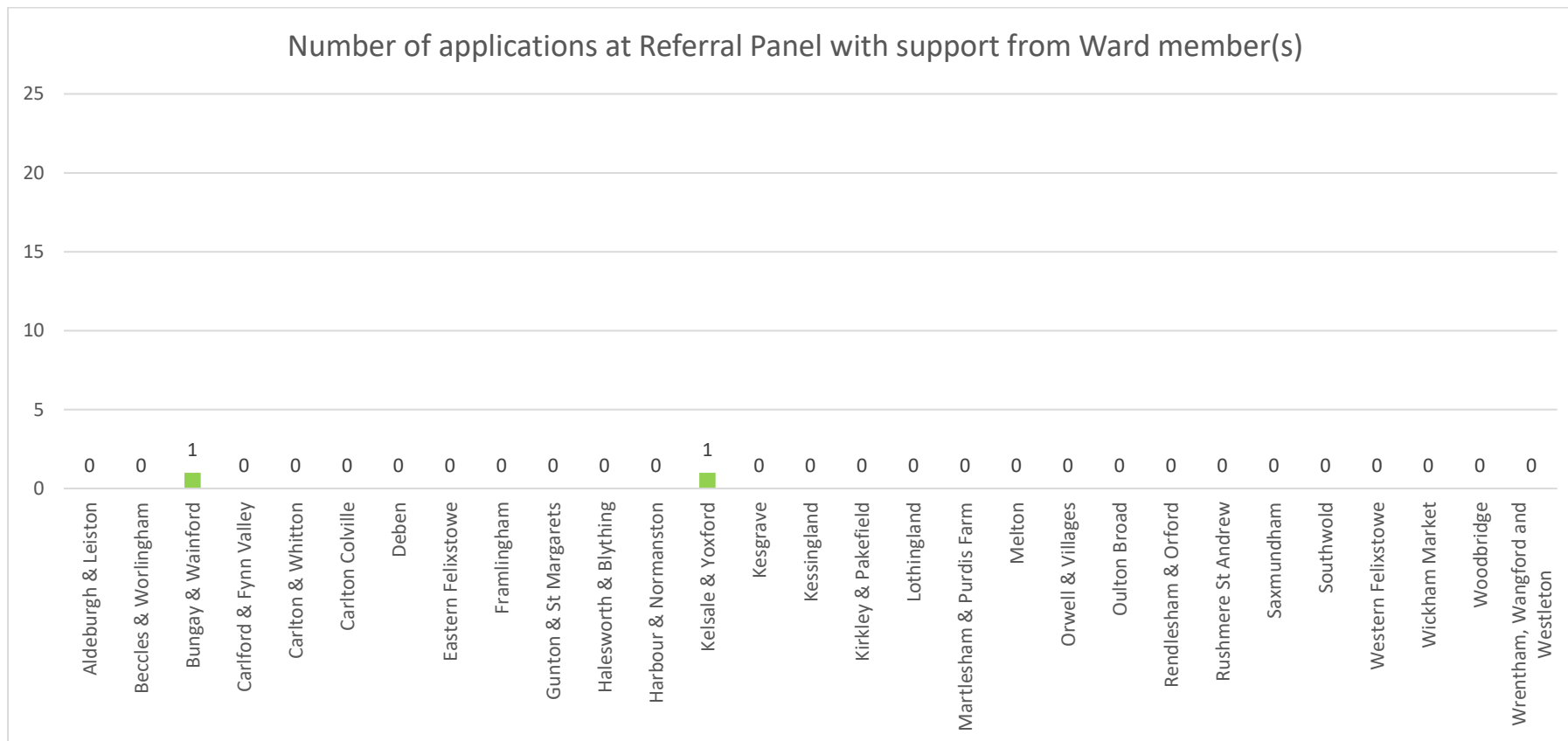
**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

**Figure 2: The number of items at each meeting with no Objections/Neutral comments from relevant Ward Members, for the period for the period 1 April 2022 – 31 March 2023**



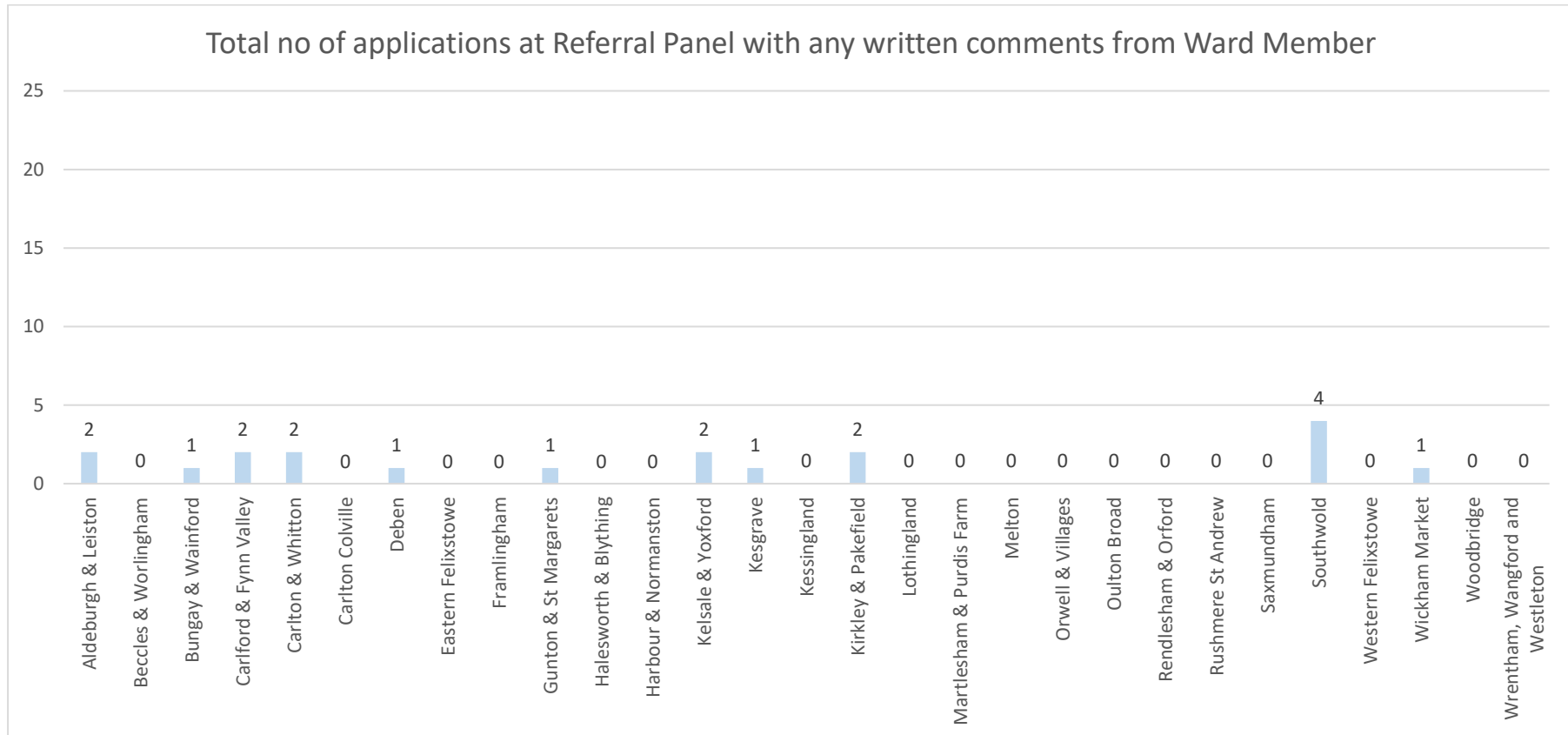
**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

**Figure 3: The number of items at each meeting with Support from relevant Ward Members, for the period for the period 1 April 2022 – 31 March 2023**



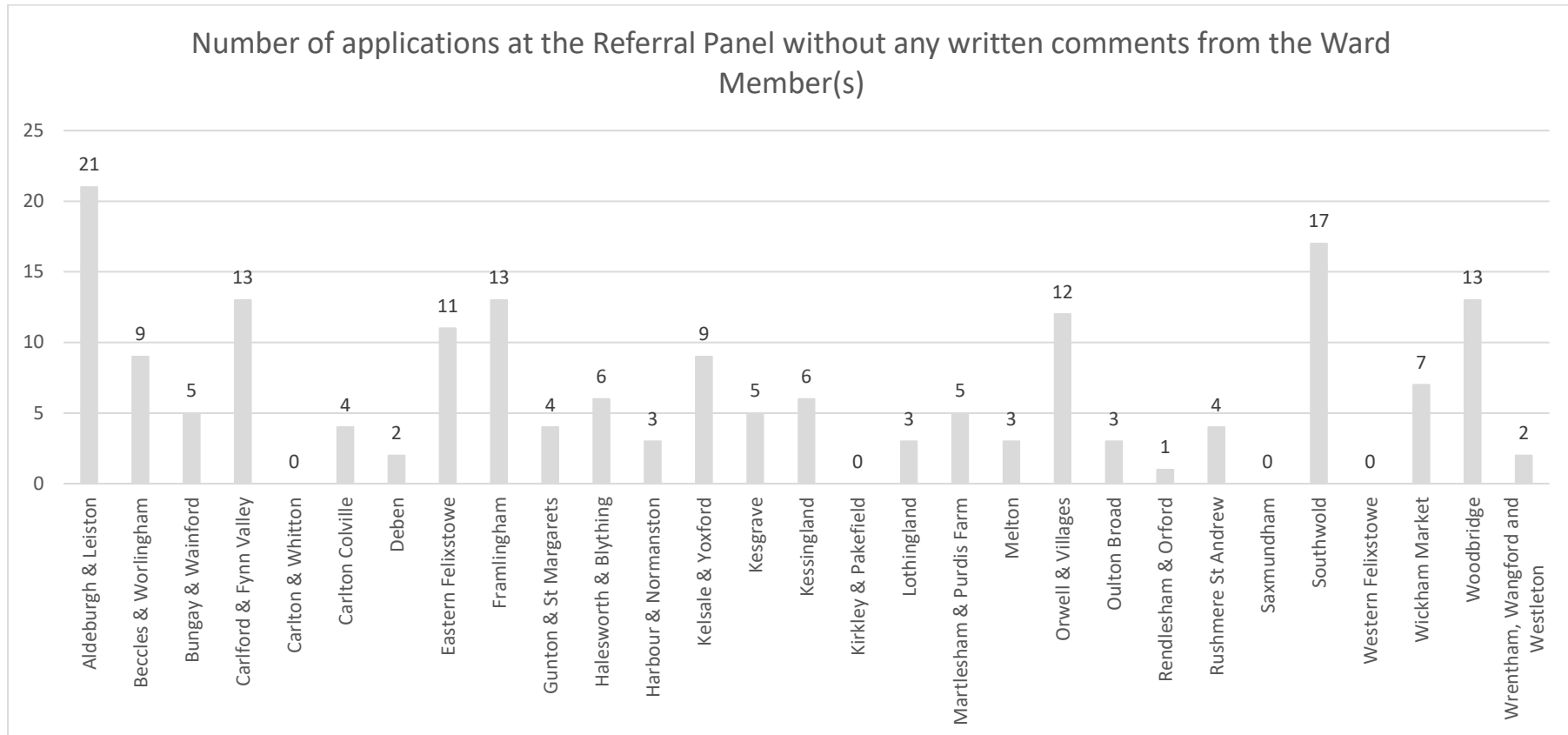
**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

**Figure 4:** The number of items at each meeting with any form of written comments from relevant Ward Members, for the period for the period 1 April 2022 – 31 March 2023



**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

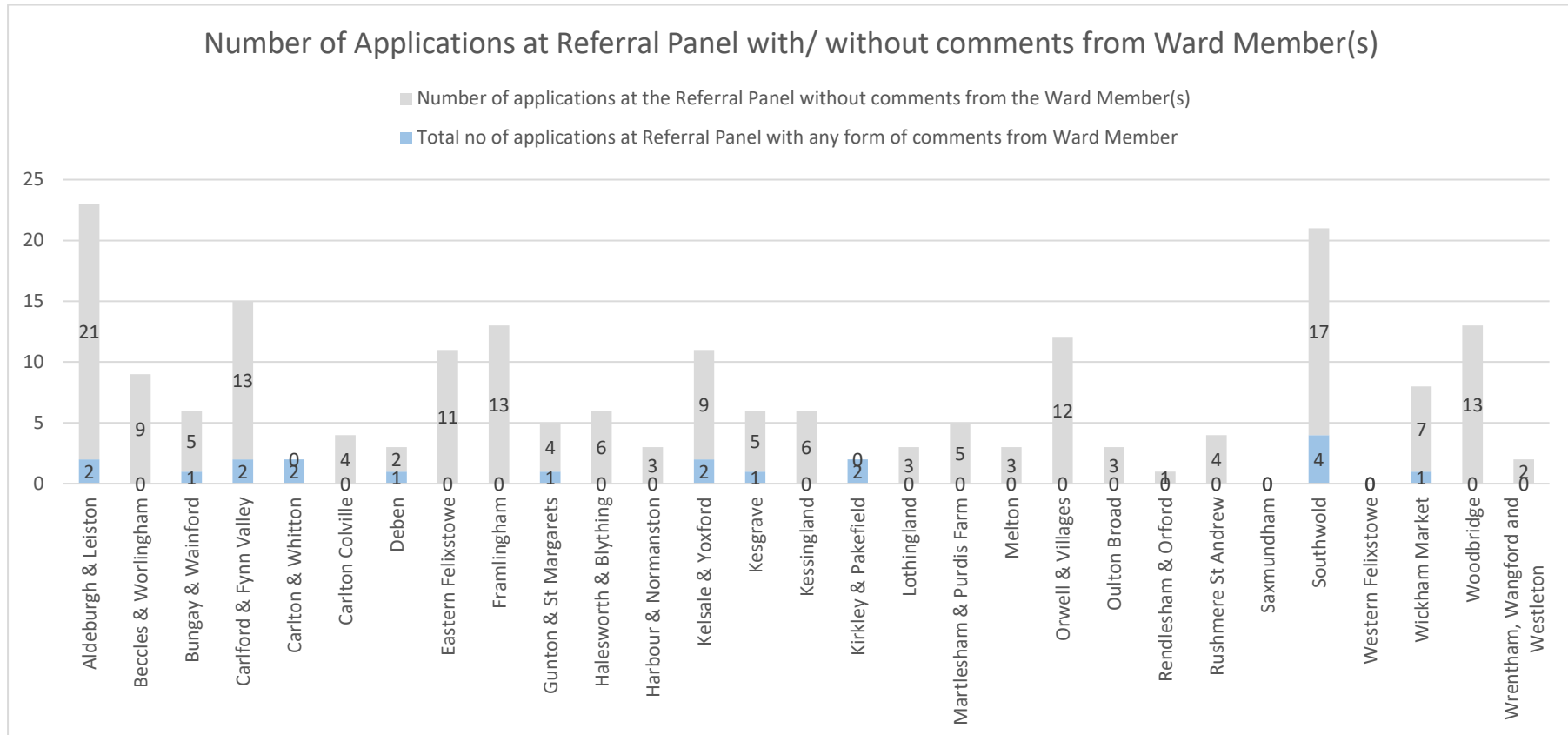
**Figure 5: The number of items at each meeting with no written comments from relevant Ward Members, for the period for the period 1 April 2022 – 31 March 2023**





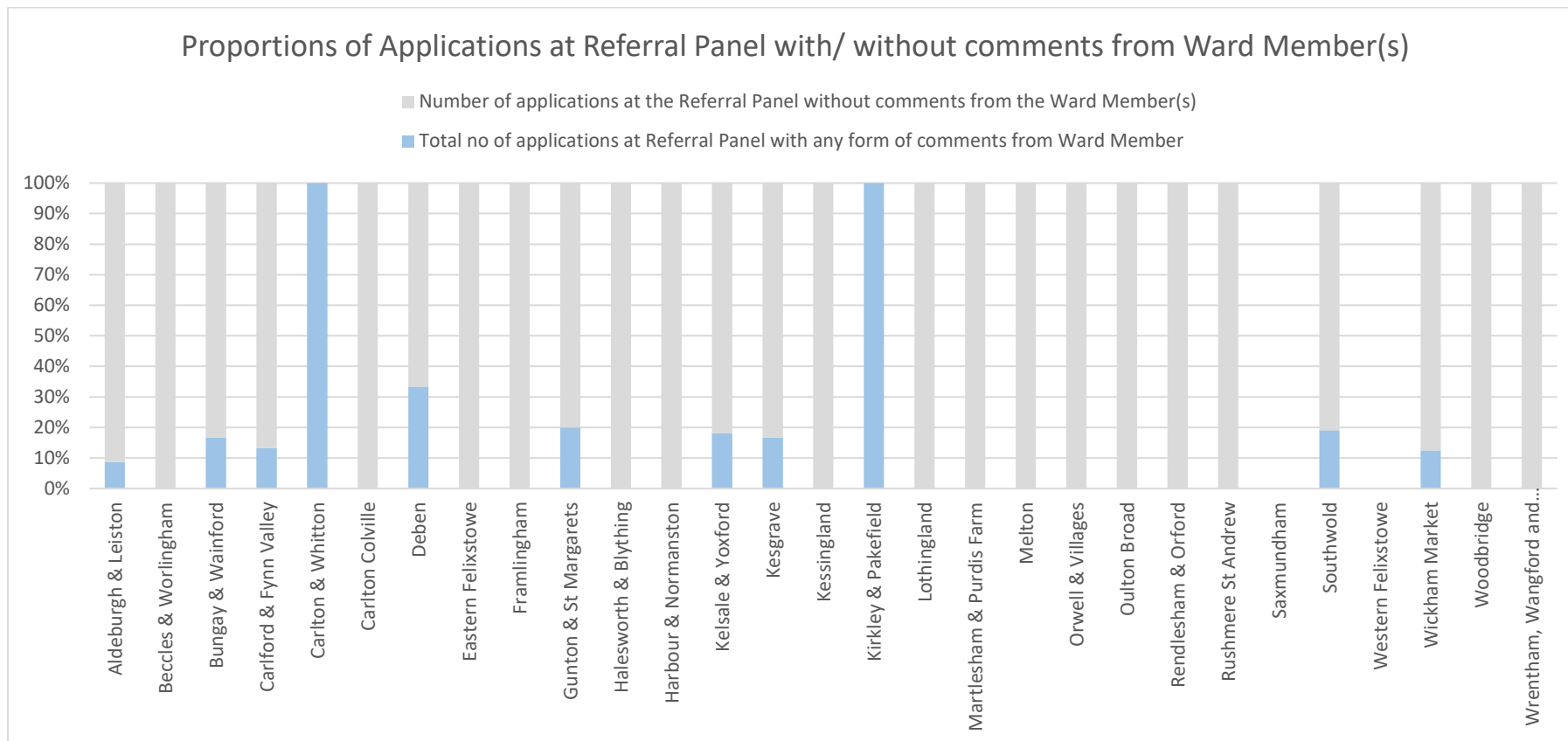
**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

**Figure 6: The number of items at Planning Referral Panel with and without any written comments from relevant Ward Member(s) shown by Ward for the period 1 April 2022 – 31 March 2023**



**Appendix J: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Ward Members for the period 1 April 2022 – 31 March 2023**

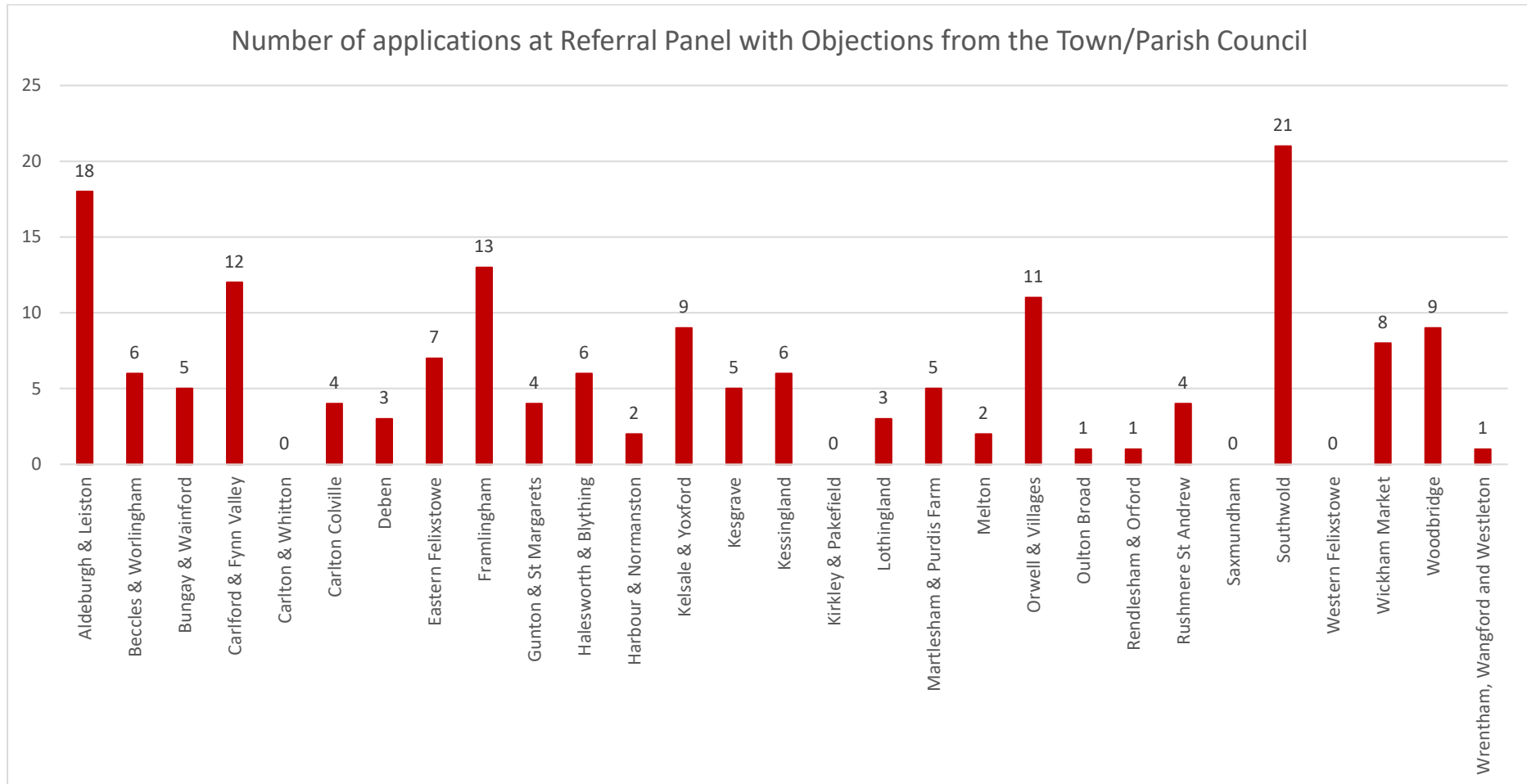
**Figure 7: The proportion of items at Planning Referral Panel with and without any written comments from relevant Ward Member(s) shown by Ward for the period 1 April 2022 – 31 March 2023**



**Appendix K: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Ward for the period 1 April 2022 – 31 March 2023**

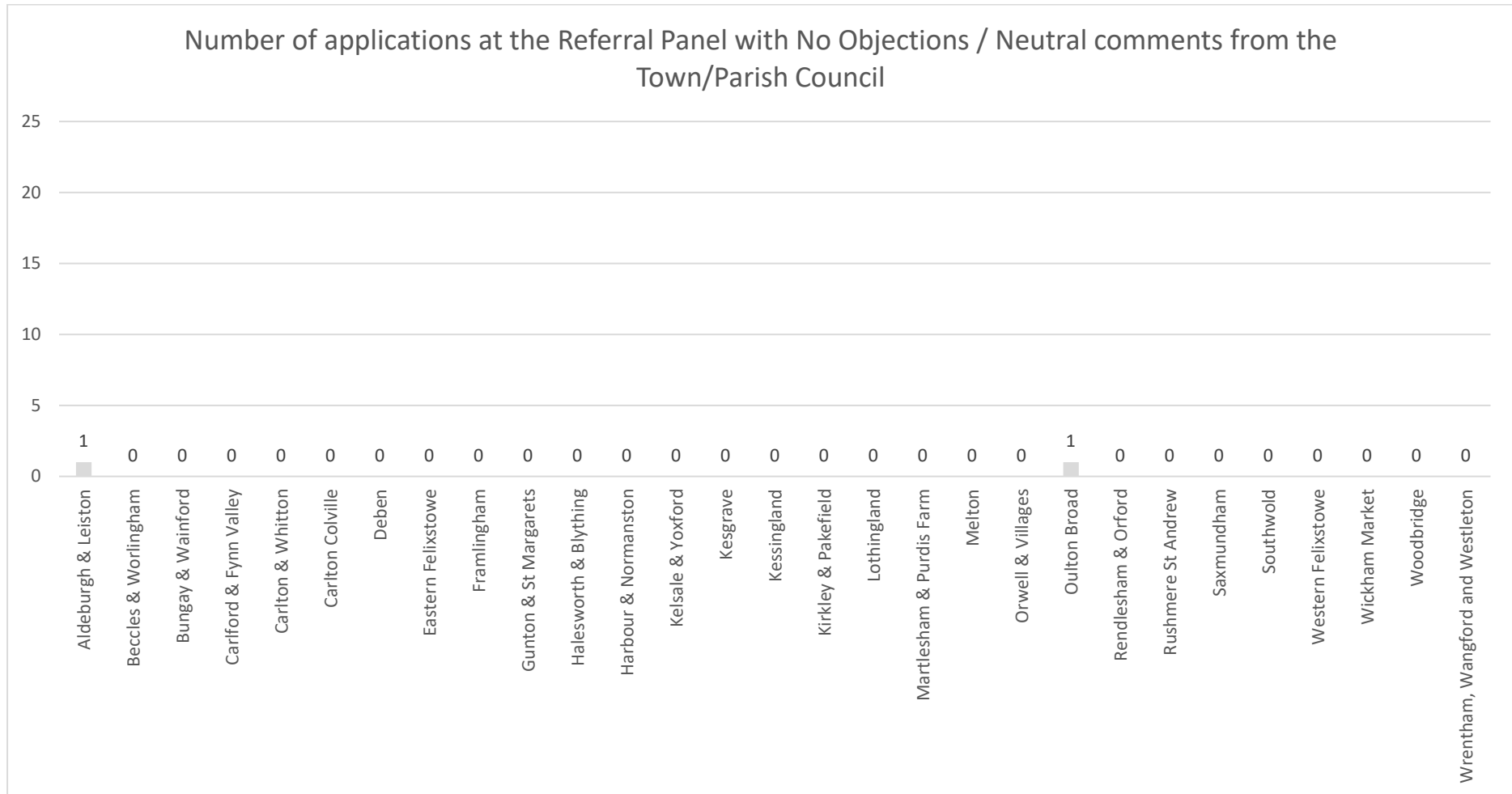
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**Figure 1: The number of items at Planning Referral Panel with Objections from relevant Town/Parish Council shown by Ward for the period 1 April 2022 – 31 March 2023**



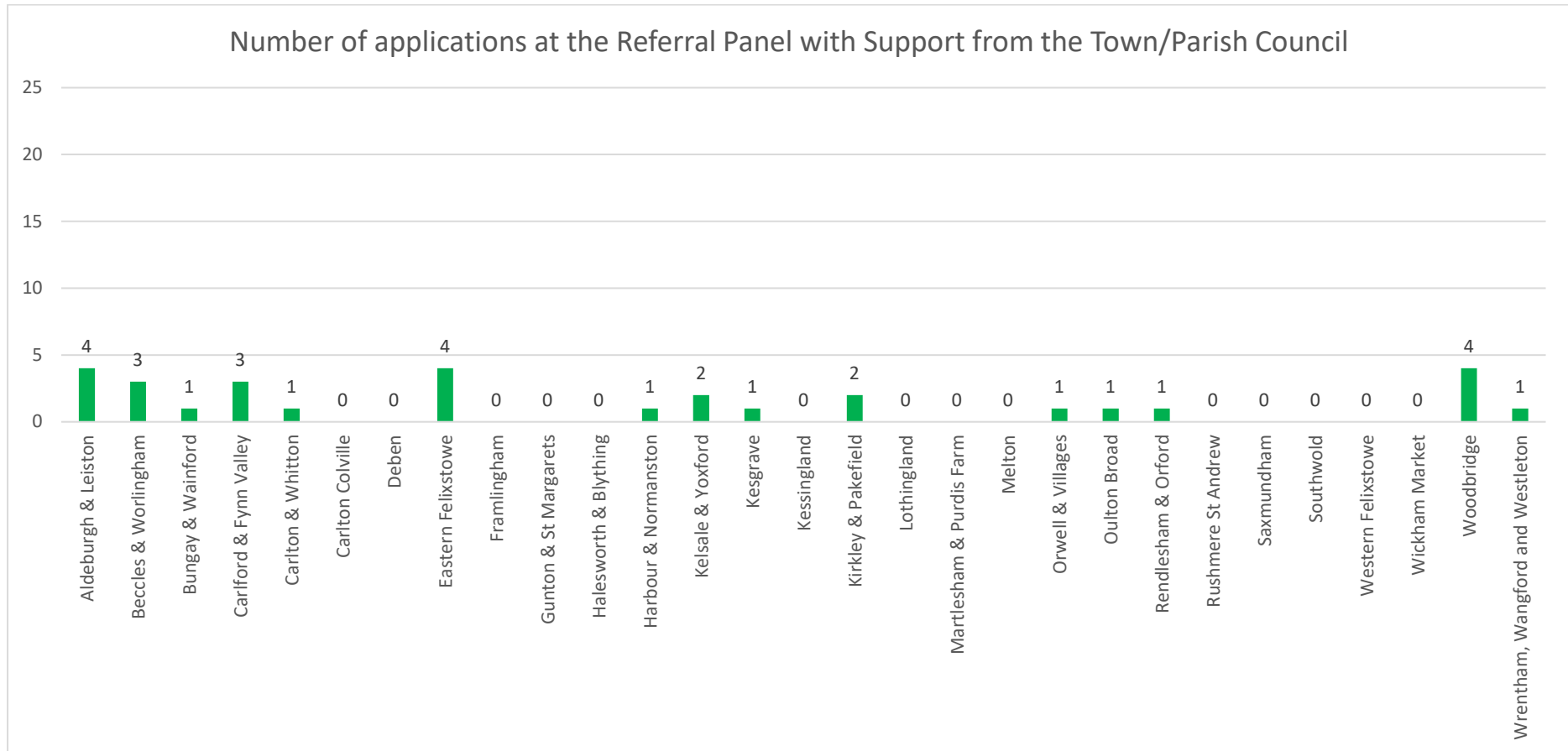
**Appendix K: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Ward for the period 1 April 2022 – 31 March 2023**

**Figure 2: The number of items at Planning Referral Panel with No Objections/neutral comments from relevant Town/Parish Council shown by Ward for the period 1 April 2022 – 31 March 2023**



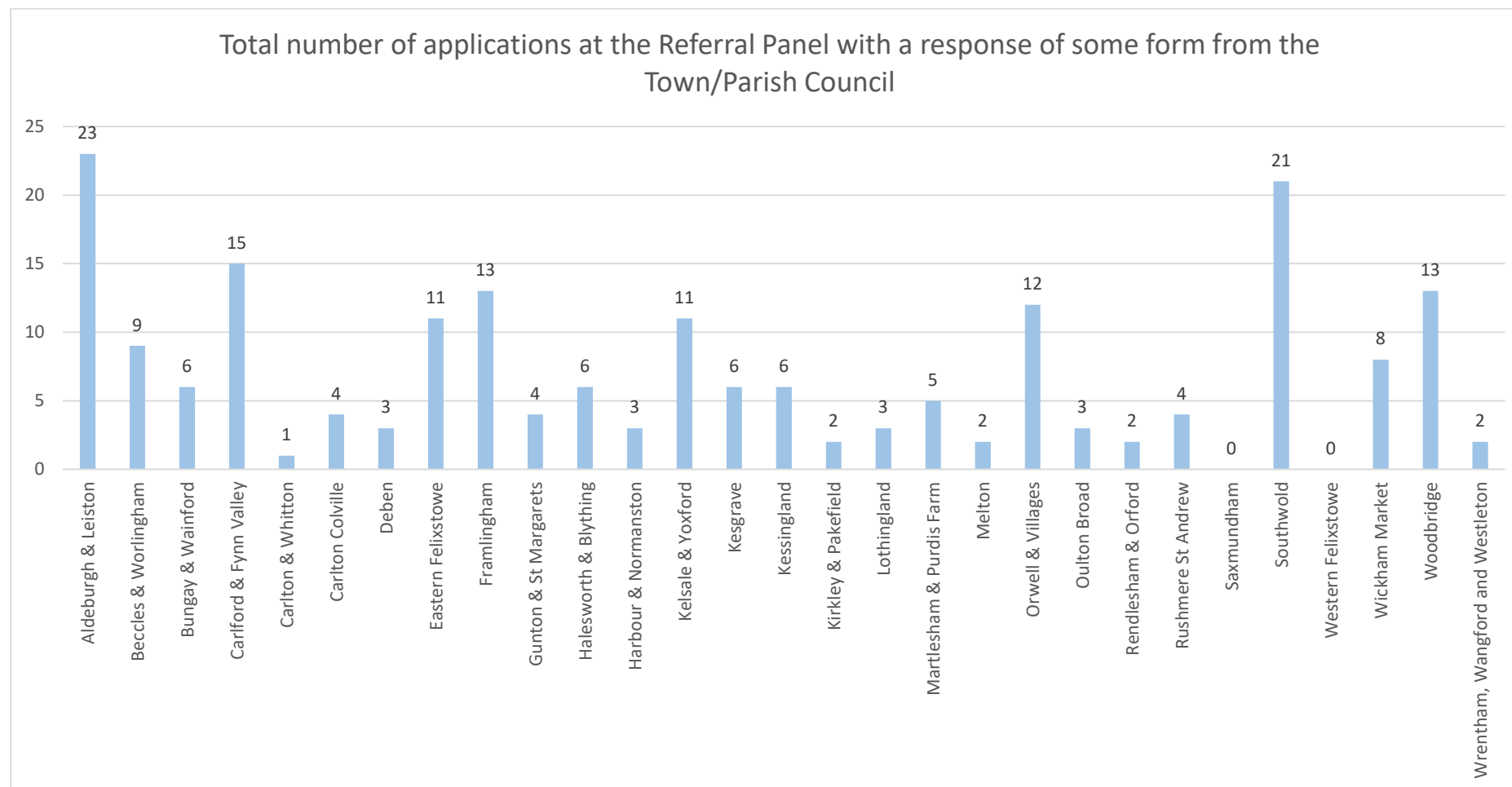
**Appendix K: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Ward for the period 1 April 2022 – 31 March 2023**

**Figure 3: The number of items at Planning Referral Panel with Support from relevant Town/Parish Council shown by Ward for the period 1 April 2022 – 31 March 2023**



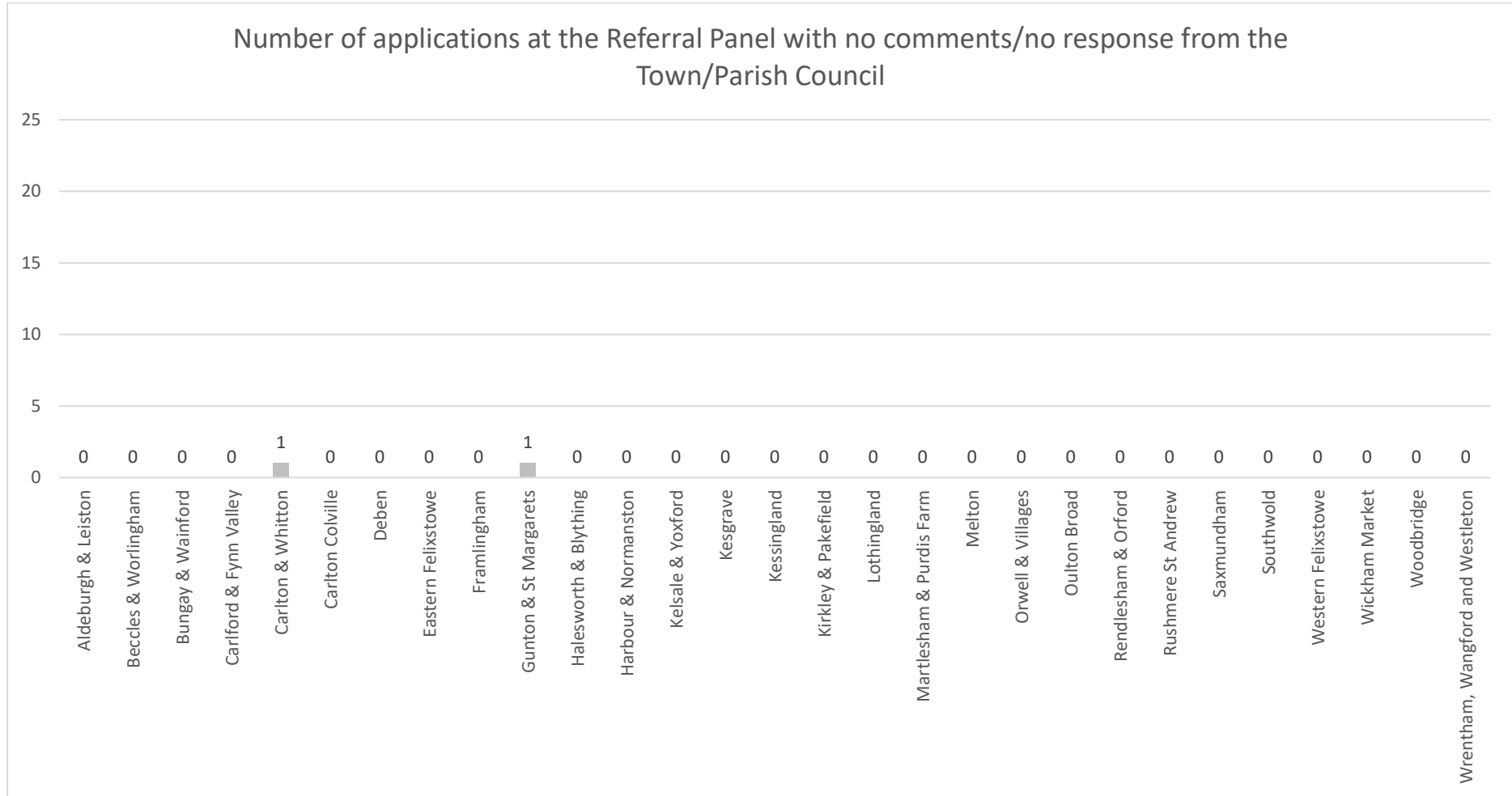
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**Appendix K: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Ward for the period 1 April 2022 – 31 March 2023**

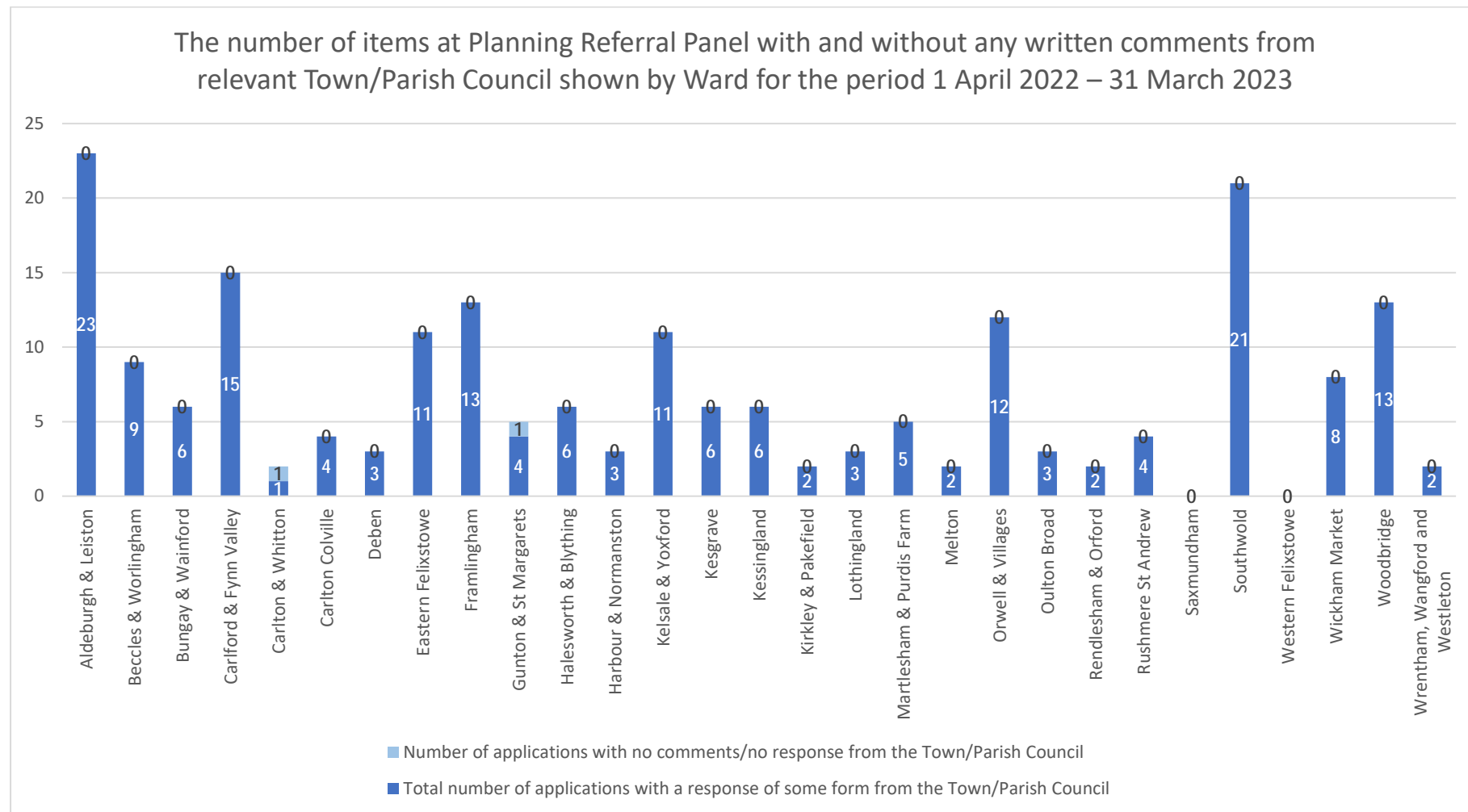
**Figure 5: The number of items at Planning Referral Panel without any written comments of any type from relevant Town/Parish Council shown by Ward for the period 1 April 2022 – 31 March 2023**





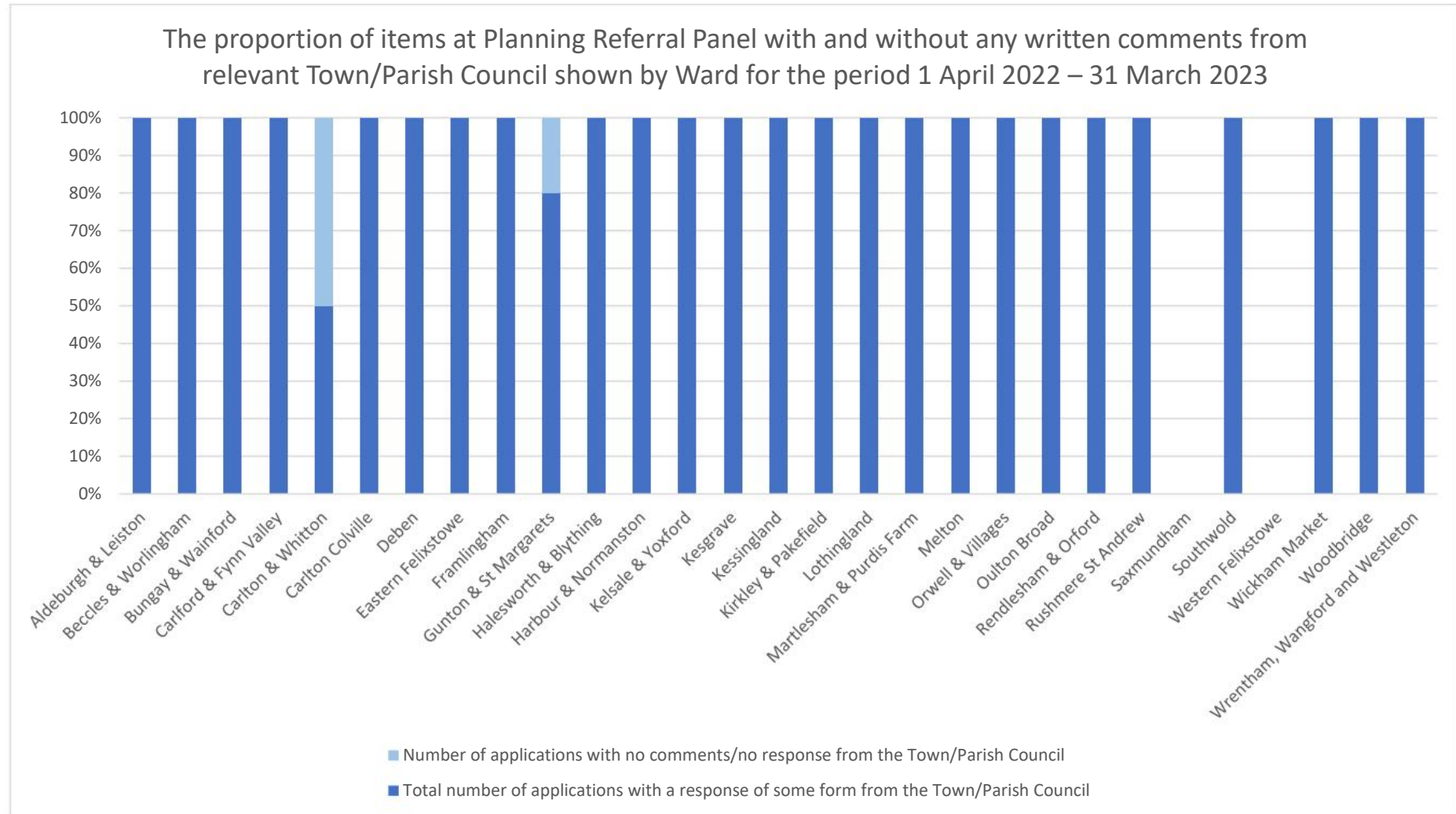
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**Appendix K: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Ward for the period 1 April 2022 – 31 March 2023**

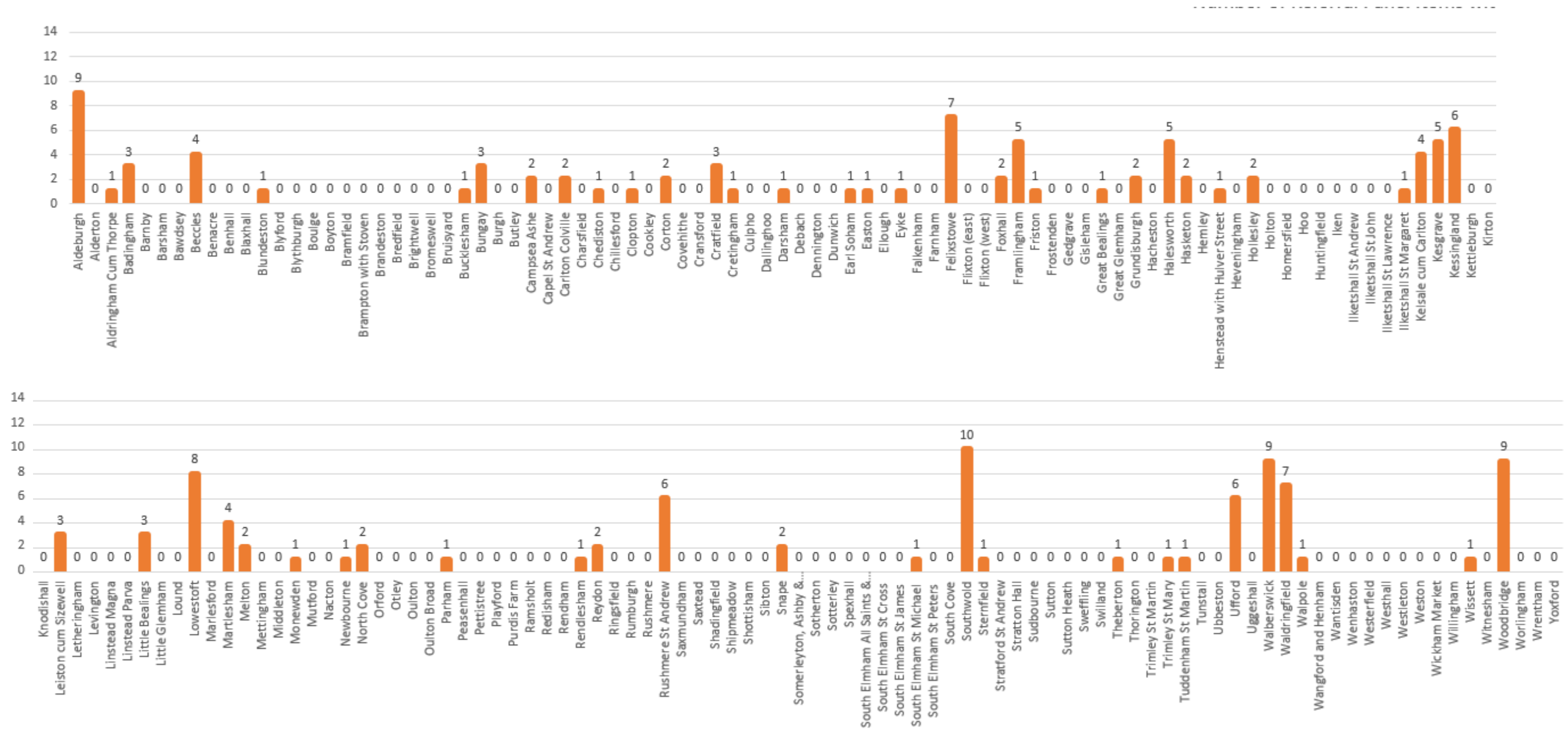
**Figure 7: The proportion of items at Planning Referral Panel with and without any written comments from relevant Town/Parish Council shown by Ward for the period 1 April 2022 – 31 March 2023**



**Appendix L: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Town/Parish for the period 1 April 2022 – 31 March 2023**

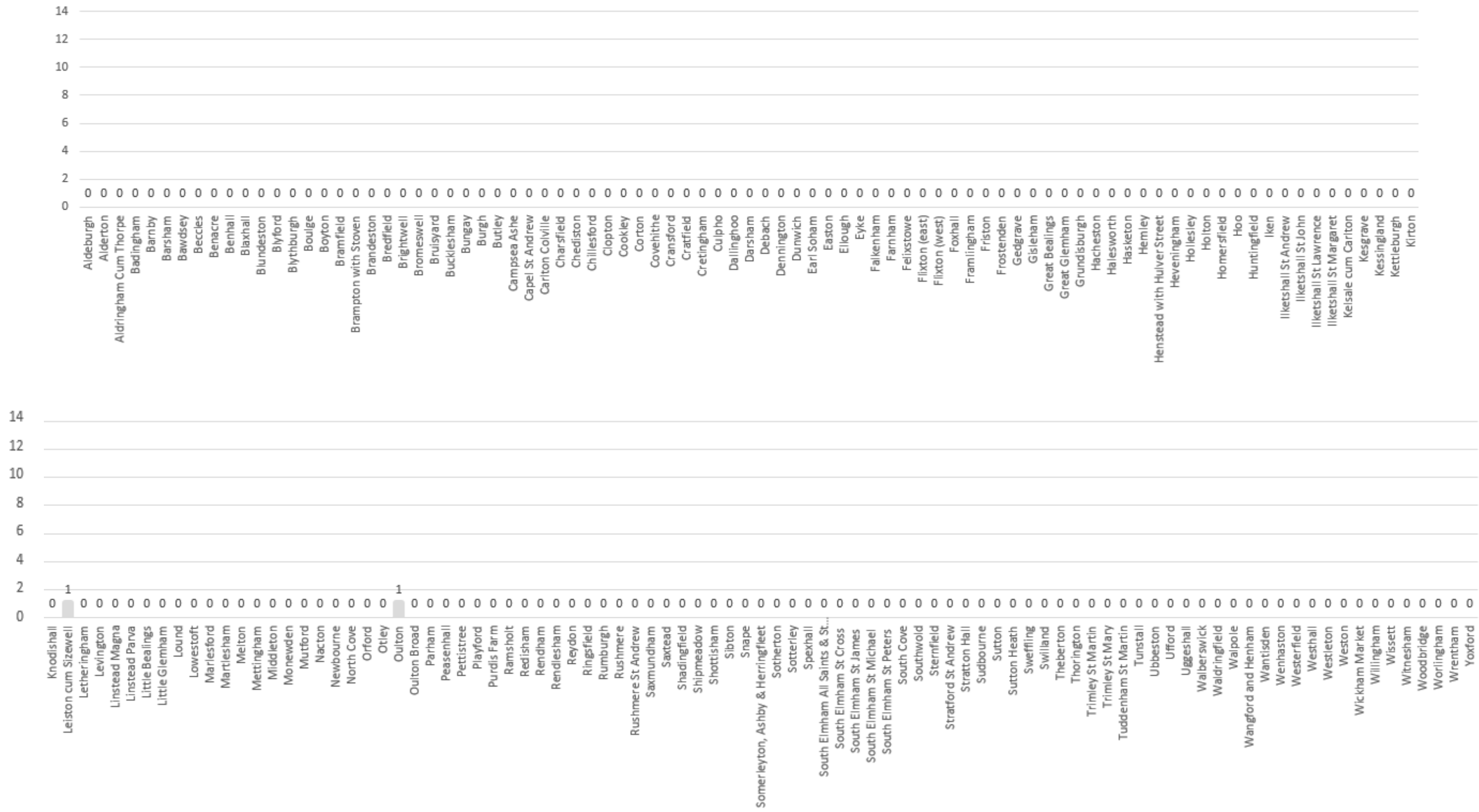
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Figure 1: The number of items at Planning Referral Panel with Objections from relevant Town/Parish Council shown by Town/Parish for the period 1 April 2022 – 31 March 2023



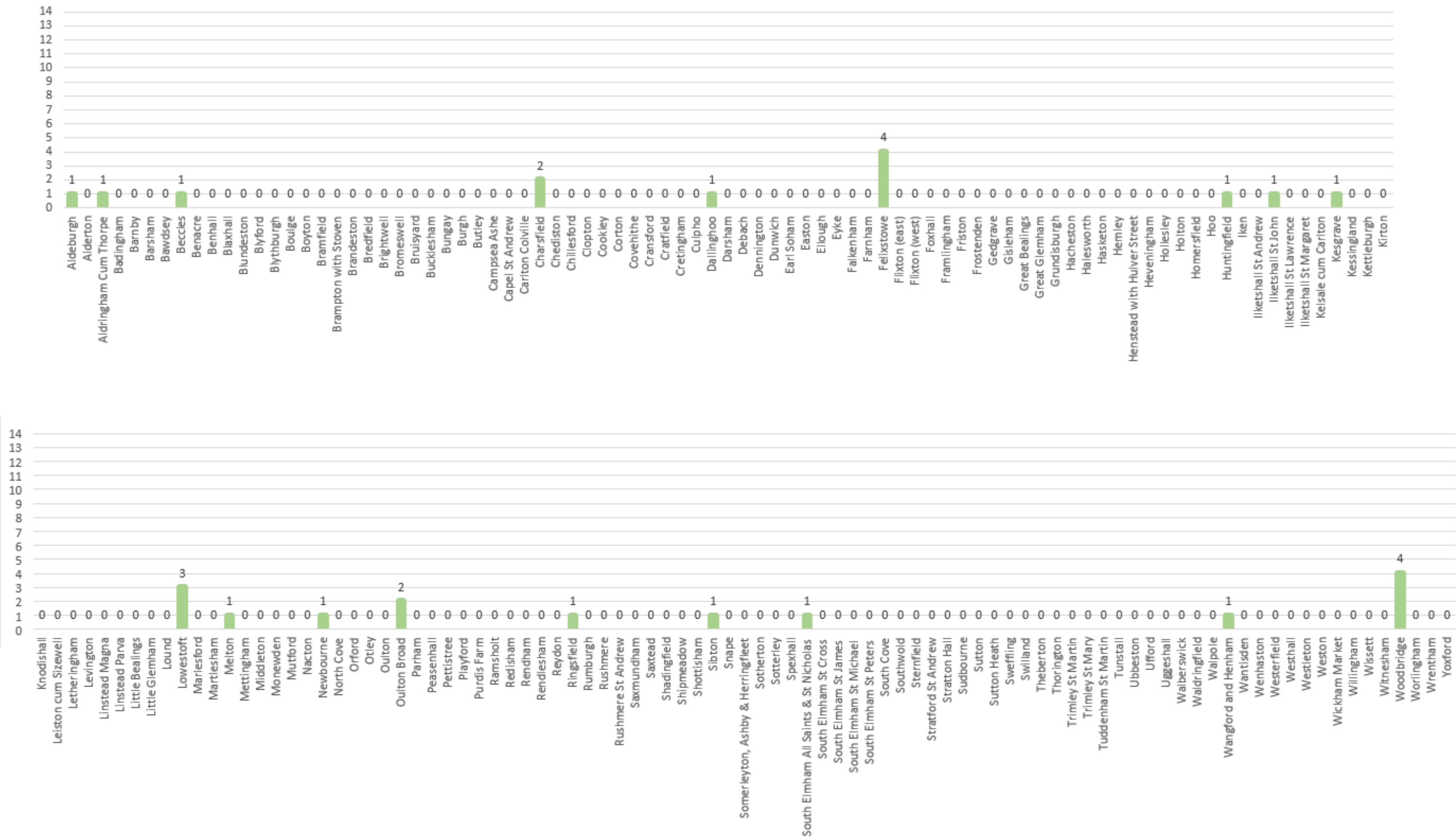
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Figure 2: The number of items at Planning Referral Panel with No Objections/neutral comments from relevant Town/Parish Council shown by Town/Parish for the period 1 April 2022 – 31 March 2023



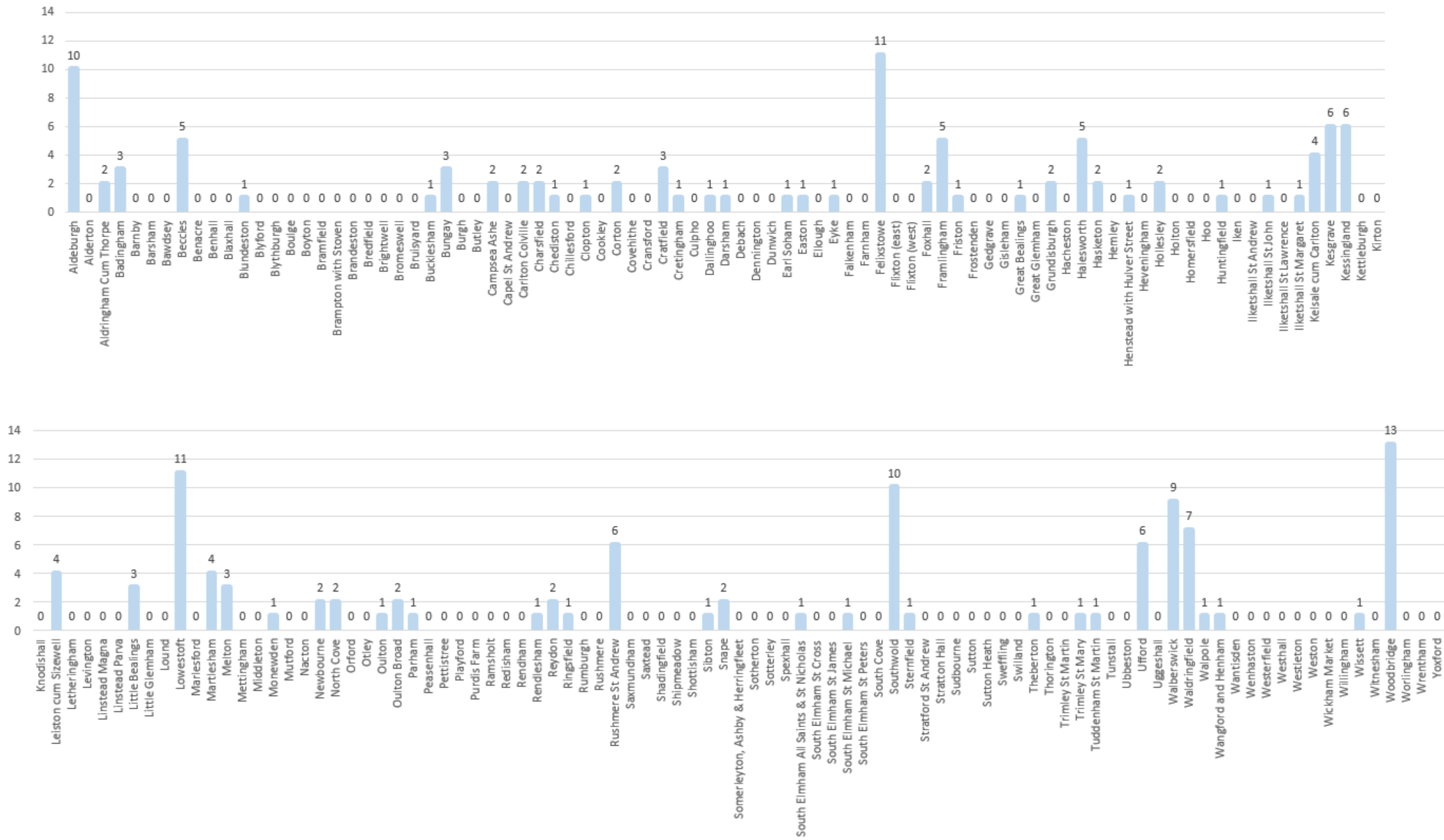
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Figure 3: The number of items at Planning Referral Panel with Support from relevant Town/Parish Council shown by Town/Parish for the period 1 April 2022 – 31 March 2023



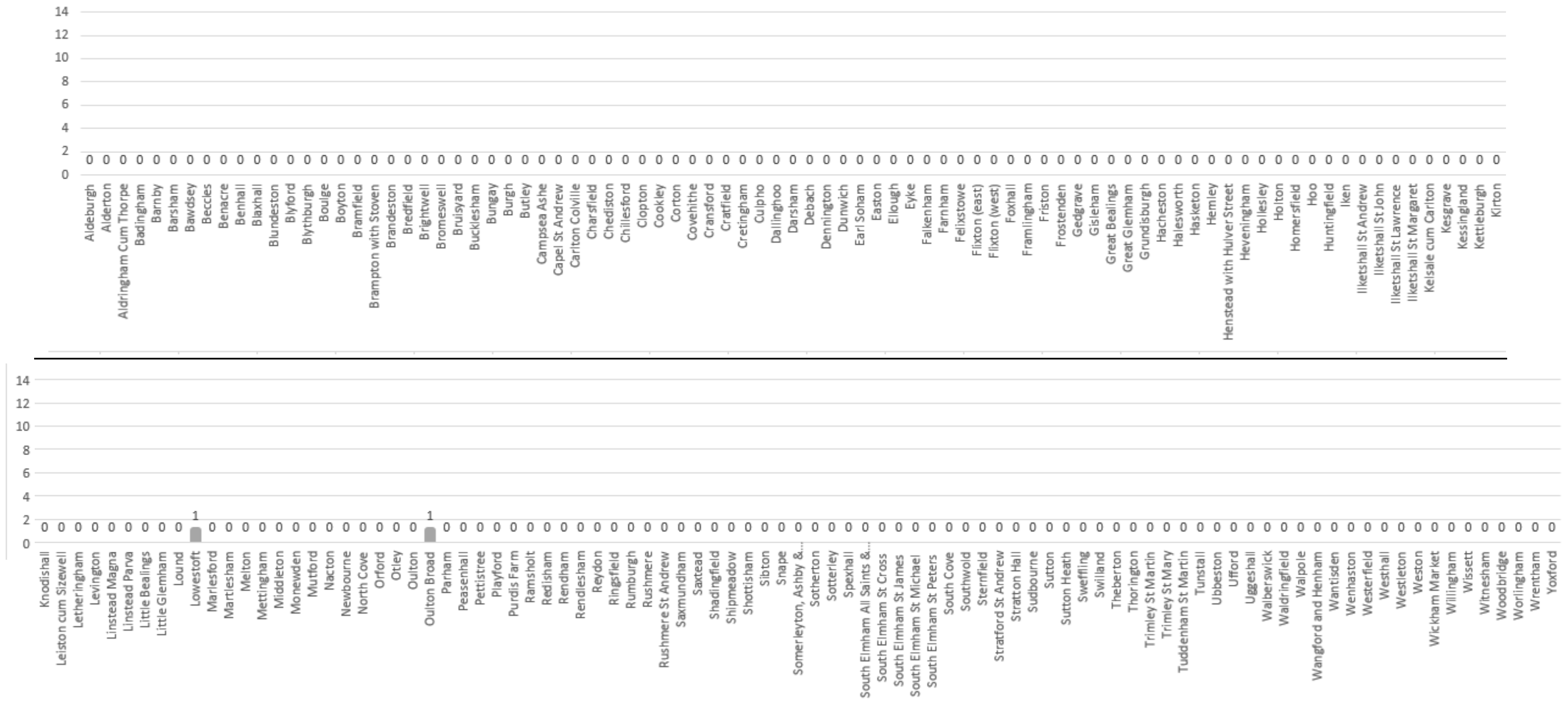
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Appendix L: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Town/Parish for the period 1 April 2022 – 31 March 2023

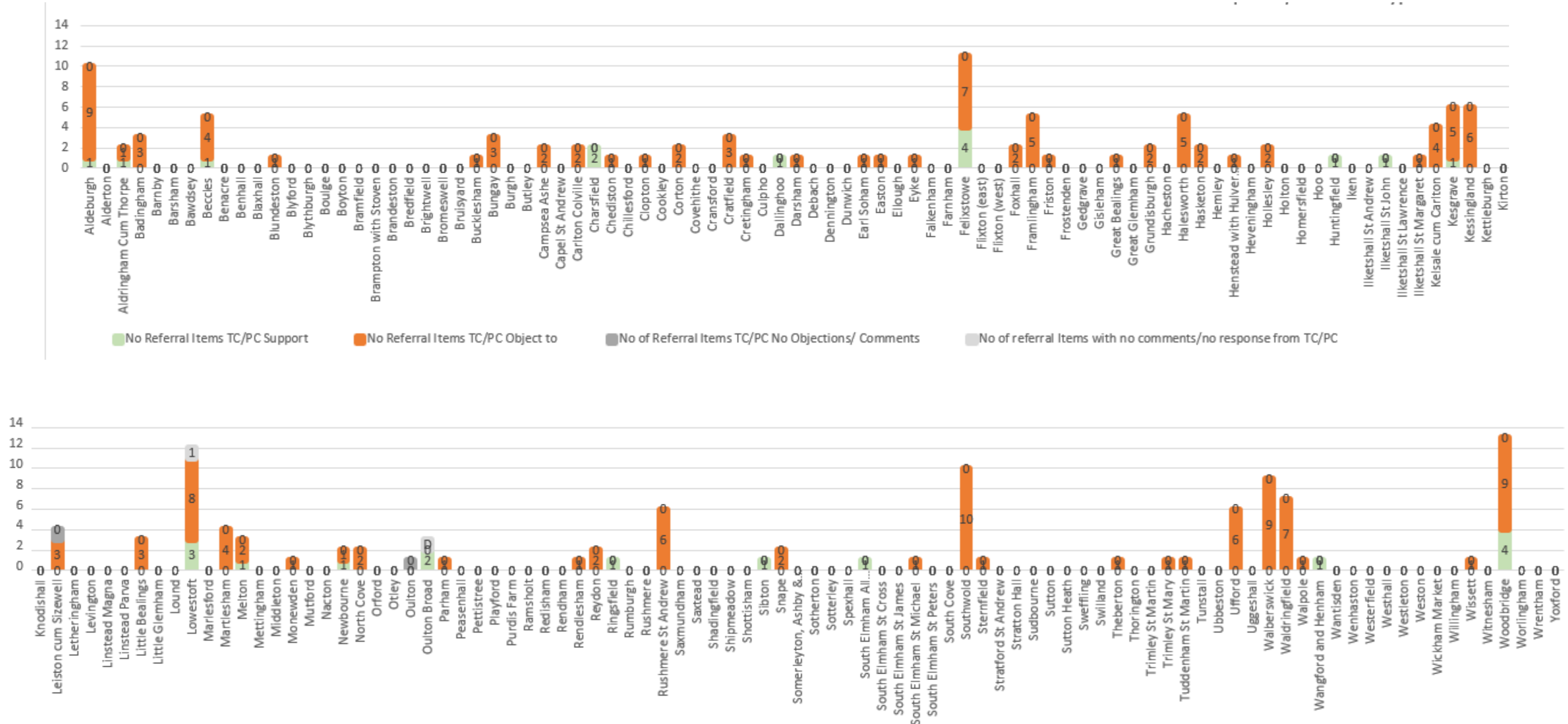
Figure 5: The number of items at Planning Referral Panel without any written comments of any type from relevant Town/Parish Council shown by Town/Parish for the period 1 April 2022 – 31 March 2023





Appendix L: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Town/Parish for the period 1 April 2022 – 31 March 2023

Figure 6: The number of items at Planning Referral Panel with and without any written comments from relevant Town/Parish Council shown by Town/Parish for the period 1 April 2022 – 31 March 2023



Appendix L: The number and proportion of items at the Planning Referral Panel with/without comments from relevant Town/ Parish Council, shown by Town/Parish for the period 1 April 2022 – 31 March 2023

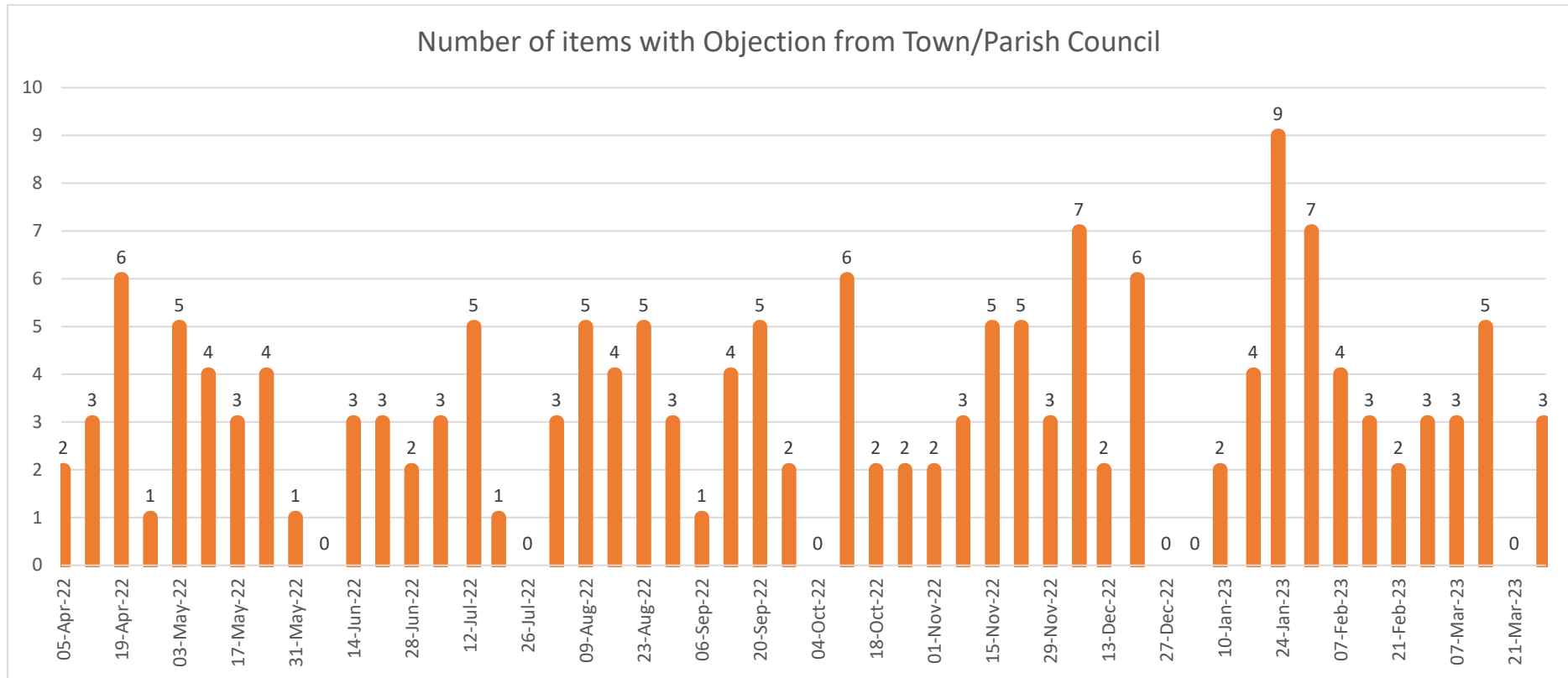
Figure 7: The proportion of items at Planning Referral Panel with and without any written comments from relevant Town/Parish Council shown by Town/Parish for the period 1 April 2022 – 31 March 2023



**Appendix M: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Town/Parish Council for the period 1 April 2022 – 31 March 2023**

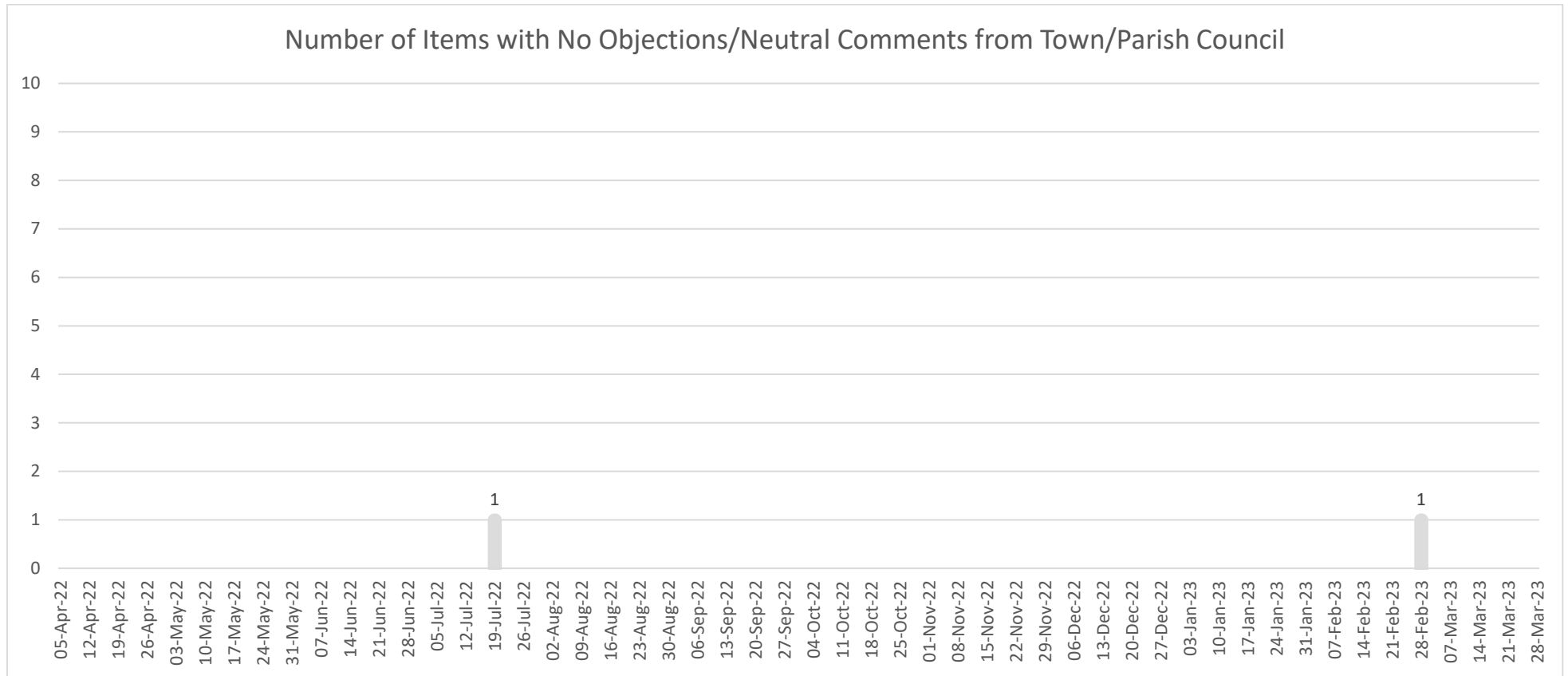
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**Figure 1: The number of items at each meeting with Objections from relevant Town/Parish Council, for the period for the period 1 April 2022 – 31 March 2023**



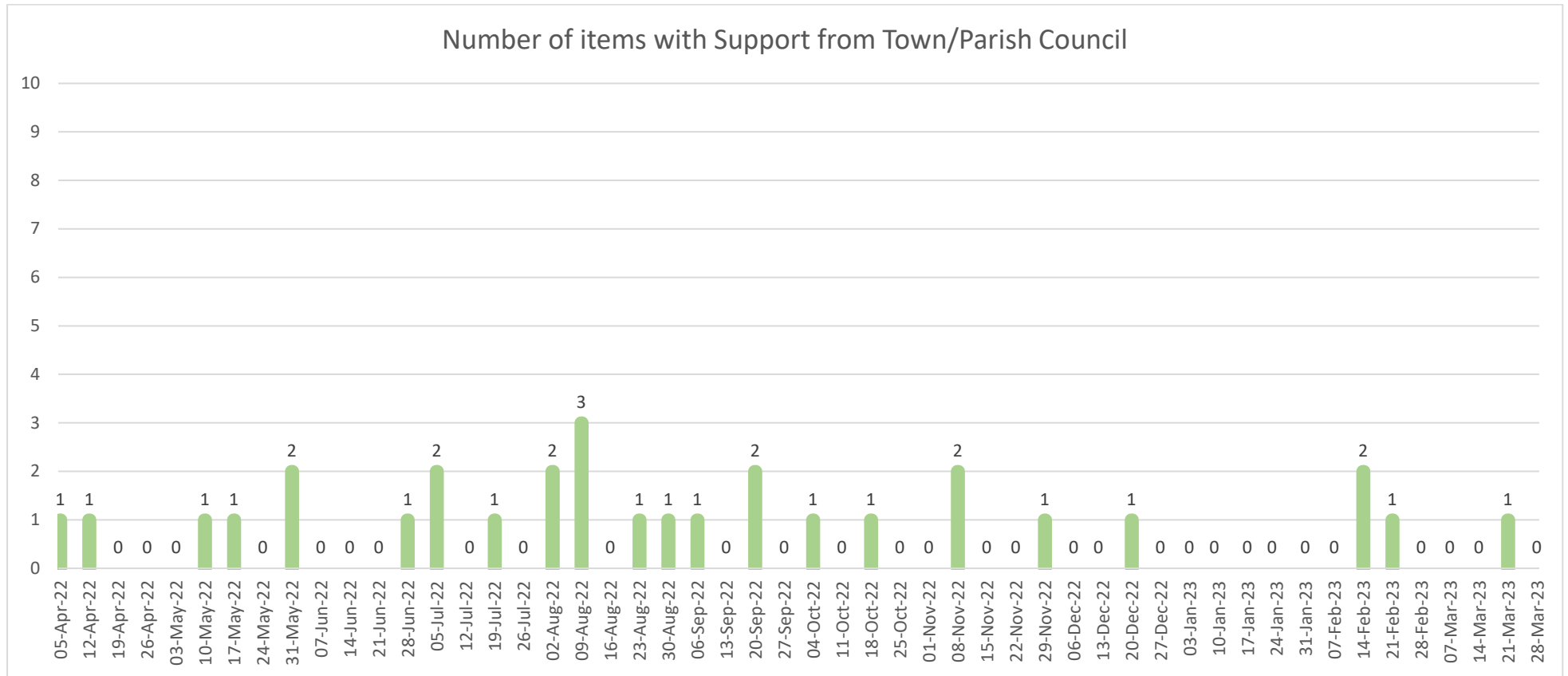
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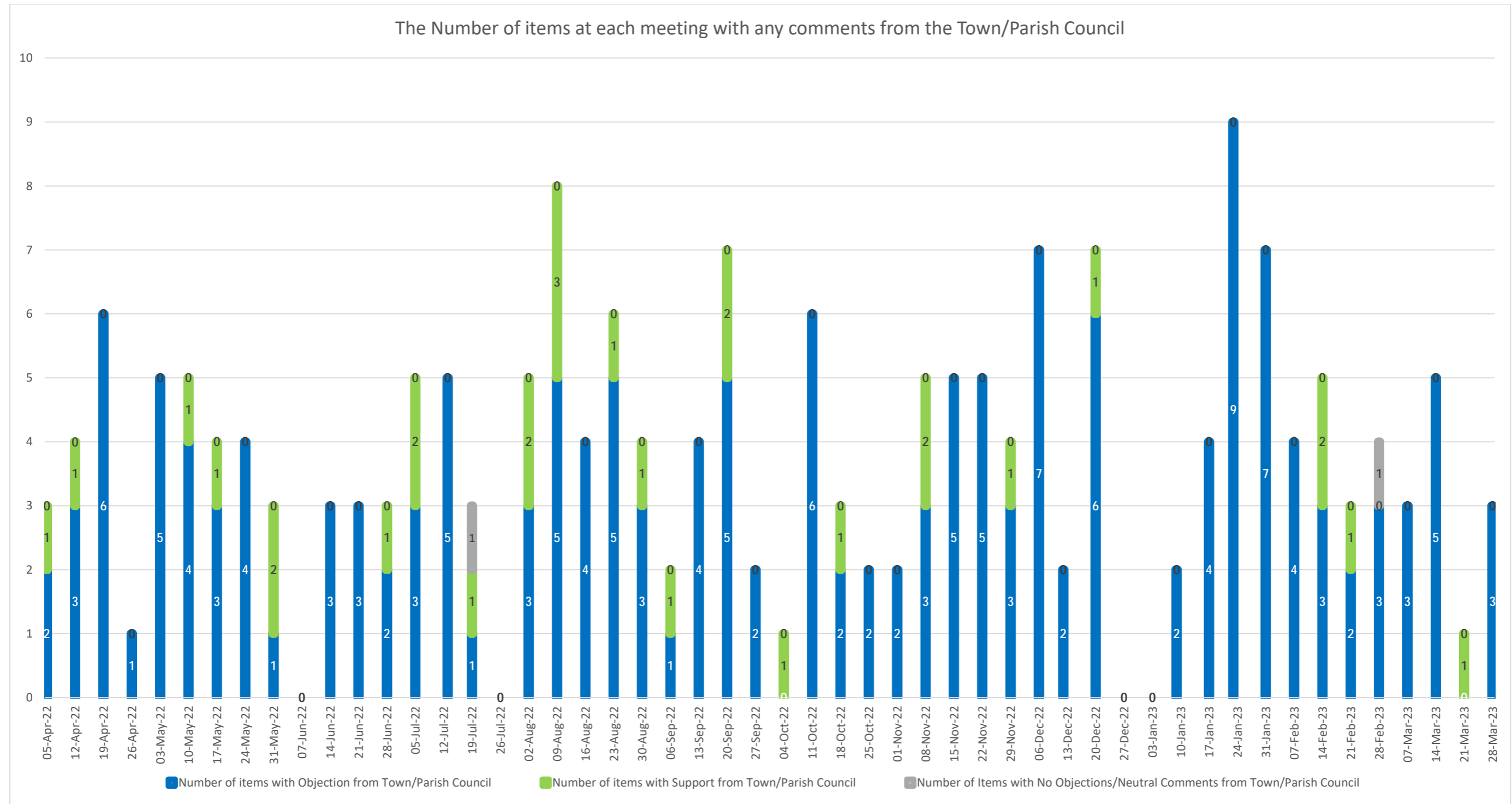
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**Figure 3: The number of items at each meeting with Support from relevant Town/Parish Council, for the period for the period 1 April 2022 – 31 March 2023**



Appendix M: The number and proportion of items at each Planning Referral Panel meeting with or without comments from the relevant Town/Parish Council for the period 1 April 2022 – 31 March 2023

Figure 4: The number of items at each meeting with any form of written comments from relevant Town/Parish Council,, for the period for the period 1 April 2022 – 31 March 2023

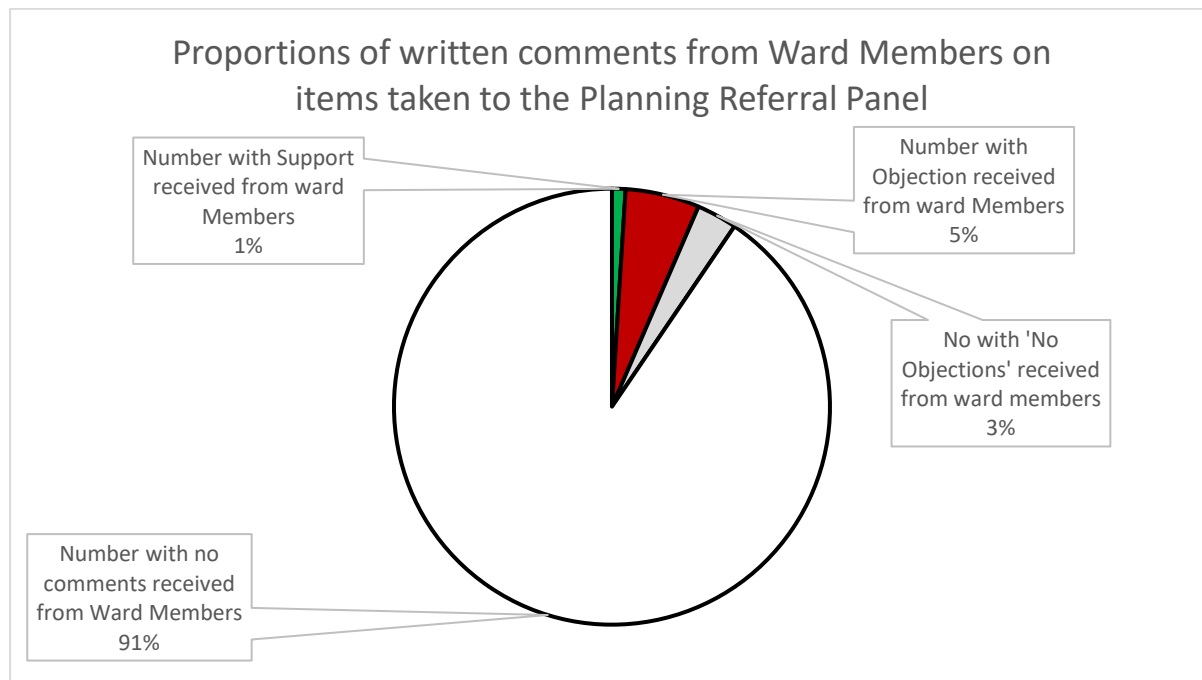


**Appendix N: A comparison of Town/Parish Council responses and Ward Members comments on applications at the Planning Referral Panel**

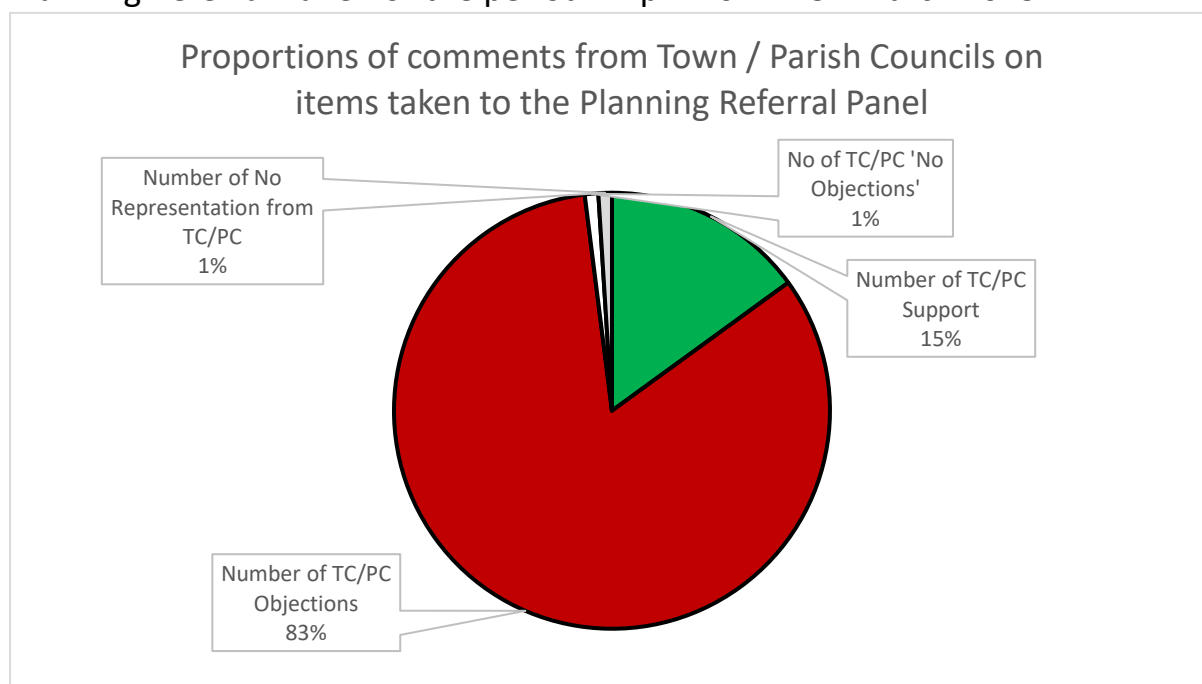


## Appendix N: A comparison of Town/Parish Council responses and Ward Members comments on applications at the Planning Referral Panel

**Figure 1:** Pie Chart showing the proportion of each type of written comment (or no written comment) received from relevant Ward Member(s) on items at the Planning Referral Panel for the period 1 April 2022 – 31 March 2023

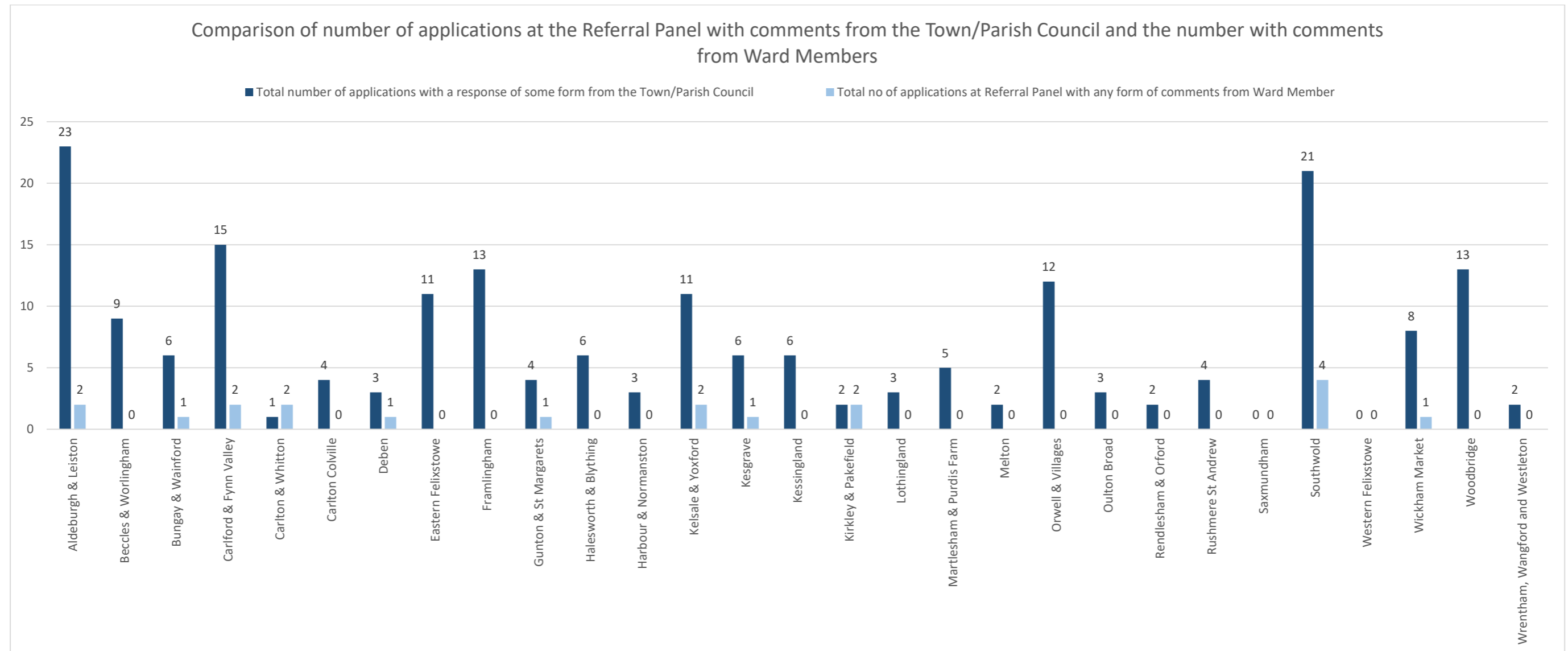


**Figure 2:** Pie Chart showing the proportion of each type of written comment (or no written comment) received from Town/Parish Councils on items at the Planning Referral Panel for the period 1 April 2022 – 31 March 2023



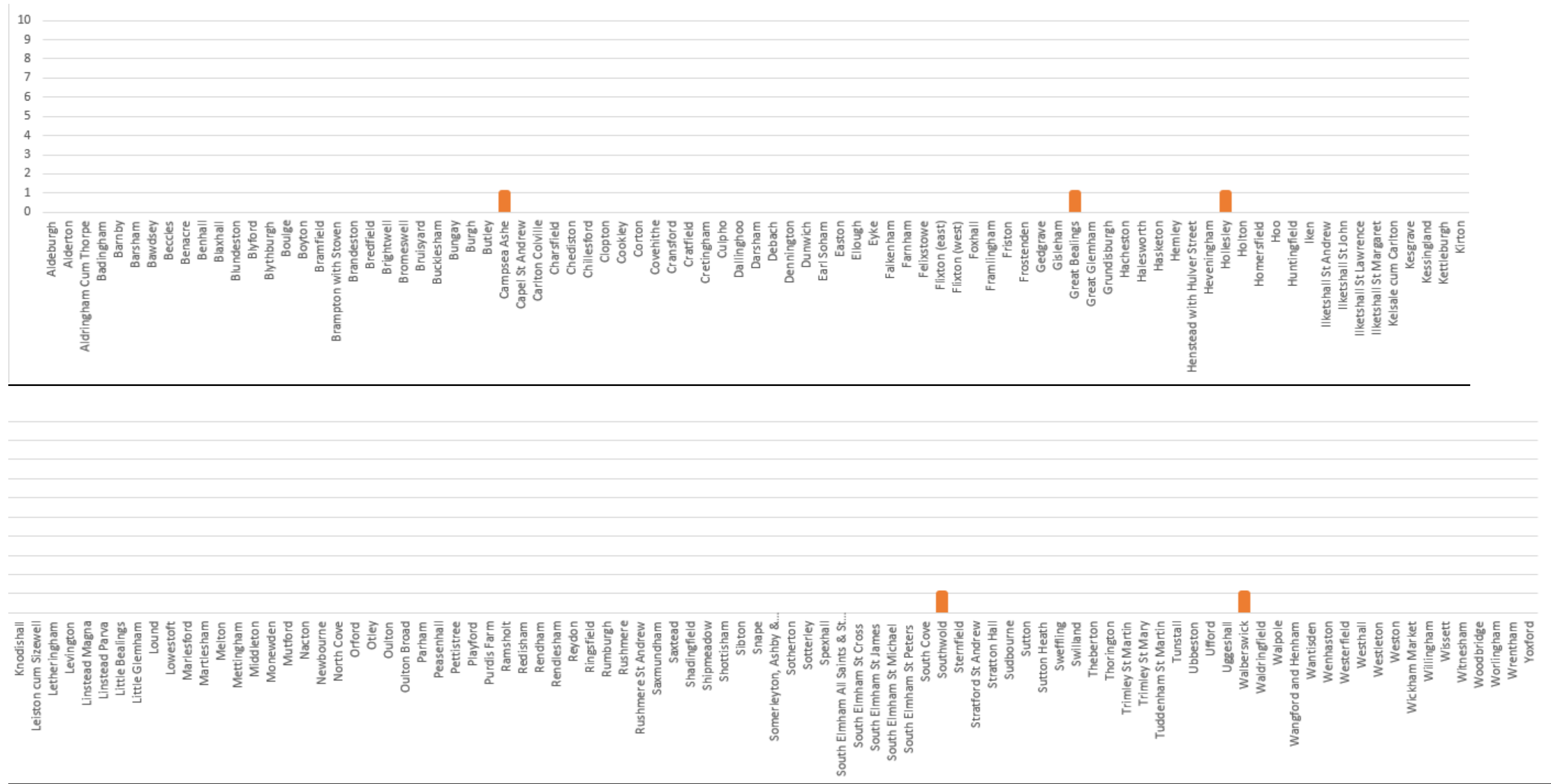
Appendix N: A comparison of Town/Parish Council responses and Ward Members comments on applications at the Planning Referral Panel

**Figure 3:** Number of applications at the Planning Referral Panel with any comments from the Town/Parish Council and number with any comments from relevant Ward Member(s) for the period 1 April 2022 – 31 March 2023, shown by Ward



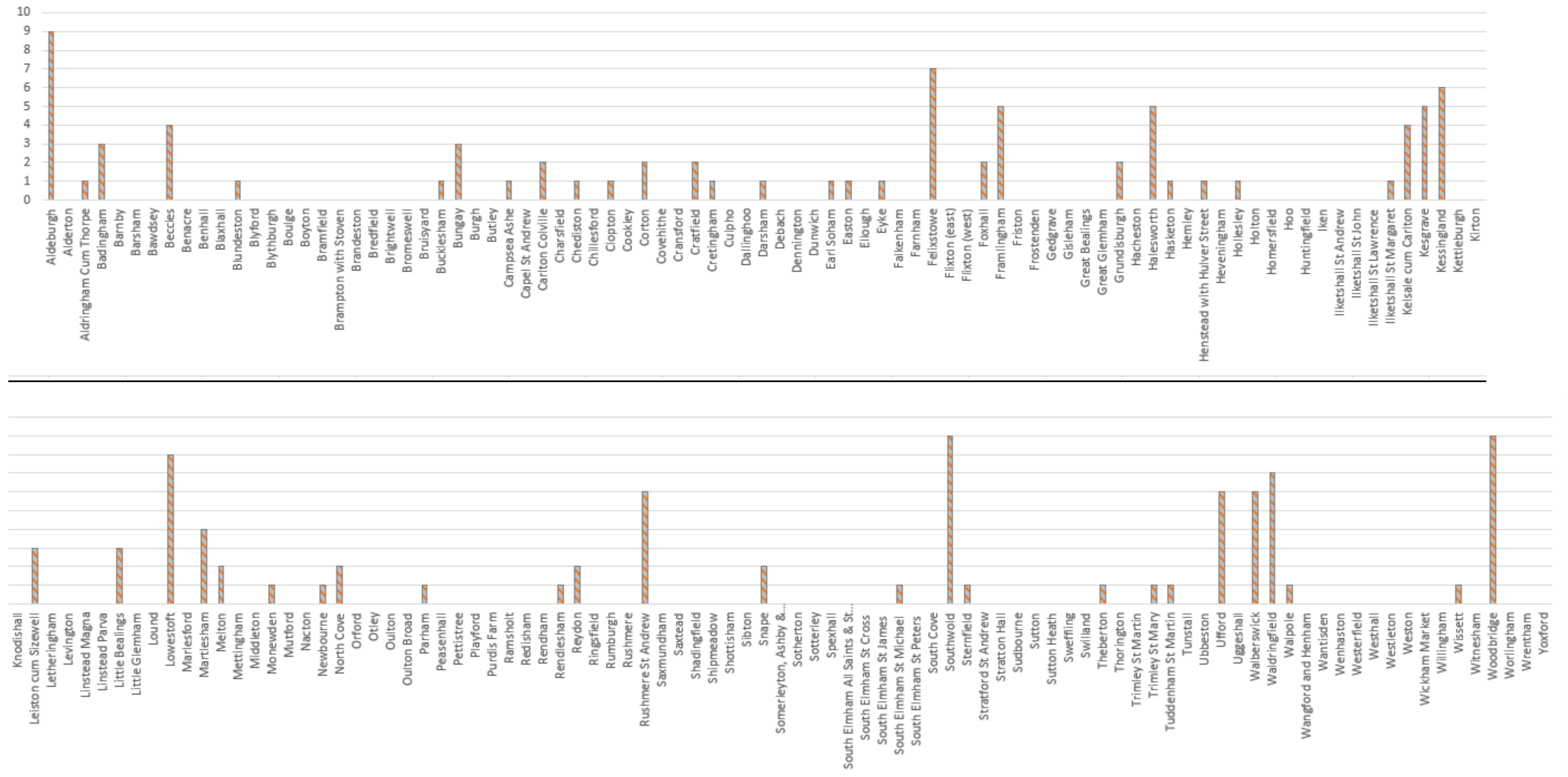
Appendix N: A comparison of Town/Parish Council responses and Ward Members comments on applications at the Planning Referral Panel

Figure 4: Number of applications at the Planning Referral Panel with Objection from the Town/Parish Council and Objections from relevant Ward Members for the period 1 April 2022 – 31 March 2023, shown by Parish



Appendix N: A comparison of Town/Parish Council responses and Ward Members comments on applications at the Planning Referral Panel

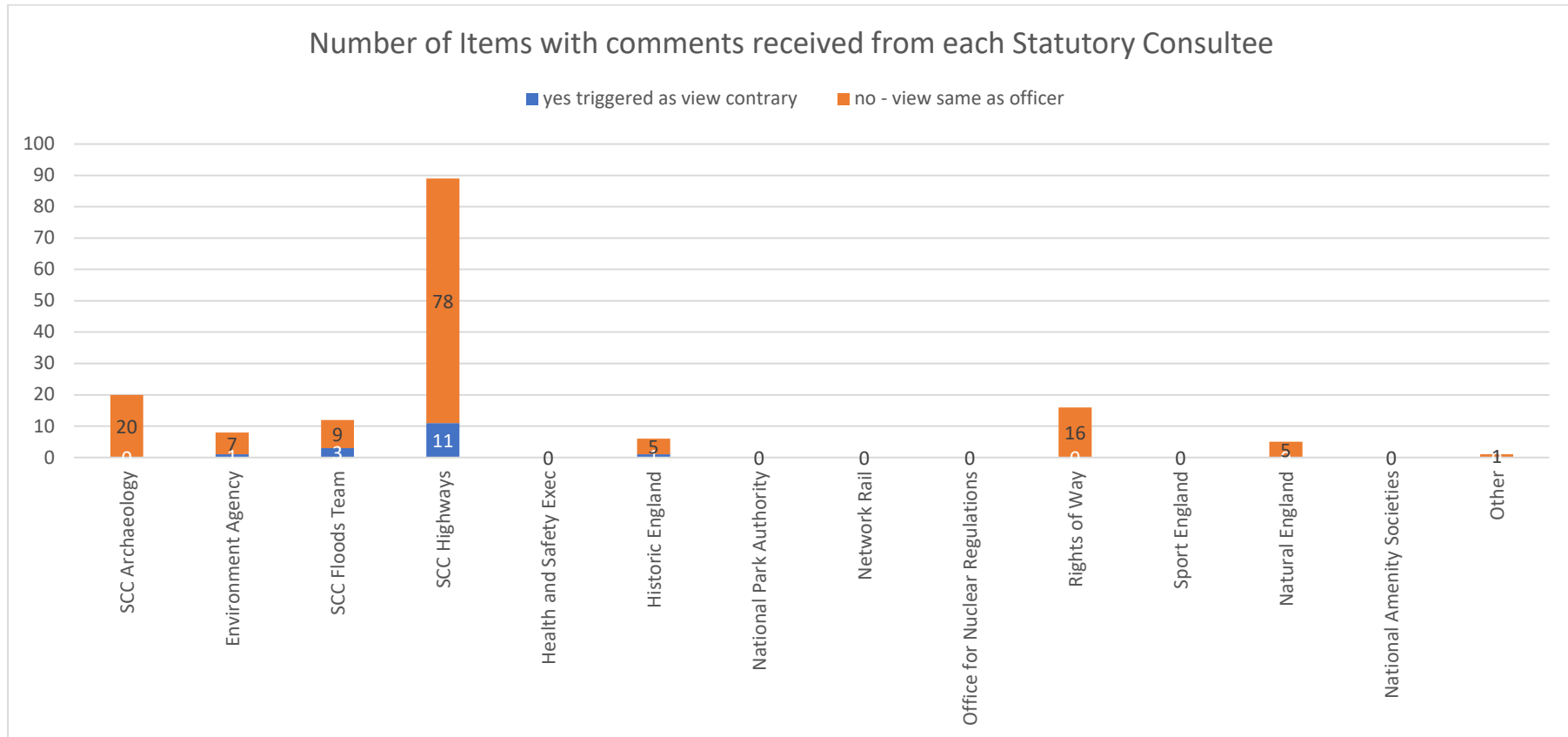
Figure 5: Number of applications at the Planning Referral Panel with Objection from the Town/Parish Council and no written comments from relevant Ward Members for the period 1 April 2022 – 31 March 2023, shown by Parish



**Appendix O: The number and proportion of items at Planning Referral Panel meetings with or without comments from the Statutory Consultees for the period 1 April 2022 – 31 March 2023**

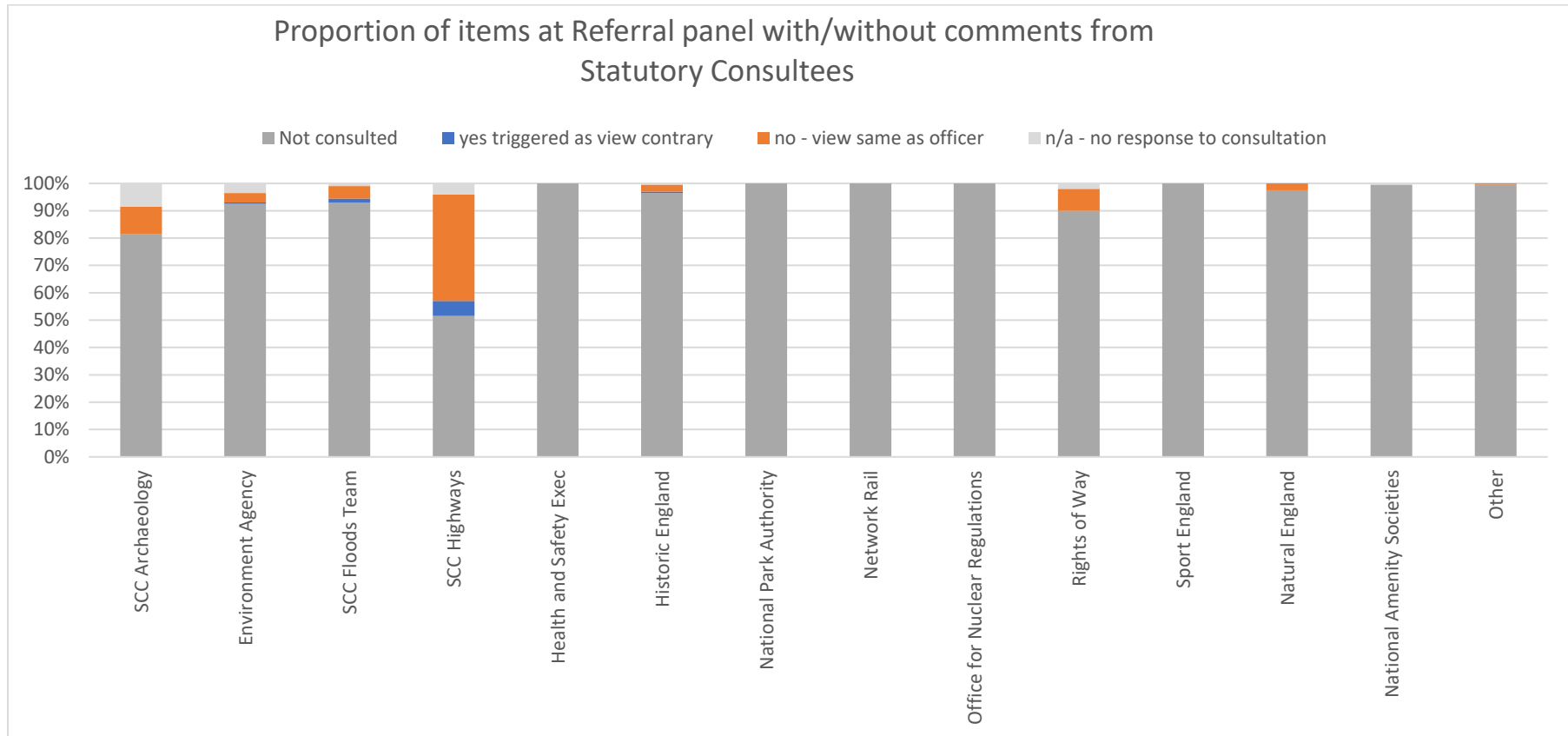
**Appendix O: The number and proportion of items at Planning Referral Panel meetings with or without comments from the Statutory Consultees for the period 1 April 2022 – 31 March 2023**

**Figure 1:** Number of items at the panel with comments received from each of the main statutory consultees and the numbers triggering the Planning Referral Process



**Appendix O: The number and proportion of items at Planning Referral Panel meetings with or without comments from the Statutory Consultees for the period 1 April 2022 – 31 March 2023**

**Figure 2: Proportion of Items at Referral Panel with comments the main Statutory Consultees where they triggered or did not trigger the Referral Panel Process.**

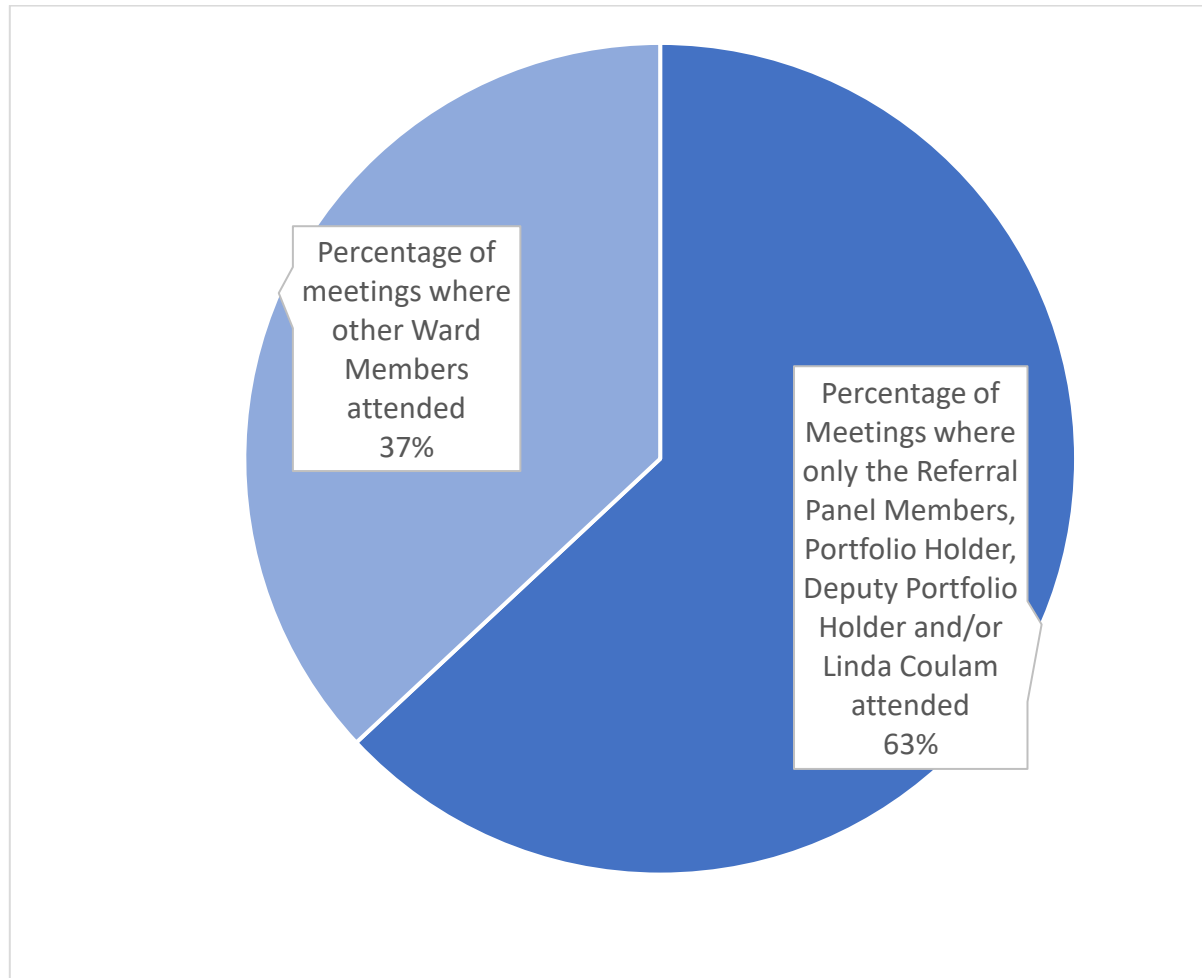


**Appendix P: Attendance by relevant Ward Member(s) at  
Planning Referral Panel Meetings between 1 April 2022  
and 31 March 2023**



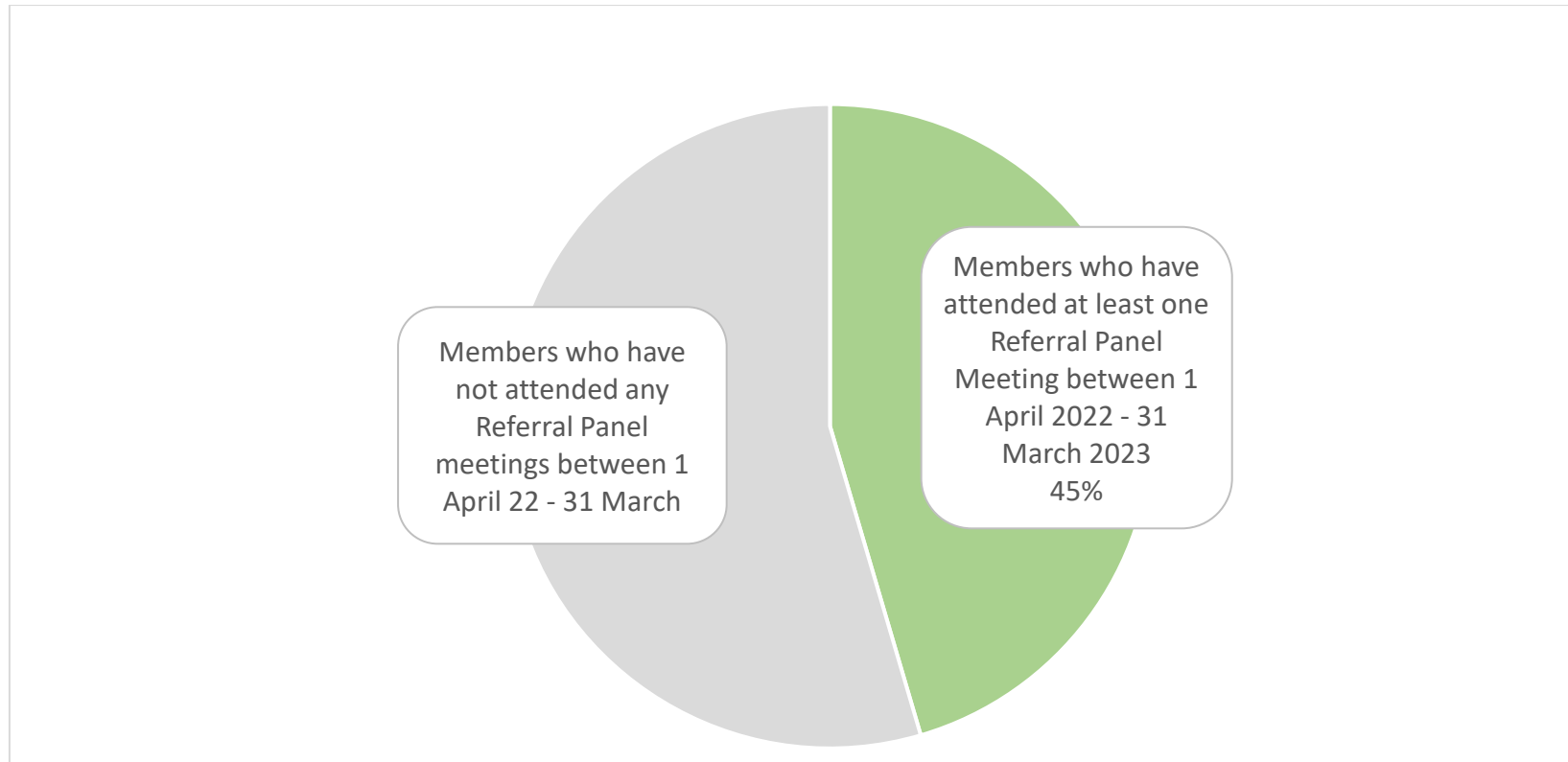
**Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023**

**Figure 1:** Pie Chart showing the proportion of Planning Referral Panel Meetings where the members other than the Planning Referral Panel Members, the Planning Portfolio holder, Vice-portfolio holder and Cllr Coulam Attended.

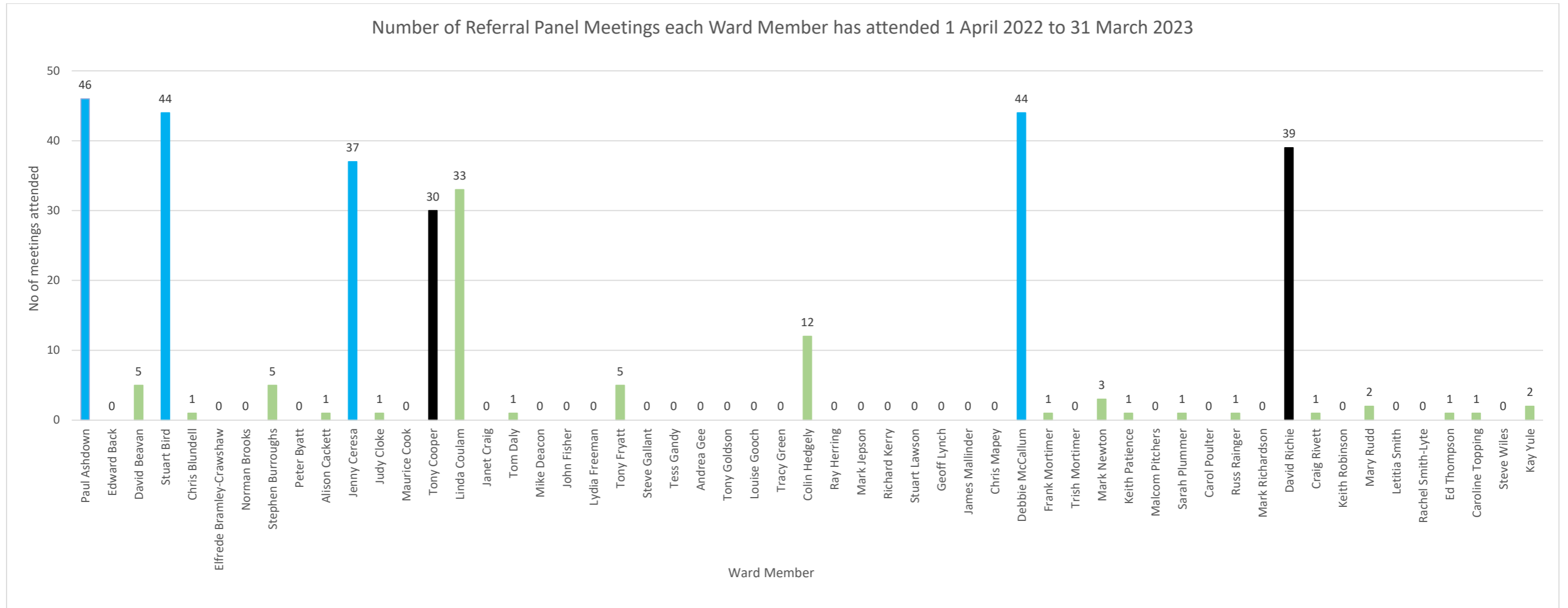


**Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023**

**Figure 2:** Pie Chart showing the percentage of ward members who attended at least one Planning Referral Panel meeting or did not attend any Planning Referral Panels between 1 April 2022 and 31 March 2023

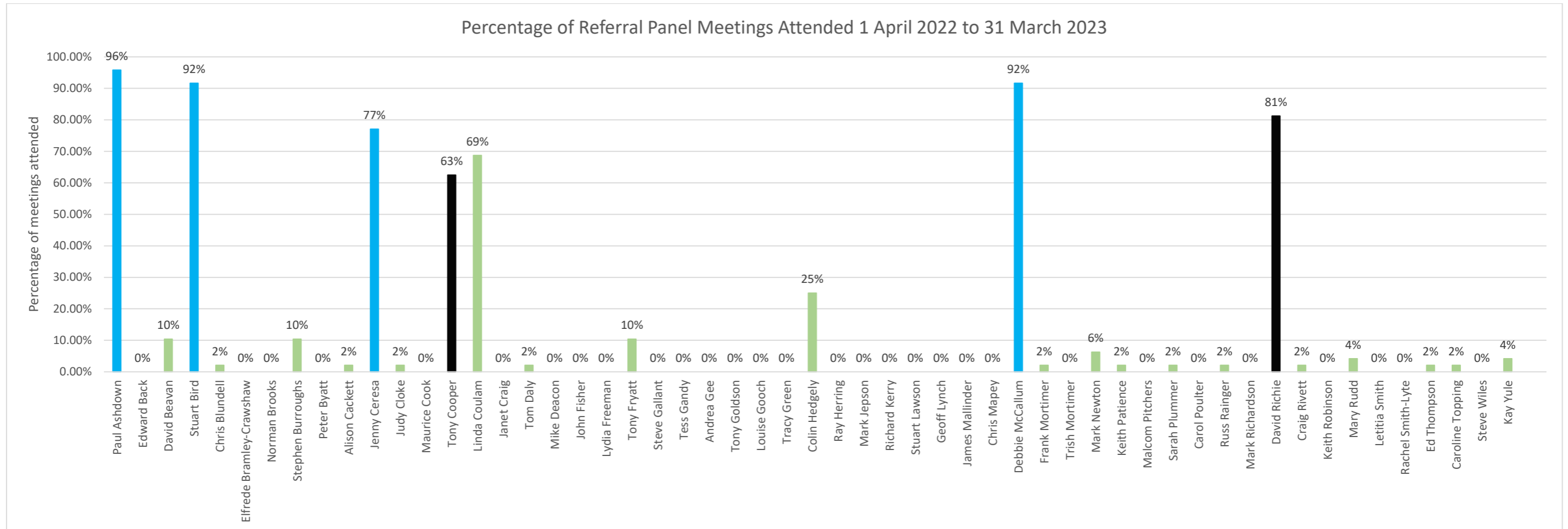


**Figure 3:** Number of members who attended each Planning Referral meeting between 1 April 2022 and 31 March 2023

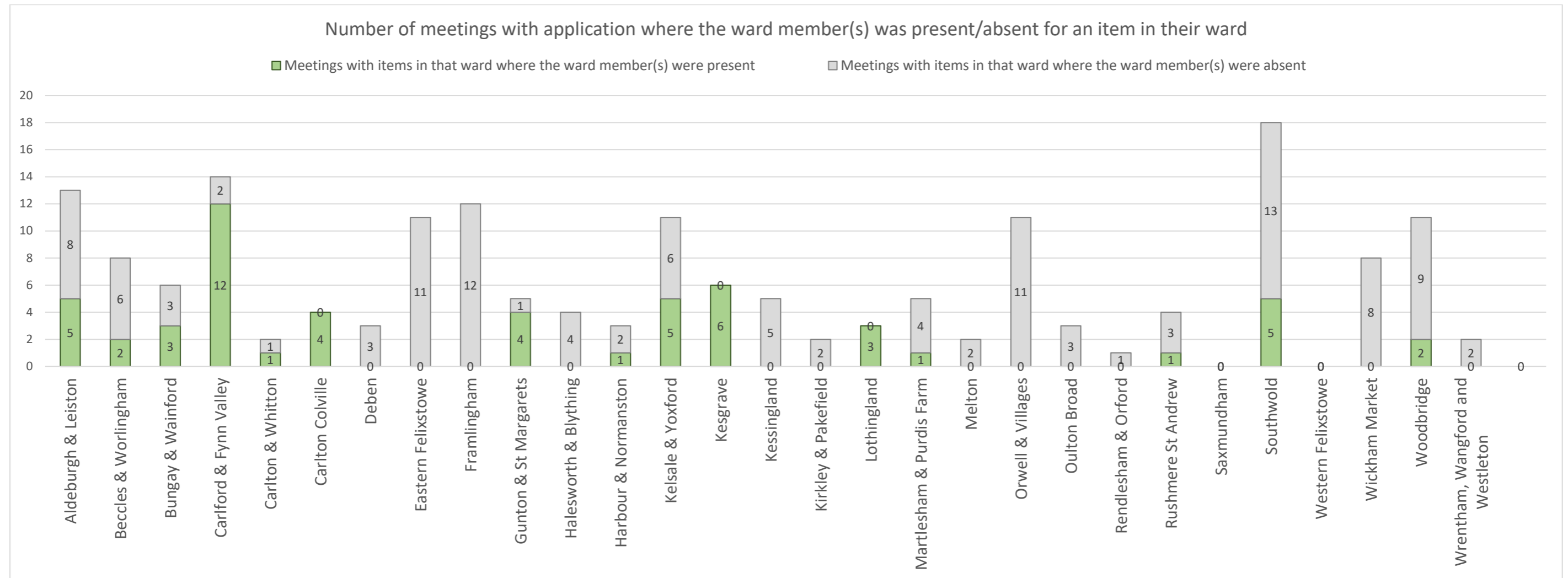


Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023

Figure 4: Percentage of Planning Referral Panel Meetings attended by each member between 1 April 2022 and 31 March 2023

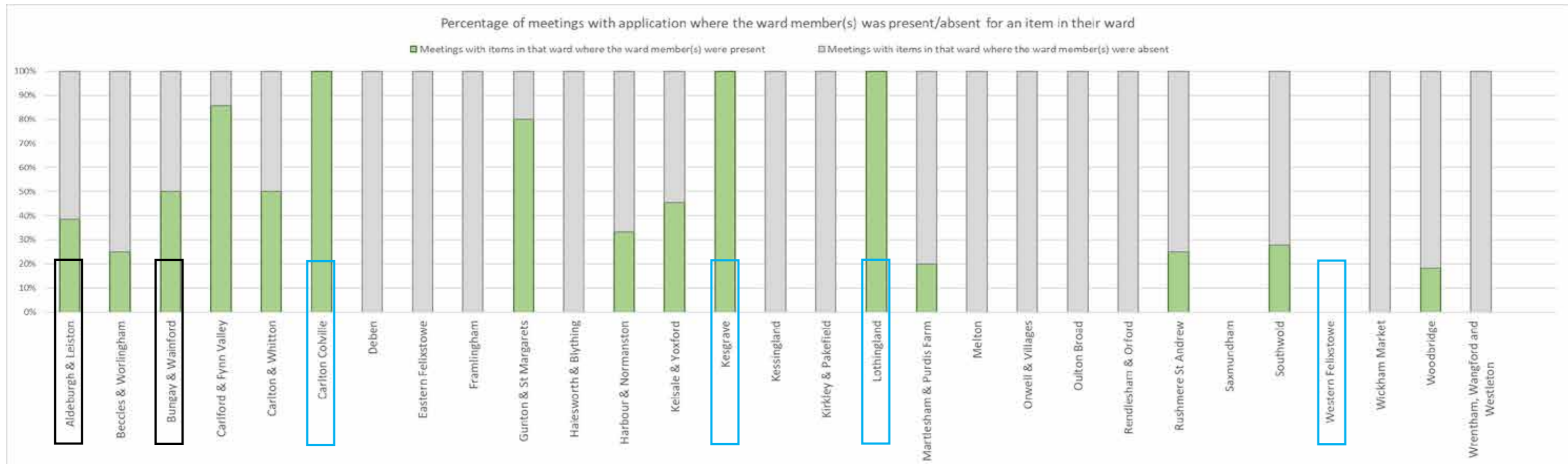


**Figure 5:** Number of meetings where the relevant ward member(s) were present /absent for an item in their ward.

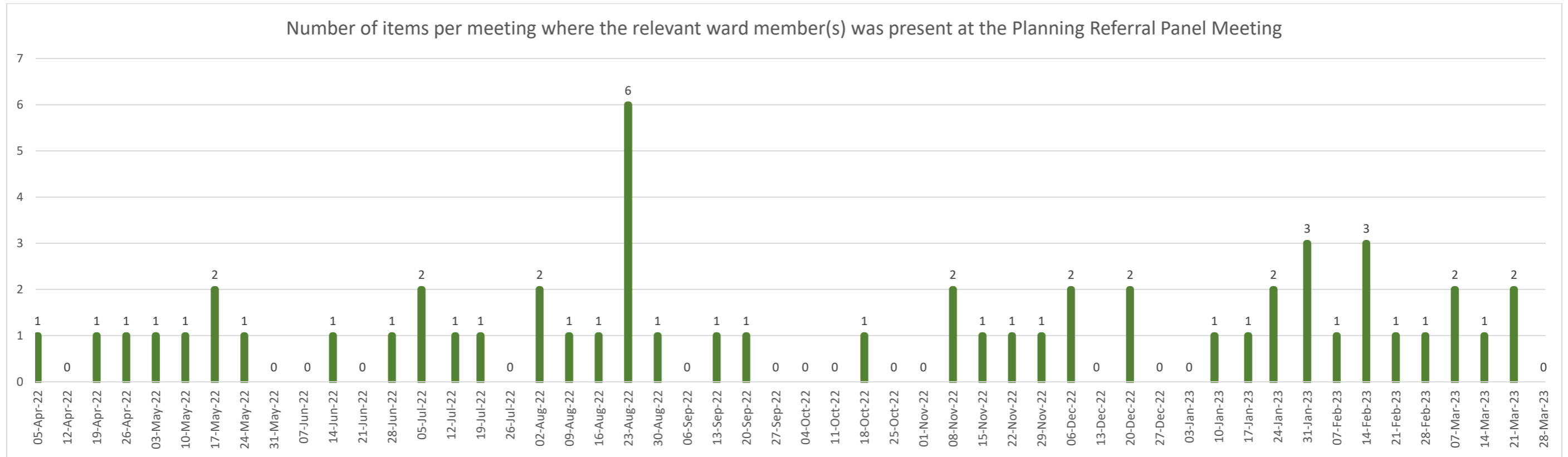


Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023

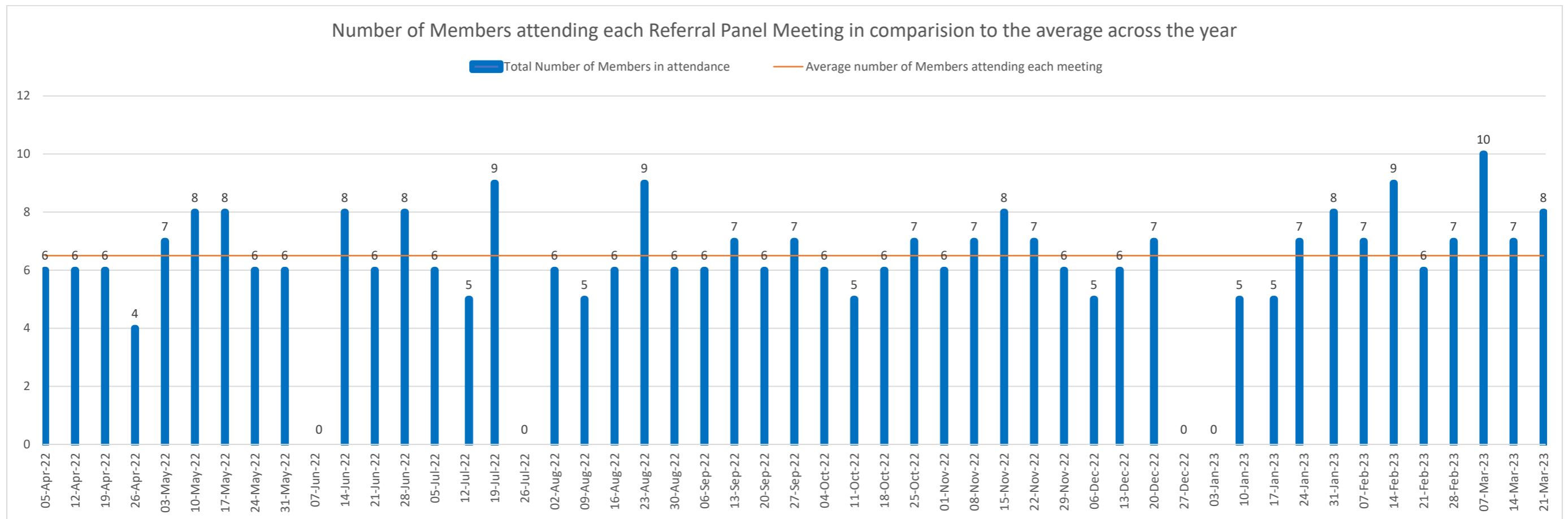
**Figure 6:** Percentage of meetings where the relevant ward member(s) were present /absent for an item in their ward. (Those outlined in Blue are Panel Members, Bold black outline is Planning Portfolio Holder and Vice-portfolio holder)



**Figure 7:** The Number of Items per Referral Panel meeting where the relevant ward member(s) were present at the meeting, shown by meeting



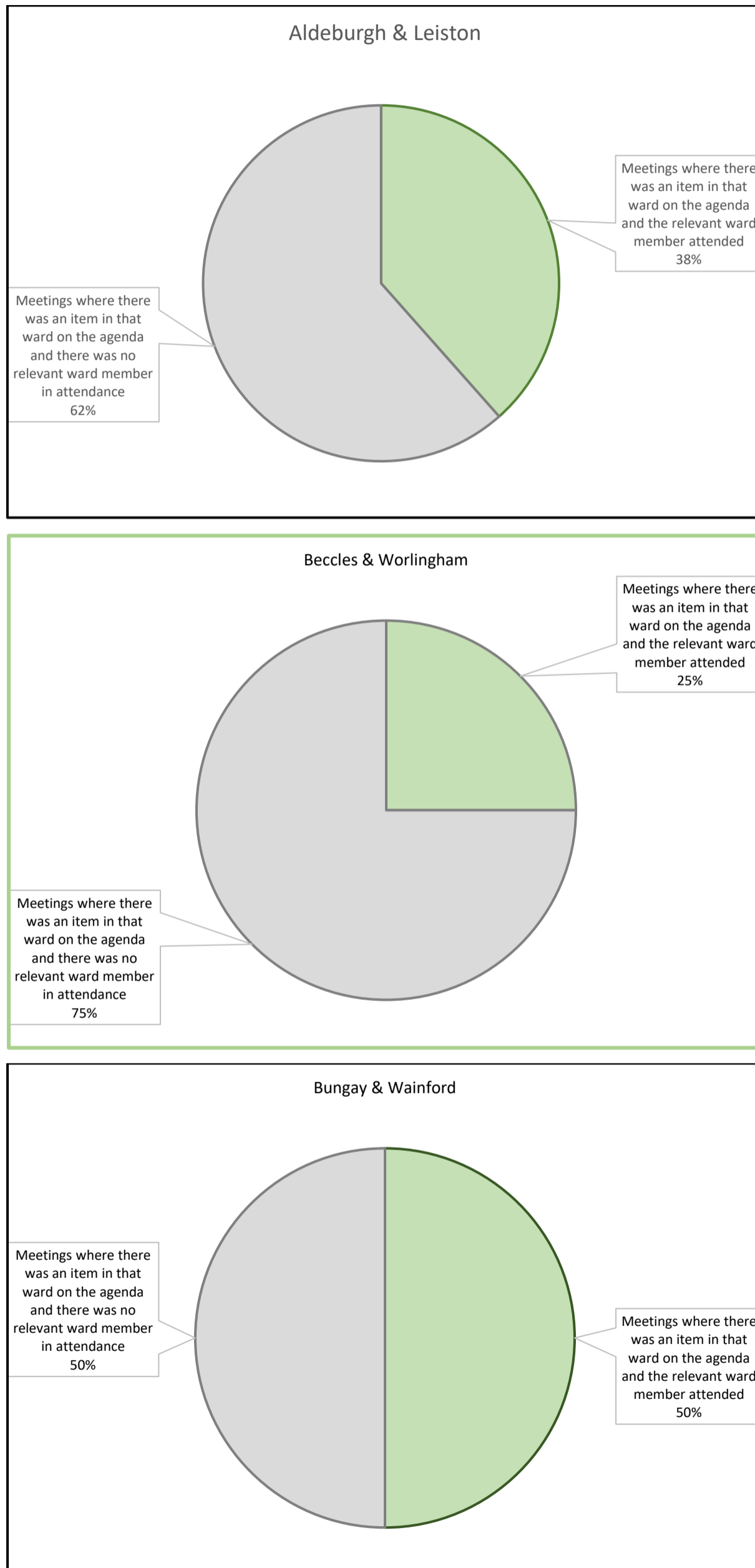
**Figure 8:** The Number of members at each meeting



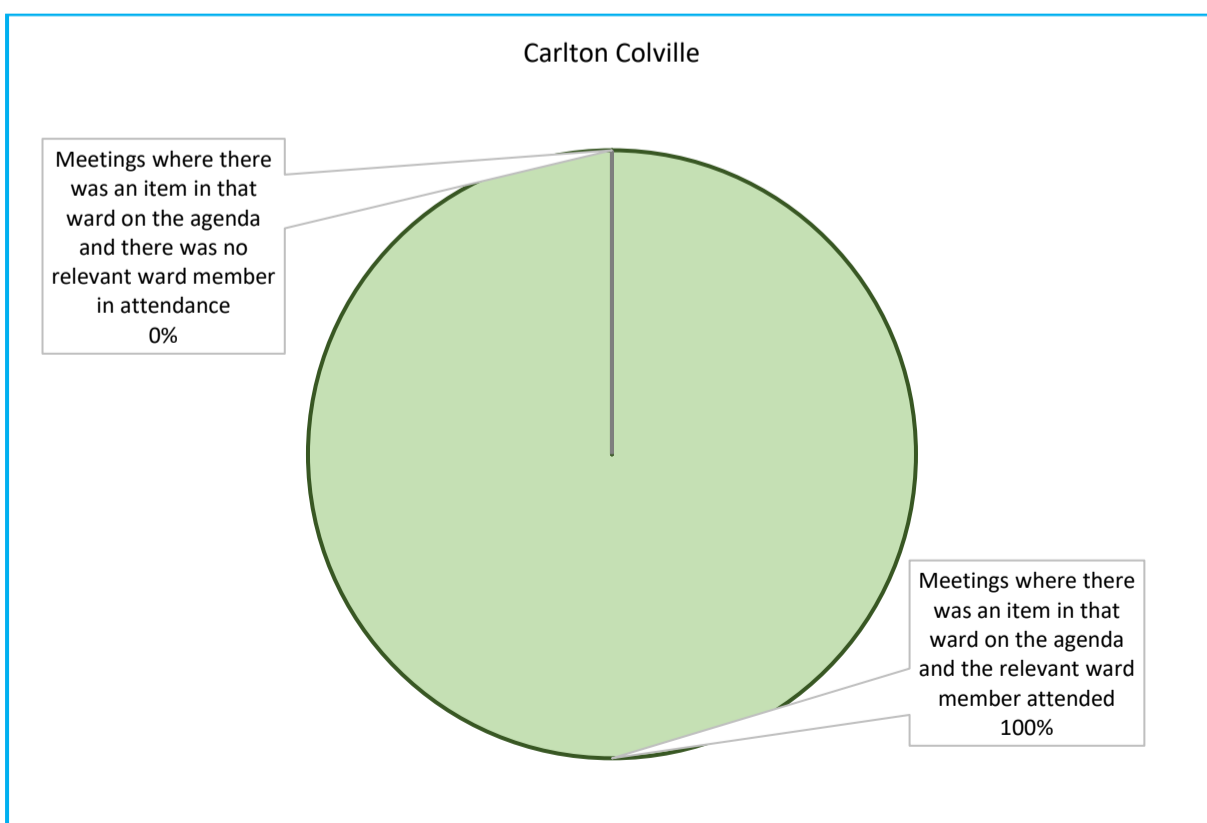
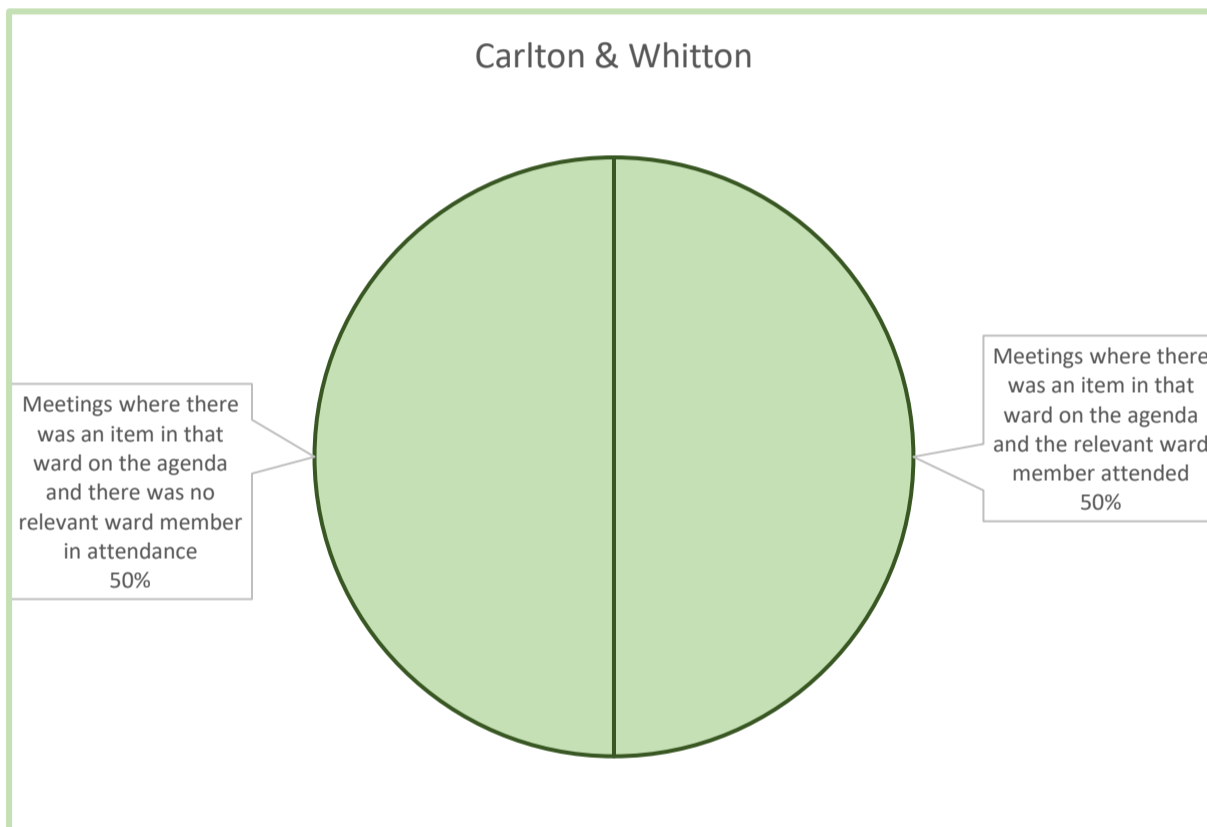
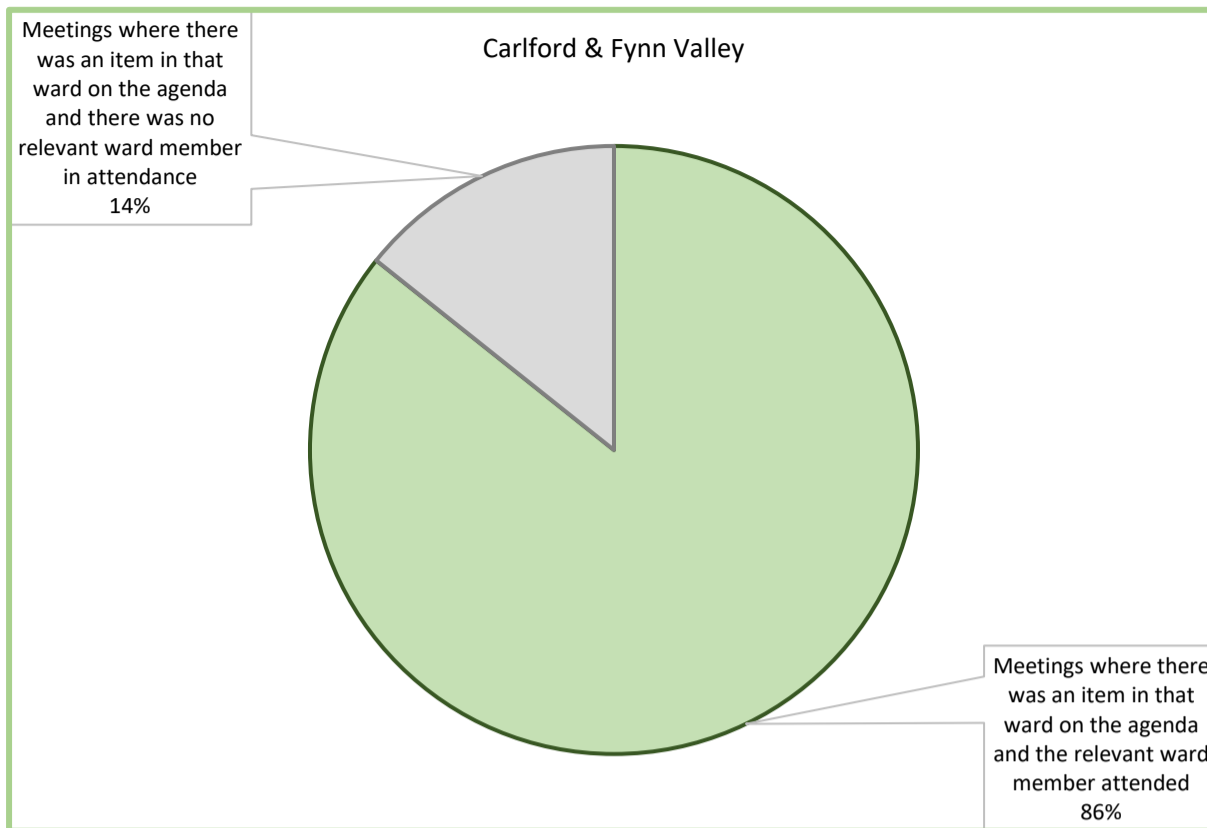


Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023

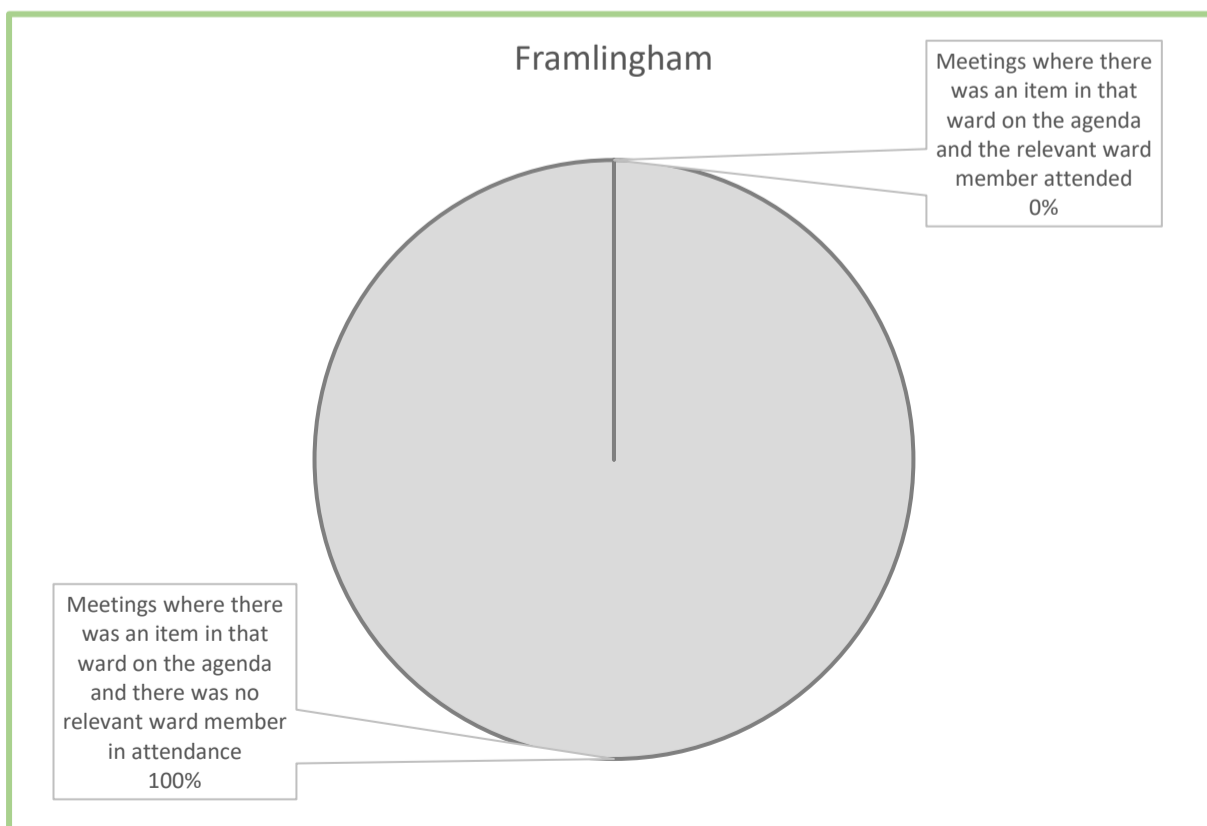
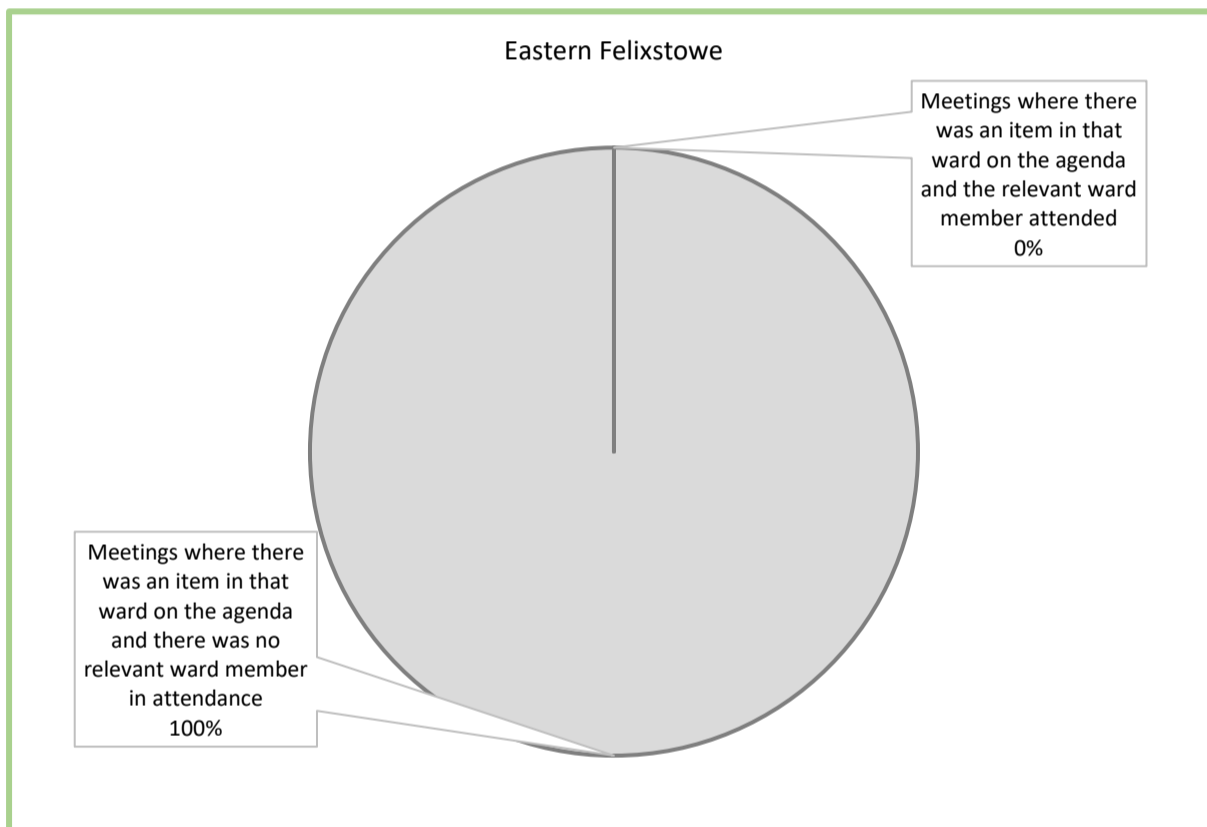
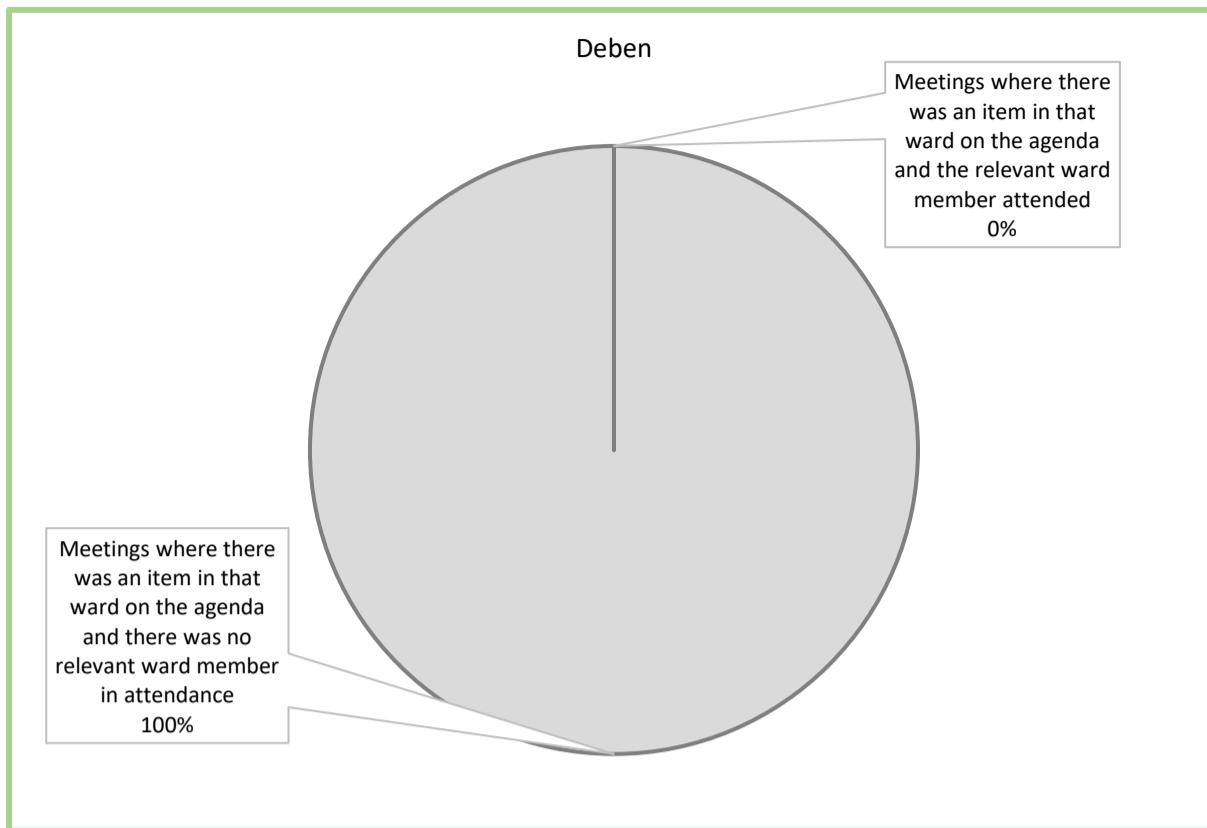
**Figure 9:** Pie Charts showing the proportion of Referral Panel meetings where there was an item in that ward on the agenda and a relevant ward member(s) attended or did not attend the Planning Referral Panel meeting. (Those outlined in Blue are Panel Members, Bold black outline is Planning Portfolio Holder and Vice-portfolio holder)



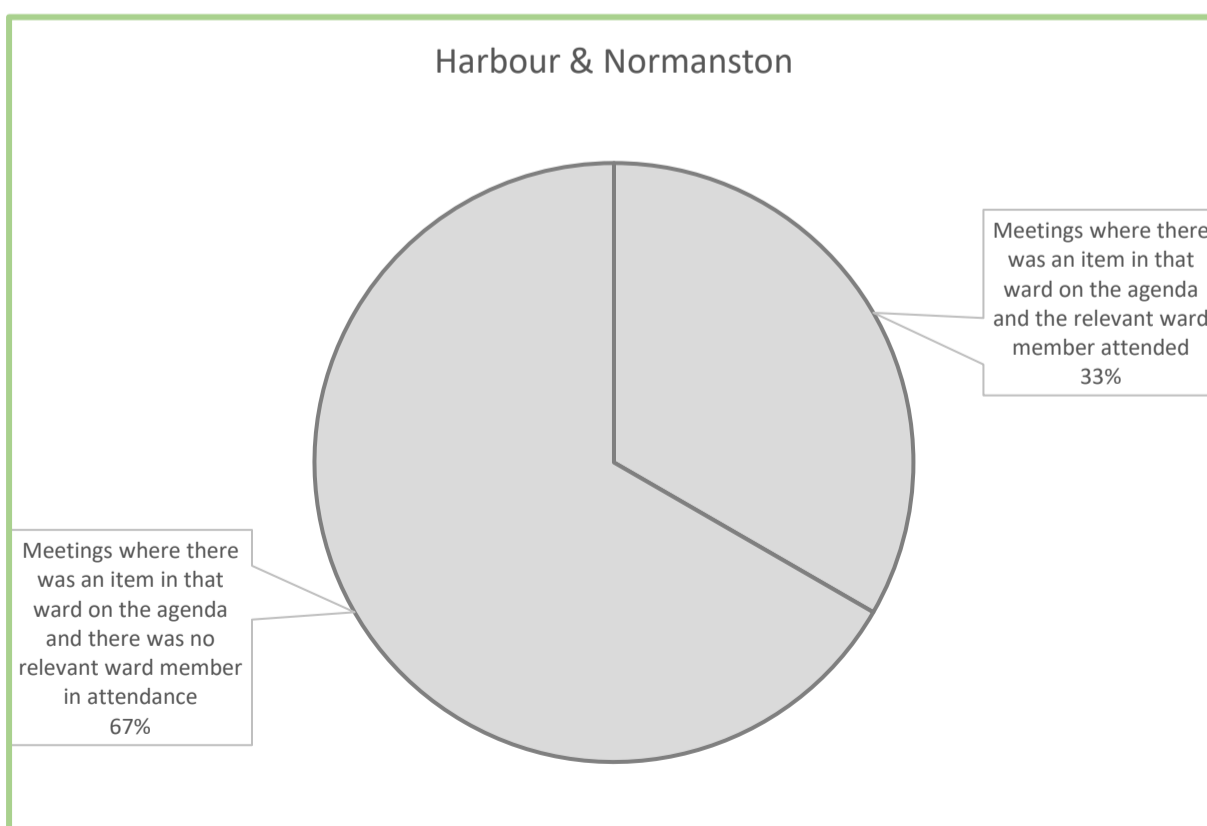
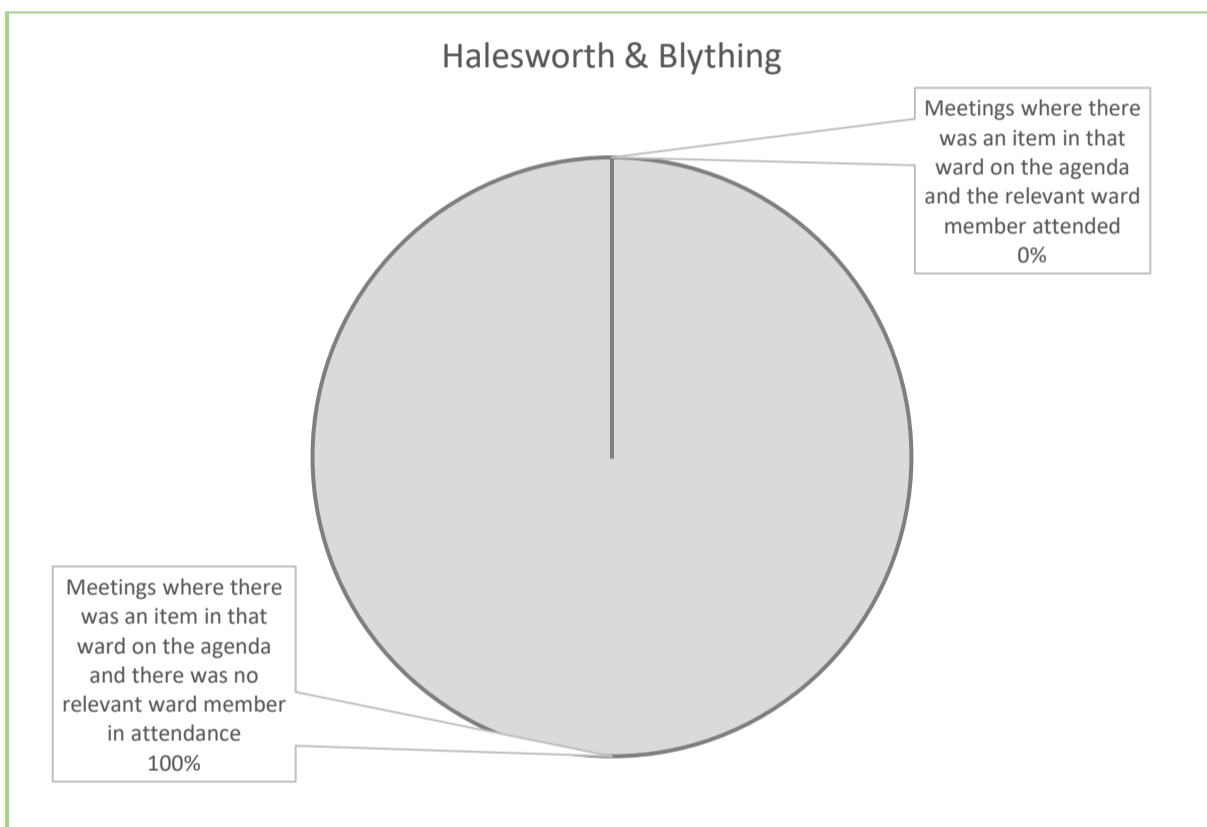
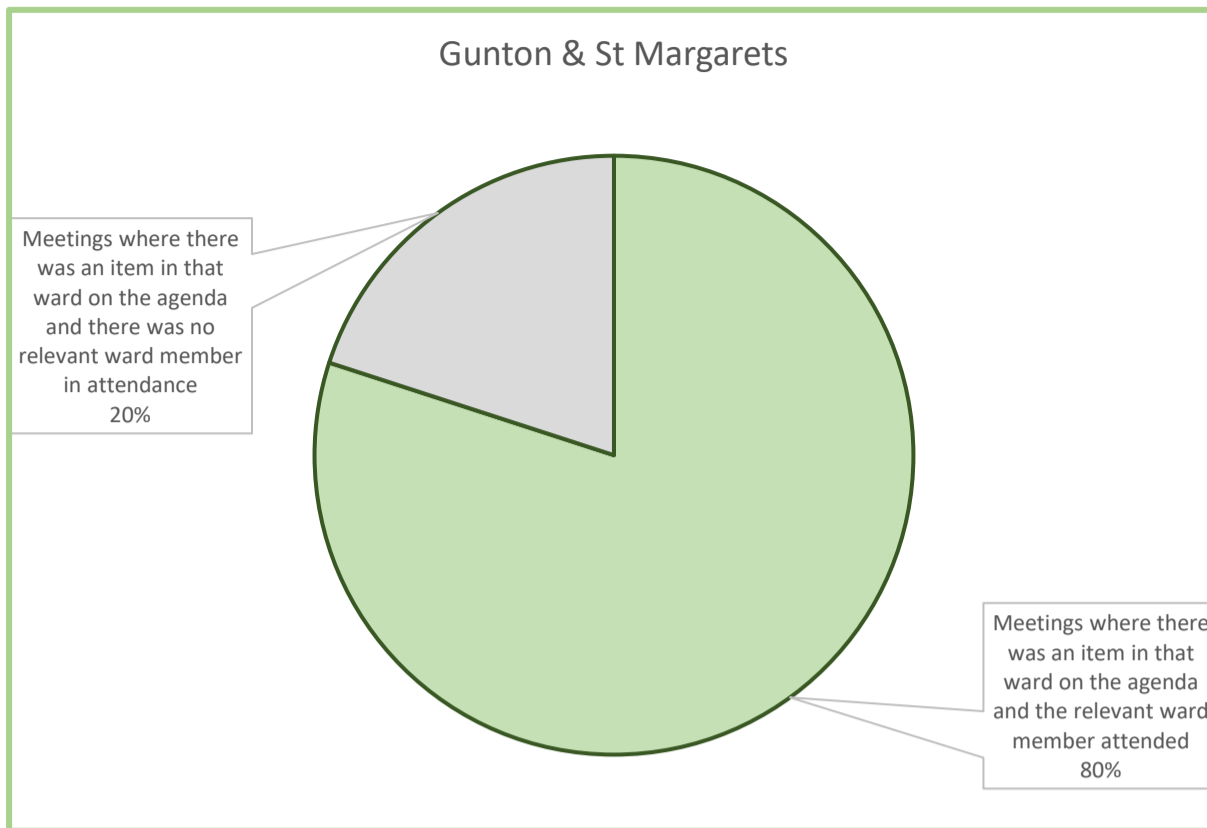
Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023



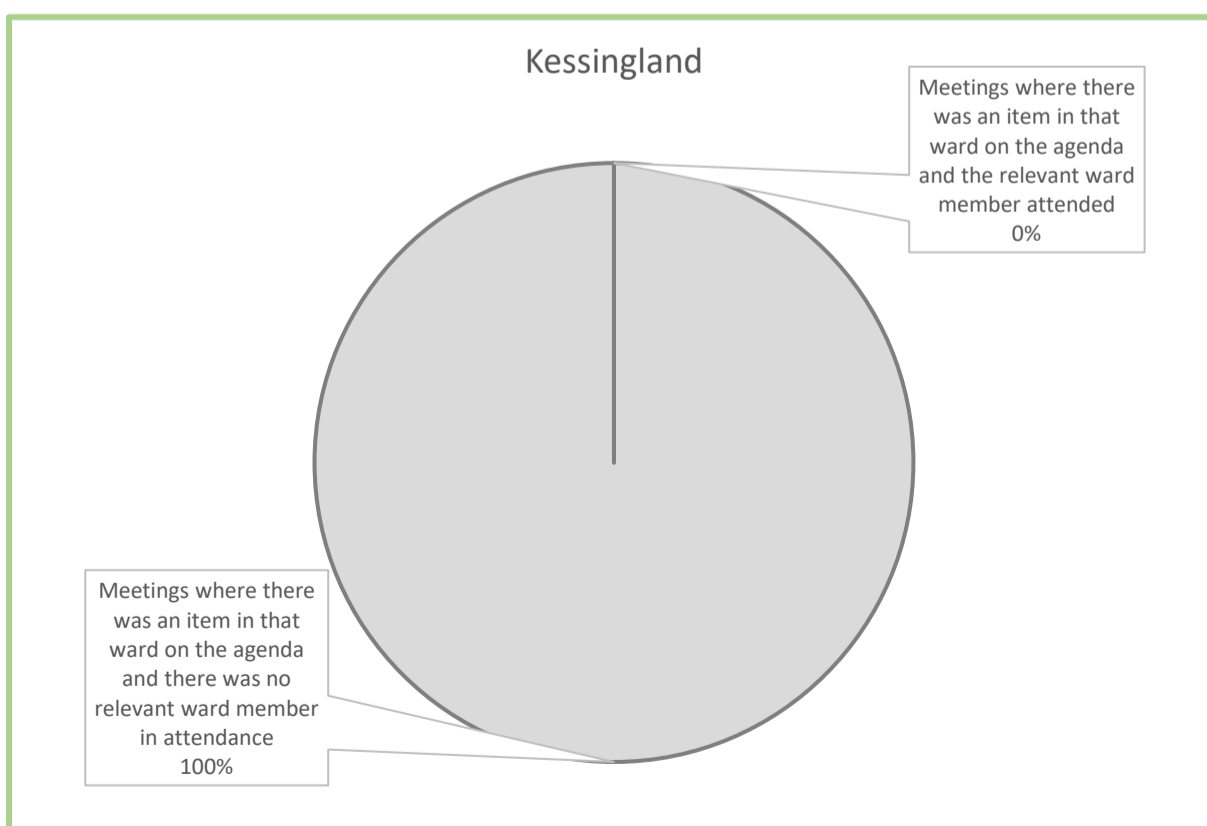
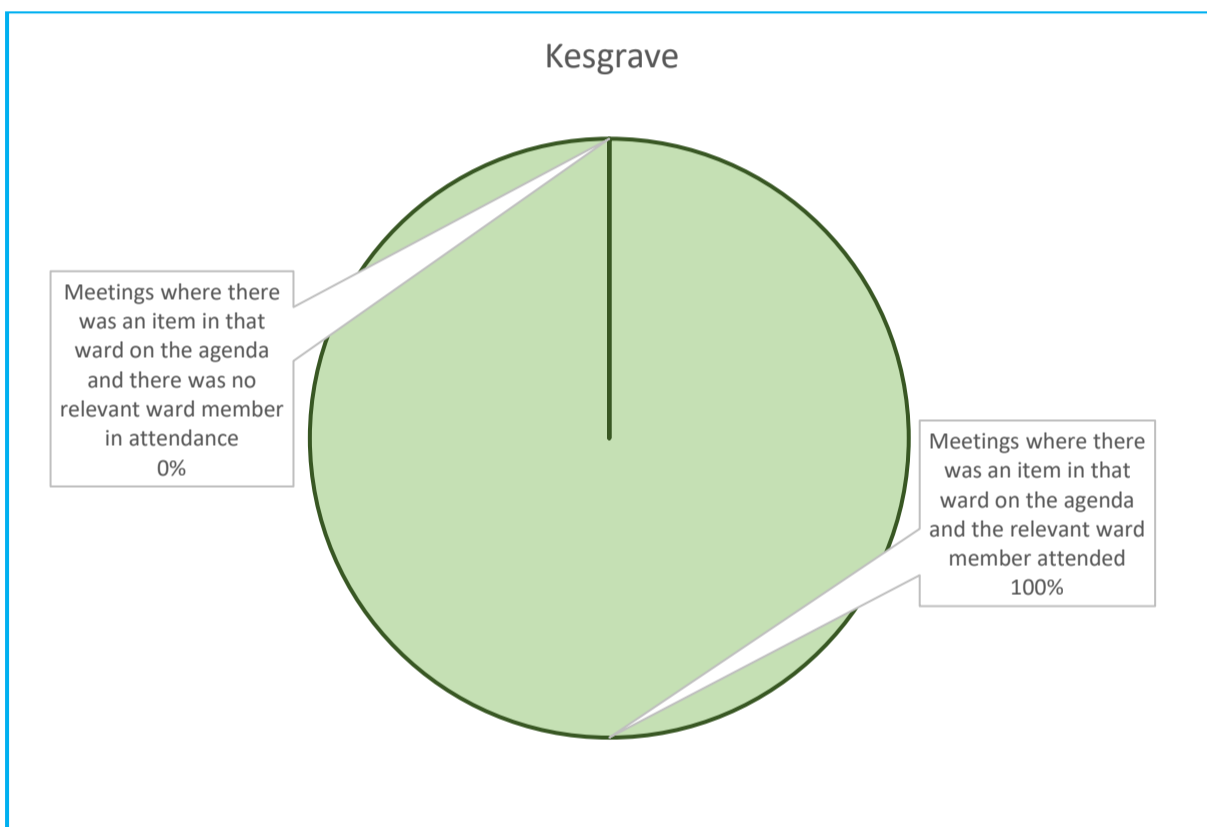
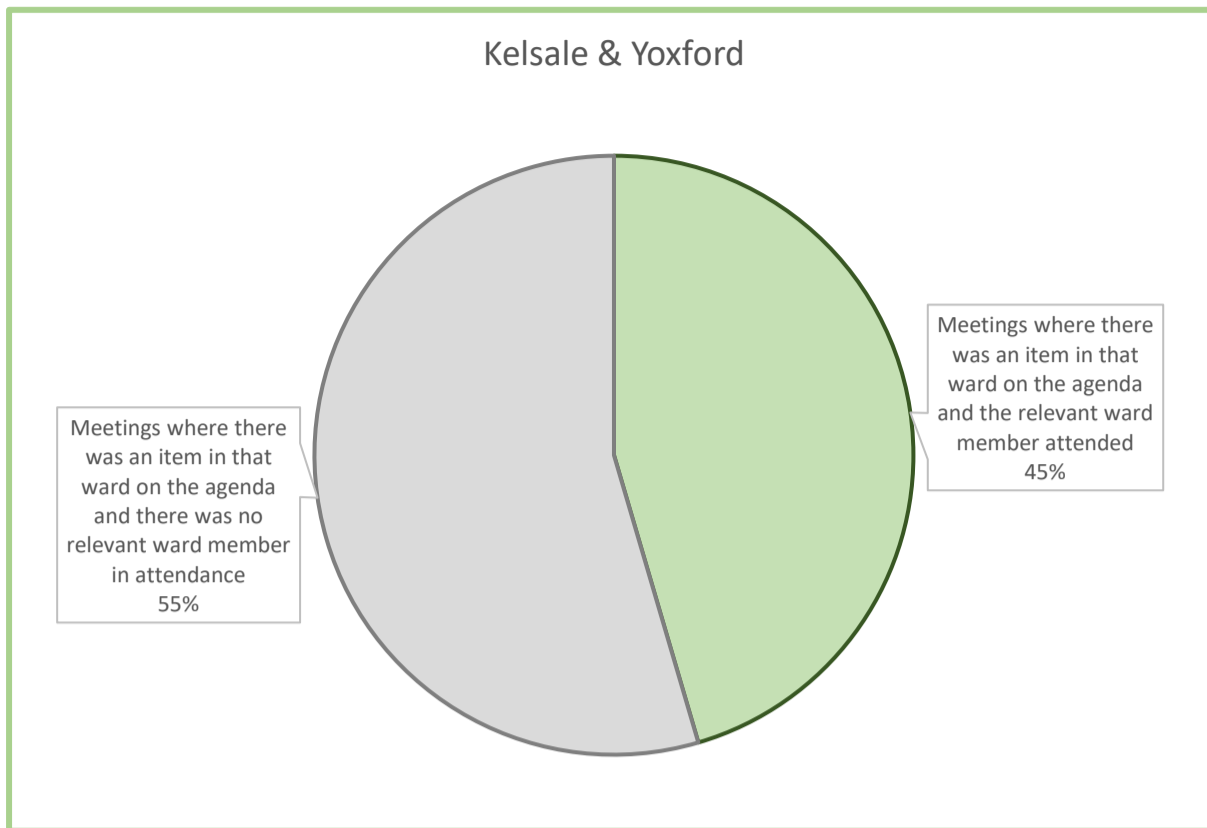
Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023



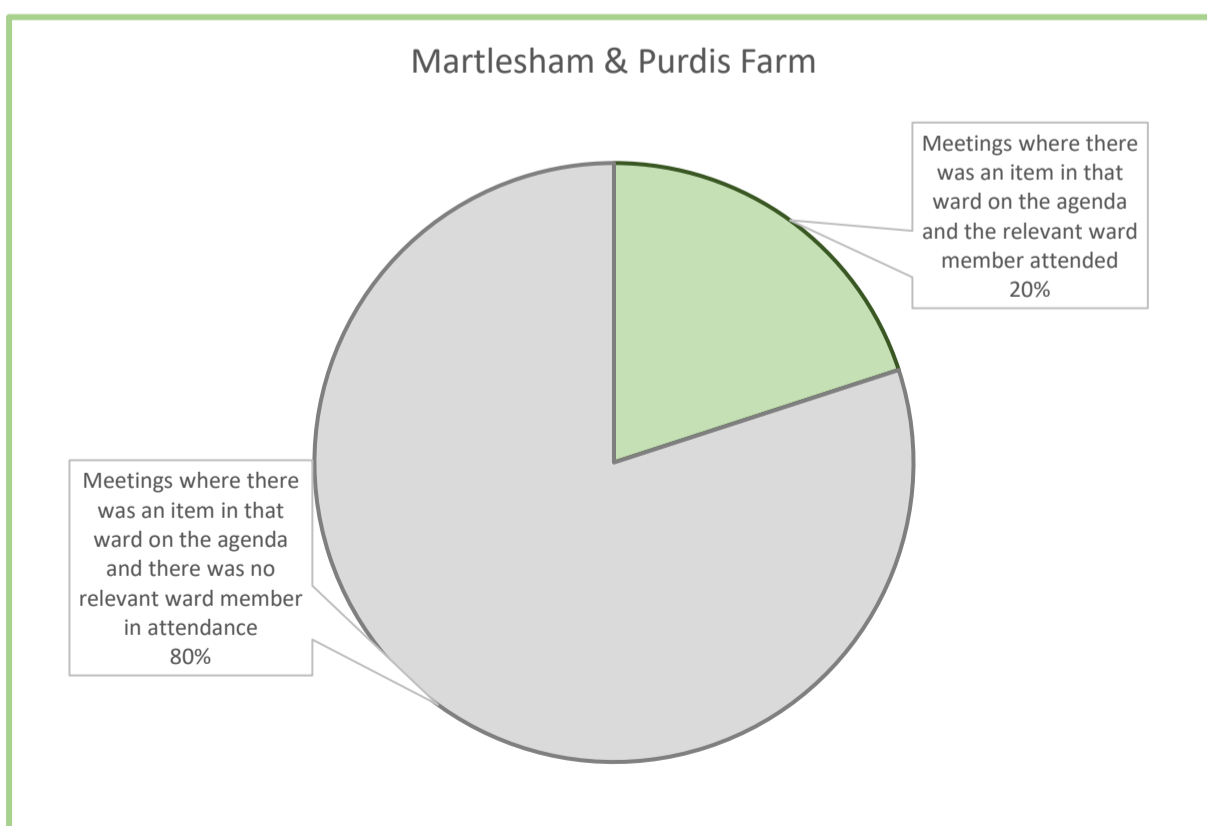
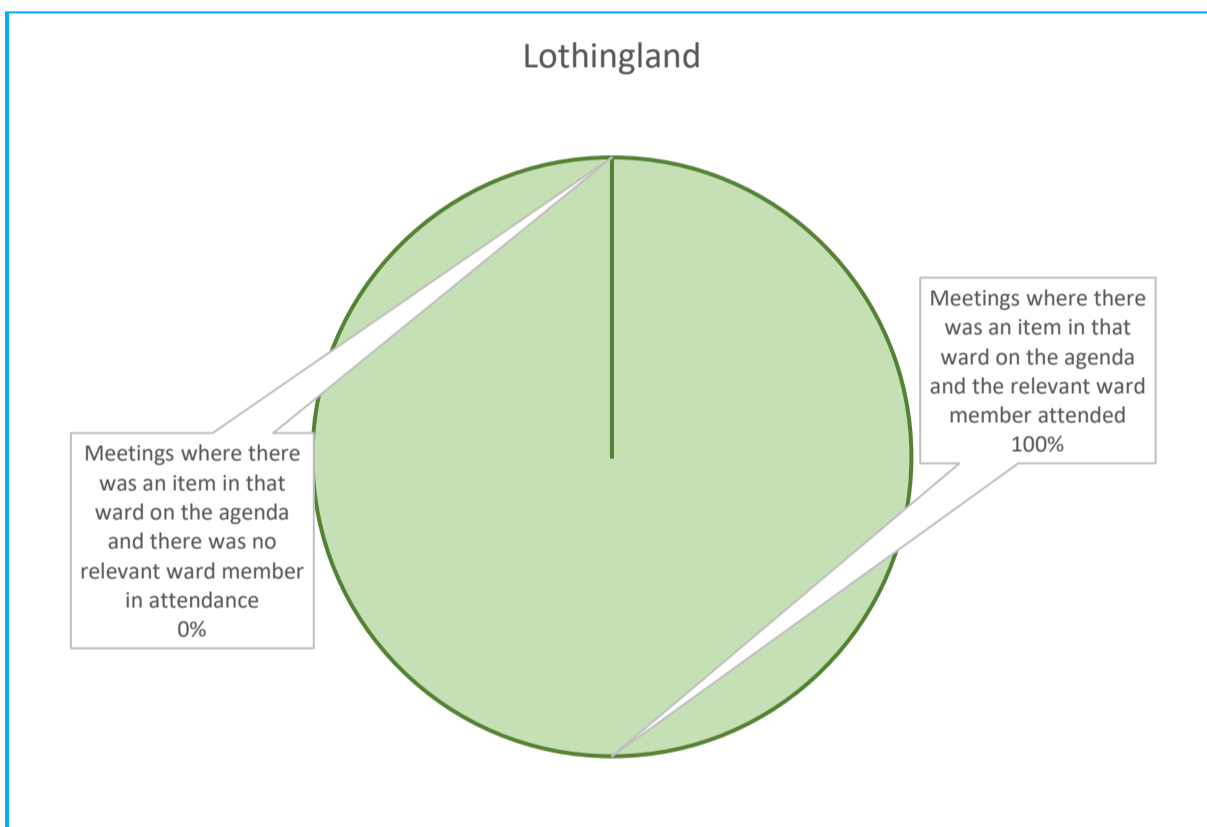
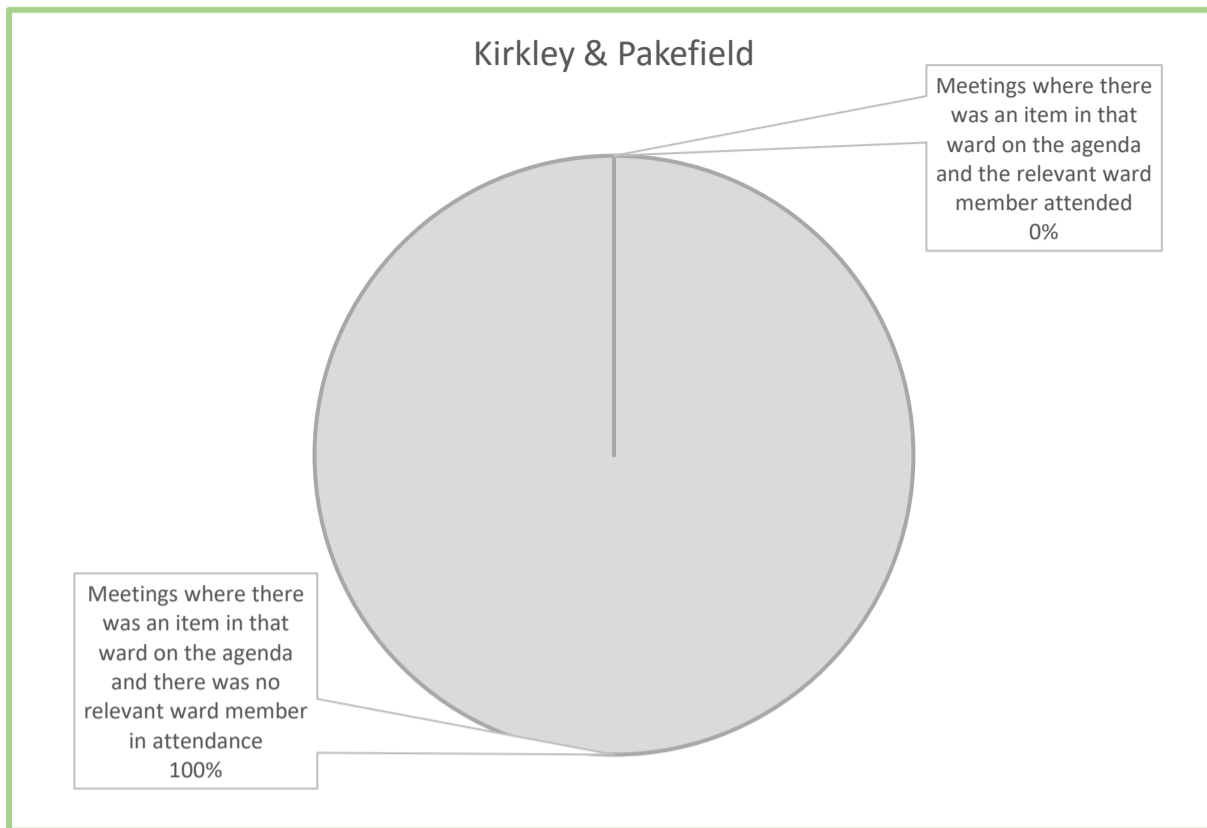
Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023



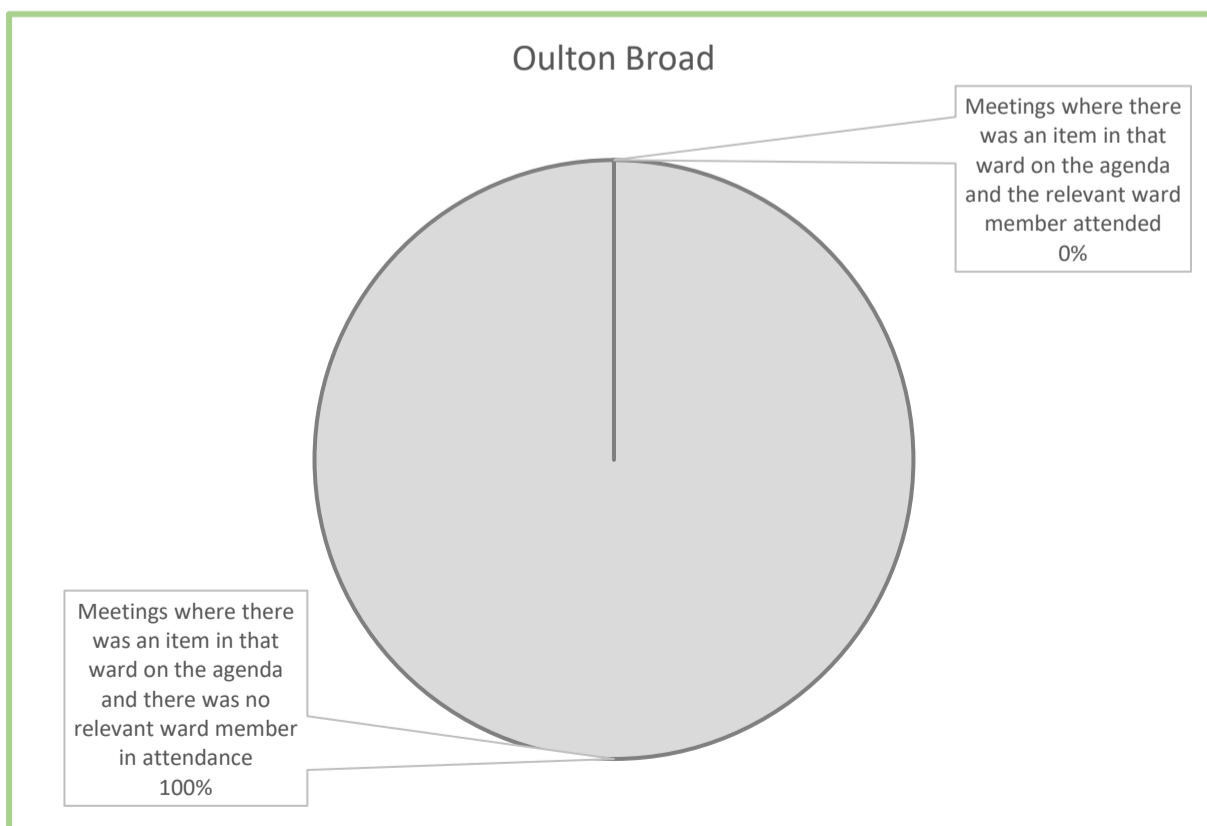
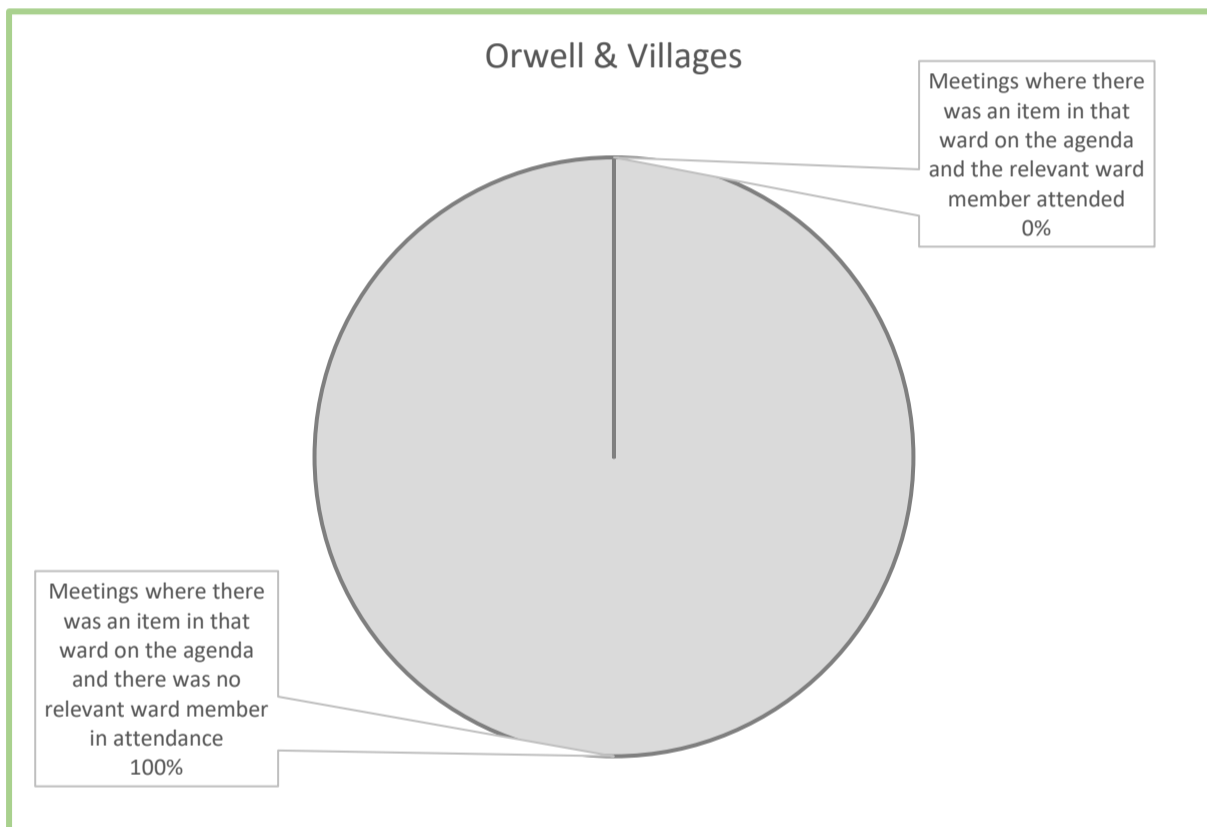
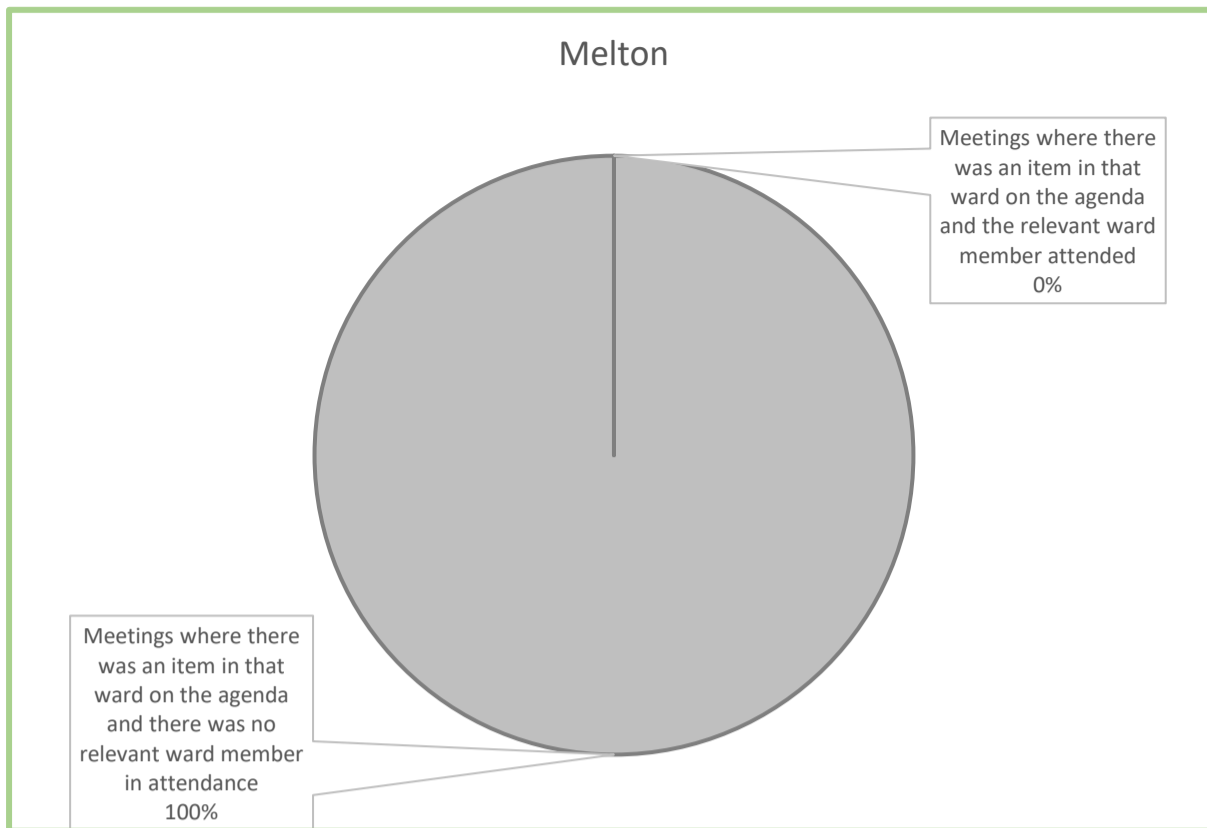
Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023



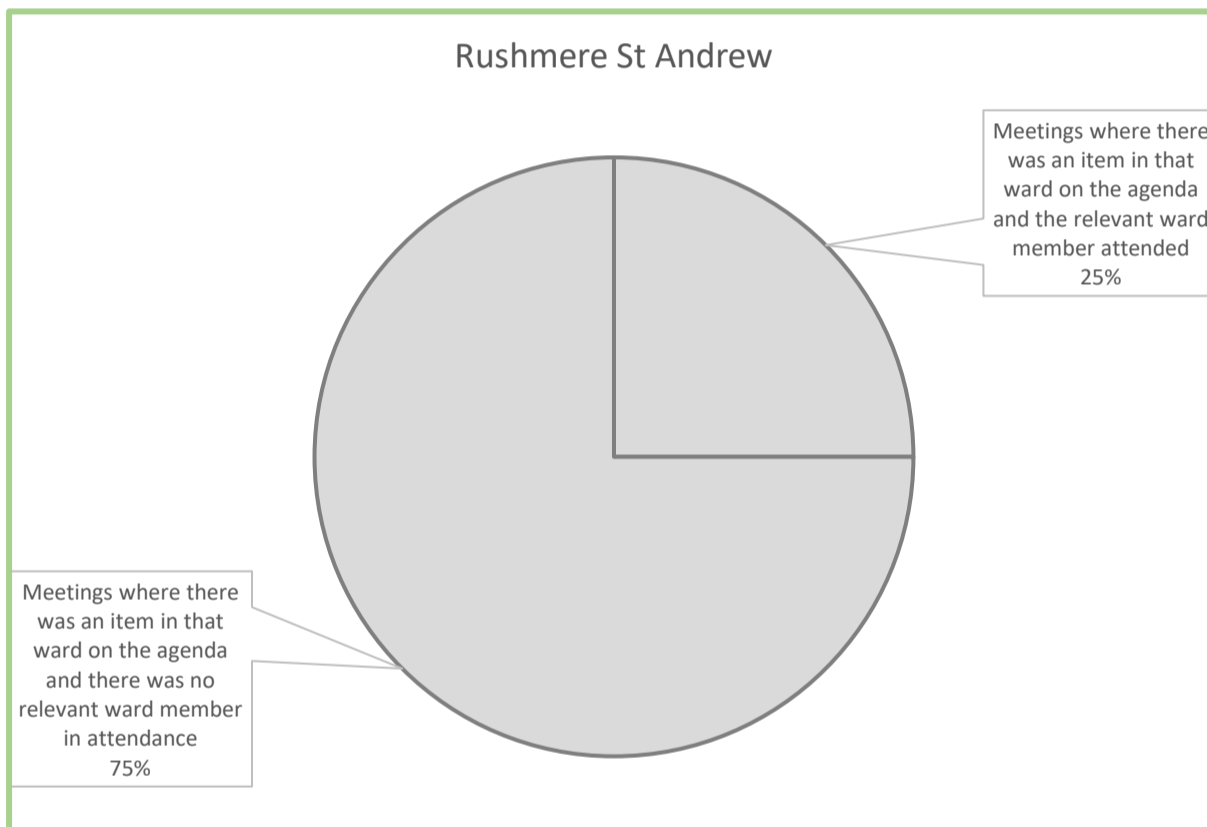
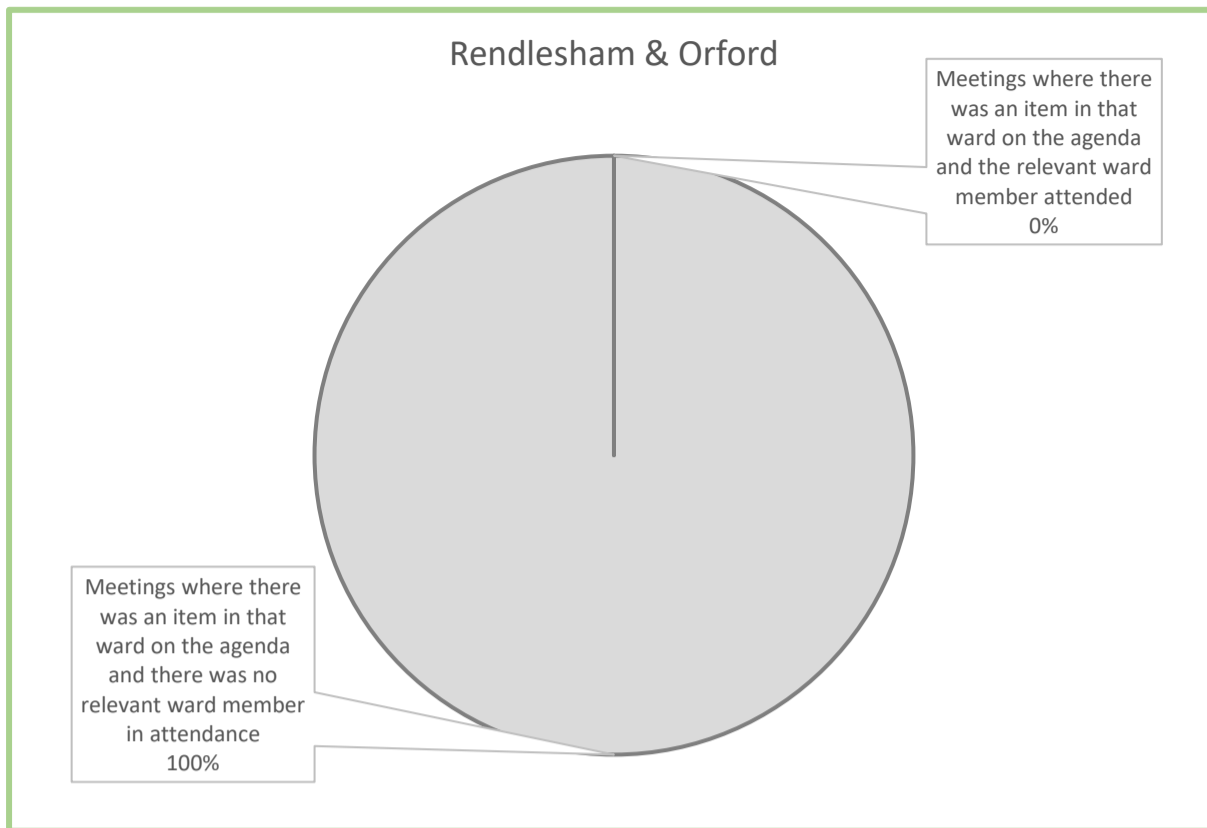
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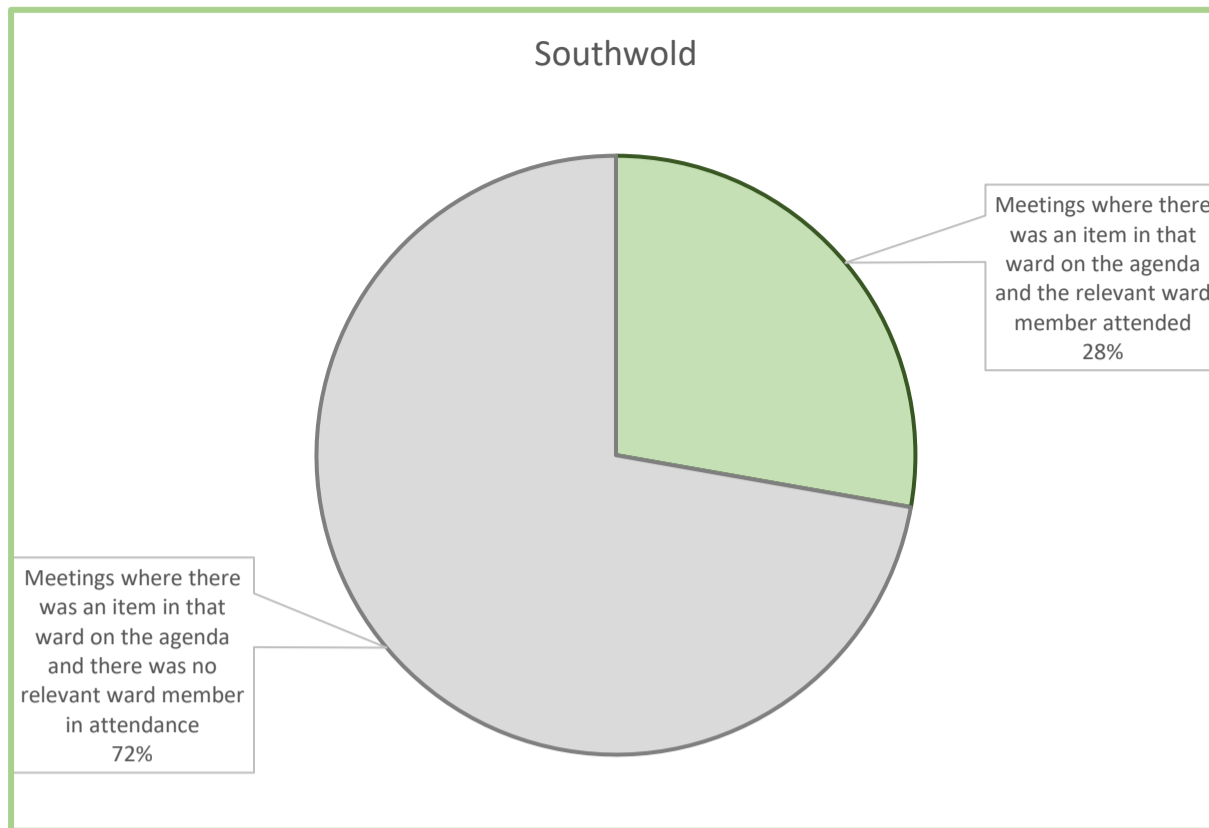


### Saxmundham

Not Applicable - no items in this ward



Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023

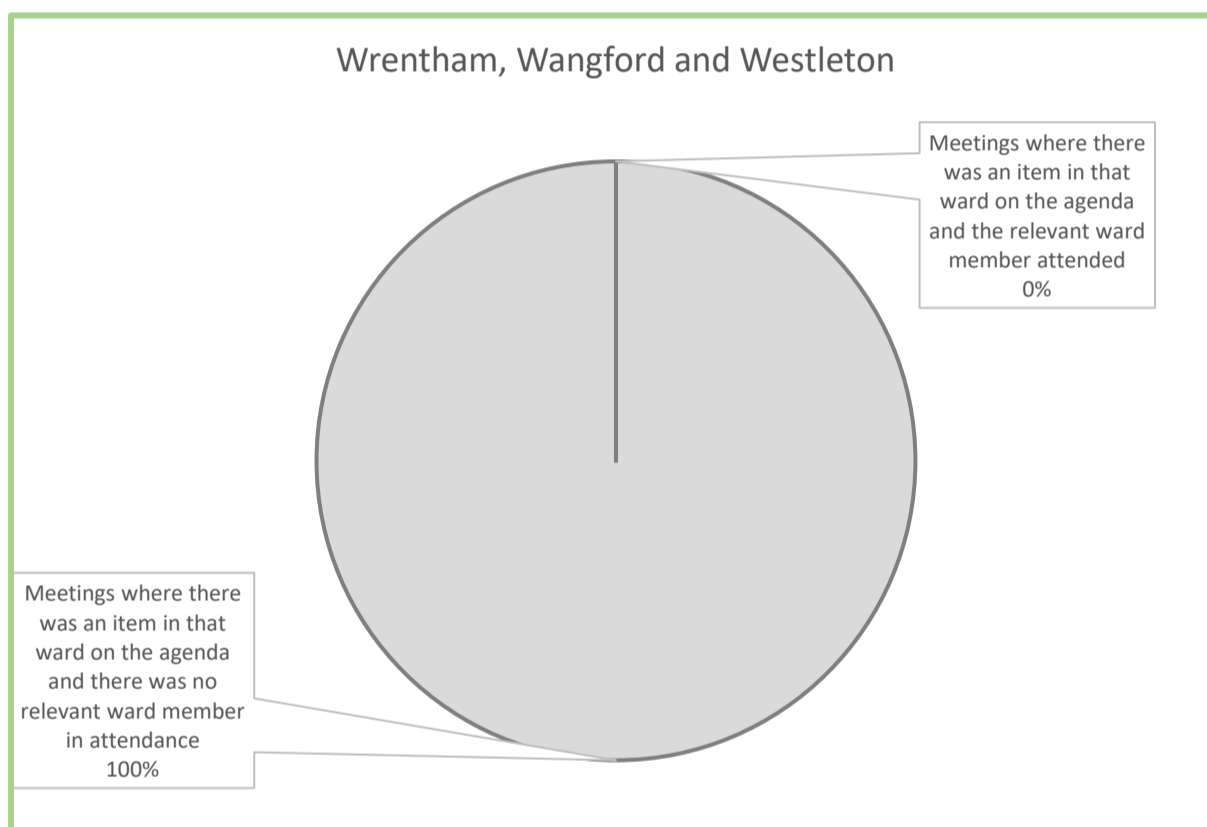
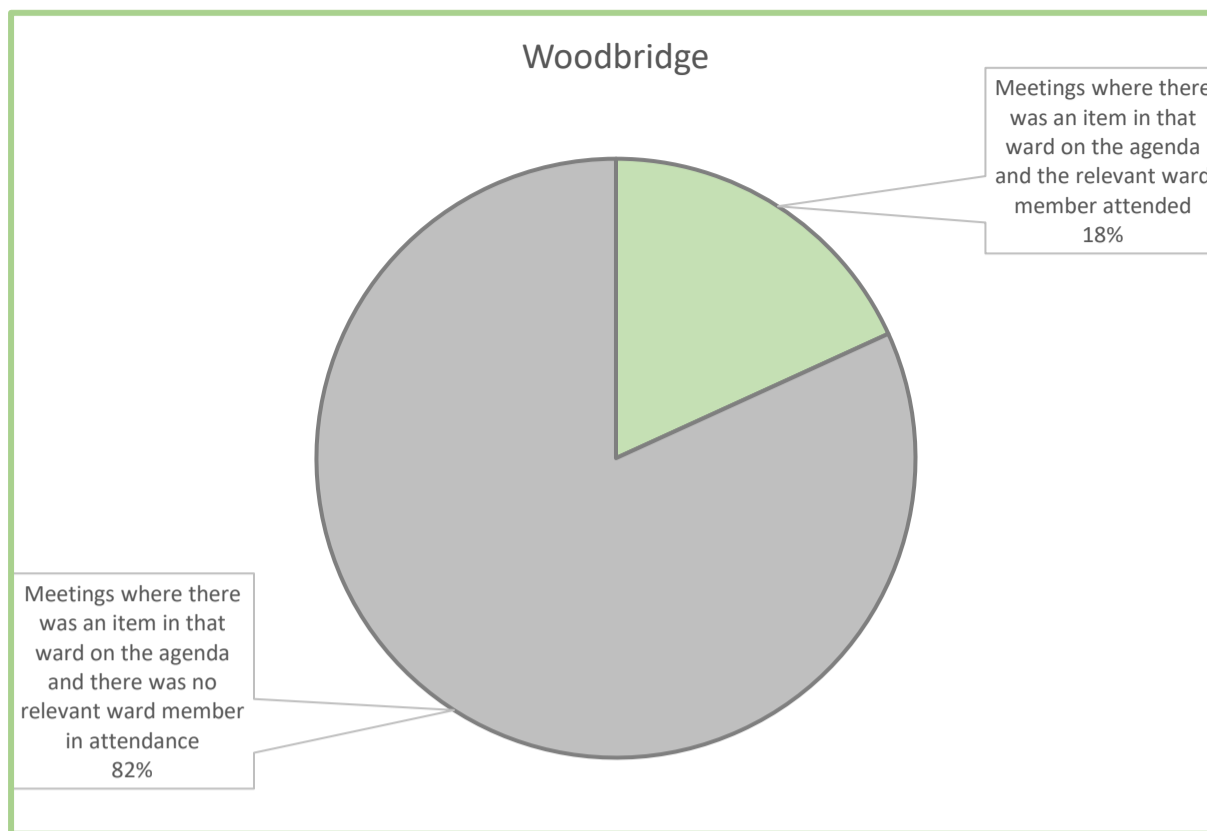


### Western Felixstowe

Not Applicable - no items in this ward



Appendix P: Attendance by Relevant Ward Member(s) at Planning Referral Panel Meetings between 1 April 2022 and 31 March 2023



**Appendix Q: The Planning Committee Protocol as set out in the East Suffolk Council Constitution**

## Appendix Q: The Planning Committee Protocol as set out in the East Suffolk Council Constitution

**Figure 1:** Overview of Committee Procedures as published in the East Suffolk Council Constitution ([East-Suffolk-Council-Constitution.pdf](#) ([eastsuffolk.gov.uk](#)))

### **6 COMMITTEE PROCEDURES**

- 6.1 The Planning Committee papers will be available, in accordance with the Access to Information Act provisions, at least five clear working days prior to the meeting.
- 6.2 All applications presented to the Planning Committee for determination will have a full written report from Officers, including the substance of objections, and the views of those who have been consulted on the proposal, a clear explanation of the relevant Development Plan policies or legislation, site related history, any other material planning considerations or relevant information, a reasoned consideration of the proposal and a clear recommendation.
- 6.3 Any material information which is received after the written report has been prepared but more than 24 hours before the start of the Planning Committee meeting will be presented orally by Officers. Information received within 24 hours of the start of the meeting will only be presented where it is brief and can be readily conveyed to the Committee.
- 6.4 The Head of Planning and Coastal Management will have the discretion to withdraw any item from the agenda of the Planning Committee subsequent to the preparation of the report, but prior to a discussion by the Planning Committee if the circumstance of the application has changed within that period.
- 6.5 Where an application is determined in accordance with an Officers' report the decision will be as set out in that report subject to any amendments which Officers or Members may put forward at the meeting.
- 6.6 Where the Planning Committee disagrees with the Officers' professional advice, the reasons for rejecting a report's recommendation will be clearly stated at the meeting and recorded in the minutes. Members need to be sure that when they do not follow Officers' professional advice, their decisions are based on sound planning reasons. Members shall be aware that they may be required themselves to justify their decision at appeal.
- 6.7 The Council considers that there are benefits in allowing public speaking at Planning Committee meetings. A summary of the adopted practice is set out in Appendix C.
- 6.8 Where a planning obligation is required in respect of a development proposal, the Officers' report to the Planning Committee will set out the reasons for this and

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Part 4 – Codes and Protocols

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### East Suffolk Council Constitution

indicate any principal terms that the obligation might contain. If the Planning Committee requires additional or amended obligations they shall be clearly specified by the Planning Committee and in all cases the detail will also be recorded in the minutes of the meeting.

- 6.9 A register is kept of planning obligations entered into and an annual report will be made to the Strategic Planning Committee summarising progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.

## Appendix Q: The Planning Committee Protocol as set out in the East Suffolk Council Constitution

**Figure 2:** Public Speaking Procedures for Planning Committee Meetings as published in the East Suffolk Council Constitution ([East-Suffolk-Council-Constitution.pdf \(east Suffolk Council\)](#) )

**APPENDIX C**

**PUBLIC SPEAKING PROCEDURES FOR PLANNING COMMITTEE MEETINGS**

Subject to the procedure detailed below, there is a right to speak for, or against, any applications for rights of way, planning permission or similar applications (e.g. Listed Building). There is no right to speak on enforcement issues, which appear on the agenda of the Planning Committee.

**PROCEDURE WHEN AN ITEM IS SCHEDULED TO BE REPORTED TO A PLANNING COMMITTEE**

Progress on applications can be monitored online by visiting the Council's website – [www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk). This will indicate if the application is going to be considered by the Planning Committee and, if so, when. The following would normally be permitted to speak:

- representative of Town / Parish Council or Parish Meeting;
- applicant or representative;
- objector;
- relevant ward Members

The intention is that only one person would speak from each of the above parties.

**PROCEDURES AT PLANNING COMMITTEE MEETINGS**

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting. A link to the online form will be included on each published agenda. [Online registration form to speak at Planning Committees.](#)

**ORDER OF SPEAKING**

The order of debate will be as follows:

1. Introduction by Planning Officer or relevant Officer for rights of way applications;
2. Representations by objector (objecting to the recommendation);
3. Representations by relevant town or parish council (in exceptional circumstances the Chairman may allow more than one parish council to send a representative by prior agreement where a development proposal is of such magnitude that it affects several parishes);
4. Representations by applicant or representative;
5. Ward Member(s)
6. Planning Committee general debate.

**DURATION OF SPEAKING**

Speakers, other than Ward Members, will be given a maximum of three minutes to speak in presentation, with the Chairman having absolute discretion as to how many and in what form questions are allowed over and above the three-minute presentation. No speaker will be given a second opportunity to speak to ensure equality of representation. All questions should be based upon matters of fact only and channelled exclusively through the Chair. There will be no general debate, including those engaged in public speaking, given that the

## Appendix Q: The Planning Committee Protocol as set out in the East Suffolk Council Constitution

### East Suffolk Council Constitution

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purpose of allowing public speaking is to make appropriate representations and to tease out matters of fact.

#### **ILLUSTRATIVE MATERIAL**

If a speaker wishes to refer to illustrative material, which they wish to be displayed at the meeting, then this must be provided to the Officers 24 hours in advance of the meeting so that appropriate arrangements can be made for its display.

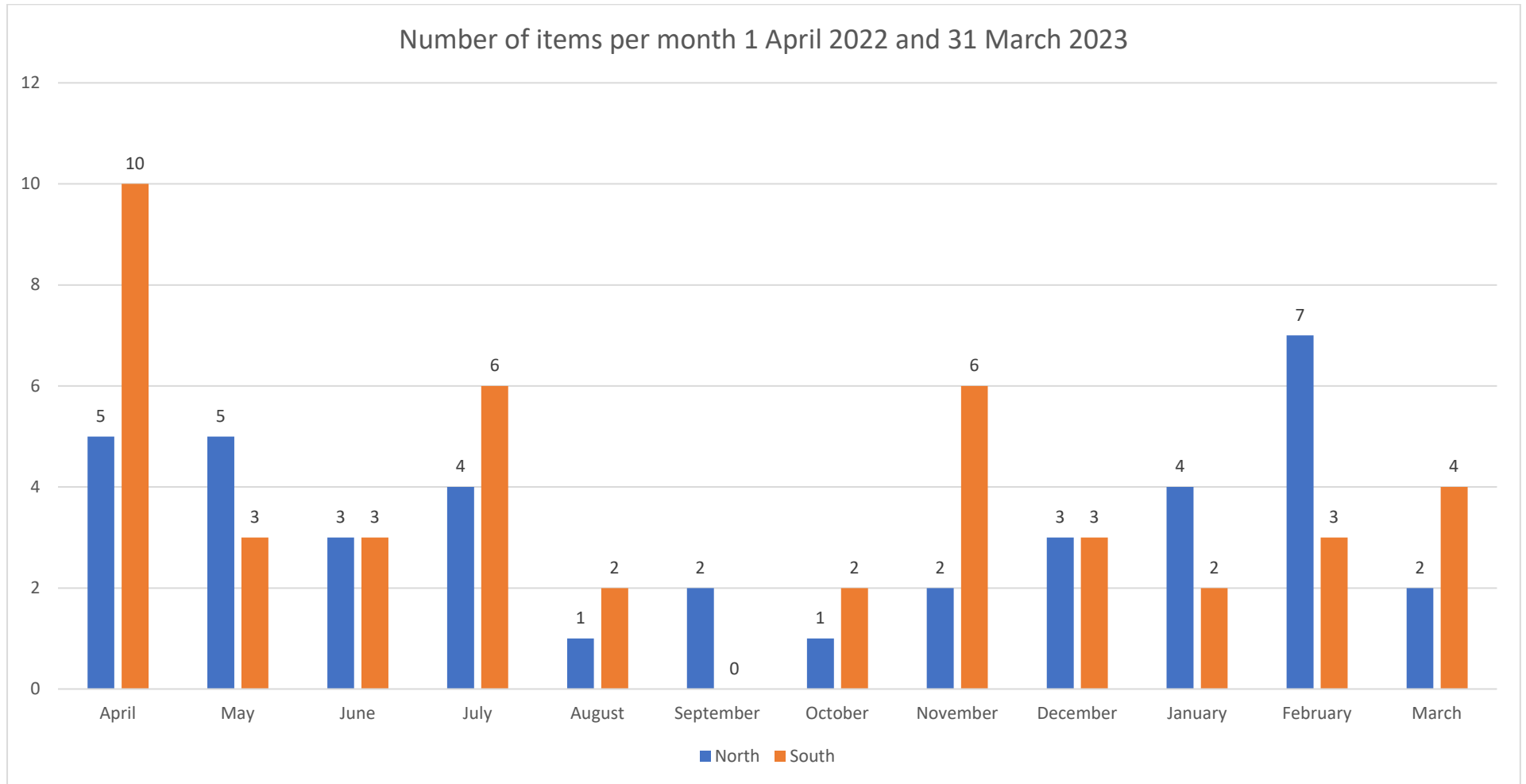
If the application is deferred until the next meeting for further information, negotiations or a site visit, either before or after public speaking, speakers will have the opportunity to present their views again.

There will be an Officer present at all meetings to ensure that procedures are properly followed.

**Appendix R: The number and scale of Planning Applications at Planning Committee between 1 April 2022 and 31 March 2023:**

**Appendix R: The number and scale of Planning Applications at Planning Committee between 1 April 2022 and 31 March 2023:**

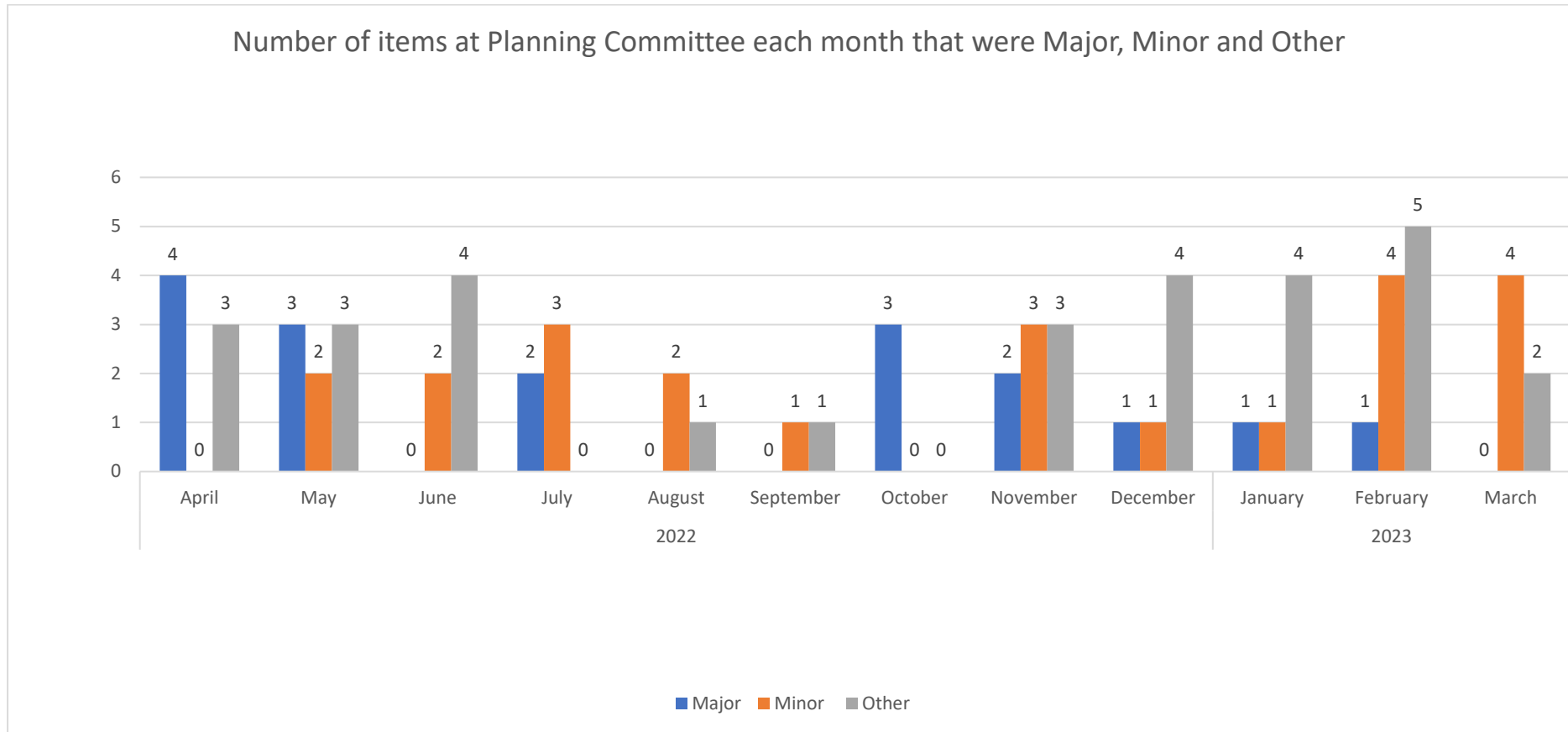
**Figure 1:** The number of items at Planning Committee each Month between 1 April 2022 and 31 March 2023





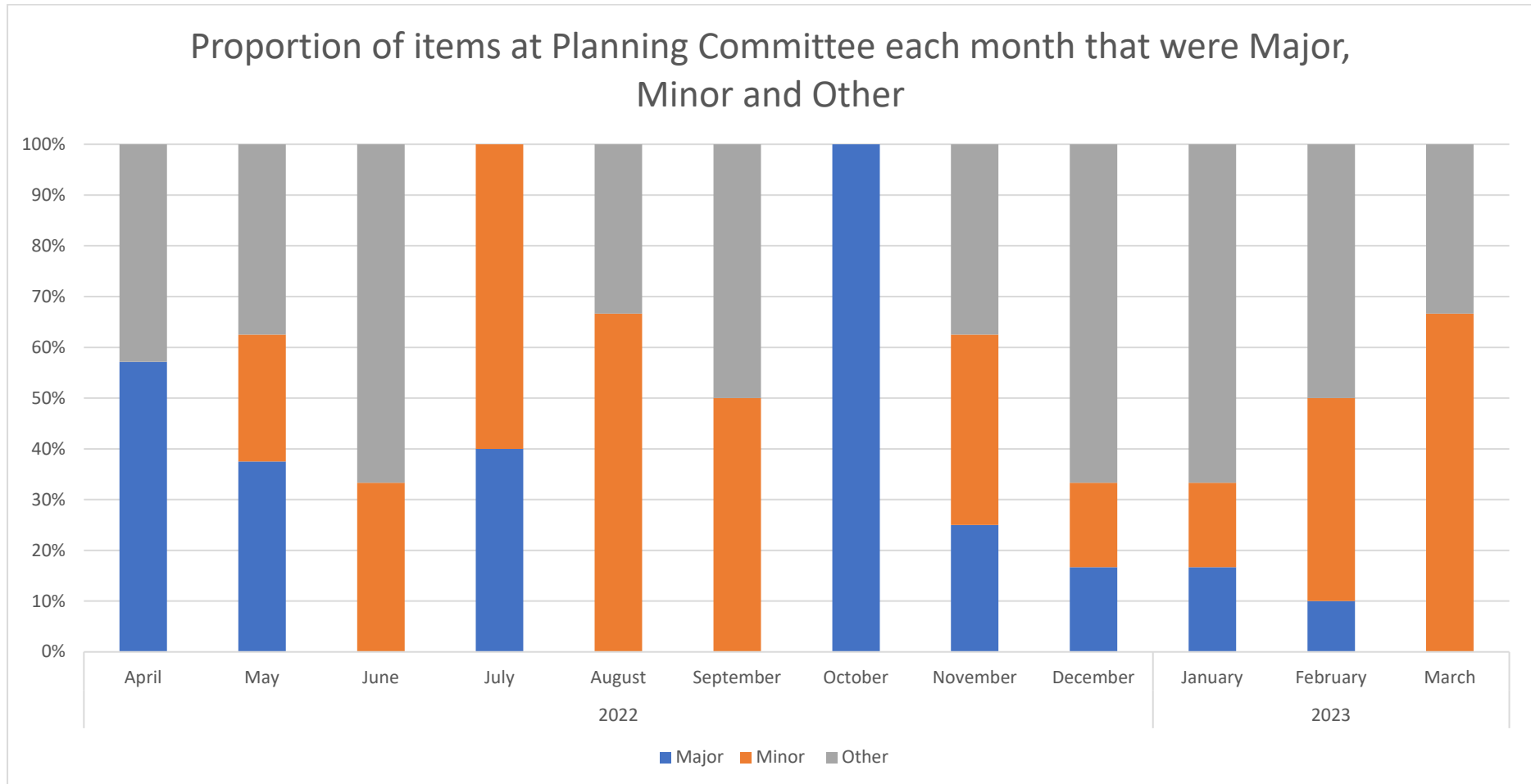
**Appendix R: The number and scale of Planning Applications at Planning Committee between 1 April 2022 and 31 March 2023:**

**Figure 2: Number of items at Planning Committee each Month that were Major, Minor and Other, between 1 April 2022 and 31 March 2023**



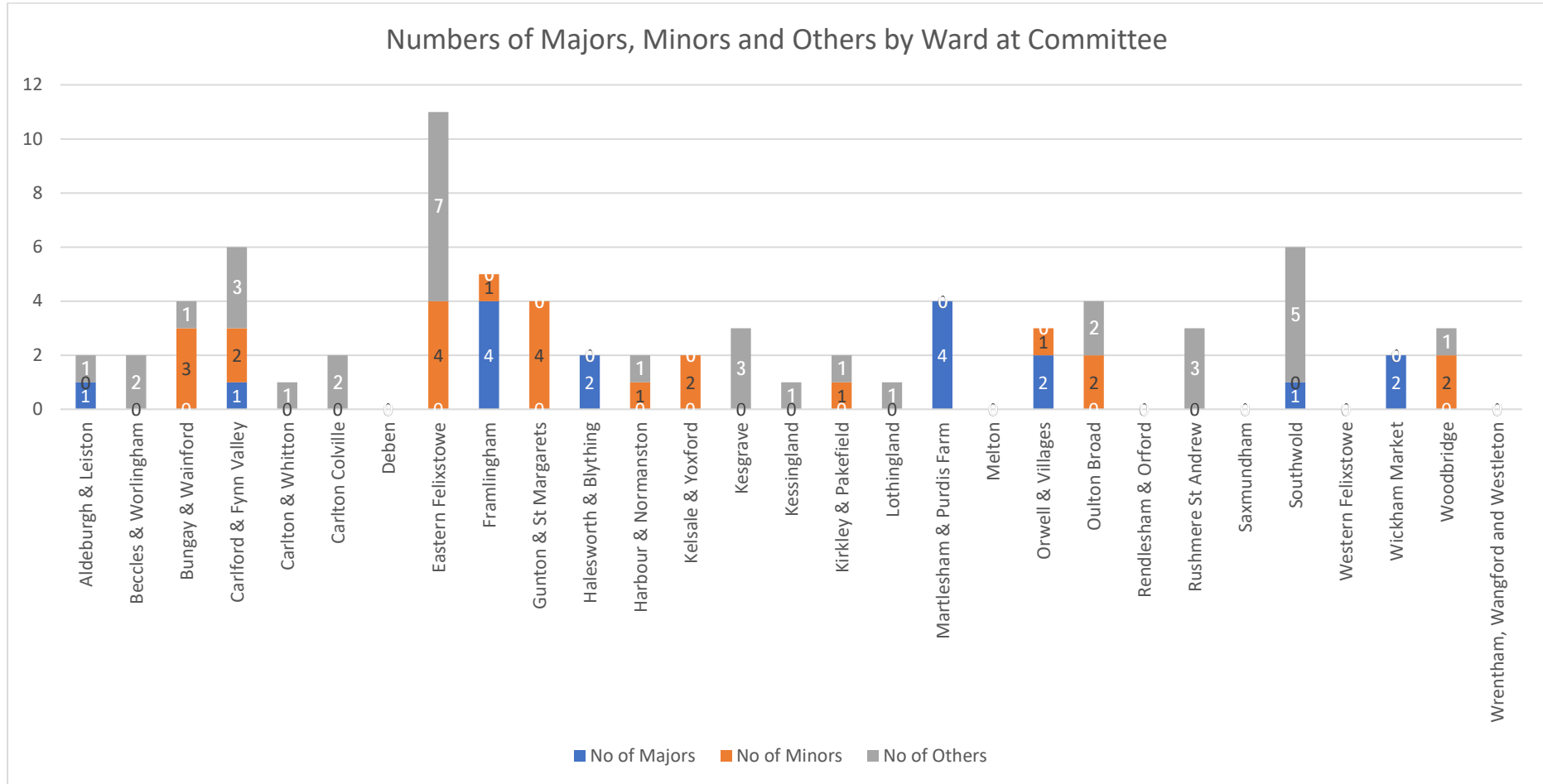
**Appendix R: The number and scale of Planning Applications at Planning Committee between 1 April 2022 and 31 March 2023:**

**Figure 3: Proportion of items at Planning Committee each Month that were Major, Minor and Other, between 1 April 2022 and 31 March 2023**



**Appendix R: The number and scale of Planning Applications at Planning Committee between 1 April 2022 and 31 March 2023:**

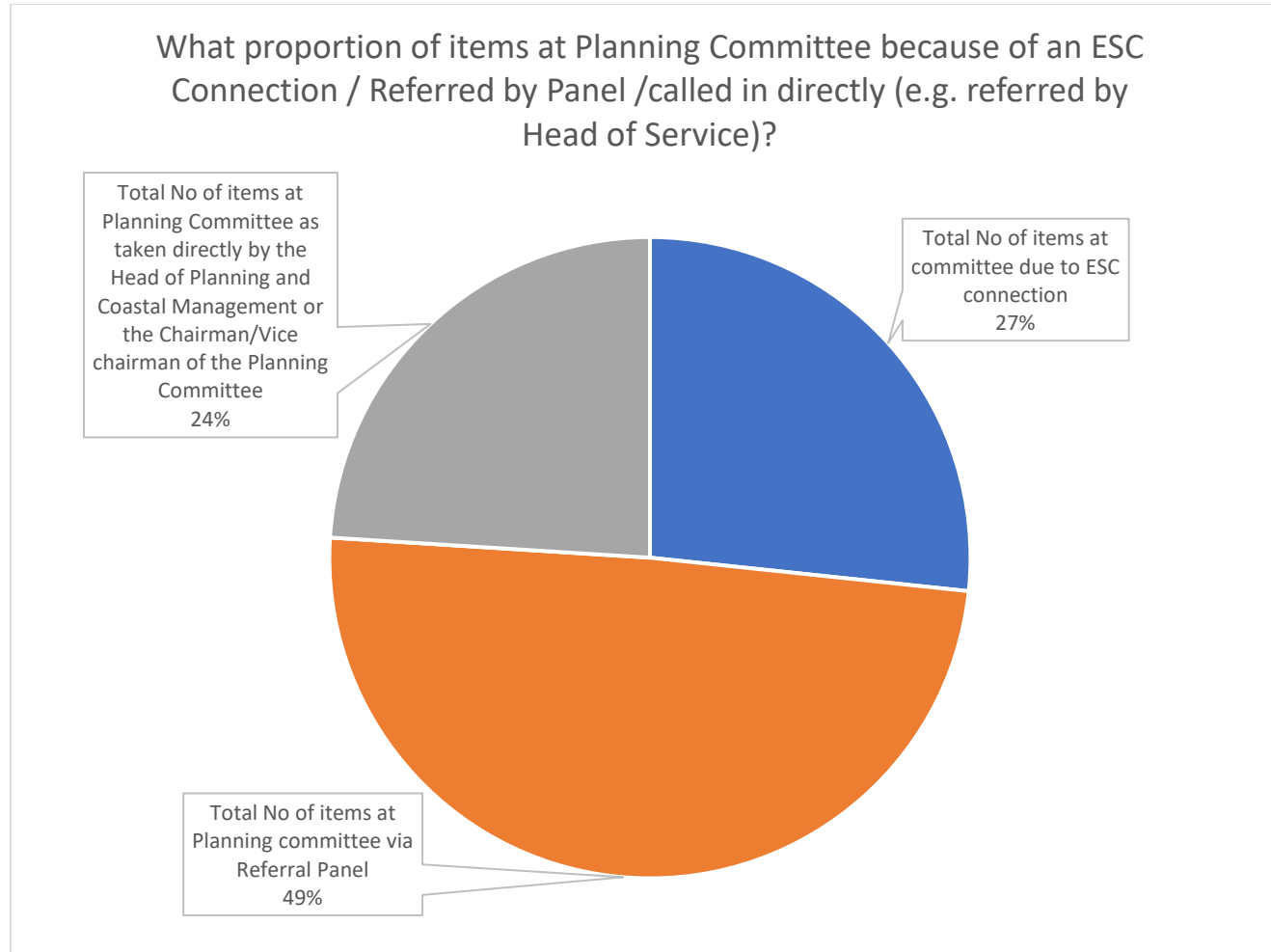
**Figure 4: Number of items at Planning Committee that were Major, Minor and Other, between 1 April 2022 and 31 March 2023, shown by Ward.**



**Appendix S: The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023**

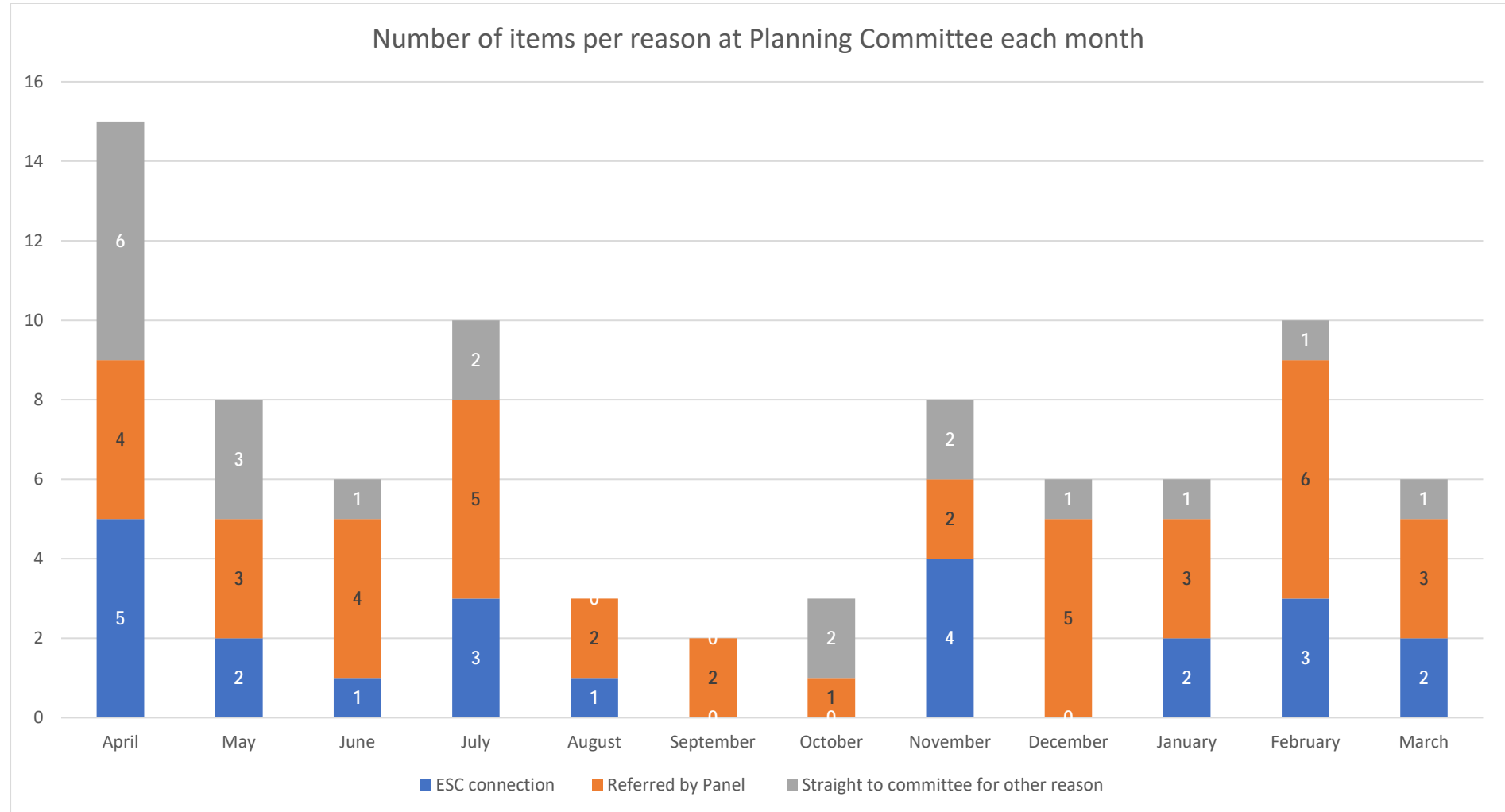
## Appendix S: The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023

**Figure 1:** Pie chart showing the proportion of items at Planning Committee because of an ESC connection, Referral by the Planning Referral Panel or called in by the Committee Chair/Vice Chair or Head of Service between 1 April 2022 and 31 March 2023



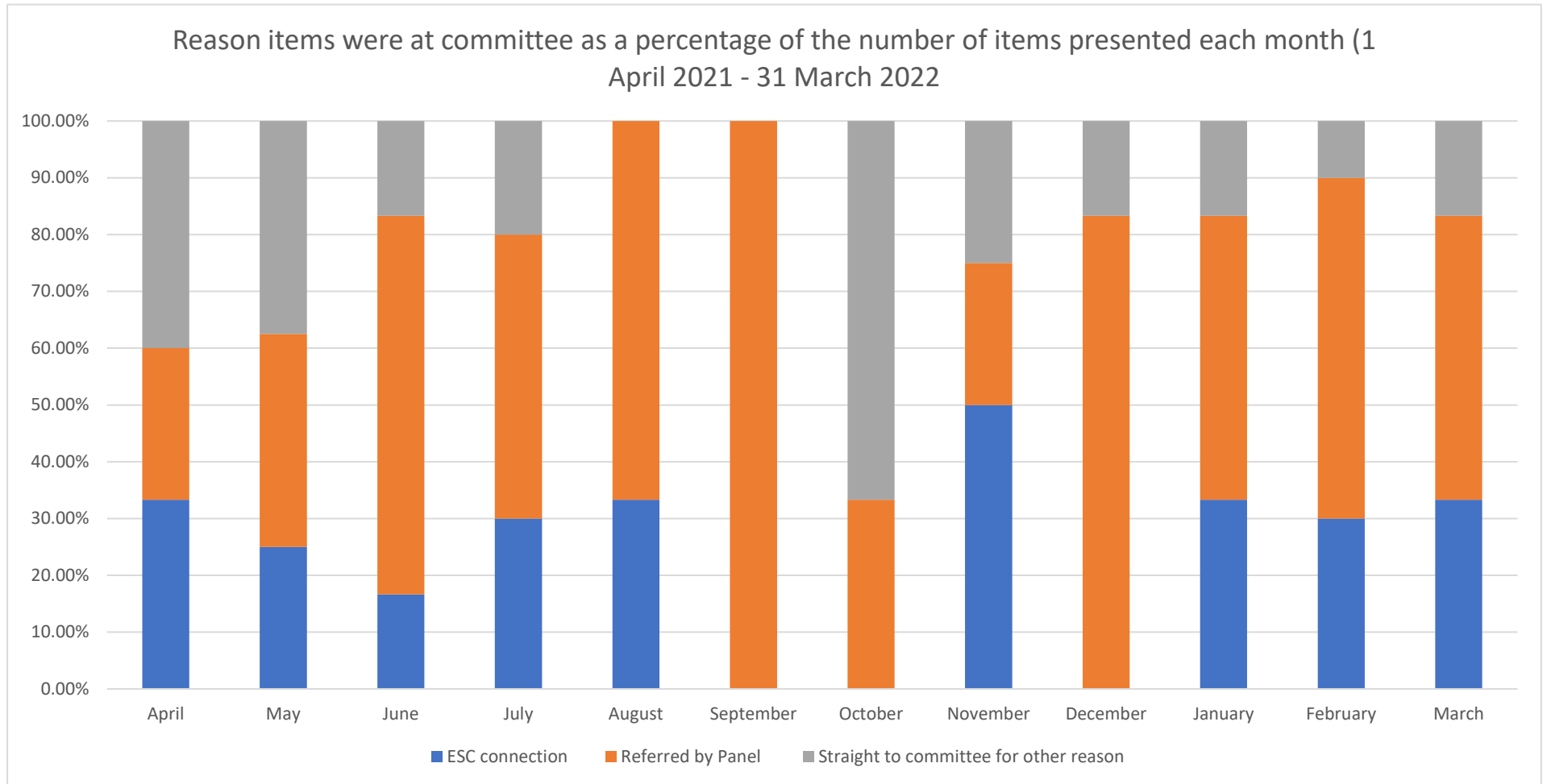
## Appendix S: The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023

**Figure 2:** The reasons items were at Planning Committee (i.e. because of an ESC connection, Referral by the Planning Referral Panel or called in by the Committee Chair/Vice Chair or Head of Service) each month between 1 April 2022 and 31 March 2023, shown by number of items.



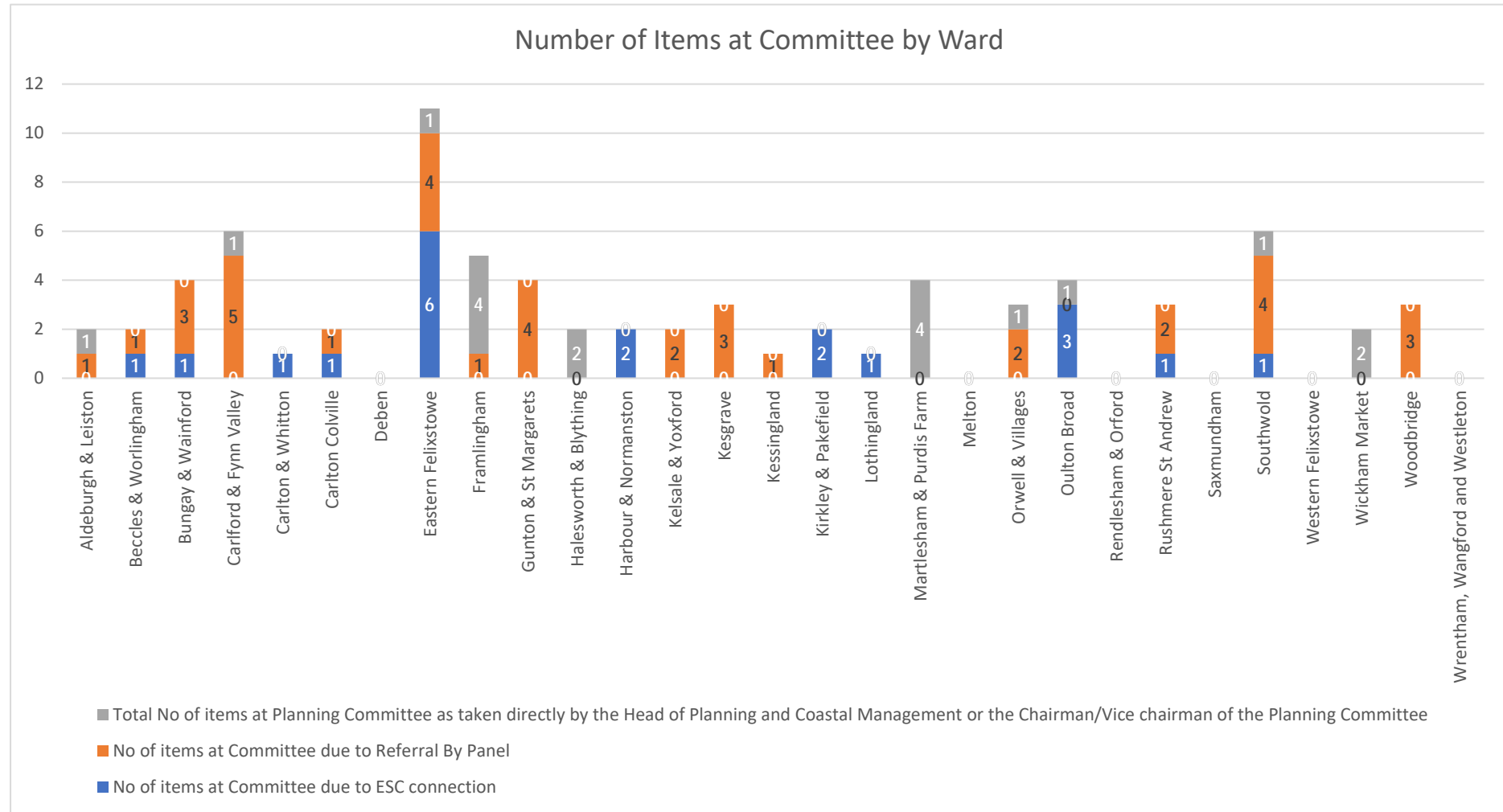
## Appendix S: The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023

**Figure 3:** The reasons items were at Planning Committee (i.e. because of an ESC connection, Referral by the Planning Referral Panel or called in by the Committee Chair/Vice Chair or Head of Service) each month between 1 April 2022 and 31 March 2023, shown as proportions.



## Appendix S: The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023

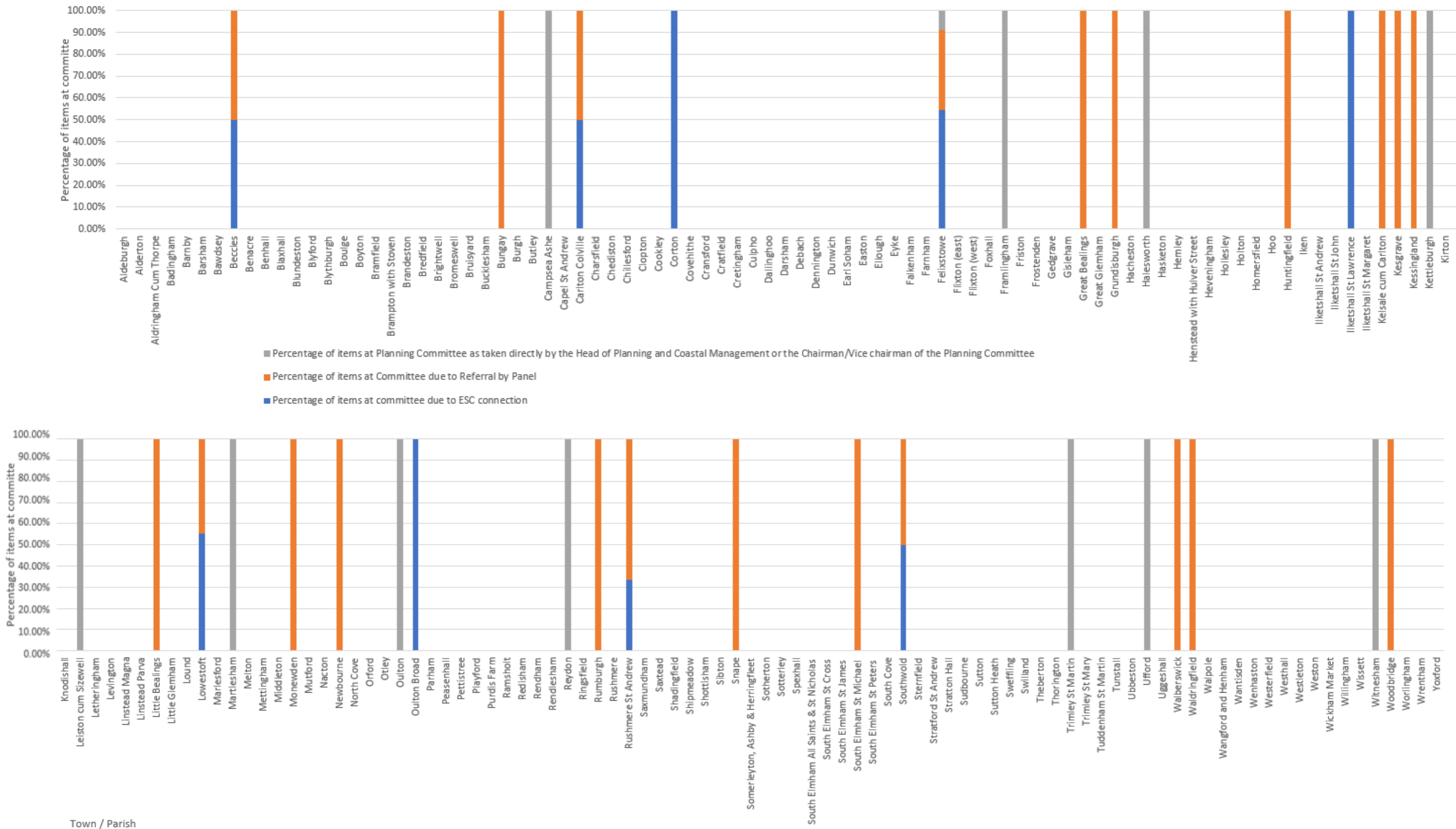
**Figure 4:** The number of items at Planning committee by Ward with the reasons they were at Planning Committee (i.e. because of an ESC connection, Referral by the Planning Referral Panel or called in by the Committee Chair/Vice Chair or Head of Service) between 1 April 2022 and 31 March 2023





Appendix S: The reasons items were at Planning Committee between 1 April 2022 and 31 March 2023

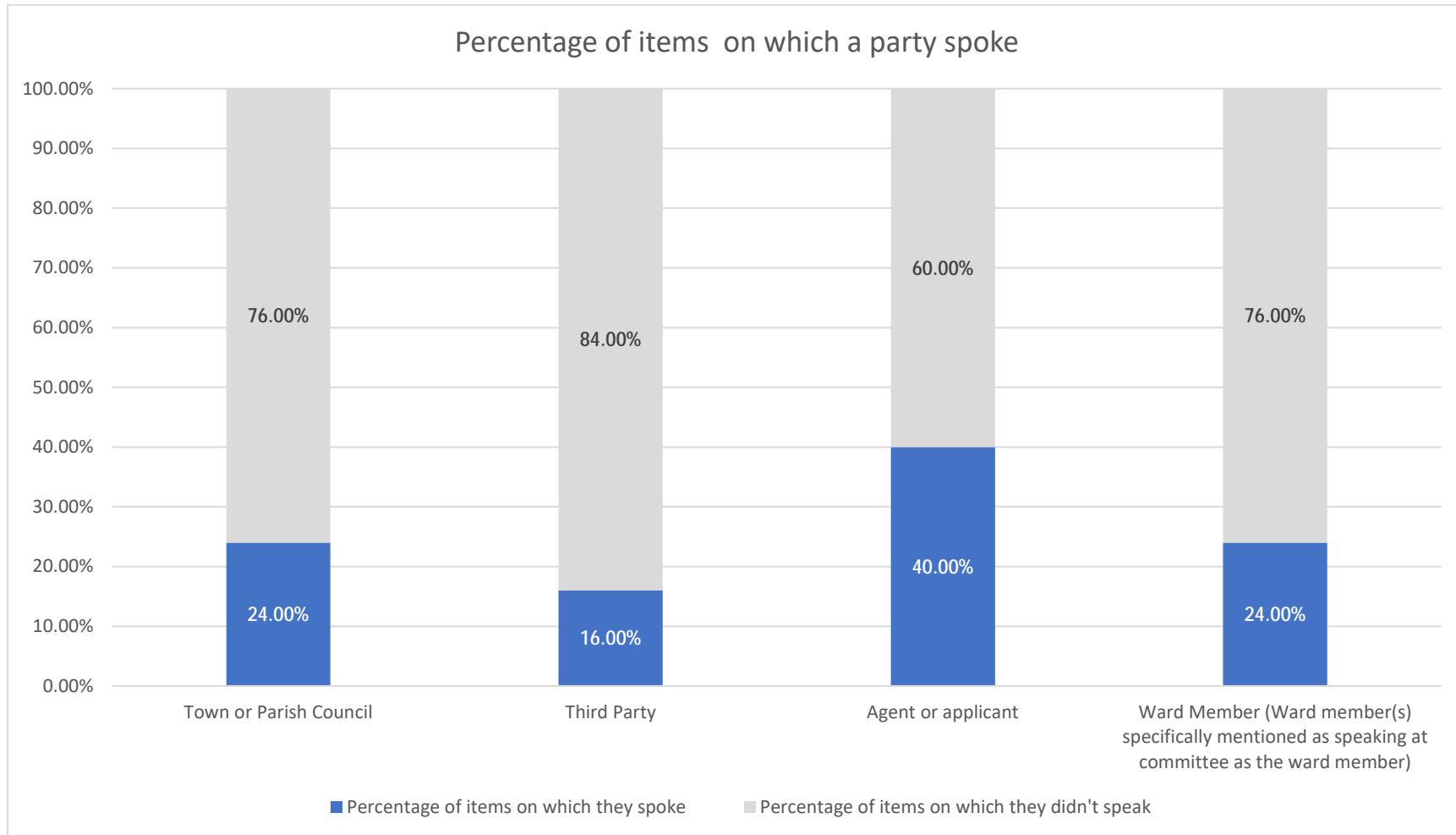
**Figure 5:** The proportion of items at Planning committee for each of the reasons they could be at Planning Committee (i.e. because of an ESC connection, Referral by the Planning Referral Panel or called in by the Committee Chair/Vice Chair or Head of Service) for the period between 1 April 2022 and 31 March 2023, shown by Town/Parish.



**Appendix T: Attendance / Public Speaking at Planning Committee**

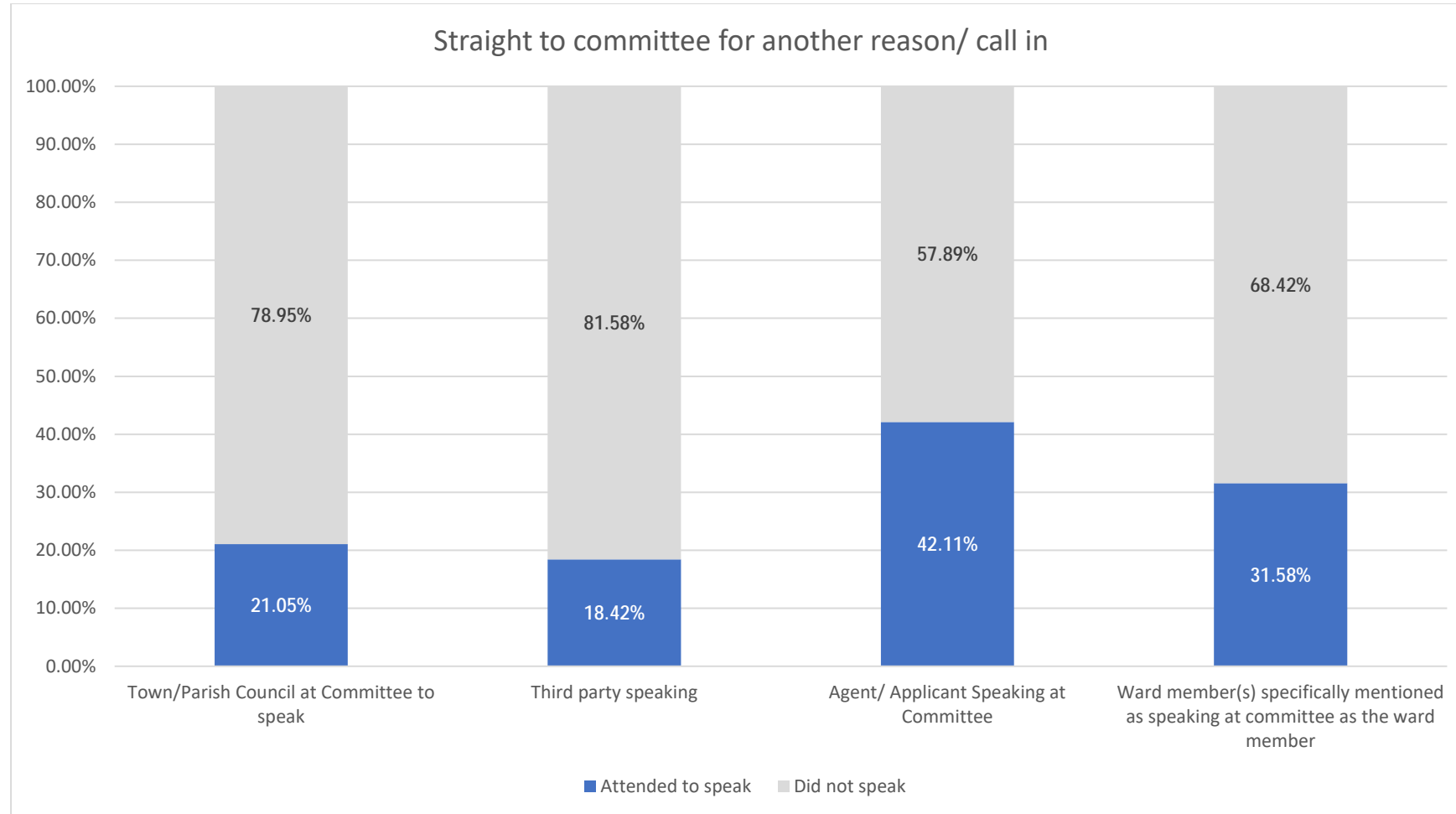
## Appendix T: Attendance / Public Speaking at Planning Committee

**Figure 1:** Percentage of Planning Committee items, on which a potential speaker spoke between 1 April 2022 and 31 March 2023



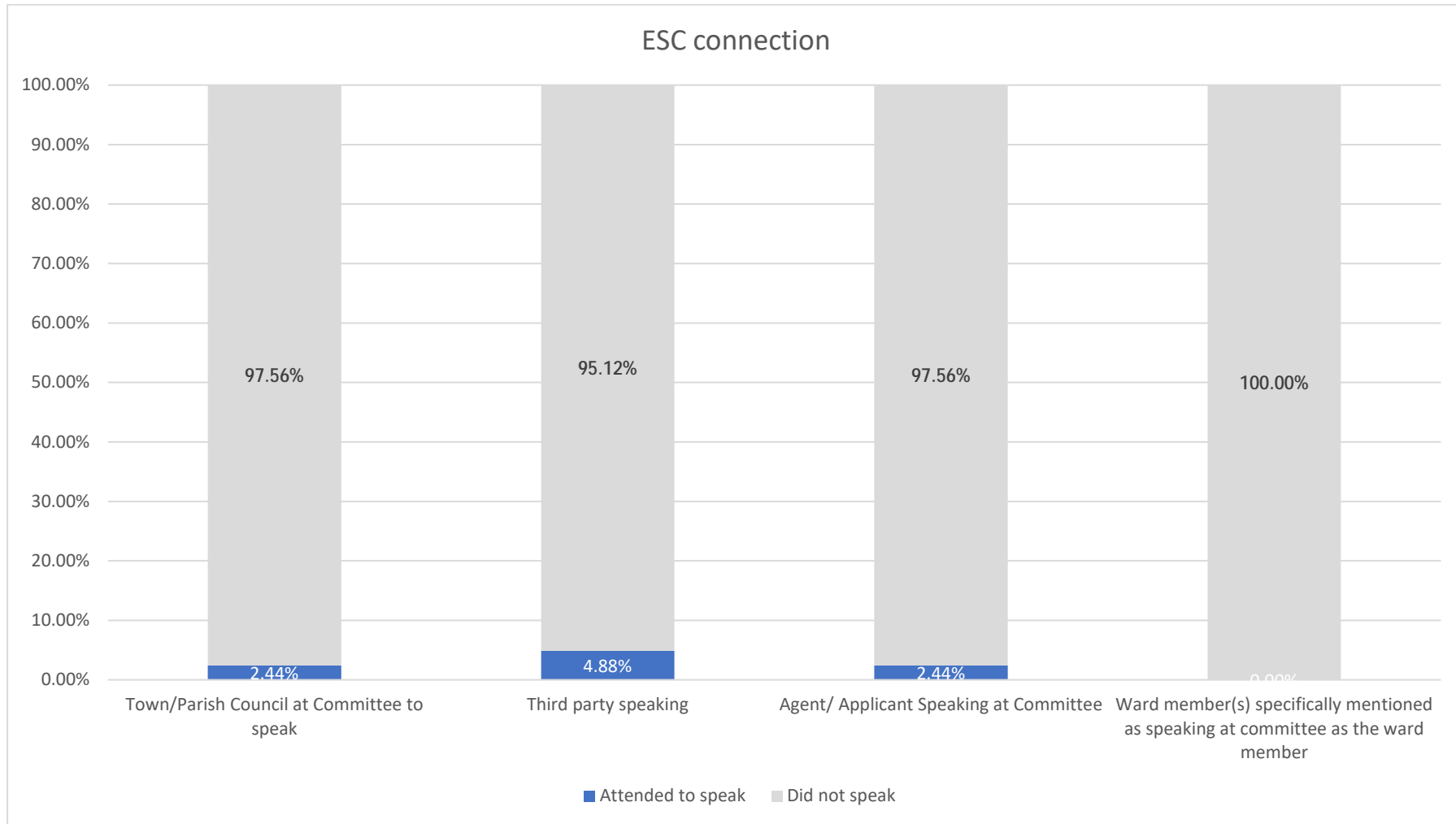
## Appendix T: Attendance / Public Speaking at Planning Committee

**Figure 2:** Percentage of Planning Committee items, on which a potential speaker spoke, that were at Planning Committee because they had been called straight to Planning Committee by the Chairs, Vice Chairs or the Head of Service between 1 April 2022 and 31 March 2023



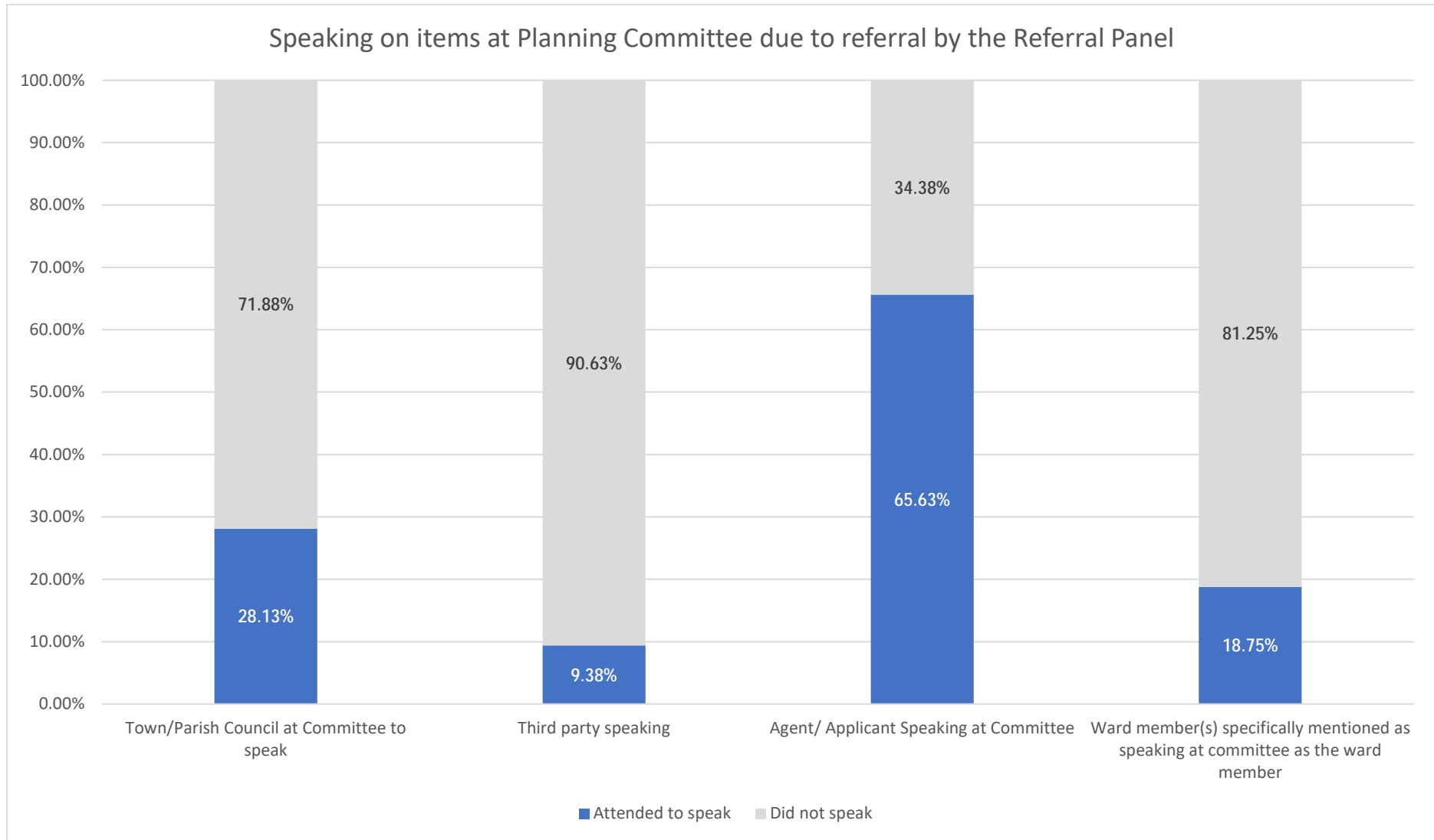
## Appendix T: Attendance / Public Speaking at Planning Committee

**Figure 3:** Percentage of Planning Committee items, on which a potential speaker spoke, that were at Planning Committee because of an ESC connection between 1 April 2022 and 31 March 2023



## Appendix T: Attendance / Public Speaking at Planning Committee

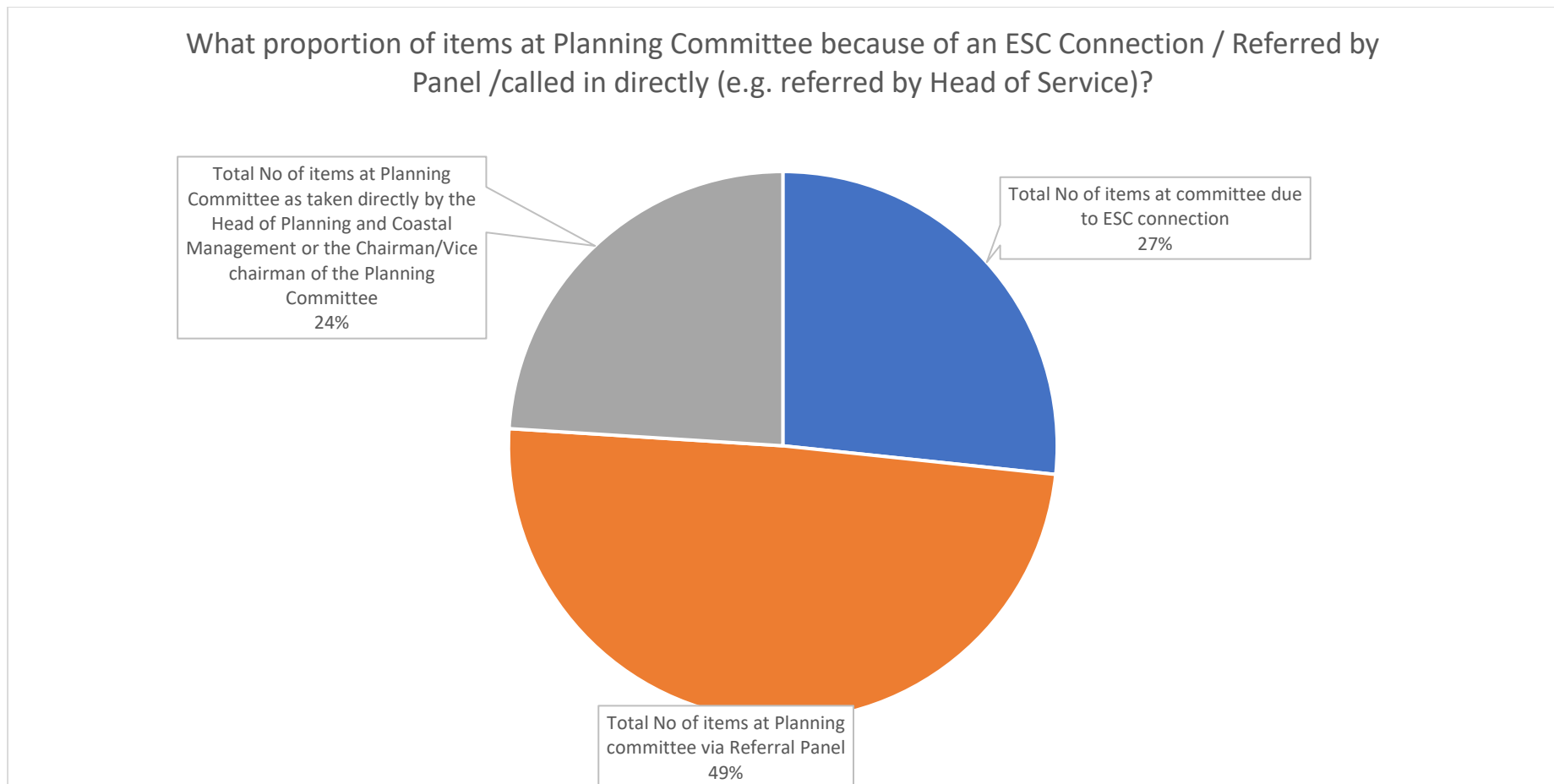
**Figure 4:** Percentage of Planning Committee items, on which a potential speaker spoke, that were at Planning Committee because being Referred by the Planning Referral Panel between 1 April 2022 and 31 March 2023



**Appendix U: The proportions of Planning Applications being determined via each route between 1 April 2022 and 31 March 2023.**

**Appendix U: The proportions of Planning Applications being determined via each route between 1 April 2022 and 31 March 2023.**

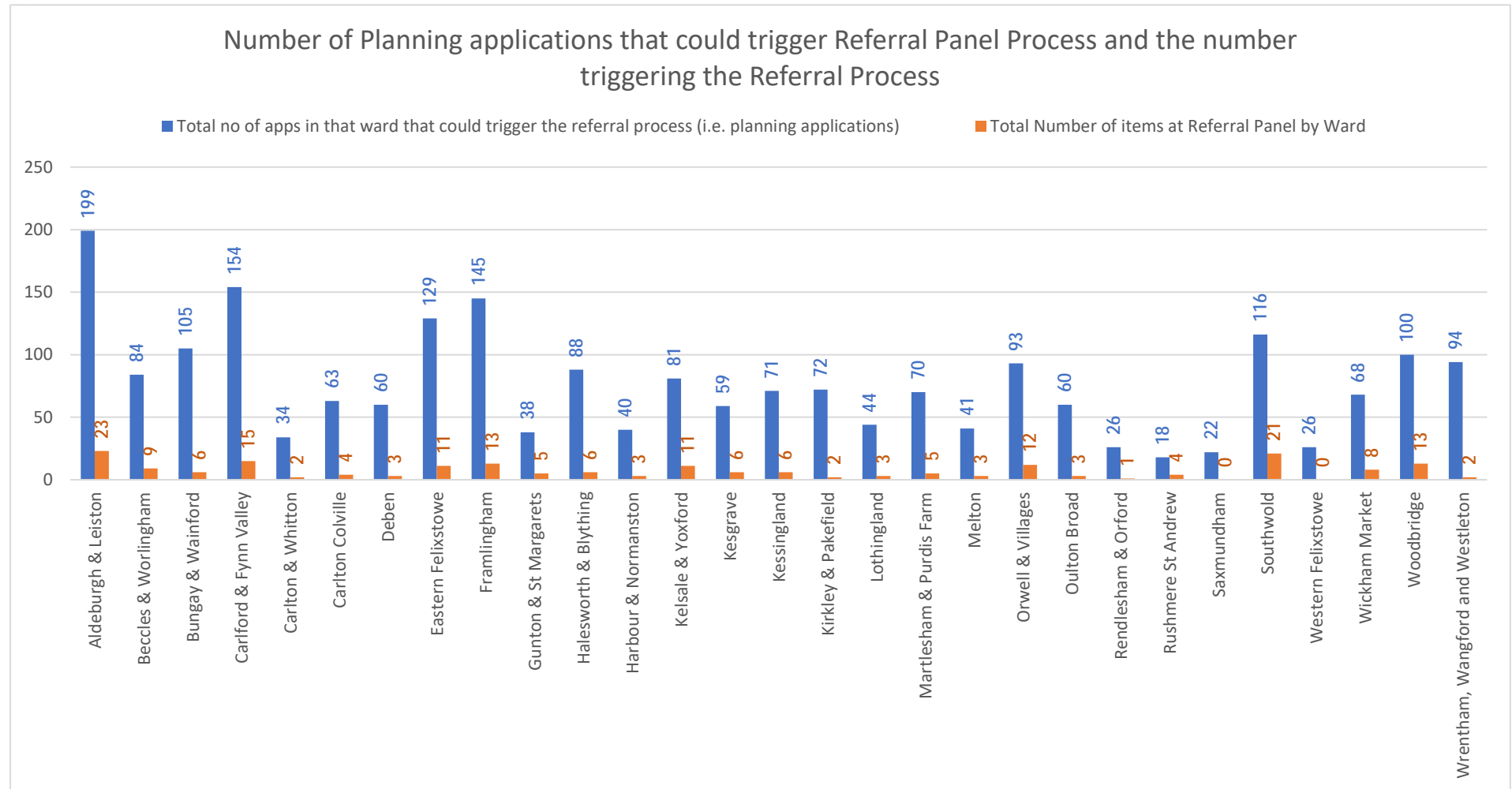
**Figure 1:** A pie chart showing the proportions of all Planning Applications that were determined by Planning Committee having being taken straight there due to call in, or Planning Committee due to ESC Connection, or Planning Committee via the Referral Panel Process, or Delegated without triggering the Referral Process or Delegated following the Referral Panel Process, between 1 April 2022 and 31 March 2023.





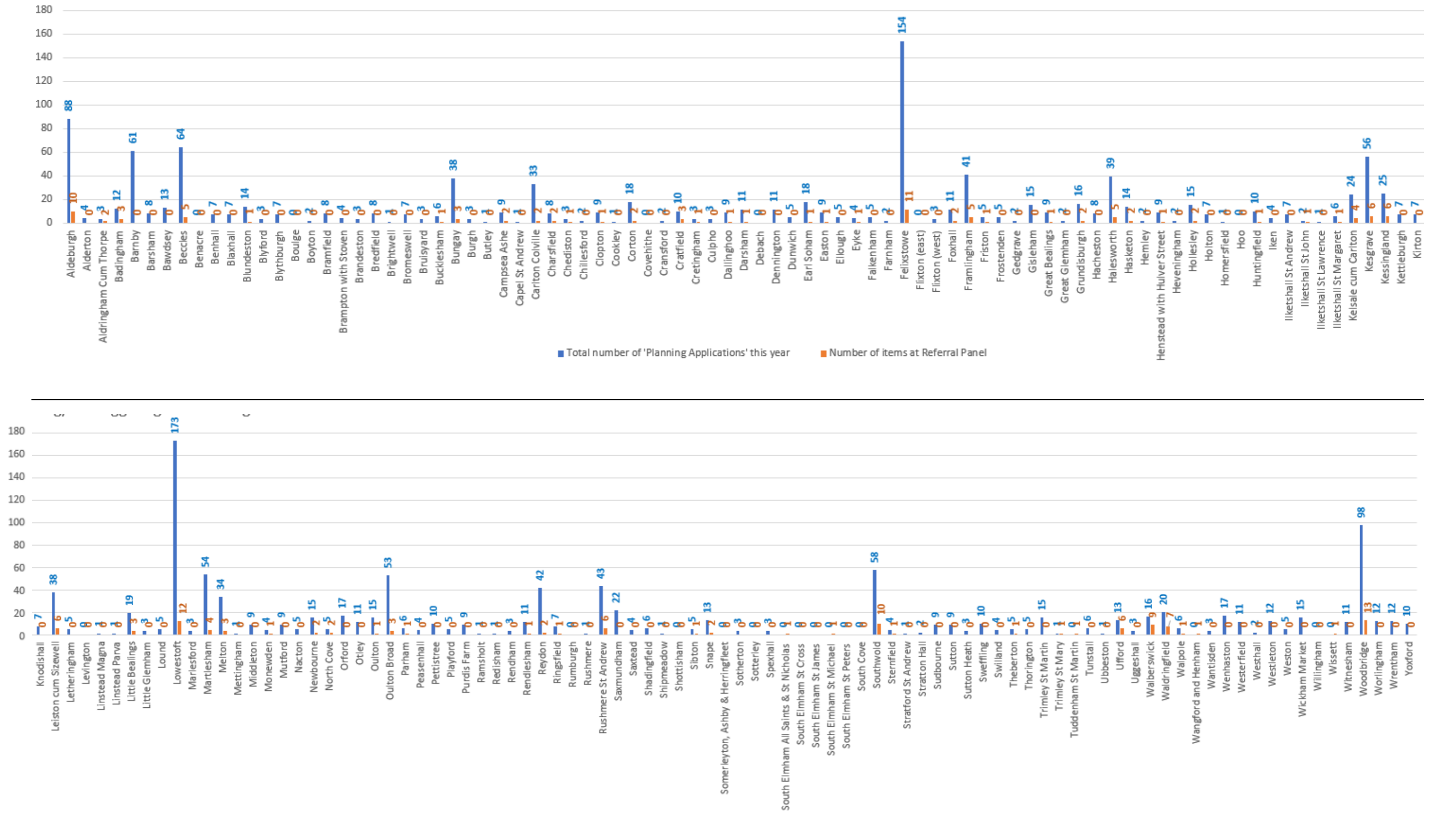
**Appendix U: The proportions of Planning Applications being determined via each route between 1 April 2022 and 31 March 2023.**

**Figure 2: The number of ‘Planning applications’ triggering/not triggering the Planning Referral Panel Process, between 1 April 2022 and 31 March 2023 shown by Ward.**



Appendix U: The proportions of Planning Applications being determined via each route between 1 April 2022 and 31 March 2023.

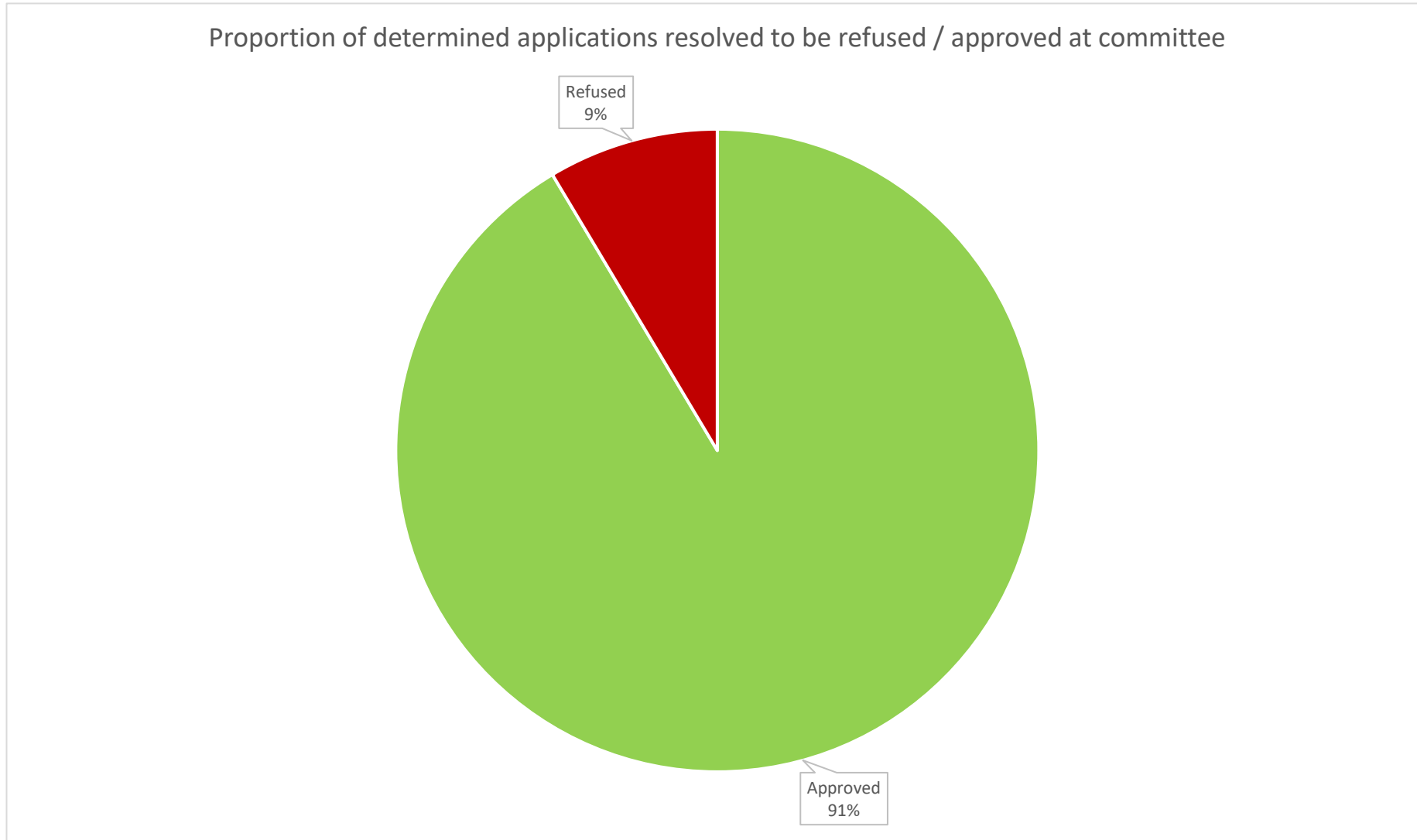
Figure 3: The number of 'Planning applications' triggering/not triggering the Planning Referral Panel Process, between 1 April 2022 and 31 March 2023 shown by Parish



**Appendix V: The outcomes of Planning Applications  
between 1 April 2022 and 31 March 2023**

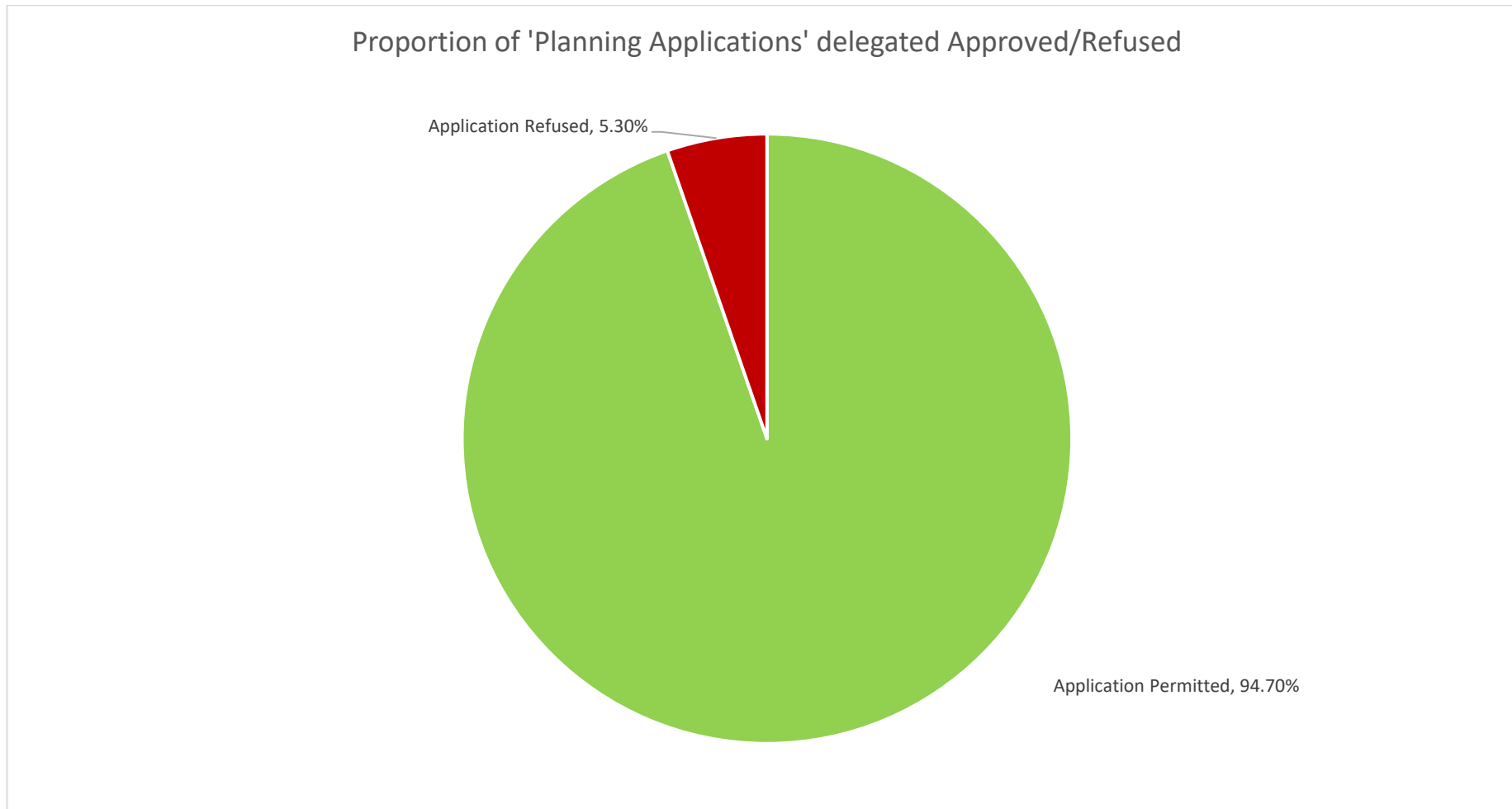
## Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

**Figure 1:** A pie chart showing the proportions of all 'Planning Applications' that were Refused or Approved, between 1 April 2022 and 31 March 2023 (all determination routes)



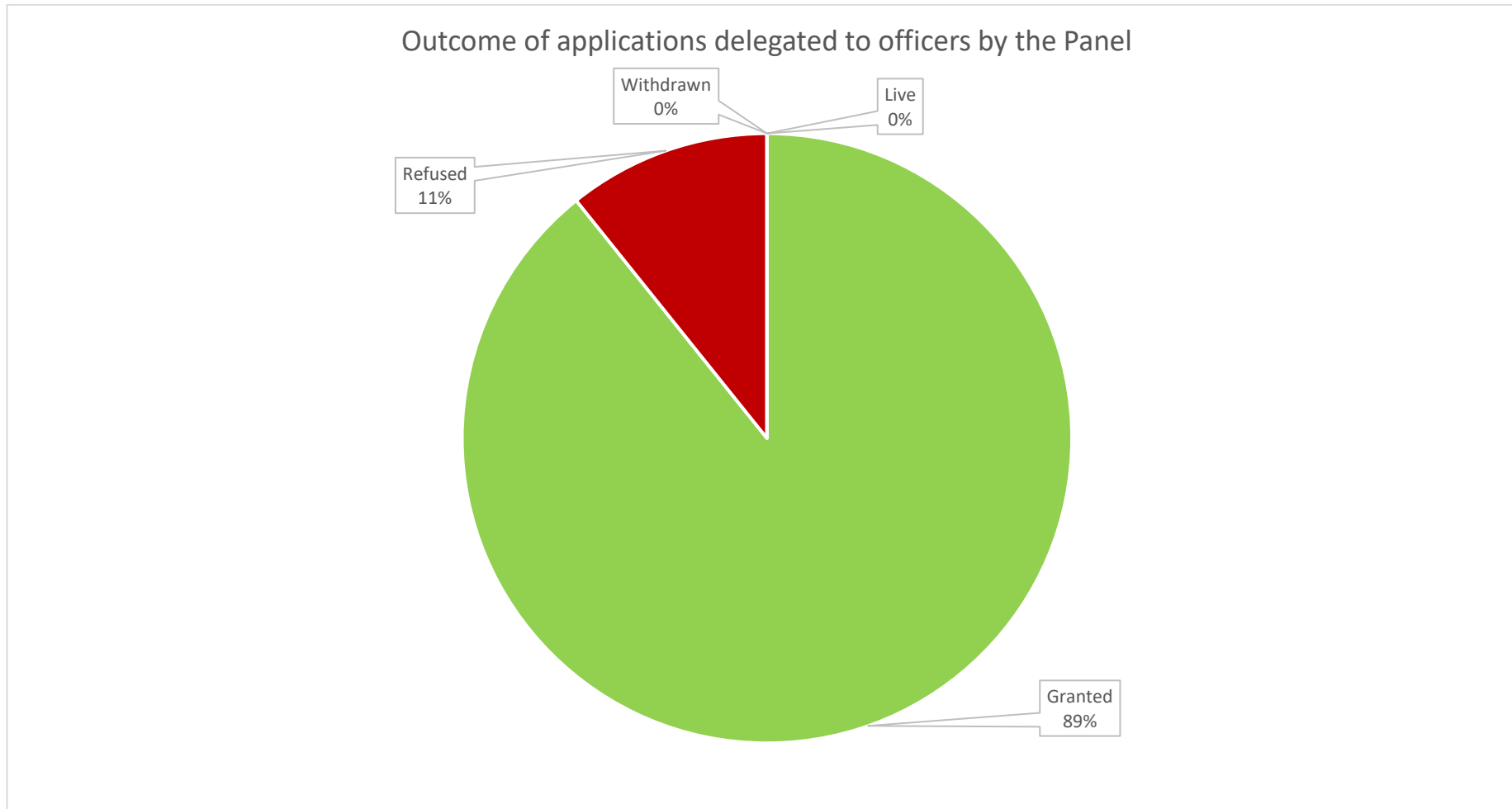
## Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

**Figure 2:** A pie chart showing the proportions of Planning Applications that were Refused or Approved, and determined by officers under the scheme of delegation between 1 April 2022 and 31 March 2023



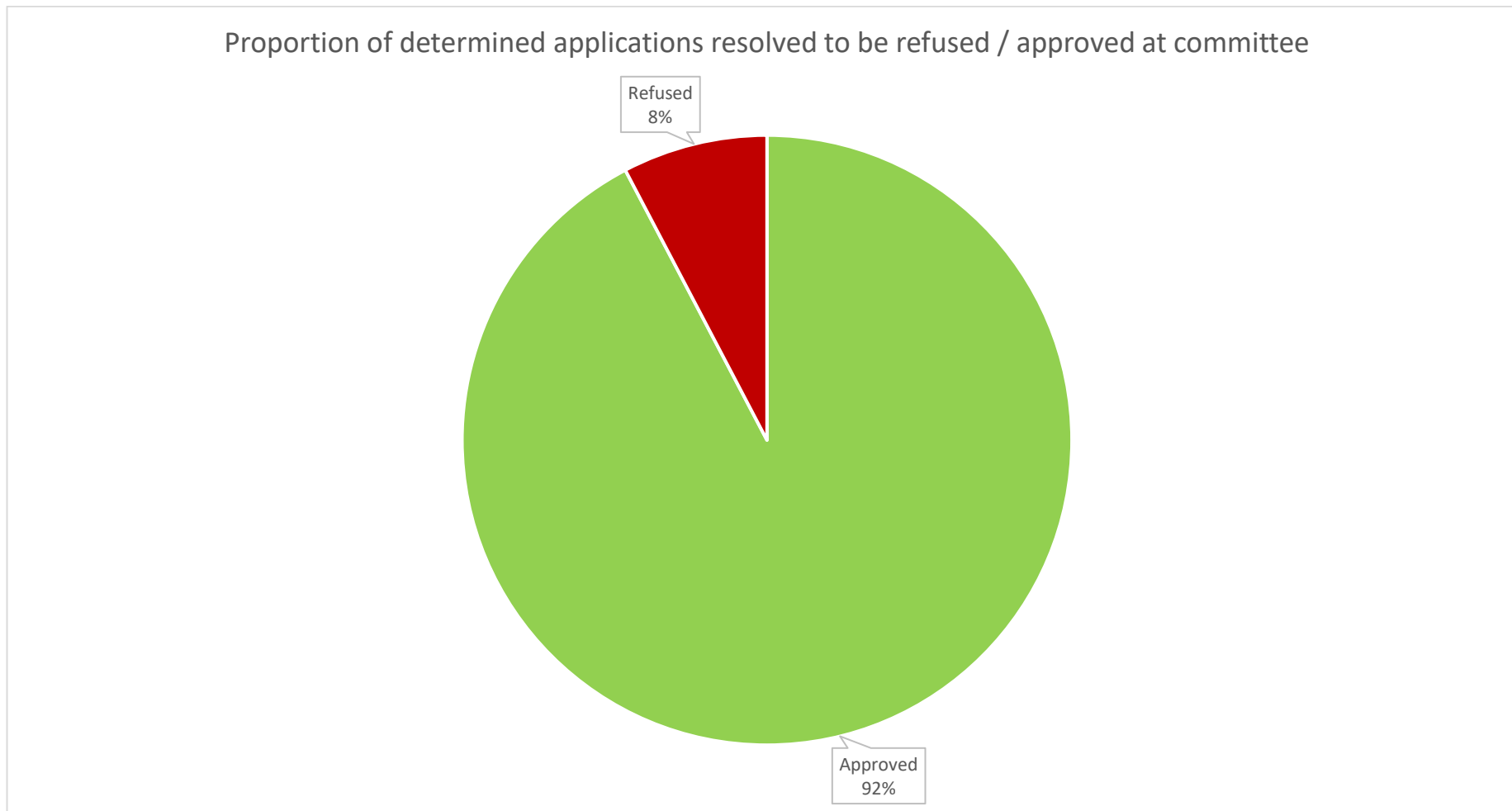
## Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

**Figure 3:** A Pie chart showing the proportion of Planning Applications that were determined by officers that were Refused or Approved, following being Delegated by the Planning Referral Panel back to officers, between 1 April 2022 and 31 March 2023.



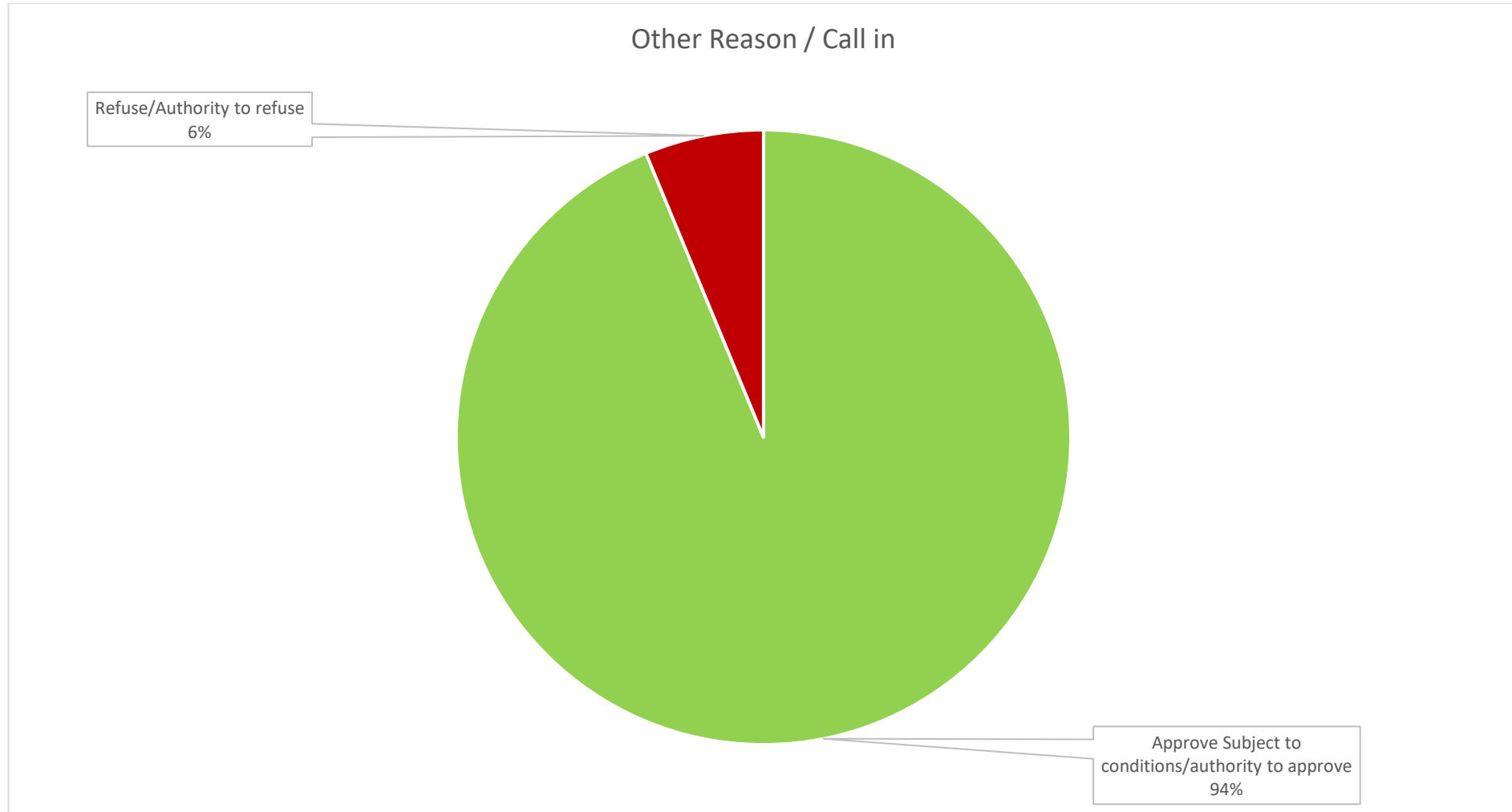
## Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

**Figure 4:** Pie Chart showing the proportion of Planning Applications that were resolved to be Refused or Approved, by Planning Committee, between 1 April 2022 and 31 March 2023.



Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

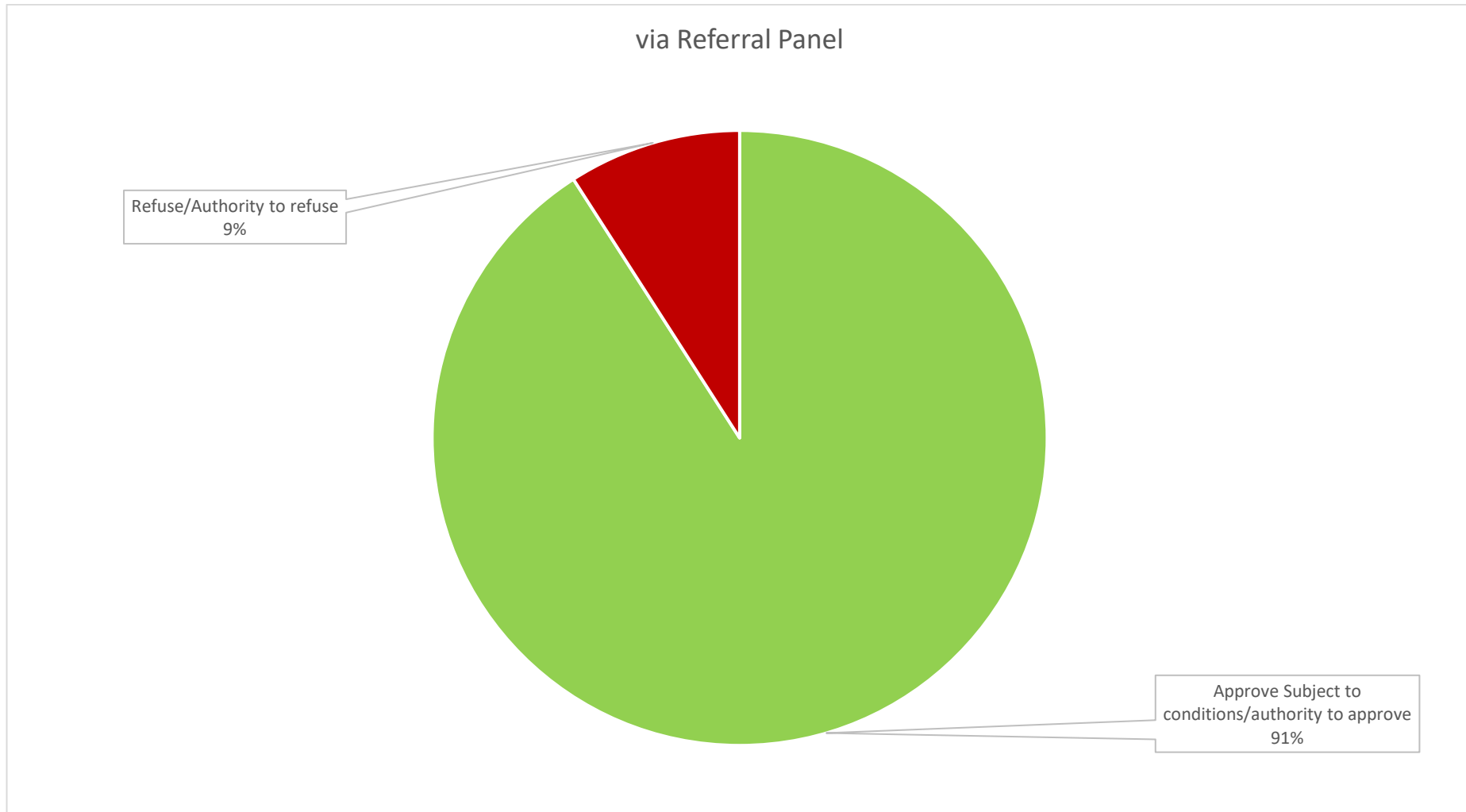
Figure 5: Pie Chart showing the proportion of Planning Applications that were resolved to be Refused or Approved, by Planning Committee, that were called straight to Planning Committee by the Chairs/Vice Chairs or Head of Service between 1 April 2022 and 31 March 2023





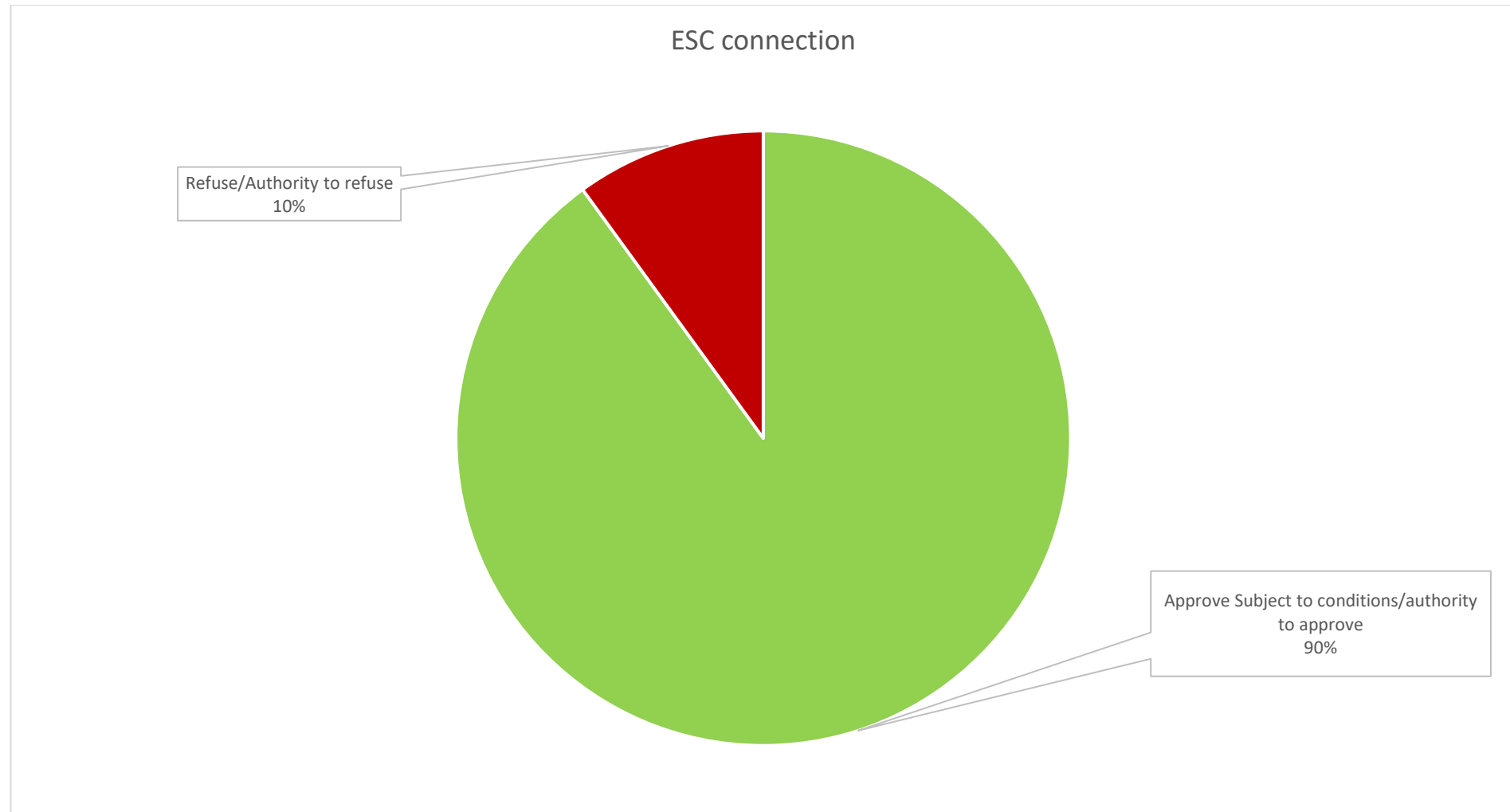
Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

**Figure 6:** Pie chart showing the proportion of Planning Applications that were resolved to be Refused or Approved, by Planning Committee, that were referred to Planning Committee by the Planning Referral Panel between 1 April 2022 and 31 March 2023.



## Appendix V: The outcomes of Planning Applications between 1 April 2022 and 31 March 2023

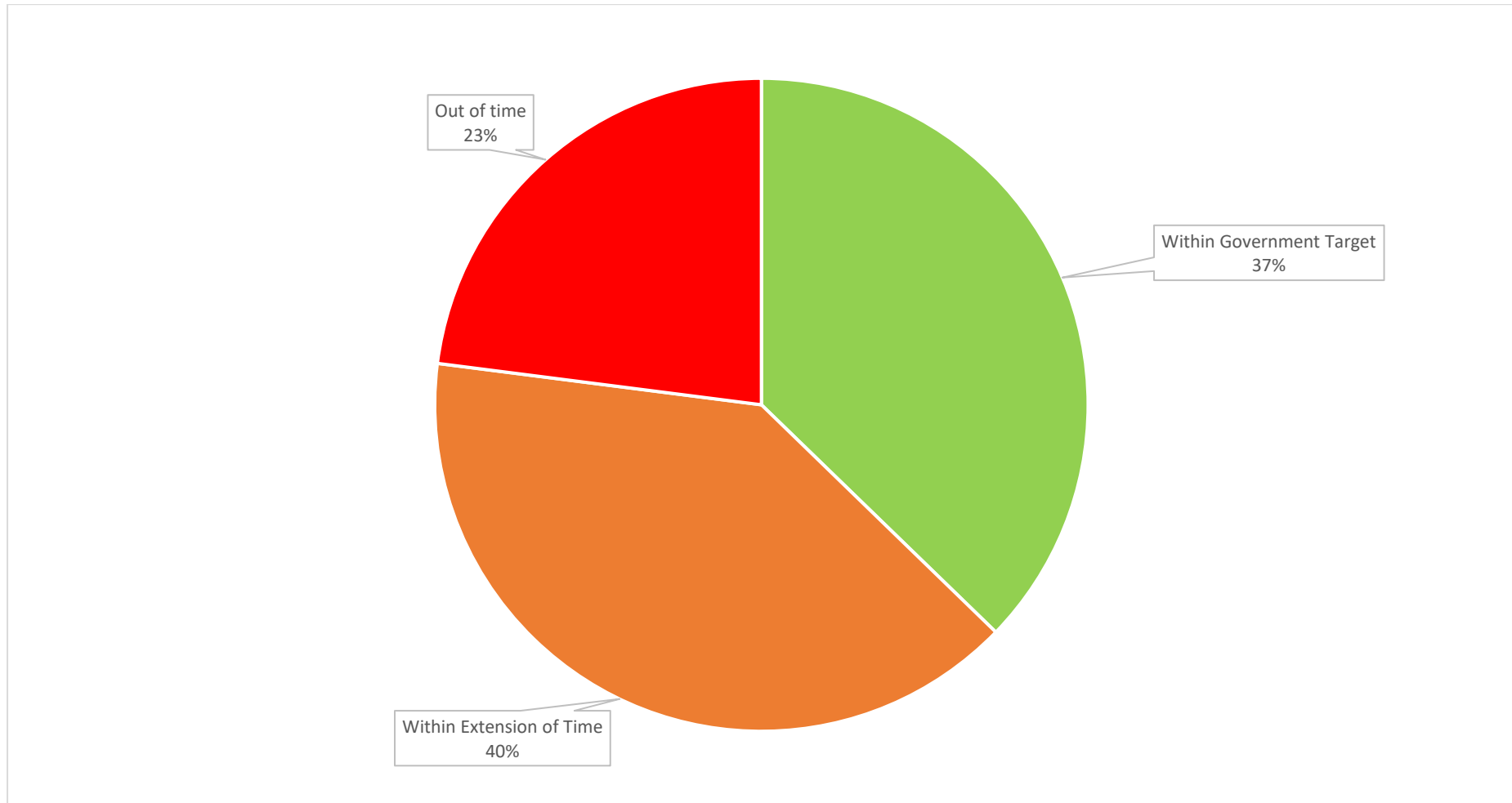
**Figure 7:** Pie Chart showing the proportion of Planning Applications that were resolved to be Refused or Approved, by Planning Committee, that were taken to Planning Committee due to an East Suffolk Council connection between 1 April 2022 and 31 March 2023.



**Appendix W:** <sup>Appendix</sup> The timeliness of decisions, based upon determination route:

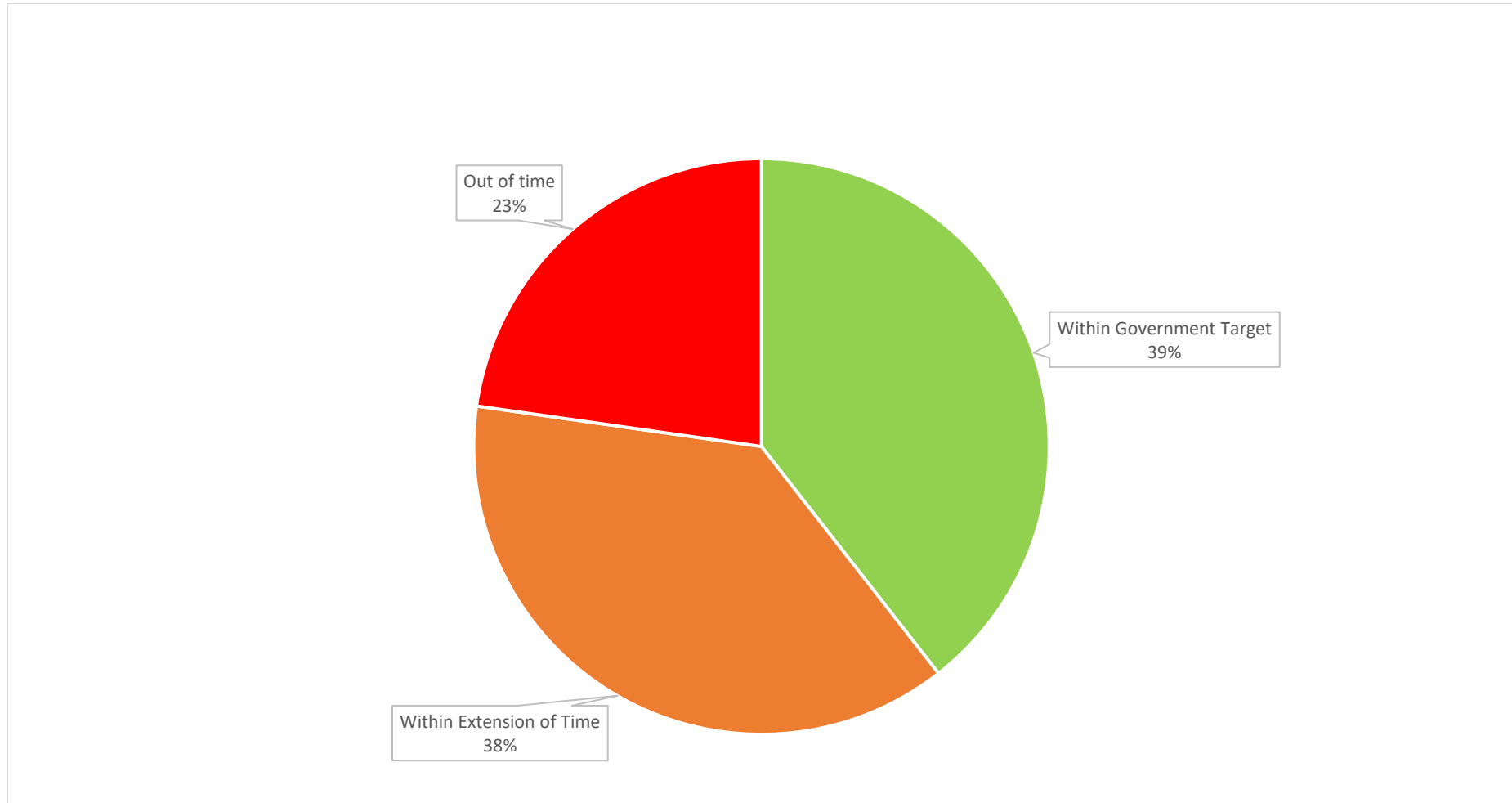
## Appendix W: The timeliness of decisions, based upon determination route

**Figure 1:** The proportion of 'Planning Applications' determined at officer level within Government Targets, an agreed Extension of Time or that were out of time (includes both cases that did not trigger the Planning Referral Process and those cases that triggered the Planning Referral Process, and were then delegated back to officers for determination) (1 April 2022 – 31 March 2023)



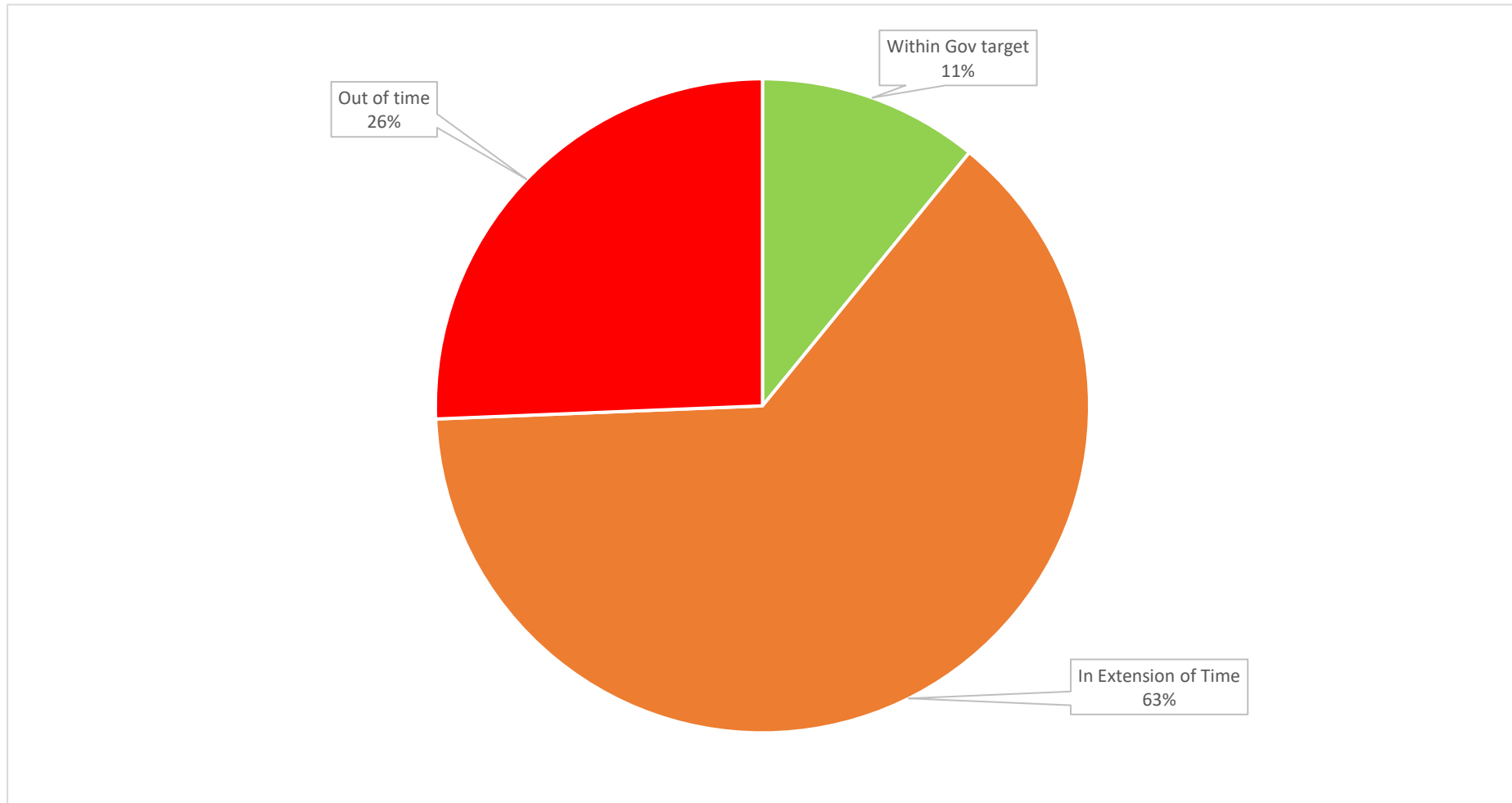
Appendix W: The timeliness of decisions, based upon determination route

**Figure 2:** The proportion of 'Planning Applications' determined at officer level within Government Targets, an agreed Extension of Time or that were out of time, that did not trigger the Planning Referral Process. (1 April 2022 – 31 March 2023)



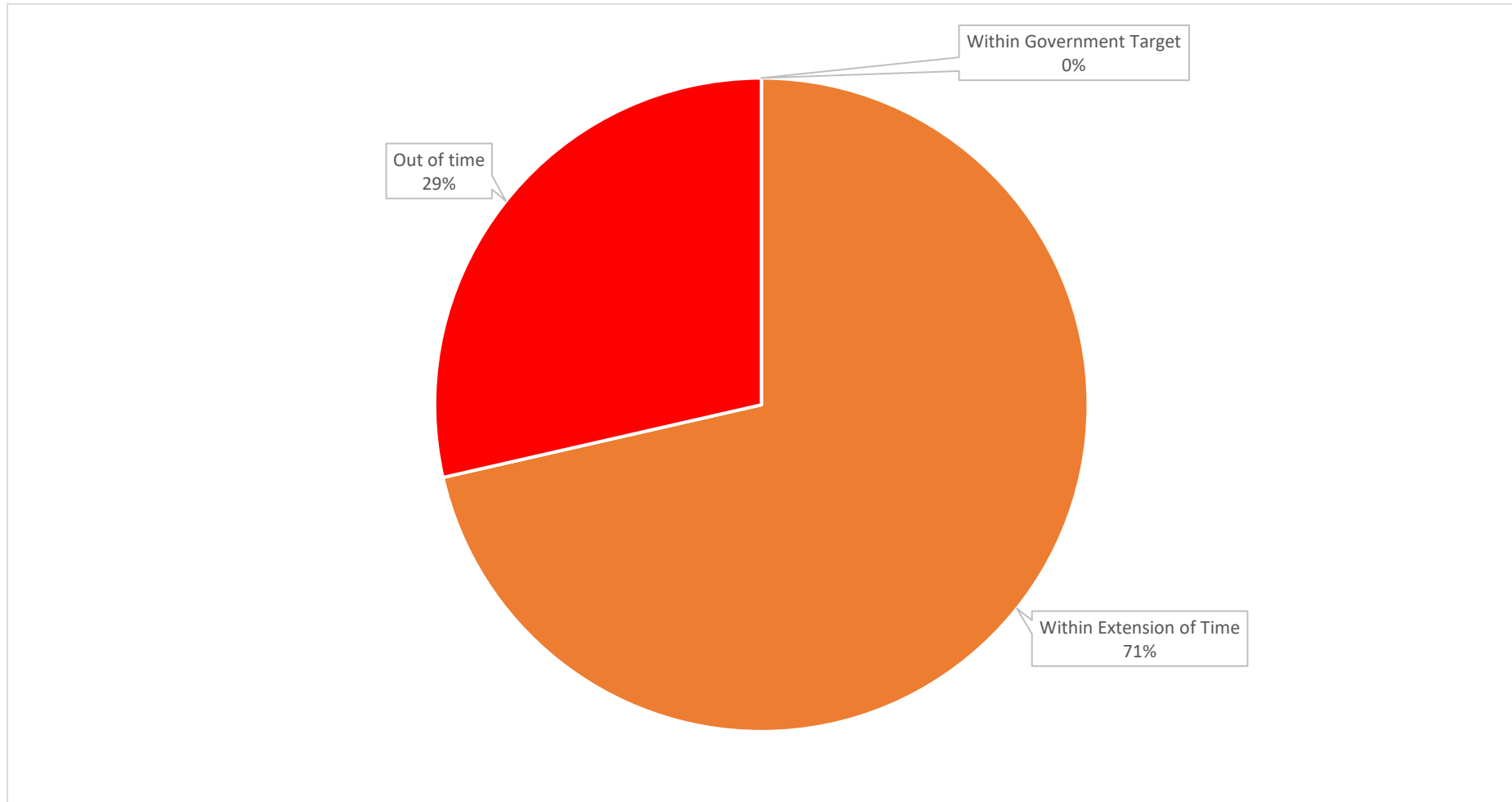
## Appendix W: The timeliness of decisions, based upon determination route

**Figure 3:** The proportion of 'Planning Applications' determined at officer level within Government Targets, an agreed Extension of Time or that were out of time, which triggered the Planning Referral Process and were then delegated back to officers for determination. (1 April 2022 – 31 March 2023)



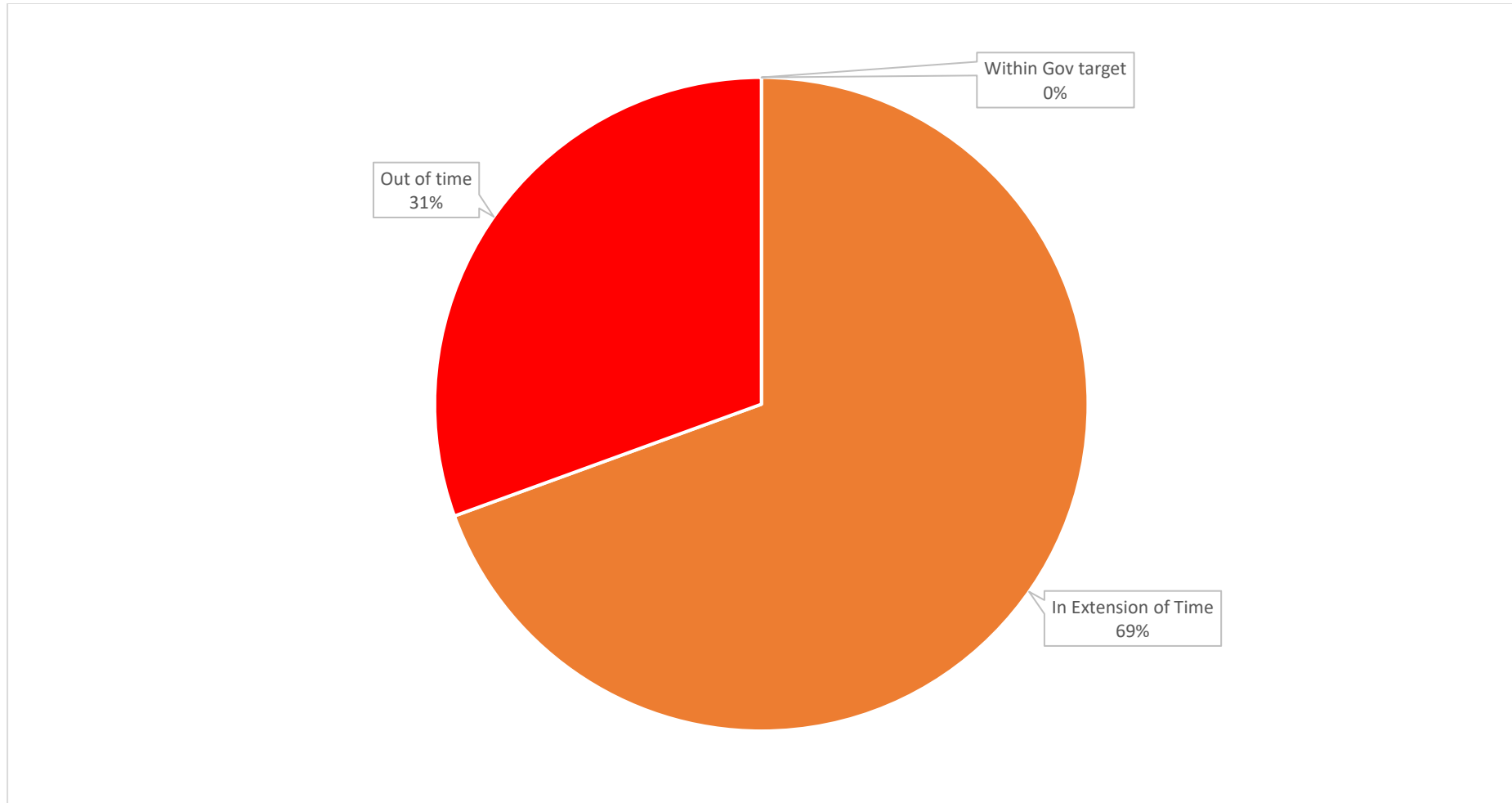
Appendix W: The timeliness of decisions, based upon determination route

Figure 4: The proportion of all 'Planning Applications' determined at Planning Committee within Government Targets, an agreed Extension of Time or that were out of time (1 April 2022 – 31 March 2023)



Appendix W: The timeliness of decisions, based upon determination route

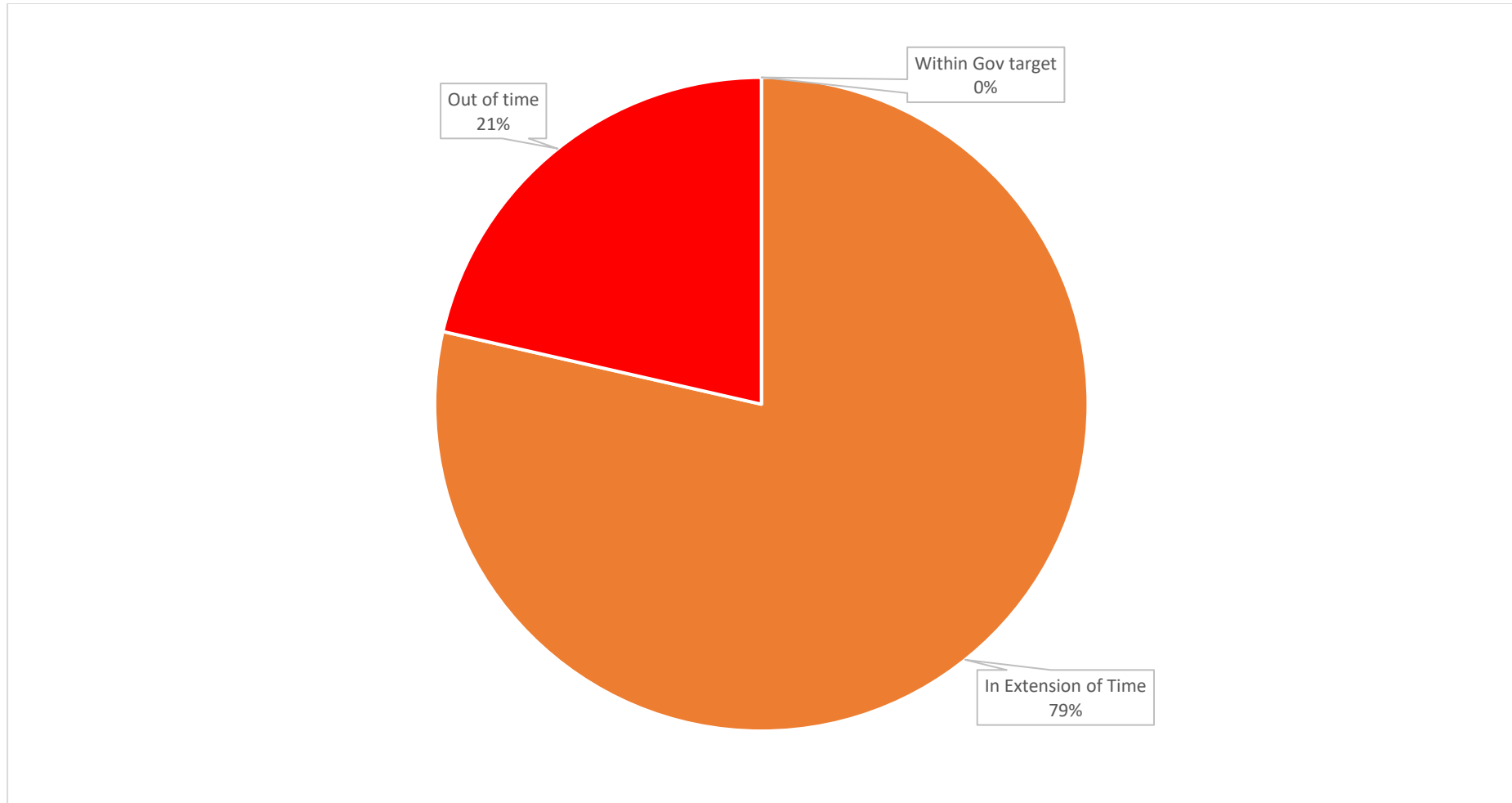
**Figure 5:** The proportion of 'Planning Applications' determined at Planning Committee within Government Targets, an agreed Extension of Time or that were out of time, which were at Planning Committee after being referred by the Planning Referral Panel (1 April 2022 – 31 March 2023)





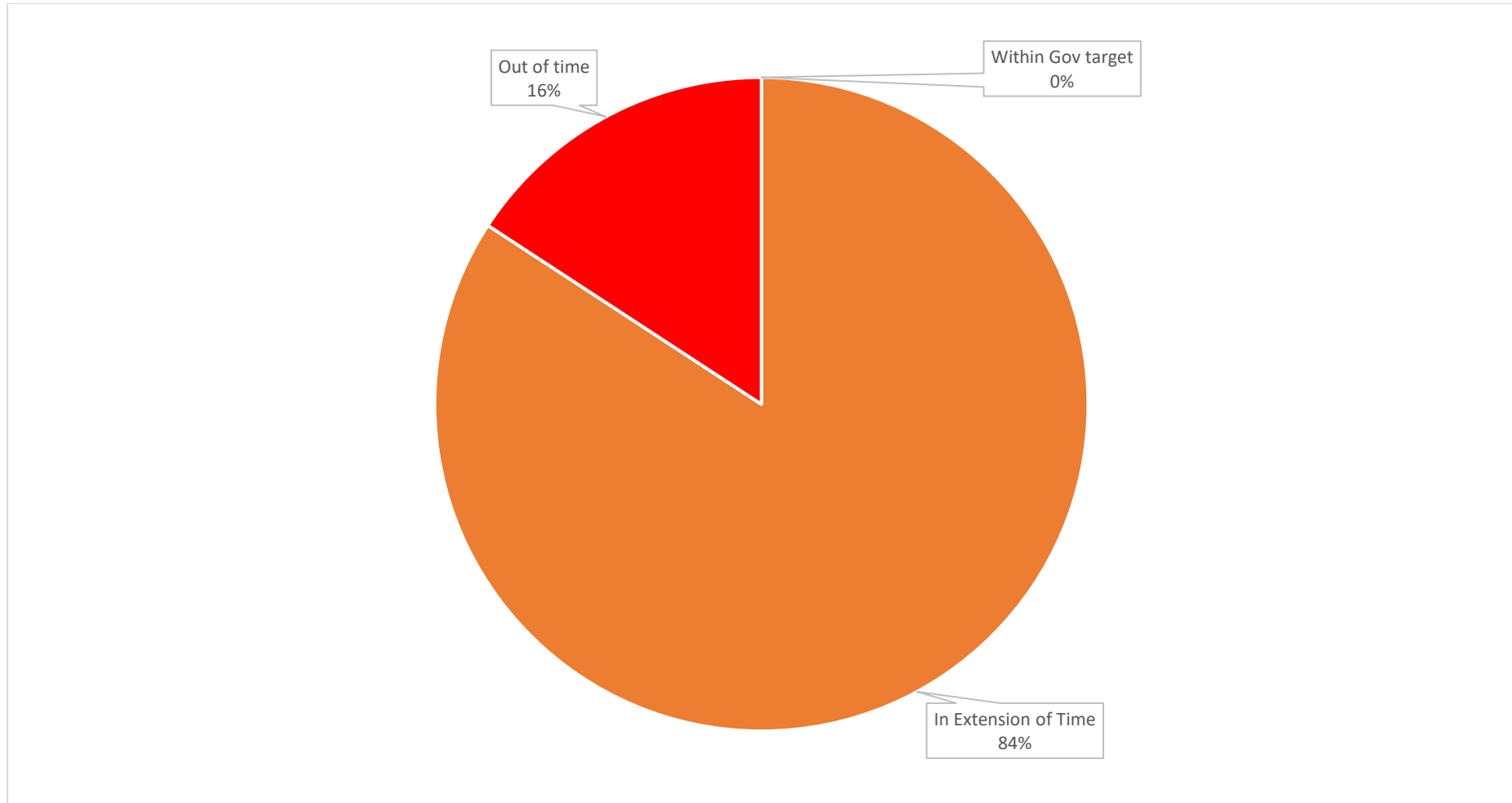
Appendix W: The timeliness of decisions, based upon determination route

**Figure 6:** The proportion of 'Planning Applications' determined at Planning Committee within Government Targets, an agreed Extension of Time or that were out of time, which were at Planning Committee due to being called in by the Head of Service, or the Planning Committee Chair/Vice-chair. (1 April 2022 – 31 March 2023)



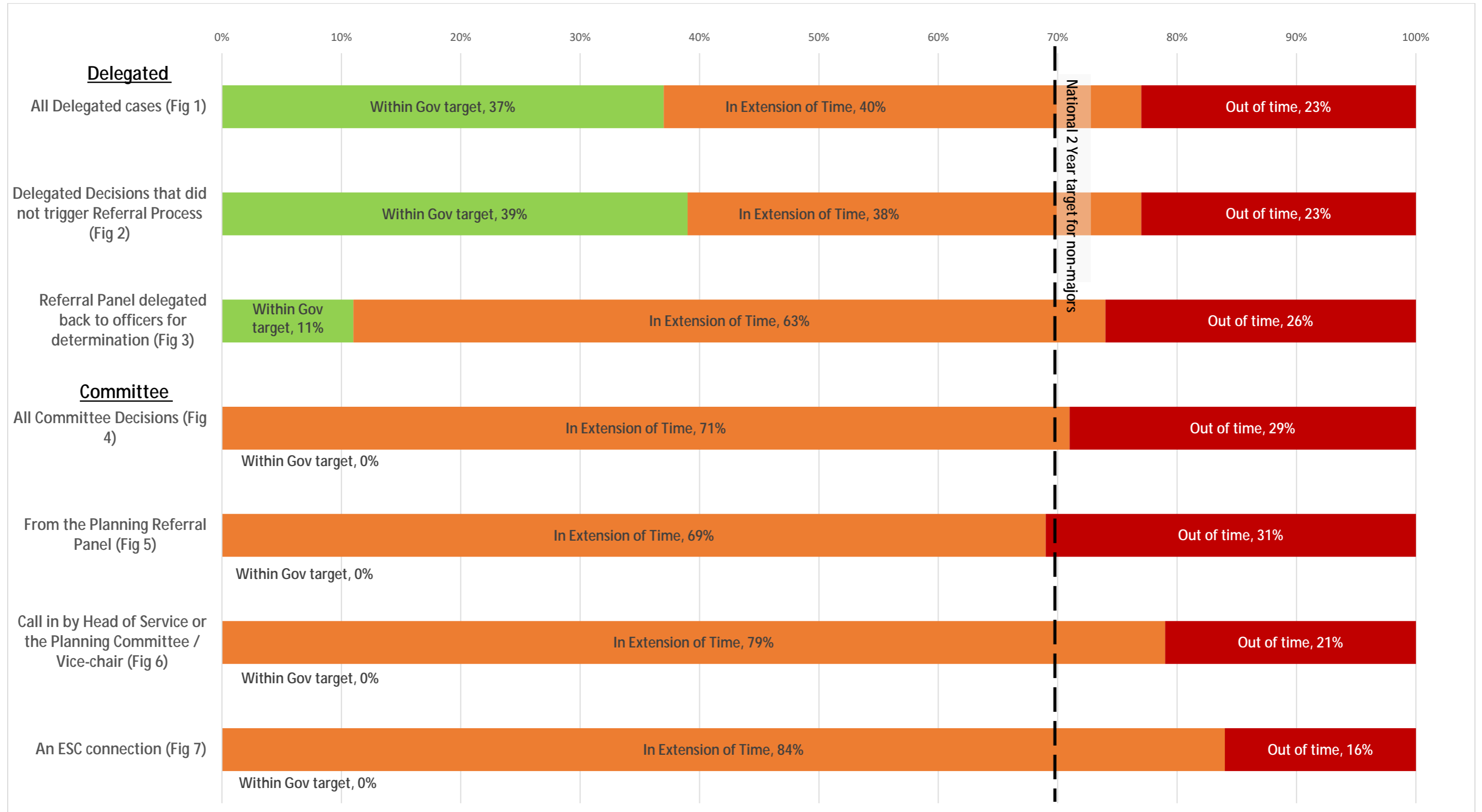
Appendix W: The timeliness of decisions, based upon determination route

**Figure 7:** The proportion of 'Planning Applications' determined at Planning Committee within Government Targets, an agreed Extension of Time or that were out of time, which were at Planning Committee due to an East Suffolk Council connection. (1 April 2022 – 31 March 2023)



Appendix W: The timeliness of decisions, based upon determination route

**Figure 8:** The proportion of ‘Planning Applications’ determined within Government Targets, an agreed Extension of Time or that were out of time, shown based upon determination route (1 April 2022 – 31 March 2023)





**STRATEGIC PLANNING COMMITTEE**  
**Monday, 03 July 2023**

<b>Subject</b>	Response to Scrutiny Committee of March 2023
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officers</b>	<p>Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a></p> <p>Ben Woolnough Planning Manager (Development Management) 01394 444681 <a href="mailto:ben.woolnough@eastsoffolk.gov.uk">ben.woolnough@eastsoffolk.gov.uk</a></p> <p>Katherine Scott Principal Planner (Technical Lead, Development Management) 01394 444503 <a href="mailto:katherine.scott@eastsoffolk.gov.uk">katherine.scott@eastsoffolk.gov.uk</a></p>

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

## Purpose and high-level overview

**Purpose of Report:**

This report responds to the recommendations of East Suffolk Council' Scrutiny Committee when it considered Democratic Accountability within the Planning Process and other associated matters resolved at its meeting held on 2<sup>nd</sup> March 2023

**Options:**

Not applicable.

**Recommendation/s:**

That the Strategic Planning Committee thanks and welcomes the Scrutiny Committee for its recommendations and recommends the following:-

1. That the Audit and Governance Committee considers and recommends to Full Council the approval of the introduction of a 'Planning Committee Member Call-In' process as set out in the report at paragraphs 2.17-2.20, via the amendment of the East Suffolk Council Constitution.
2. That the casting vote at the Referral Panel is still undertaken, where required, by the Head of Planning and Coastal Management.
3. That the public speaking time be maintained at three minutes for each participant.

## 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.

<b>Legal:</b> Not applicable
<b>Risk:</b> Not applicable.

<b>External Consultees:</b> None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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 checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
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	<p>A report was considered by Scrutiny Committee on “Democratic Accountability within the Planning Process” at its meeting on 2 March 2023, a copy of which is included in <b>Appendix A</b> to this Report. The appendices to that report and the written submission from SALC are included in <b>Appendices B and C</b> of this report, with the Minutes of the Meeting and the update sheet in <b>Appendix D</b>.</p>
1.2	<p>The outcomes of the Scrutiny Committee can be summarised as:</p> <ol style="list-style-type: none"><li>1. Recommended an additional ‘triple lock’ type trigger be introduced to enable additional items to be taken to and determined by Planning Committees,</li><li>2. Recommended a member should have the casting vote at Planning Referral Panel if it is tied 2-2, and questioned if 3 minutes is sufficient time for an objector to speak at Committee,</li><li>3. Queried if it was possible to:<ul style="list-style-type: none"><li>- Have an additional QR code on site notices to link to a webpage with information on what constitutes a relevant planning objection, and</li><li>- What was the outcome, and were there any further actions arising, from the recent meeting between Officers and SALC in relation to their survey.</li></ul></li></ol> <p style="text-align: right;"><i>(full text in <b>Appendix D</b>).</i></p>
1.3	<p>This report considers these recommendations and the potential implications of implementing such changes, based upon the evidence of how the current processes function and have been utilised set out in the ‘Review of Planning Committee and Referral Panel Report’ and overall planning performance as set out in the ‘Planning Performance Report’ (both reports on this agenda).</p>
1.4	<p>The recommendation of the Scrutiny committee should also be viewed in the context of up-to-date evidence in other reports at this meeting and as set out below, and the accompanying appendices. It should also be noted that with the new Administration in place there is a new Referral Panel and that new membership of the panel may go on to increase or decrease the proportion of applications referred to Planning Committee. As some recommendations of Scrutiny Committee affect the East Suffolk Council Constitution and potential changes to that, acceptance of Scrutiny recommendations through Strategic Planning Committee would require a future report to Cabinet and Full Council to amend the constitution to enact recommendations.</p>

1.5	The conclusions and recommendations made in this report are therefore evidence based. They take account of the impact on officer resource and the performance implications for the Council, matters which the Scrutiny Committee did not have detailed evidence on or opportunity to fully consider. The fundamental principle of the evidence set out in this report is to seek to embrace, where it can, the recommendations of Scrutiny but the overwhelming need to ensure decision making processes meet nationally set targets for the determination of planning applications.
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## 2 Current position

2.1	East Suffolk Council as Local Planning Authority determines applications that seek Planning Permission, Listed Building Consent, Advertisement Consent and Tree Works applications along with associated applications such as those seeking approval of matters reserved by conditions on consents. It also provides advice through the Pre-application advice service. Last year East Suffolk Council determined 5,125 applications and associated submissions, considerably more than neighbouring Local Planning Authorities ( <b>Appendix E</b> ).
2.2	Critical to the success of the service is its ability to meet nationally set determination measures for planning applications. This comprises of the determination or applications within 8 or 13 weeks or with an agreed extension of time with applicants. As reported in the Planning Performance Report (also on the agenda for this meeting), sets out, currently the Council is succeeding in this respect, but this was uncertain and at-risk right up until the final quarter of an eight-quarter government monitoring period last year. Failure could have resulted in East Suffolk facing Government intervention (as has been the case with a number of other Local Planning Authorities recently) under such a situation decision making powers could be taken from the Council and passed to the Planning Inspectorate. The implications of this should not be considered lightly as the reputational damage, impact on staff morale and staff retention and overall Council influence on decisions in its area would be weakened.



2.3	<p>As it stands, the Council is performing well (and there is an upward trend in performance) and as this report evidences, the Council is making decisions in a manner quite consistently with most other Councils across the country (Figure 19 in Appendix F, shows a comparison of the proportion of applications delegated to officers/determined by Planning Committees, at neighbouring authorities across the past 8 years). The feeling of detachment of communities from the decision-making process is recognised and not something which is isolated to East Suffolk but a general consequence of the nationally established planning process. It is also apparent that there has been generally poor engagement from many Town and Parish Councils and some Ward Members in the Planning Committee process. In respect of the referral process, this has also been very much underutilised by Ward Members, with very few using their ability to refer planning applications to the Referral Panel and potentially onwards to Planning Committee. Changes introduced to the Referral Process last year have enabled Ward Members to attend and watch the process and to confirm whether the facts presented at that meeting are correct. This has had a positive influence and also added an opportunity for Ward Members to feed back to their Town and Parish Councils on how the process operates.</p>
2.4	<p>This report focuses on the consideration of and responding to the key points of discussion and the recommendations of the Scrutiny Committee Meeting of 2 March 2023. The Minutes of that meeting (<b>Appendix D</b>) record the resolution as:</p> <ol style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>• A Ward Councillor</li> <li>• The Town/Parish Council</li> <li>• 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).</li> </ul> </li>   <li>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: <ul style="list-style-type: none"> <li>• If a Member should have a casting vote if the four person Referral Panel is tied 2-2 rather than an Officer deciding.</li> <li>• If 3 minutes was sufficient time for an objector to speak at Committee.</li> </ul> </li>   <li>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: <ul style="list-style-type: none"> <li>• 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?</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• What was the outcome, and were there any further actions arising, from the recent meeting between Officers and SALC in relation to their survey?”</li> </ul>
2.5	<p><b><u>First Resolution</u></b></p> <p>As set out above the Scrutiny Committee resolved to recommend that the Planning Procedure Rules be altered to allow an application to bypass the Referral Panel Process and be automatically considered by the Planning Committee in the event of a “triple lock” style request being received by ALL of the following:</p> <ul style="list-style-type: none"> <li>• A Ward Councillor</li> <li>• The Town/Parish Council</li> <li>• 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).</li> </ul>
2.6	<p>The Referral Panel system works well as the appropriate process to ensure that only those applications which raise significant material planning issues are considered by the relevant Planning Committee. This manages the Committees’ workload and ensures those applications going to Committee have sufficient time available to be able to discuss and debate the relevant planning considerations. However, the Scrutiny Committee’s consideration of this issue, and as raised by some Town and Parish Council’s, is that some perceive that this process takes place “behind closed doors” and is not transparent. This is not an accurate interpretation of the Referral Panel Process, but Officers will continue to work with Town and Parish Councils to improve their understanding of the process. Acknowledging that it is legitimate to manage the determination routes of all applications, amongst other matters, to meet government targets, they have recommended that an additional opportunity is in place to potentially enable matters to go to Committee.</p>
2.7	<p>The proposal, as recommended by the Scrutiny Committee, does not have the operational detail behind it and officers have worked with Cllr Yule, as the relevant the Cabinet Member, on how this could be introduced but still ensure the efficiency and effectiveness of the planning application process is maintained and that the member influence on the process is suitably recorded and managed.</p>
2.8	<p>Therefore, working with the Scrutiny recommendation, it is proposed that the following changes be recommended to deliver an additional “call-in “opportunity which has to be undertaken within the consultation timescales of the application in order to be equitable with the Referral Process and mean that such call-in’s cannot happen late in the application timescales (which could include a call in request after the Referral Panel have determined a decision be delegated.)</p>
2.9	<p>The process as recommended does not have a cut-off date for triggering items to Planning Committee, and therefore items could potentially be triggered in this way very late in the process, potentially even once they have been drafted for a delegated determination, which could not only result in unnecessary work being undertaken by officers. It could also mean that the Planning Committee Process would commence late in the application process, delaying the decision several</p>

	weeks either beyond or further beyond the national set target for determination. A cut off point is essential for an effective planning service.
2.10	As currently worded, this triggering process would also not require a justification as to why a Planning Application should be considered and determined by Planning Committee. It does not include criteria similar to the powers and expectations given to the Head of Planning, Chairs and Vice Chairs of Planning Committees set out in Trigger 1 of the constitution which requires an application to be “ <i>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</i> ”. The Scrutiny Committee recommendation therefore gives this process additional powers beyond those of the Head of Planning and Chair and Vice Chair, which is not considered reasonable without this ‘significance’ application.
2.11	Therefore, following further consideration, it is proposed that the recommendation of the Scrutiny Committee can be adapted, as set out below, to ensure it is practical, transparent and accountable. Some communities who have called for greater influence on the referral process have criticised the transparency and accountability of the panel and therefore any further introduction needs to be very cognisant of that.
2.12	<p>Amended ‘Triple Lock’ process- Re-titled, ‘Planning Committee Member call-in process’:</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.  The Notification shall include: <ul style="list-style-type: none"> <li>• The case reference number, the description of development and the address</li> <li>• A link to Public Access to view the application and documents</li> <li>• A copy of Town or Parish Council response</li> <li>• A copy of the Ward Member response</li> <li>• A sentence setting out the likely officer recommendation</li> </ul> </li> <li>3. 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</li> </ol>

	<p>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 :</p> <p>“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”.</p> <p>Note: - The above process could not be utilised where:</p> <p>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</p> <p>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).</p> <p>because such applications have to be determined by Planning Committee in any case.</p>
2.13	<p>In proposing the recommendation to introduce a Call-In procedure in addition to the Referral Panel process members will need to be aware of the workloads of the planning committees and the need to ensure we exceed government determination targets.</p>
2.14	<p>A report on the number of Call-In requests and outcomes will be reported to the Strategic Planning Committee each year along with the updates on the Referral Committee.</p>
2.15	<p>In addition, as part of the amendment of the Constitution to make this change, a minor change to the existing scheme of delegation is proposed. It has been noted in the past year that at present a Chair or Vice Chair can potentially over-ride the vote of the Referral Panel to refer an application to Planning Committee utilising Point 1 of the scheme of delegation. This is an unfair route to take and discredits the Referral Panel process and opinions of the other three members of the panel:</p> <p>“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”</p>
2.16	<p>It is proposed that this should be amended to:</p>

	<p>“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 <b>and this request has been made prior to an application being placed on the Agenda for a Referral Panel</b>”</p>
2.17	<p><b><u>Recommendation on the First Resolution:</u></b></p> <p><b>It is recommended that the proposed ‘triple lock’ put forward by the Scrutiny Committee and hereby re-titled the ‘Planning Committee Member call-in process’ is accepted in its amended form as set out above and the scheme of delegation, as part of the East Suffolk Constitution is amended to integrate this change.</b></p>
2.18	<p><b>Members should recognise that at present the number of applications this could add to Planning Committee agendas cannot be predicted alongside the existing Referral Panel process. The effectiveness of the new process and its effects will be reported annually and reviewed by the Strategic Planning Committee, as per the current process with Referral Panel. It would remain within the power of the Strategic Planning Committee to suggest future changes if the effects of this change to scheme of delegation have adverse consequences on the effectiveness of the Planning Service.</b></p>
2.19	<p><b>It is also recommended that a minor change to Point 1 of the scheme of delegation is made at the same time as per paragraph 2.16.</b></p>
2.20	<p><b>These changes would need to be subject to approval by Full Council, having been considered and recommended for such by the Audit and Governance Committee, at a later date before coming into force.</b></p>
2.21	<p><b><u>Second Resolution</u></b></p> <p>As set out in Paragraph 2.2 of this report and in the minutes included in Appendix D, the Scrutiny Committee resolved:</p> <p>“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:</p> <ul style="list-style-type: none"> <li>• If a Member should have a casting vote if the four person Referral Panel is tied 2-2 rather than an Officer (<i>the Head of Planning and Coastal Management</i>) deciding.</li> <li>• If 3 minutes was sufficient time for an objector to speak at Committee.”</li> </ul>
2.22	<p>The Referral Panel is comprised of the Chairs and Vice-Chairs of North and South Planning Committees. Therefore, when they are all in attendance there are four members, and there is the potential for a split vote of two to delegate and two to refer to Planning Committee.</p>

2.23	In the current situation the Head of Planning and Coastal Management makes an assessment of the material planning issues, the level of public interest, the material issues raised by those commenting on the application and considers the comments of the Panel before determining if the application should remain delegated or be referred to Planning Committee for determination. This means that when applications are referred to Planning Committee there is sound justification for doing so.
2.24	If there was to be a casting vote by a single member to decide such split votes, it would have to be decided who would have that casting vote, because at present all four members have an equal vote.
2.25	It is unclear as to how this is intended to increase democracy in this process, because such a change would in effect give greater weight to one of the Planning Committee Chair(s) or Vice-chair(s) views than the views of others on the panel. The only alternative individuals to the Head of Planning, who this responsibility for a casting vote could be placed with would be the Cabinet Member for Planning and Coastal Management. However, given the limited number of times there has been a casting vote required, alongside the additional call-in procedures, it is considered that the current system does not need amending.
2.26	The second part of this resolution which questioned whether 3 minutes is sufficient time for an objector to speak at planning committee. This time period is well established and included in the constitution. It was the time period followed by both Waveney and Suffolk Coastal District Councils previously.
2.27	This length of time is widely accepted across many Local Planning Authorities, as demonstrated by the table in <b>Appendix J</b> , which shows that of those sampled, nine Local Planning Authorities allow 3 minutes for an objector/third party to speak at planning committee.
2.28	In the other Local Planning Authorities there are five that allowed 5 minutes for objectors/third parties to speak at planning committee (Broadland, Colchester, East Cambridgeshire, Ipswich Borough and South Norfolk). However, it should be noted that those authorities have considerably fewer planning applications to determine each year ( <b>Appendix E</b> ), so they likely have fewer applications to consider during their planning committee meetings, and therefore are likely to have more time available to allow for additional public speaking.
2.29	It is also important to note that at East Suffolk Council, the committee members are able to ask follow up questions of those who speak, and therefore if further detail is required by the committee it can be obtained in that way. The written comments of all those who have commented on the application are also summarised within the Planning Committee Report and published in full via the Public Access system and therefore available to the Planning Committee. It should also be noted that when there is a significant application being considered it is in the Chair's gift to extend the time allowed for public speaking before the meeting begins.

2.30	A balance has to be struck between the ability to be heard against the efficiency of decision making and associated time required of members and officers to facilitate this.
2.31	Therefore, it is recommended that the 3 minutes for public speakers is maintained.
2.32	<p><b><u>Recommendation on the Second Resolution:</u></b>  <b>In respect of the Referral Panel casting vote:</b></p> <p><b>It is recommended that the change to the process for split votes by the Referral Panel falling to a casting vote by the Head of Planning and Coastal Management and instead being passed to an elected Member is not accepted and the scheme of delegation, as part of the East Suffolk Constitution is not amended to integrate this resolution of the Scrutiny Committee.</b></p> <p><b>If members of the Strategic Planning Committee are minded to accept the resolution of the Scrutiny Committee to the change to the process for split votes by the Referral Panel falling to a casting vote by the Head of Planning and Coastal Management then this should set out that the casting vote falls to the Cabinet Member for Planning and Coastal Management as part of the East Suffolk Constitution is not amended to integrate this resolution of the Scrutiny Committee.</b></p> <p><b>In the event of a resolution of the Strategic Planning Committee to agree such changes this would remain subject to Cabinet and Full Council approval as part of changes to the East Suffolk Constitution.</b></p>
2.33	<p><b>In respect of the time period for public speaking in Planning Committee meetings:</b></p> <p><b>It is recommended that the three minute period for public speaking remains unchanged and that the East Suffolk Constitution is not changed for this purpose.</b></p>
2.34	<p><b><u>Third Resolution</u></b>  The third part of the resolution of Strategic Planning Committee was:</p> <p>“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:</p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• What was the outcome, and were there any further actions arising, from the recent meeting between Officers and SALC in relation to their survey?”</li> </ul>

2.35	A direct response to this part of the resolution was included as an update sheet following the meeting and is included after the minutes within <b>Appendix D</b> of this report.
2.36	<b><u>Recommendation on the Third Resolution:</u></b> <b>It is recommended that the Strategic Planning Committee read and note Appendix D.</b>

### 3 How to address current situation

3.1	It is recommended that Strategic Planning Committee agrees to: <ol style="list-style-type: none"> <li>1) Approve the introduction of a Call-In Process as amended as set out in the report at Paragraphs 2.17-2.20,</li> <li>2) That the casting vote at the Referral Panel is still undertaken, where required, by the Head of Planning and Coastal Management</li> <li>3) That the public speaking time is maintained at 3 minutes for each participant</li> </ol>
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### 4 Reason/s for recommendation

4.1	As outlined in the report above there are a number of potential issues and concerns with the 'triple-lock' process recommended by Scrutiny Committee, as an additional means to refer items to Planning Committee. This report re-titles it the 'Planning Committee Member Call-in Process'.
4.2	Therefore, amendments to the suggested process are required, as set out in Paragraphs 2.17-2.20 of this report. These amendments to the suggested process are required to ensure the process is practical, fair to all and transparent.
4.3	In introducing this new Planning Committee Member Call-in Process it is recognised it will give members greater opportunity to trigger planning applications to Planning Committee for determination.
4.4	In recommending this change in process it is recognised that any increase in the number of applications taken to planning committee, will likely require additional officer and member time in the lead up to and during Planning Committee meetings, which in turn could affect the number of applications determined within or beyond target time and thus the Local Planning Authorities ability to meet government targets.
4.5	However, the recommendation for the introduction of the 'Planning Committee Member Call-in Process' process is proposed with the intention of increasing transparency and member involvement in the process.
4.6	In the event of a resolution of the Strategic Planning Committee to agree such changes this would remain subject to Cabinet and Full Council approval as part of changes to the East Suffolk Constitution.



4.7	The recommendation for the speaking time available at Planning Committee for objectors, Town/Parish Councils, applicants and/or agents to remain at 3 minutes is made on the basis that this length of time is considered appropriate, given that a full summary of all comments received as part of the Planning Committee reports, full copies of the comments submitted are also published on Public Access and available to view, and the Planning Committee members are able to ask follow up questions of speakers.
4.8	Any increase in the length of time provided for speaking by objectors, the Town/Parish Councils, applicants and/or agents would potentially significantly lengthen committee meetings and there is no specific material planning justification to extend the time permitted.
4.9	The proposed 'casting vote' on the Planning Referral Panel, is also recommended to remain as it is currently. There are significant concerns as to how the process suggested by Scrutiny Committee would be implemented, as it would in effect provide one member with a greater say than the other members of the panel resulting in potential unfairness. Therefore, it is also recommended that Planning Referral Panel process remains as is.

## Appendices

Appendices:	
Appendix A	“Democratic Accountability within the Planning Process Report”, Scrutiny Committee Meeting – 2 March 2023
Appendix B	Appendices to the “Democratic Accountability within the Planning Process Report” Scrutiny Committee Meeting – 2 March 2023
Appendix C	SALC Written Submission to Scrutiny Committee – 2 March 2023
Appendix D	Minutes of the Scrutiny Committee Meeting 2 March 2023 and the Matters Arising Response Sheet
Appendix E	A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at <a href="#">DLUHC - Planning Application Statistics</a>
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 <a href="#">DLUHC - Planning Application Statistics</a>
Appendix G	A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications granted/refused, using data published at <a href="#">DLUHC - Planning Application Statistics</a>
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 <a href="#">DLUHC - Planning Application Statistics</a>
Appendix I	The Schemes of Delegation at other Local Planning Authorities
Appendix J	Public Speaking at Other Local Planning Authorities
Appendix K	The proposed amendments added to the existing scheme of delegation currently set out in the East Suffolk Council Constitution
Appendix L	Report by Chair of Scrutiny Committee, regarding Scrutiny Review of Democratic Accountability within the Planning Process.

### Background reference papers:

None.

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



**SCRUTINY COMMITTEE**  
**Thursday, 02 March 2023**

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

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

<b>External Consultees:</b>	Not Applicable
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal:		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
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 6<sup>th</sup> 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><b>What democratic processes are there for Committee Members (including as a Ward Cllr), Ward Councillors not on Committee, Town &amp; Parish Councils, applicants and objectors?</b></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><b>Why do we have a Referral Panel and how does the process work, how is it publicised to Members and who is involved?</b></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 <a href="#">Constitution » East Suffolk Council</a>.</p>
2.3	<p><b>Why do Ward Councillors not receive a further alert when a planning application is referred to the Referral Panel?</b></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><b>Should there be a greater involvement of Ward Councillors in the Planning process e.g. Ward Councillors speaking at referral panel</b></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>



	<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.</p> <p>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)</p> <p>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.</p> <p>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.</p> <p>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.</p>
2.5	<p><b>Should a limited call in provision for Ward Councillors be introduced to bypass the referral panel - similar to the former Waveney process?</b></p> <p>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 <a href="#">Constitution » East Suffolk Council</a>). 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.</p> <p>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>

	<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>
2.6	<p><b>Do all speakers have sufficient time (3 minutes for public etc and 5 for Ward Councillors)?</b></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>
2.7	<p><b>Should there be more liaison with Town and Parish Councils e.g. Officers visiting Parish Councils when planning applications, particularly controversial ones, are discussed?</b></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><b>What are Town and Parishes views about how they can participate in the planning process? (reference to SALC survey they did?)</b></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><b>What democratic processes do other Councils have for the involvement of Members and participants?</b></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:

<b>Appendix A</b>	Scrutiny Committee - Democratic Accountability within the Planning Process.
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<b>Appendix B</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”
<b>Appendix C</b>	<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>
<b>Appendix D</b>	<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>
<b>Appendix E</b>	<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.
<b>Appendix F</b>	<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>
<b>Appendix G</b>	<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>
<b>Appendix H</b>	Strategic Planning Committee 6 June 2022 – Minutes of Meeting
<b>Appendix I</b>	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)	<b>Review of Democratic Accountability within the Planning Process</b>	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&amp;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**

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

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

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
To provide information on the performance of the development management and enforcement section			

## Background and Justification for Recommendation

<b>1 Background facts</b>	
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.

<b>2 Current position</b>	
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.

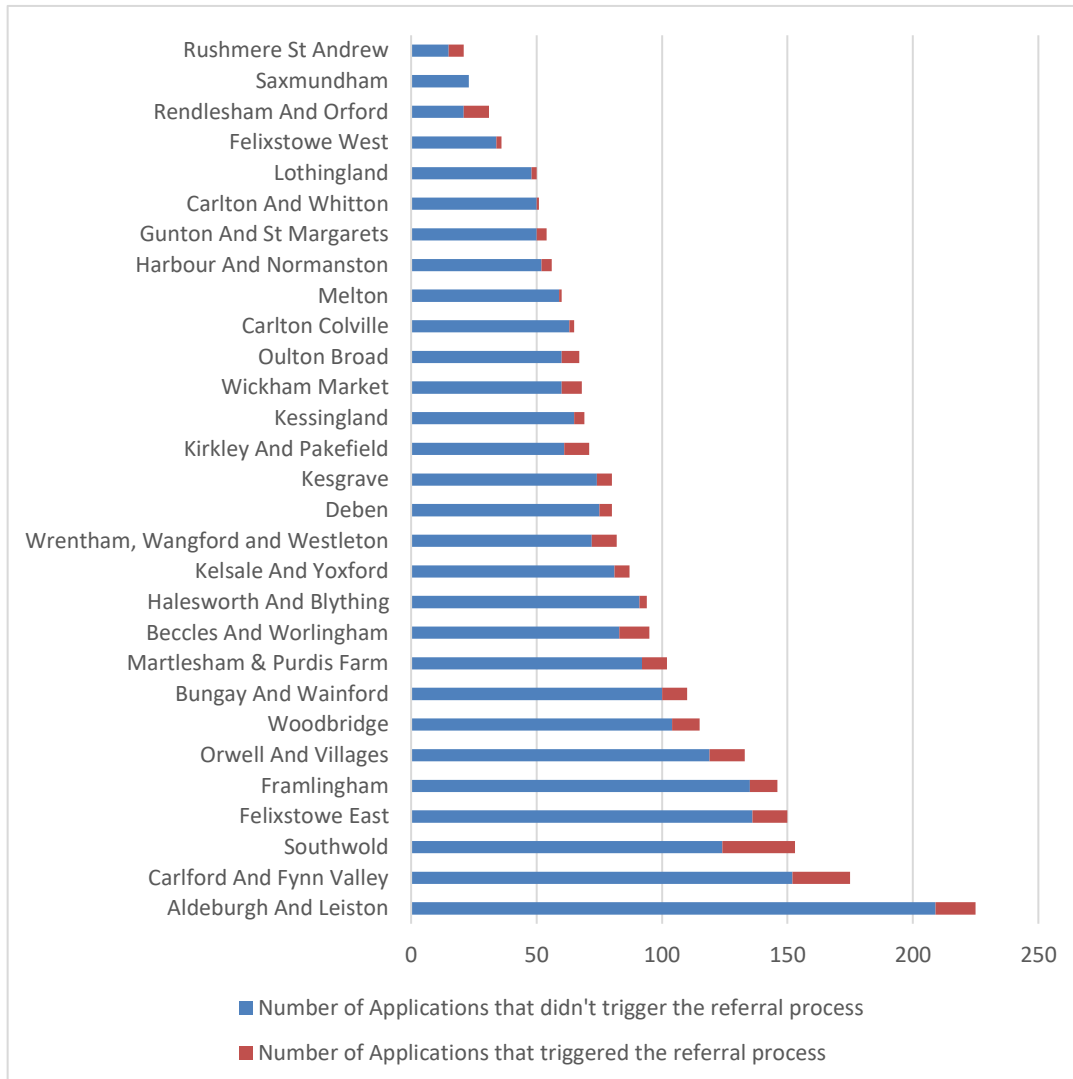
2.4	<p>The scheme of delegation is laid out in the Council’s constitution and reads as follows:</p> <p>“All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Regulation Impact Assessments (HRA) are delegated to Head of Planning and Coastal Management UNLESS:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. The applicant or landowner is East Suffolk Council;</li> <li>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</li> <li>4. The referral process is triggered</li> </ol> <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 <b>Appendix A</b> to this report and <b>Appendix A to the Performance Report</b> (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><b><u>NOTIFICATIONS TO WARD MEMBERS, AND TOWN/PARISH COUNCILS</u></b></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"> <li>- An application is validated within their ward, and thus available for them to view online and submit comments if they wish,</li> <li>- If the address or description is revised during the application process,</li> <li>- When the application status is changed e.g., when an application is scheduled for a Planning Committee, and</li> <li>- When the application is determined.</li> </ul>
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"> <li>- An application is validated within their area, and thus available for them to view online and submit comments if they wish,</li> <li>- If the address or description is revised during the application process,</li> <li>- When the application status is changed e.g., when an application is scheduled for a Planning Committee, and</li> <li>- When the application is determined.</li> </ul>

	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	<b><u>THE REFERRAL PANEL PROCESS</u></b> 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"> <li>• In the preceding year, 1 April 2020 - 2021, 2,327 applications that could have potentially triggered the referral process were received, and</li> <li>• During the year 1 April 2019 – 1 March 2020, 2,529 applications that could have potentially triggered the referral process were received.</li> </ul>
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"> <li>• in the preceding year, 1 April 2020 - 31 March 2021, 230 applications were presented, and</li> <li>• during the year 1 April 2019 - 1 March 2020, 295 applications were presented to the panel.</li> </ul>
2.23	<p><b>Figures 1 and 2 in Appendix G</b> 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 (<b>see Appendices B and C</b>)</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 (<b>Appendix F</b>).</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 <b>Appendices I and J</b>, and in <b>Figure 1</b> below.</p>





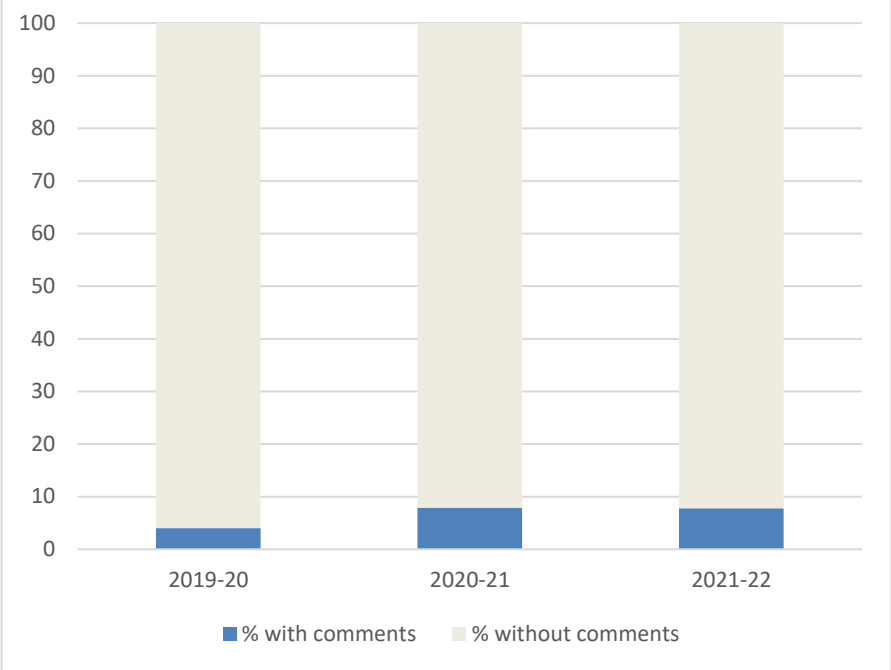
**Figure 1: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)**

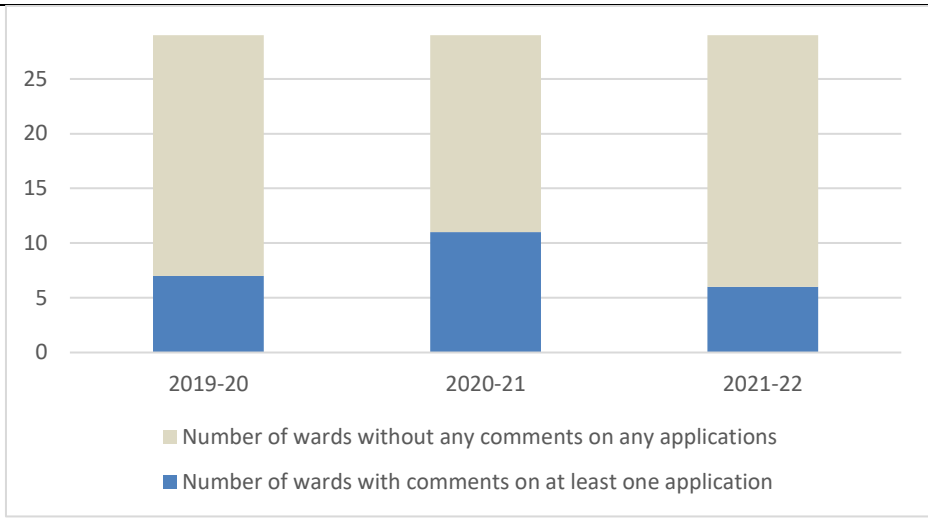
2.26 There are a significant number of parishes within these wards, which have not had an item at the Referral Panel (see **Figures 1 in Appendix K**). However, this may be in part because many of these parishes are relatively small and therefore have not have many applications (**Figures 2 and 3 Appendix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

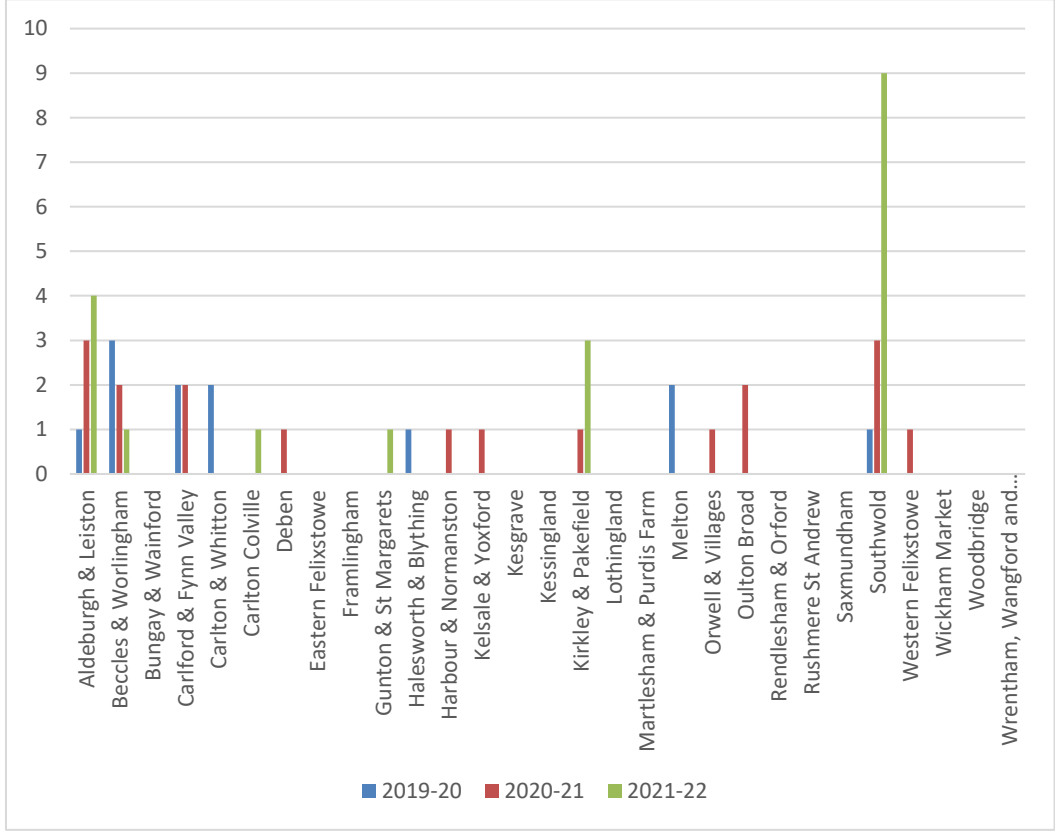
	Planning Committee. These figures are illustrated in the graphs/charts in <b>Appendix R.</b>
2.29	However, the percentage of items at the referral panel that are delegated/referred to committee should not be considered in isolation. It is important to bear in mind that the determination process route 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.
2.30	<b><u>Ward Member comments</u></b> 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.
2.31	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.
2.32	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).
2.33	However, written comments are received from ward members on relatively few applications presented to the referral panel.
2.34	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 <b>Appendix M.</b>
2.35	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 <b>Appendix L .</b>
2.36	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 <b>Appendix L .</b>

2.37	As shown in <b>figure 2</b> 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="405 349 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"><b>Figure 2: Percentage of those applications at Referral Panel with and without comments from Ward Members</b></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 <b>figure 3</b> below and on the diagram in <b>Appendices L and M</b> 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.**

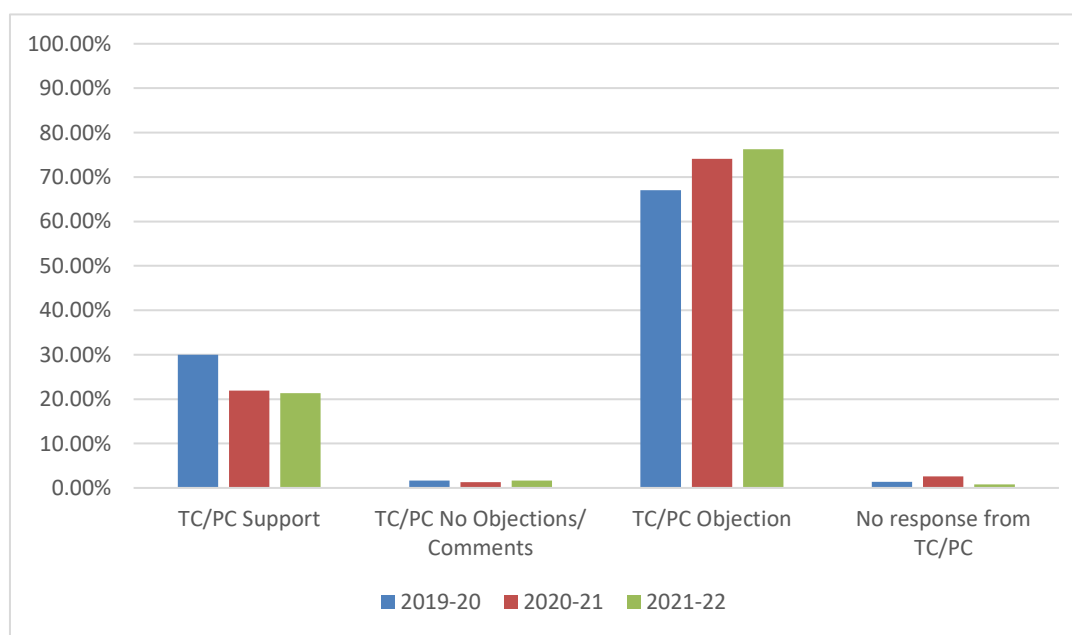
2.41 Over the three-year period (1 April 2019 – 31 March 2022) there has also been uneven distribution of comments received from each ward on applications at the Referral Panel, as illustrated in **Figure 4** below.



**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	<b><u>Town and Parish Council Comments</u></b> 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 <b>Figure 5</b> below and in <b>Appendix N</b> ).



**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 <b>Appendix O</b> , 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"> <li>• Melton received 50 'Planning Applications', but none triggered the referral process.</li> <li>• Southwold received 69 'Planning Applications' and 11 triggered the process (16%),</li> <li>• Waldringfield received 21 Planning Applications' and 8 triggered the process (38%), and</li> <li>• Walberswick received 31 Planning Applications' and 12 triggered the process (38.7%).</li> </ul>

2.55	The above patterns in the figures can be seen in the graphs/charts within <b>Appendix O</b> , and geographically in <b>Appendix O</b> .
2.56	<b><u>Statutory Consultees</u></b> 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.
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	<b><u>NORTH &amp; SOUTH PLANNING COMMITTEES</u></b>  <b><u>Routes to Planning Committee</u></b> Planning Applications are triggered directly to either the North or South Planning committee by one of the following: <ul style="list-style-type: none"> <li>- 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</li> <li>- the applicant or landowner is East Suffolk Council; or</li> <li>- 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</li> <li>- the application is referred by the Planning Referral Panel</li> </ul>
2.60	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 <b>Figure 1</b> in <b>Appendix C</b> , the reasons items were at committee were: <ul style="list-style-type: none"> <li>- 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,</li> <li>- 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)</li> </ul> And

	- 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 ( <b>Figure 2 in Appendix C</b> ).
2.62	There is also some variation for the reasons items were taken to committee across the wards, as illustrated in <b>Figure 4 in Appendix C</b> .
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 <b>Figure 4 in Appendix C</b> 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. <b>Appendix B</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. <b>Figure 4 in Appendix B</b> shows the proportions of Majors, Minors and Others within each ward.
2.67	<b><u>Public Speaking at Planning Committee</u></b> As illustrated in <b>Figure 1 in Appendix E</b> , in terms of the levels of public speaking on all items at North or South Planning Committee: <ul style="list-style-type: none"> <li>- The Town or Parish Council spoke on 30.6% of items,</li> <li>- A third Party spoke on 28.8% of items,</li> <li>- The applicant or their agent spoke on 64% of items,</li> </ul> and <ul style="list-style-type: none"> <li>- 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)</li> </ul> -



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. <b>Figures 7, 8 and 9</b> 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 <b>Figure 2 in Appendix E</b> ): <ul style="list-style-type: none"> <li>- The Town/Parish Council spoke on 10 of the 32 Items,</li> <li>- A third party spoke on 11 of the 32 Items,</li> <li>- The Applicant/Agent spoke on 23 of the 32 Items, and</li> <li>- The Ward Member(s) spoke on 6 of the 32 Items.</li> </ul>
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 <b>Figure 3 in Appendix E</b> ): <ul style="list-style-type: none"> <li>• The Town/Parish Council spoke on 18 of the 38 Items,</li> <li>• A third party spoke on 16 of the 38 Items,</li> <li>• The Agent/Applicant spoke on 30 of the 38 Items, and</li> <li>• The Ward Member(s) spoke on 30 of the 38 Items,</li> </ul>
2.71	In terms of the proportions of speaking on items at Planning Committee due to an East Suffolk Council connection (illustrated in <b>Figure 4 in Appendix E</b> ): <ul style="list-style-type: none"> <li>• The Town/Parish Council spoke on 6 of the 41 Items,</li> <li>• A third party spoke on 3 of the 41 Items,</li> <li>• The agent/applicant spoke on 19 of the 41 Items, and</li> <li>• The Ward Member(s) spoke on 3 of the 41 Items,</li> </ul>
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	<b><u>Planning Committee Outcomes</u></b> 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 <b>Appendix K of the Performance Report</b> . In terms of applications determined at Planning Committee 12% were refused and 88% were approved.
2.78	<b><u>Timeliness of Determination</u></b> 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.
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	The statutory time periods for determination of planning applications are: <ul style="list-style-type: none"> <li>- 8 weeks for other/minor applications</li> <li>- 13 weeks for Major applications</li> <li>- 16 weeks for applications accompanied by an Environmental Statement (EIA development)</li> </ul>
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 <b>figure 2 within Appendix I of the Performance Report</b> , 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 <b>figures 2 and 5 within Appendix I of the Performance Report</b> .
2.85	As illustrated on the <b>figure 4 of Appendix I of the Performance Report</b> , 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	<b><u>OPTIONS FOR CONSIDERING FURTHER IMPROVEMENTS</u></b>  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 ( <b>Appendix G of the Performance Report</b> ). Workloads also remain high ( <b>Appendices B, C, D and F of the Performance Report</b> ).
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 1<sup>st</sup> 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><b><u>CONCLUSION</u></b></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.

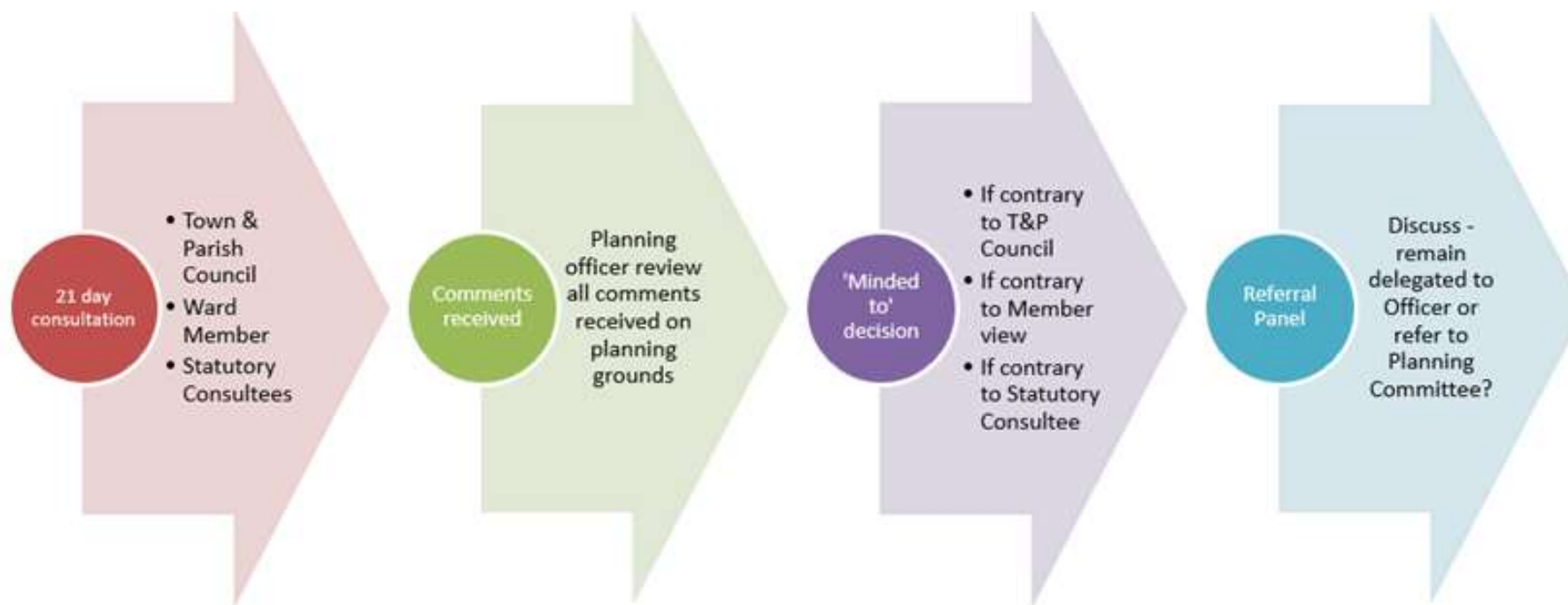
Appendix O	Numbers and Proportion of Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by Parish.
Appendix P	Referral Panel items with comments from Town/ Parish Councils between 1 April 2021 and 31 March 2022 shown by ward on a map of the district.
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



1



**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.

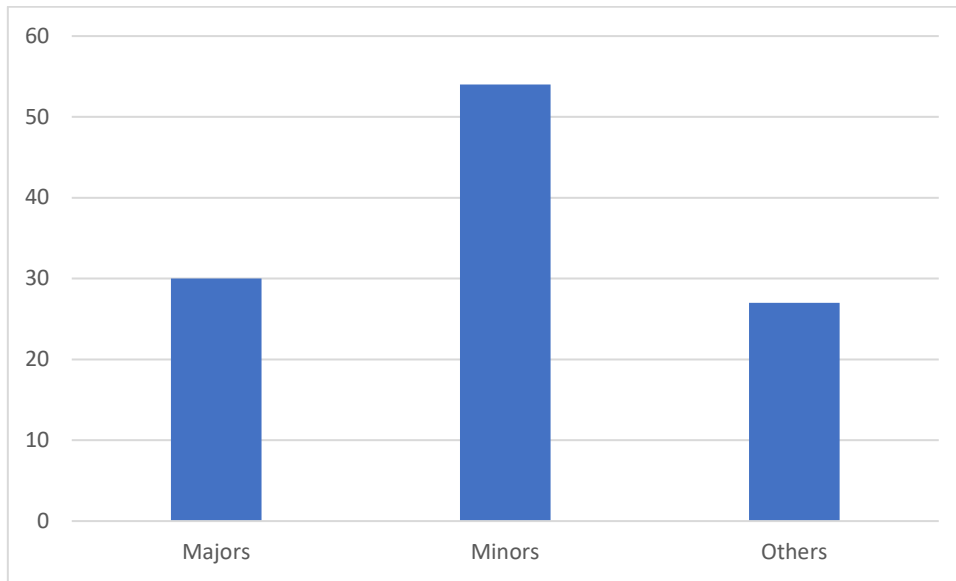


Figure 2: Items at North / South Planning Committees between 1 April 2021 and 31 March 2022, in terms of the proportion of Majors, Minors and Others

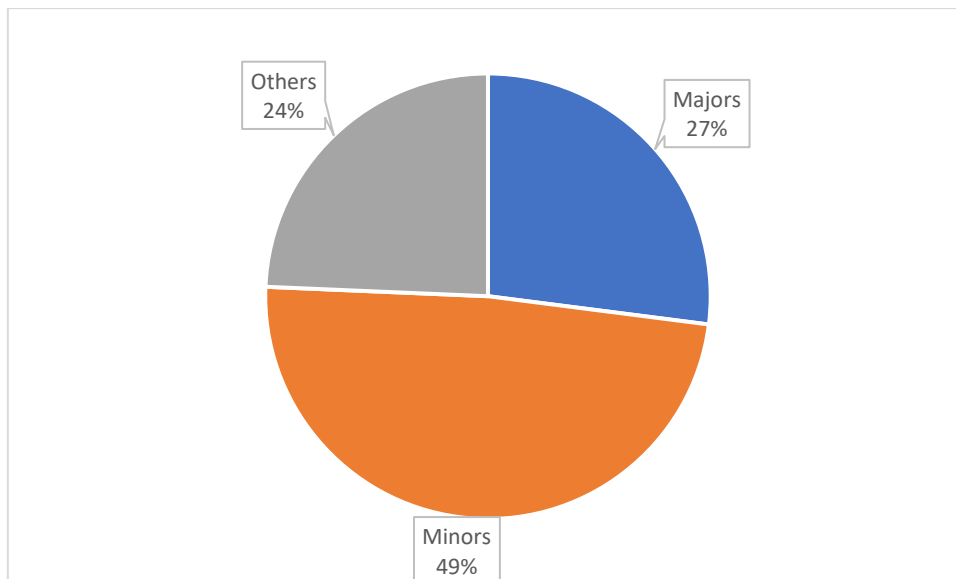


Figure 3: The proportions of Major, Minors and Other items at North / South Planning Committee within each ward between 1 April 2021 and 31 March 2022

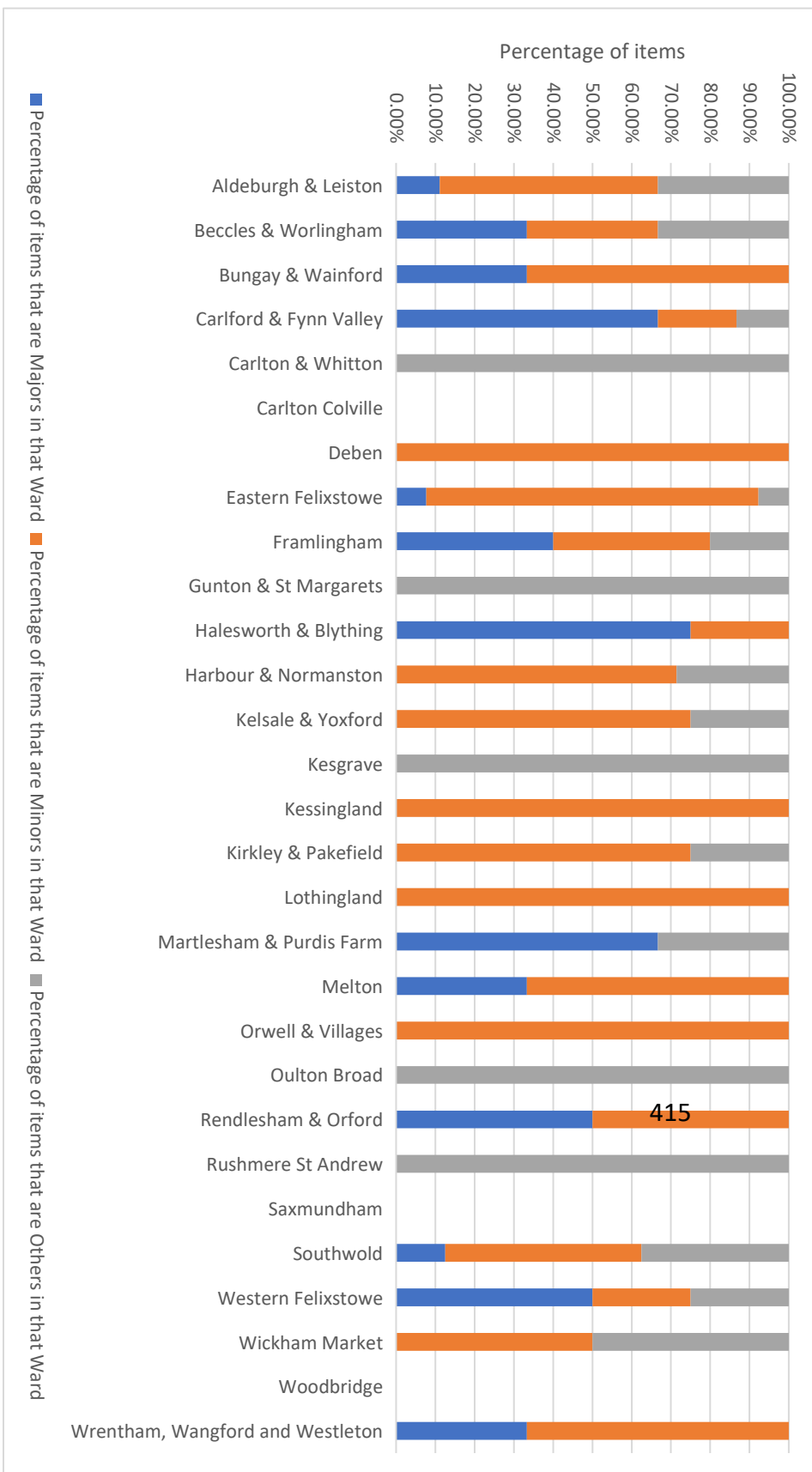
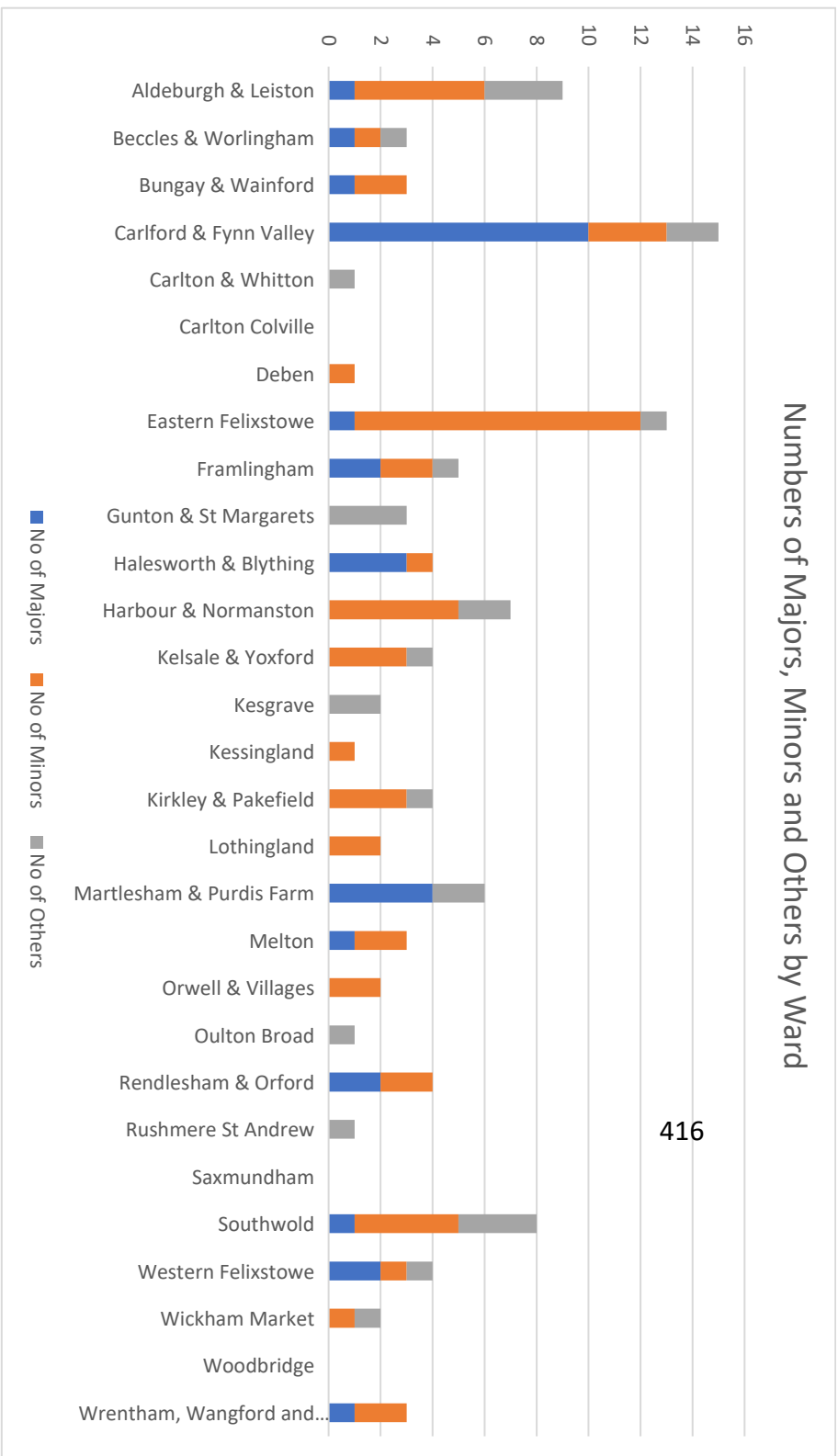


Figure 4: The numbers of Major, Minors and Other items at North / South Planning Committee within each ward between 1 April 2021 and 31 March 2022



**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

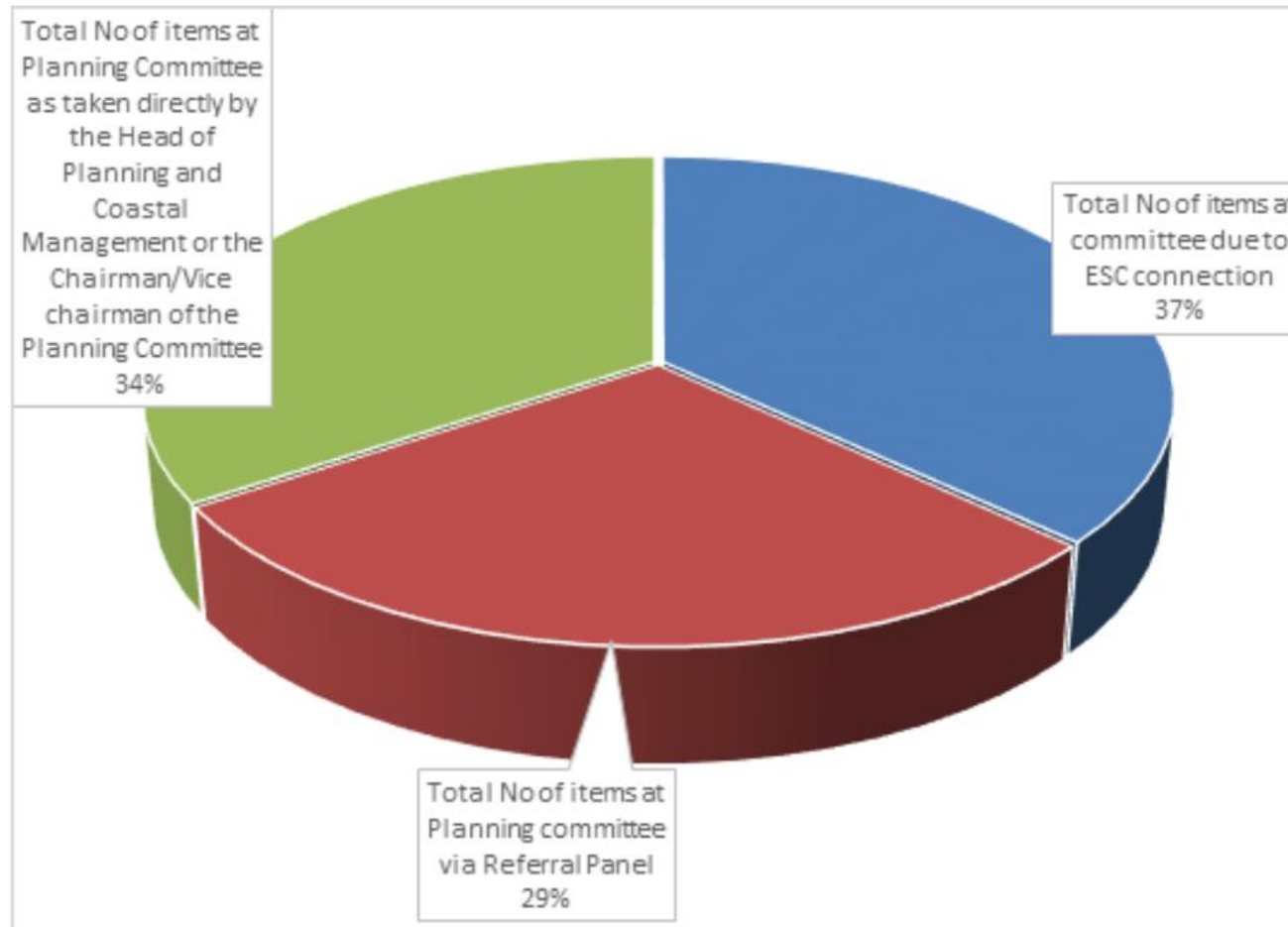


Figure 2: Reason items were at committee as a percentage of the number of items presented each month (1 April 2021 - 31 March 2022)

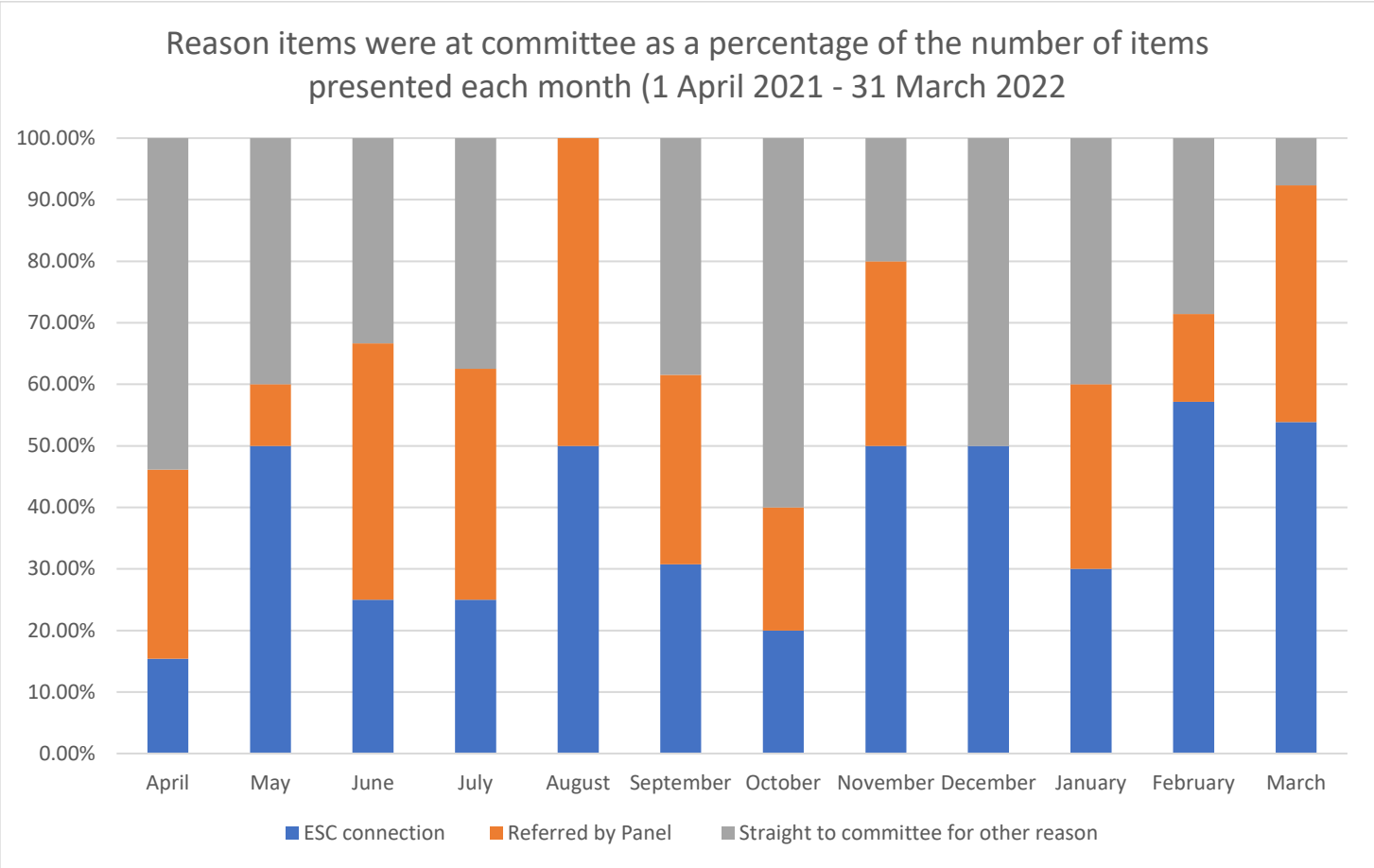


Figure 3: Number of items at North and South Planning Committees per month (1 April 2021 - 31 March 2022)

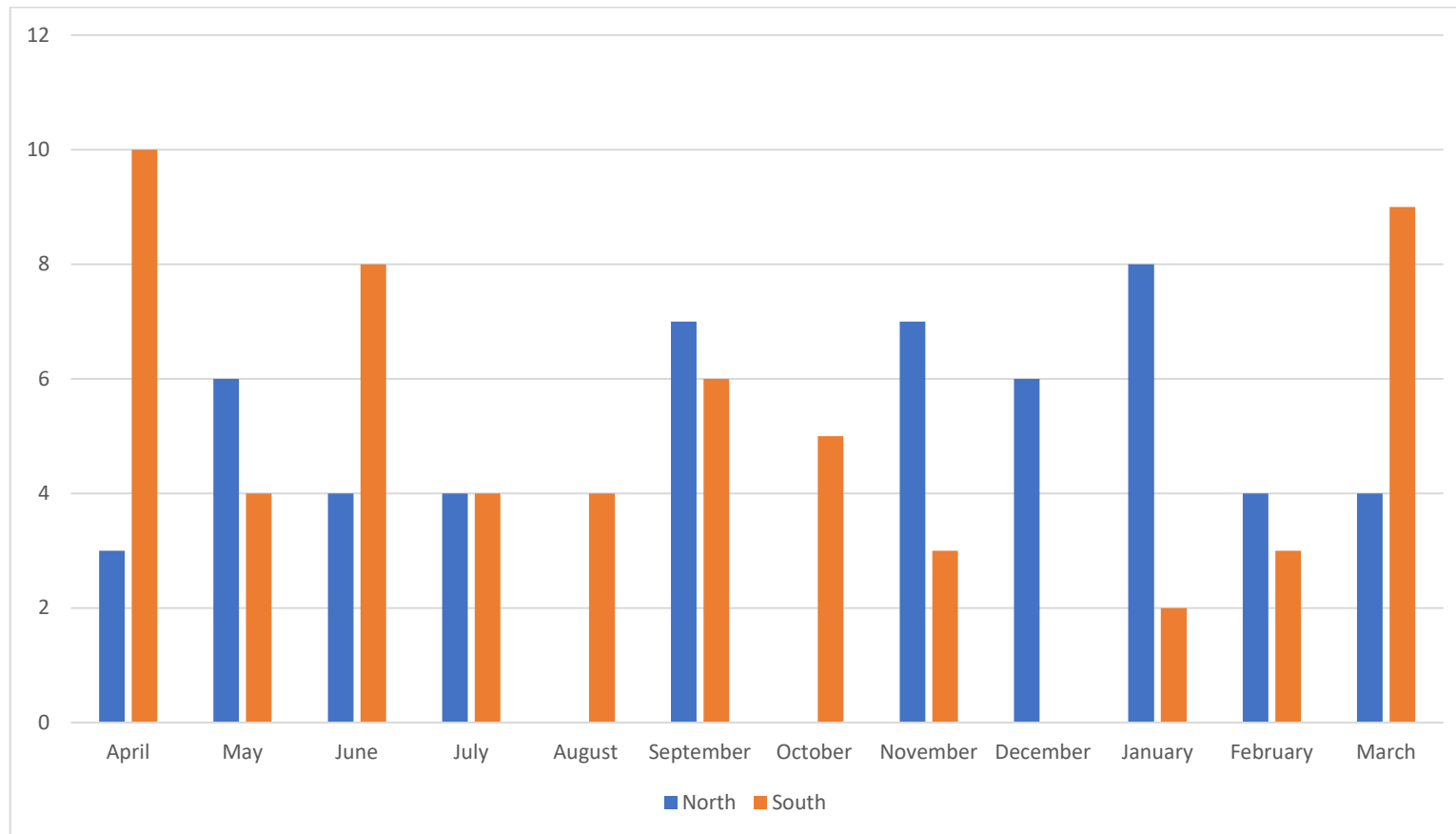


Figure 4: Number of Items at Committee by Ward (1 April 2021 - 31 March 2022)

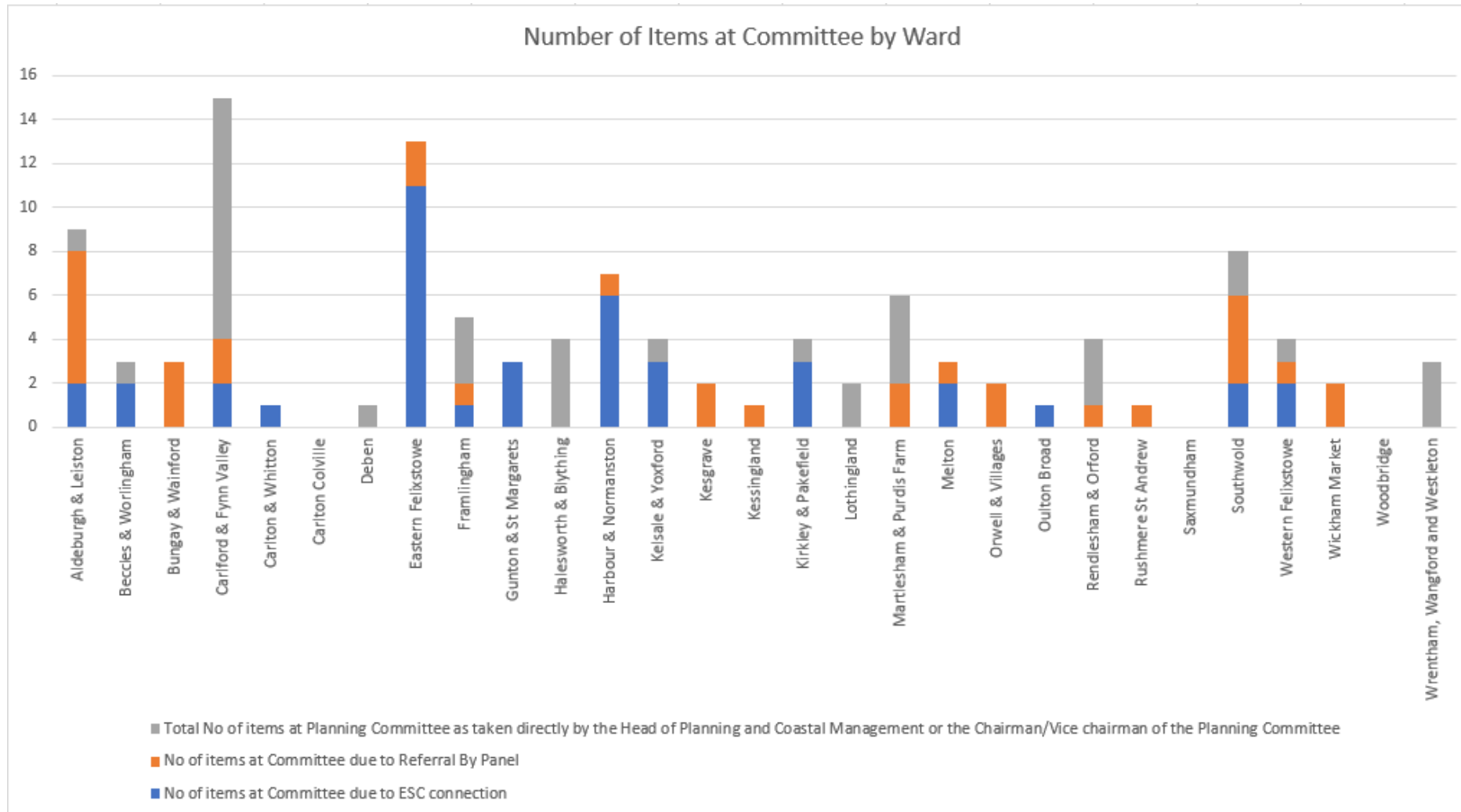
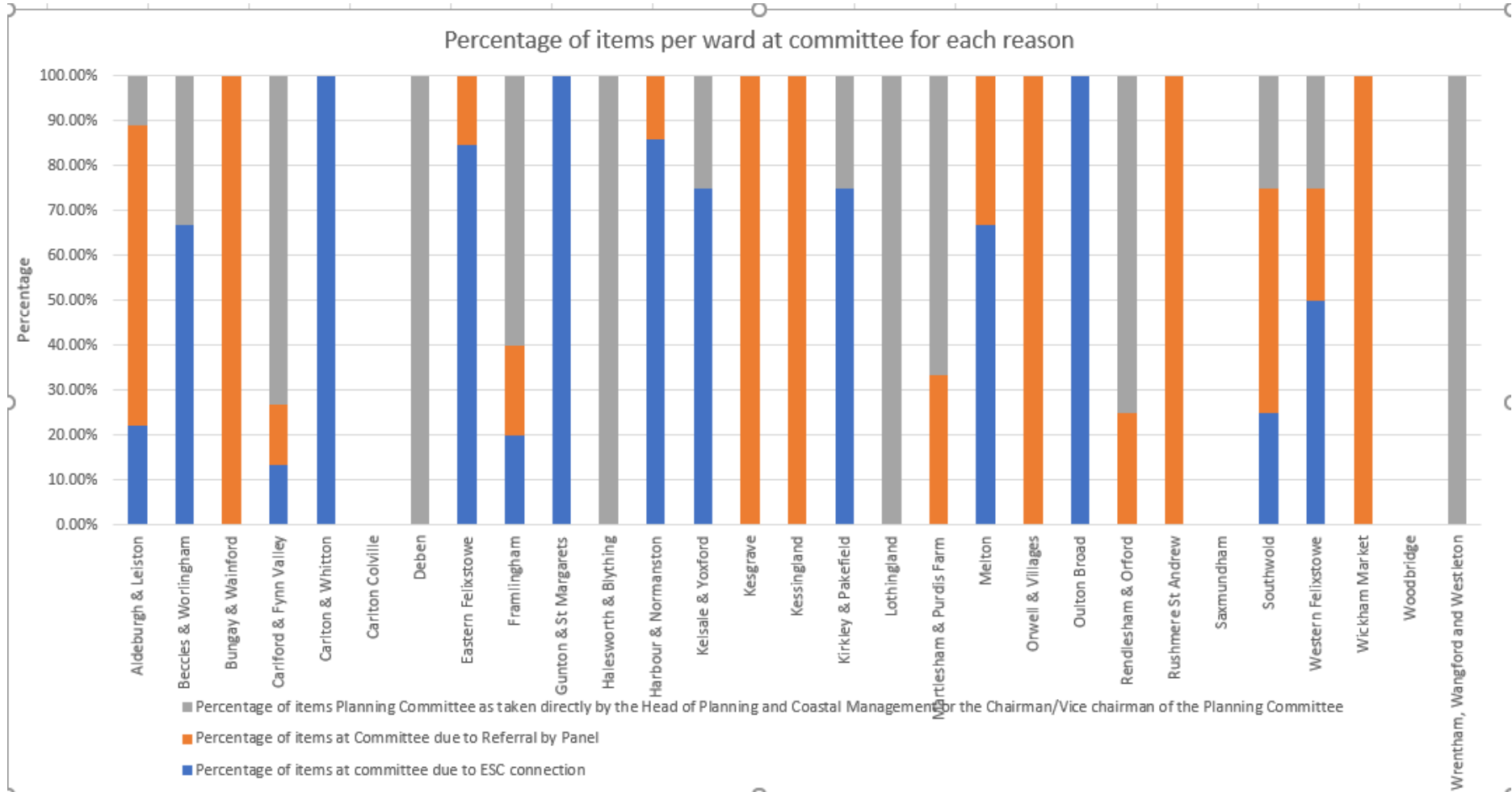


Figure 5: The proportion of items at Committee for each reason within each ward between 1 April 2021 and 31 March 2022



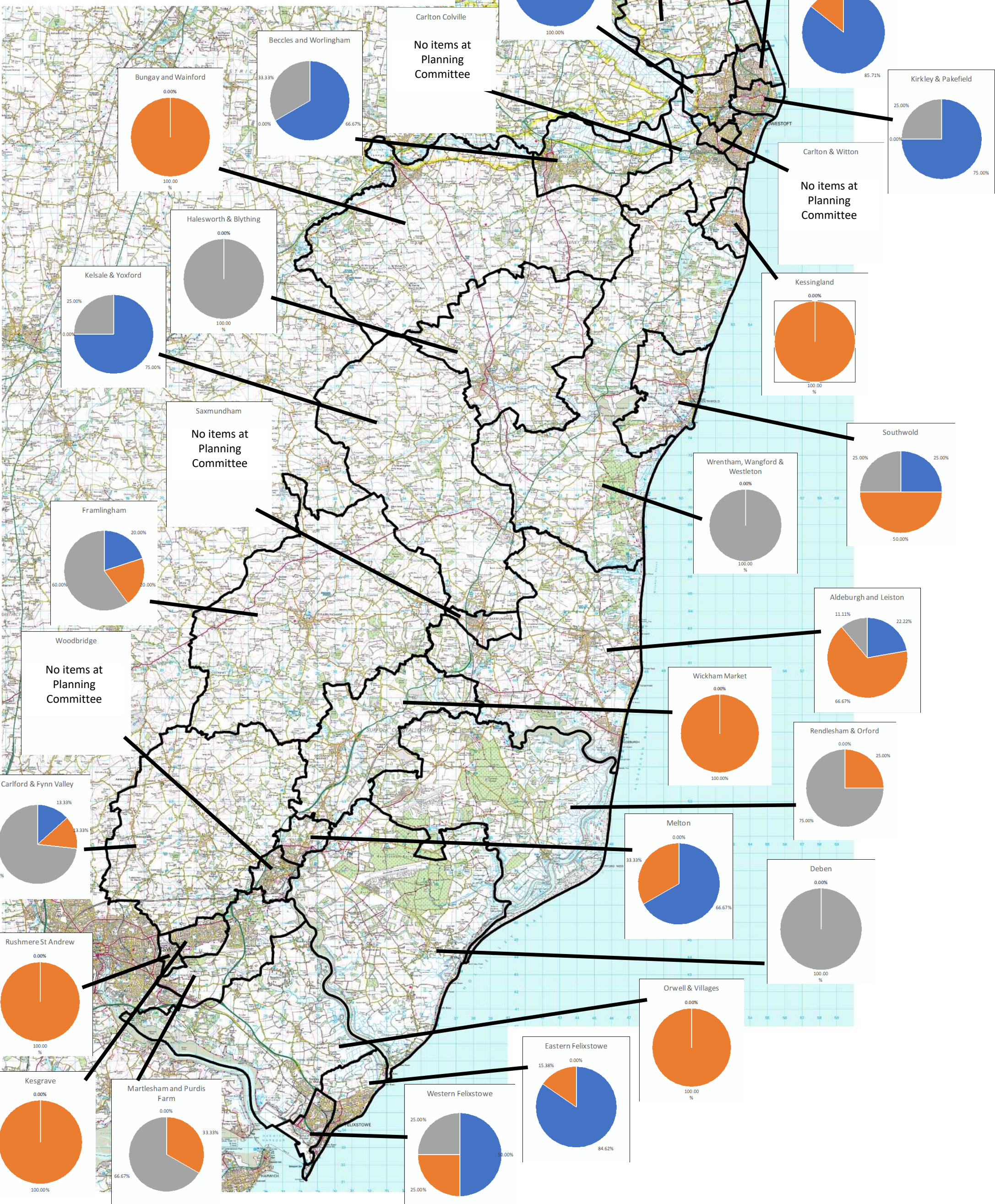
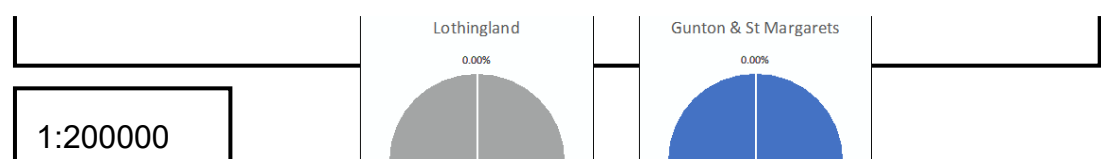


# East Suffolk Council

## 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

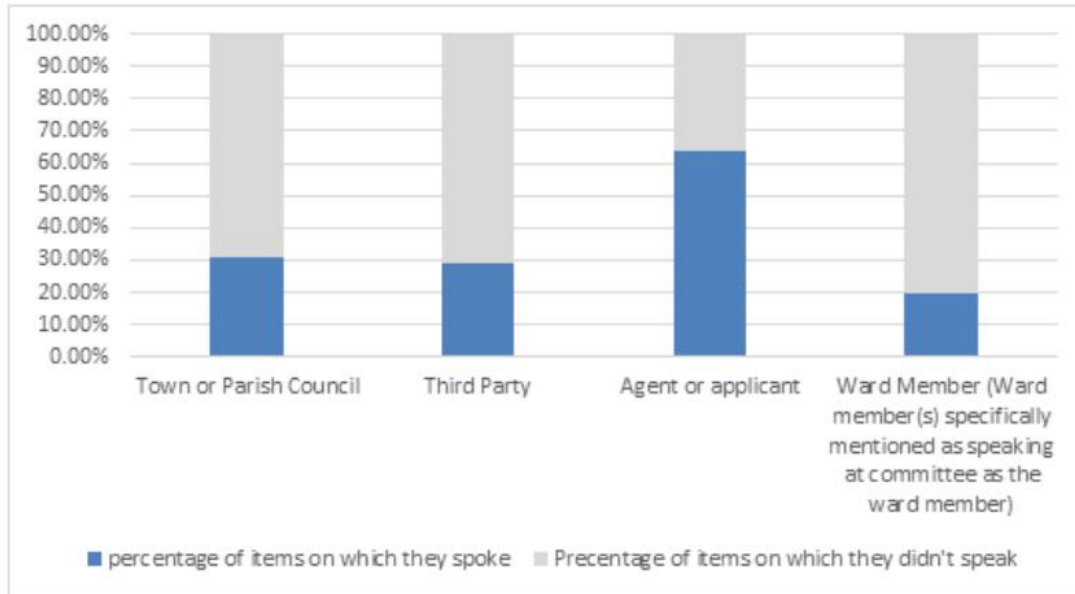


Figure 2: The percentage of items at committee via the Referral Panel on which each potential type of speaker spoke.

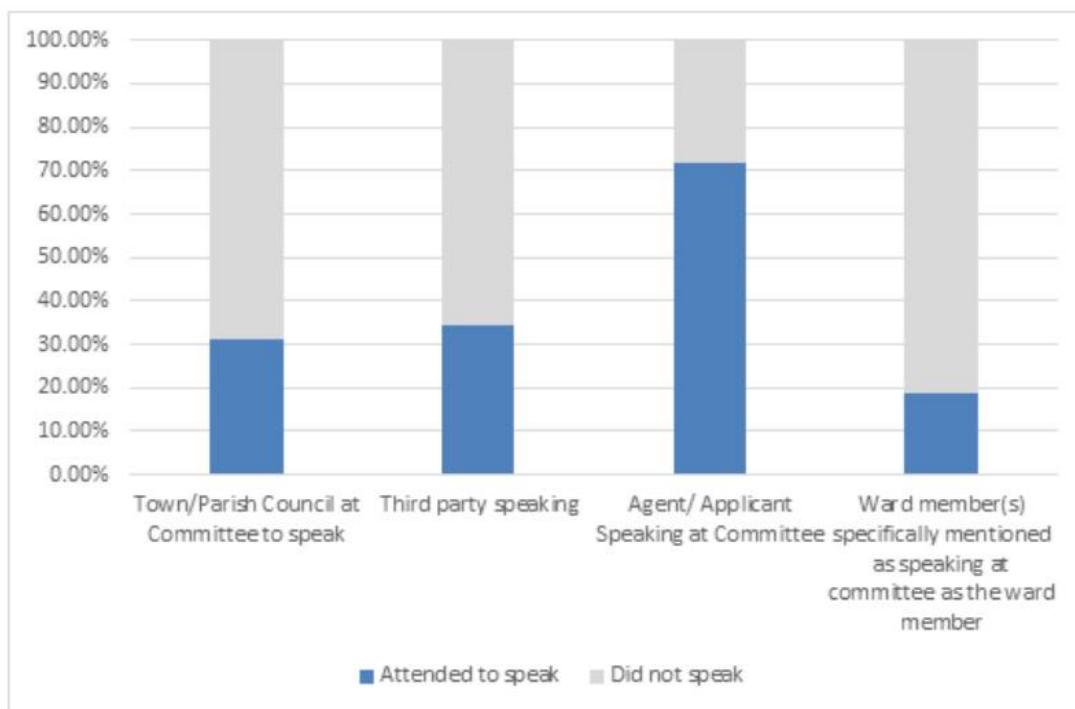


Figure 3: The percentage of public speaking on items at committee due to direct referral by the Head of Service or Committee Chairs

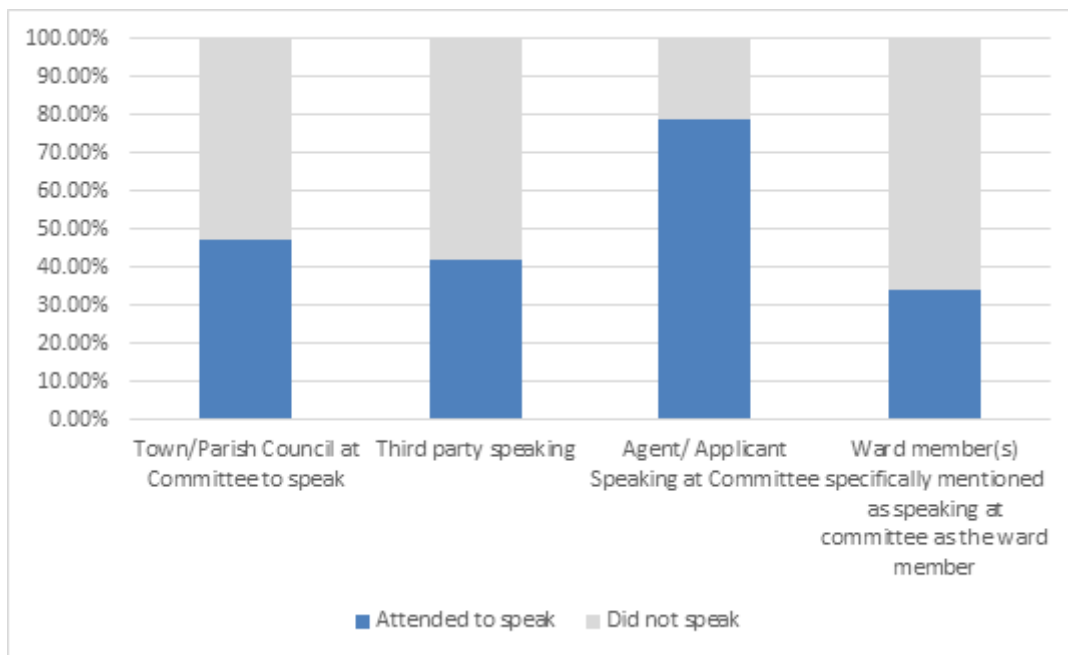
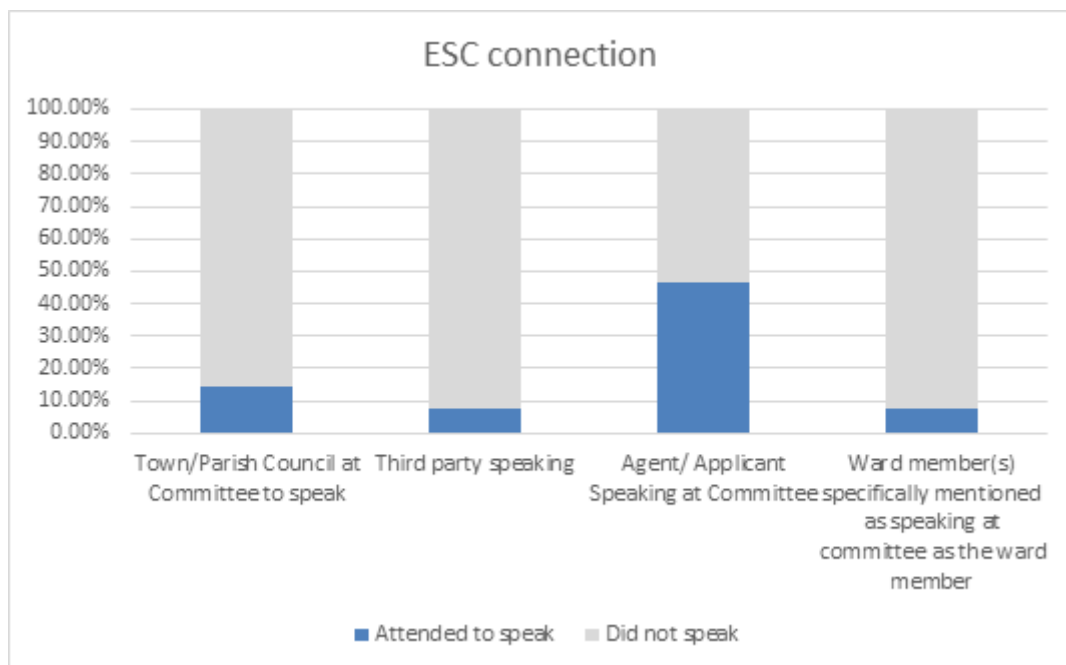
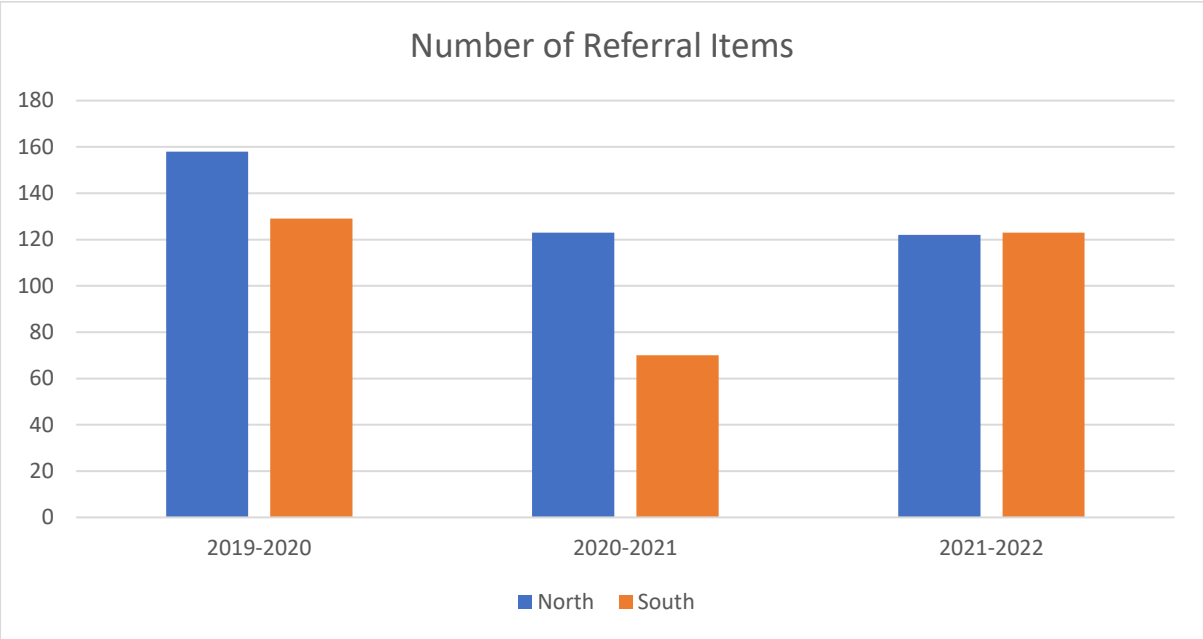


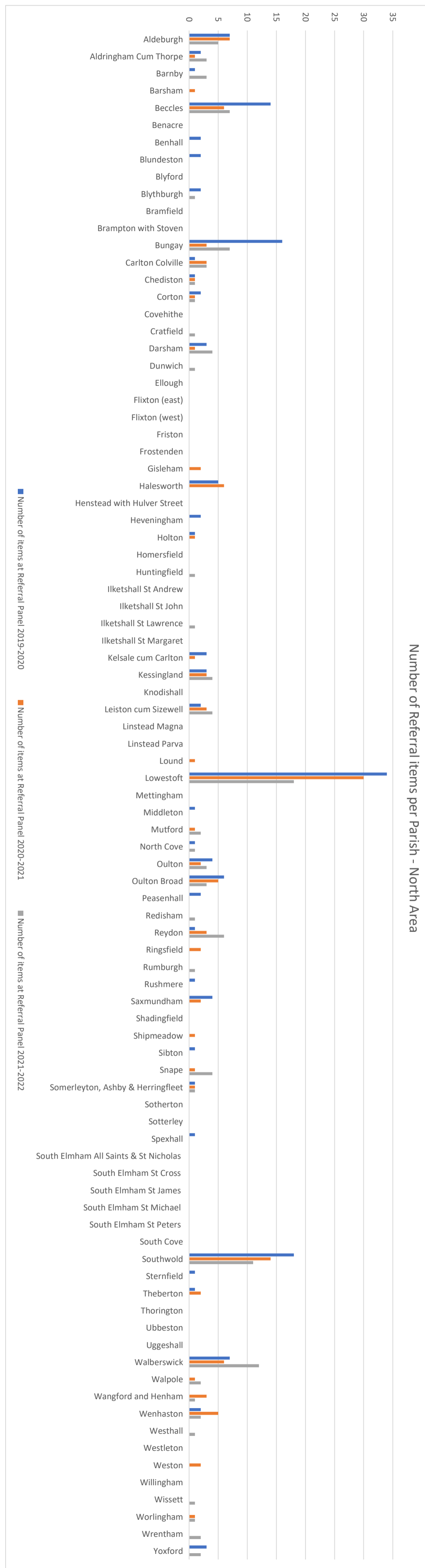
Figure 4: The percentage of public speaking on items at committee due to an East Suffolk Council connection (e.g. ESC were the applicant, or the applicant was an ESC elected member, member of staff or close relative).

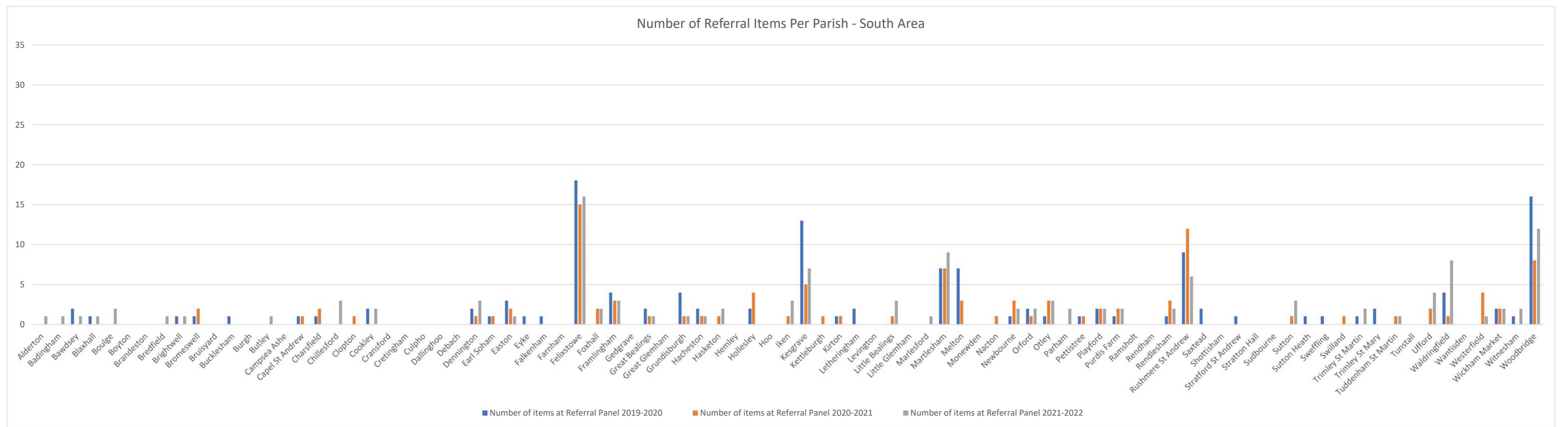


**Appendix F:** The proportions of North and South areas at the Referral Panel between 1 April 2019 and 31 March 2022.

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







**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

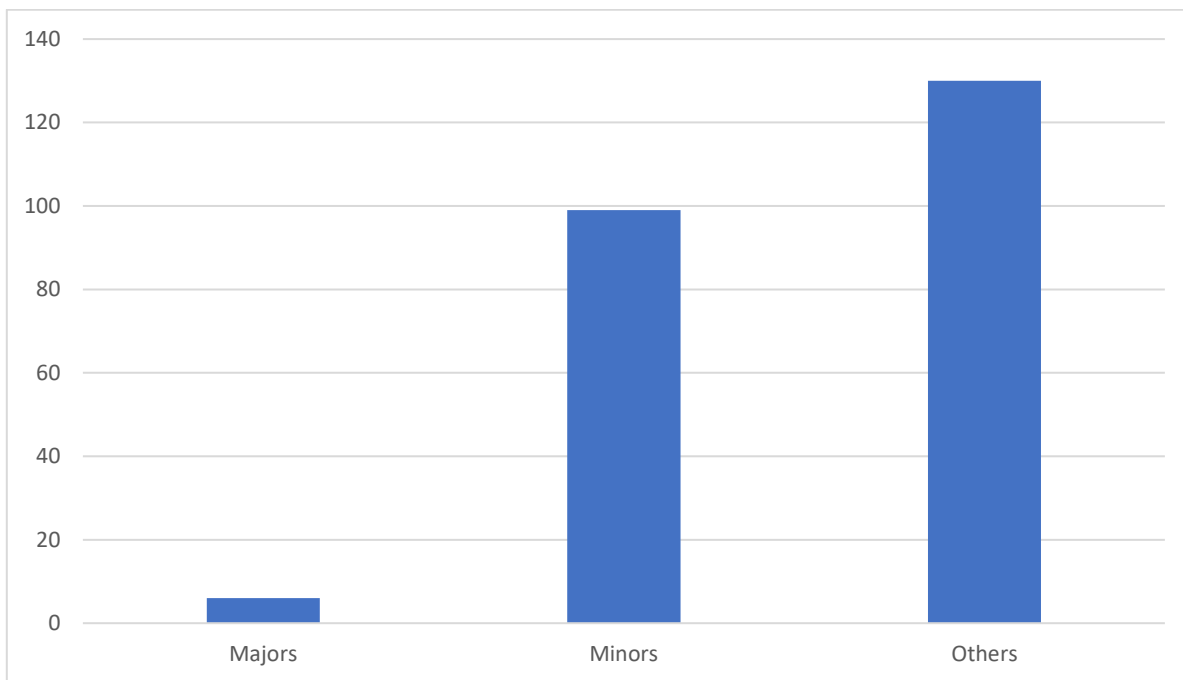
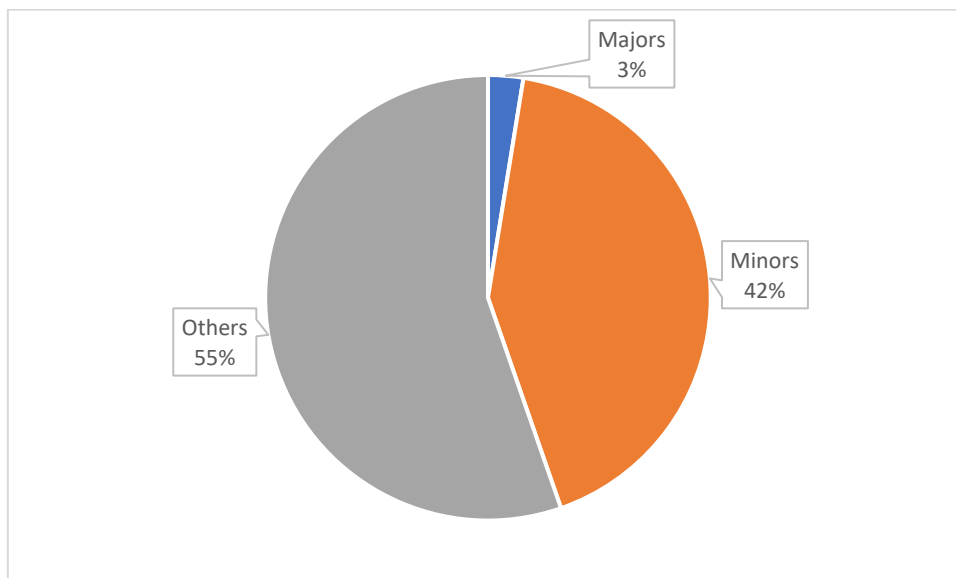
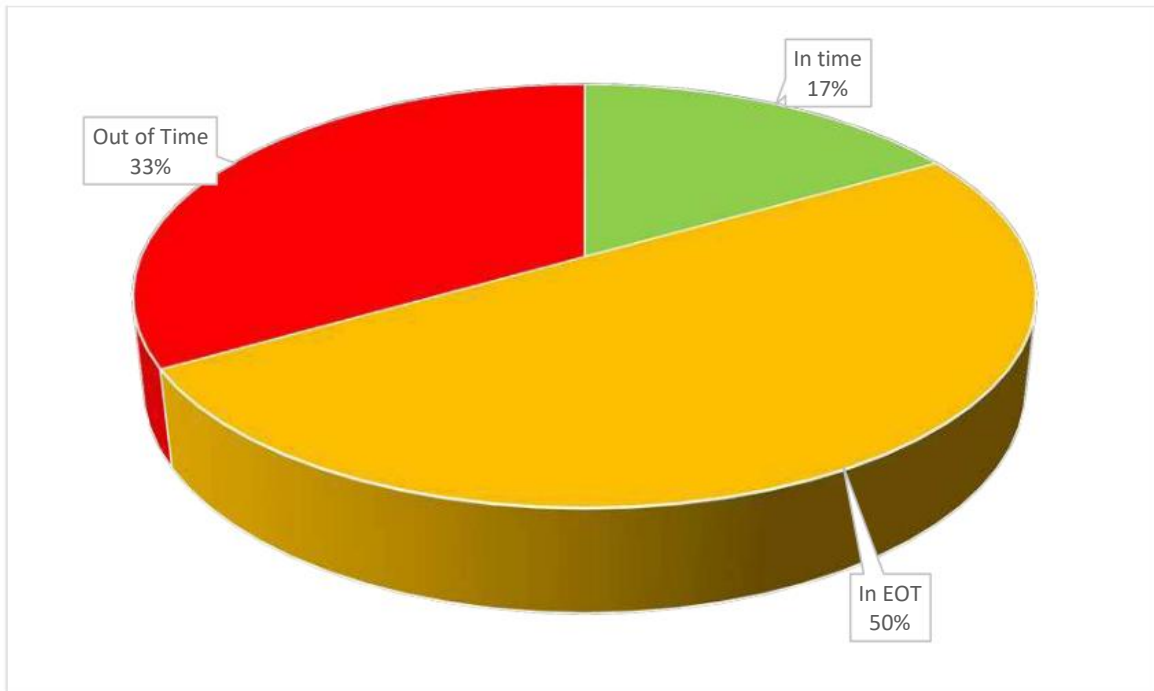


Figure 2: Items at Referral Panel between 1 April 2021 and 31 March 2022, in terms of the proportion of Majors, Minors and Others

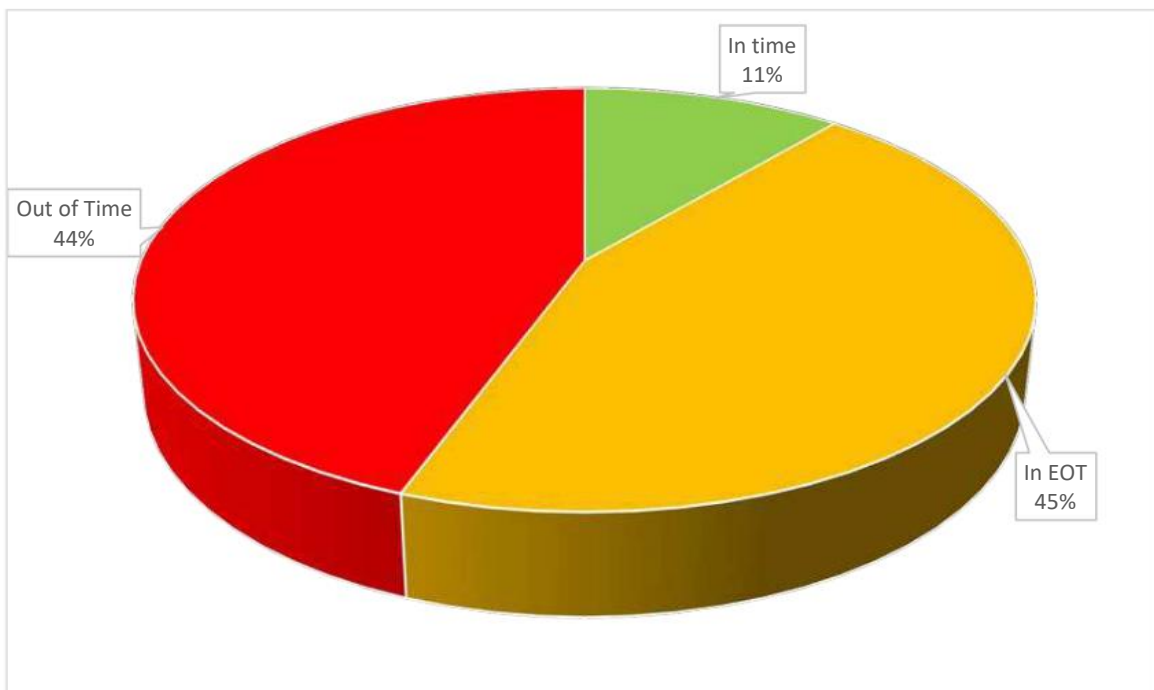


**Appendix H:** The timeliness of Major, Minors and Others at Referral Panel between 1 April 2021 and 31 March 2022.

**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.

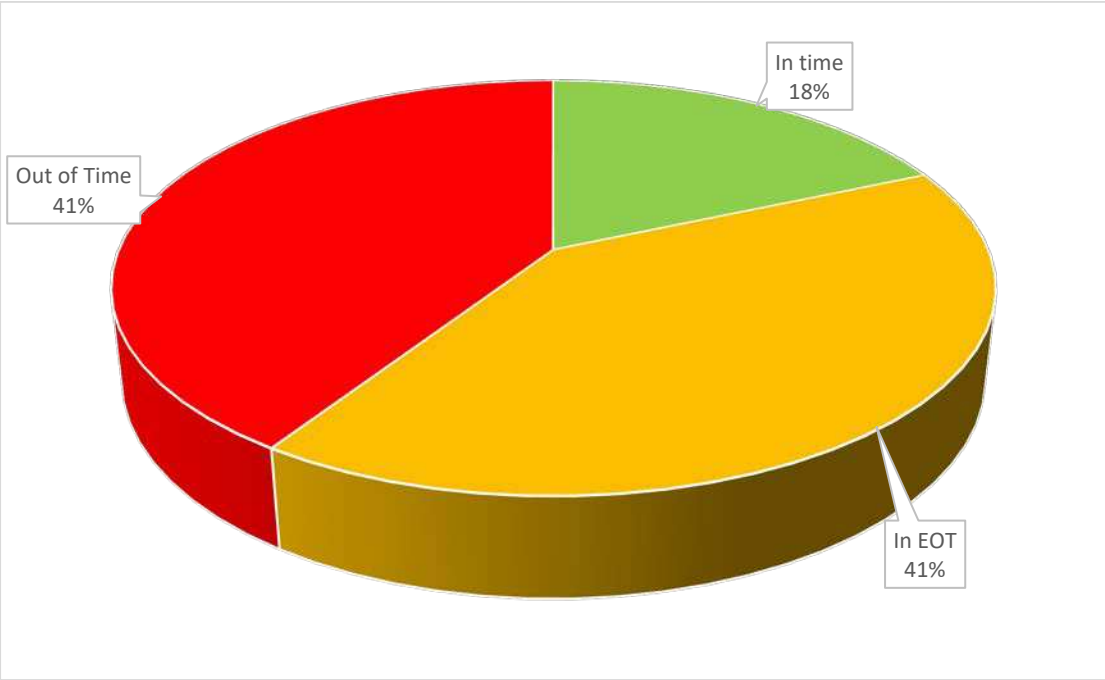


**Figure 2:** The proportions of Minors going via the Planning Referral Panel Prior, which were determined within the government target time, within an agreed Extension of Time (EOT) and out of time/beyond the government target date or an agreed EOT.





**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

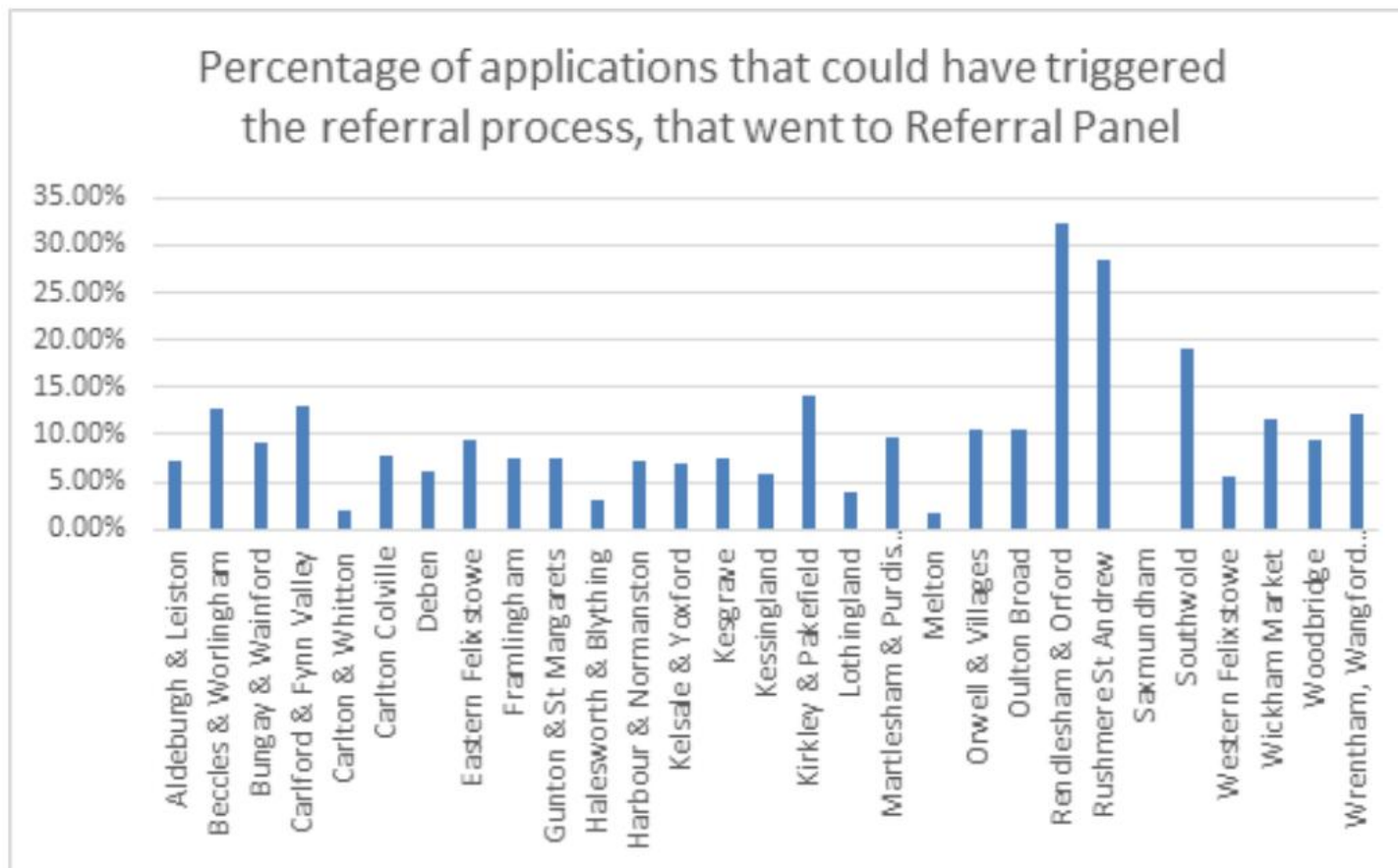


Figure 2: The total number of applications that could have triggered the referral process and did between 1 April 2021 and 31 March 2022

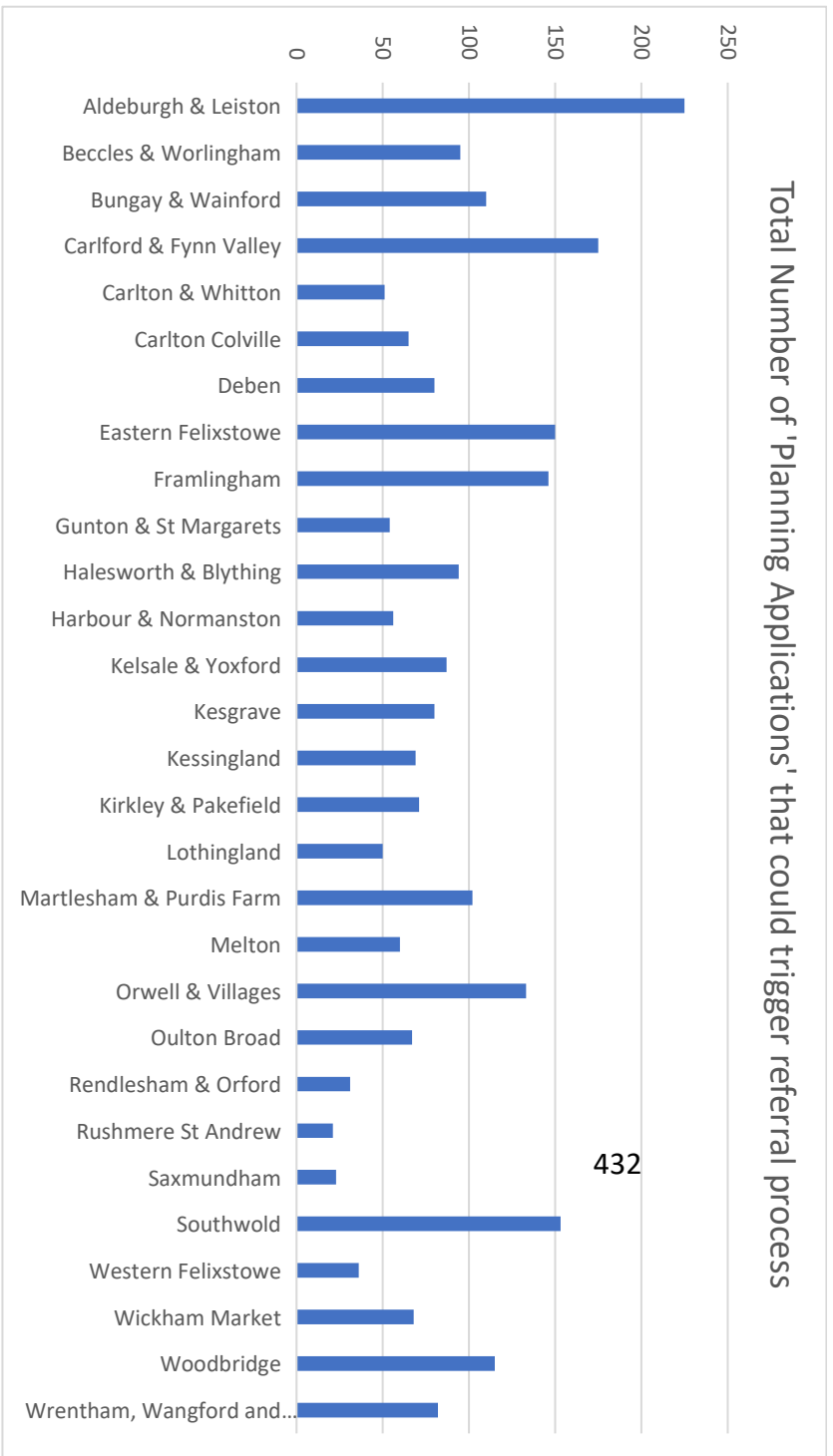


Figure 3 : The total number of applications within each ward that triggered the referral process between 1 April 2021 and 31 March 2022

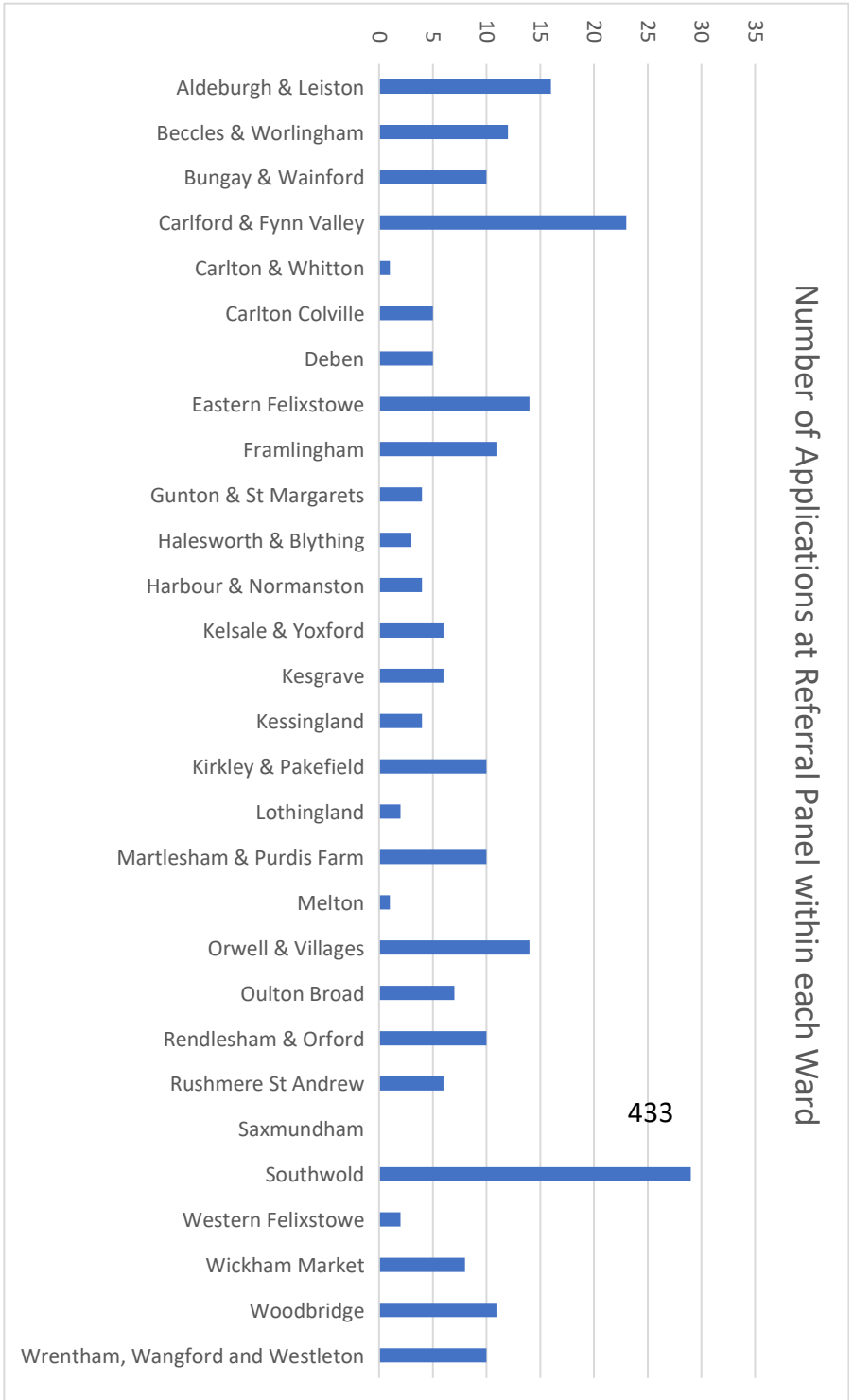


Figure 4: The proportion of applications within each ward that could have triggered the referral process and did between 1 April 2021 and 31 March 2022

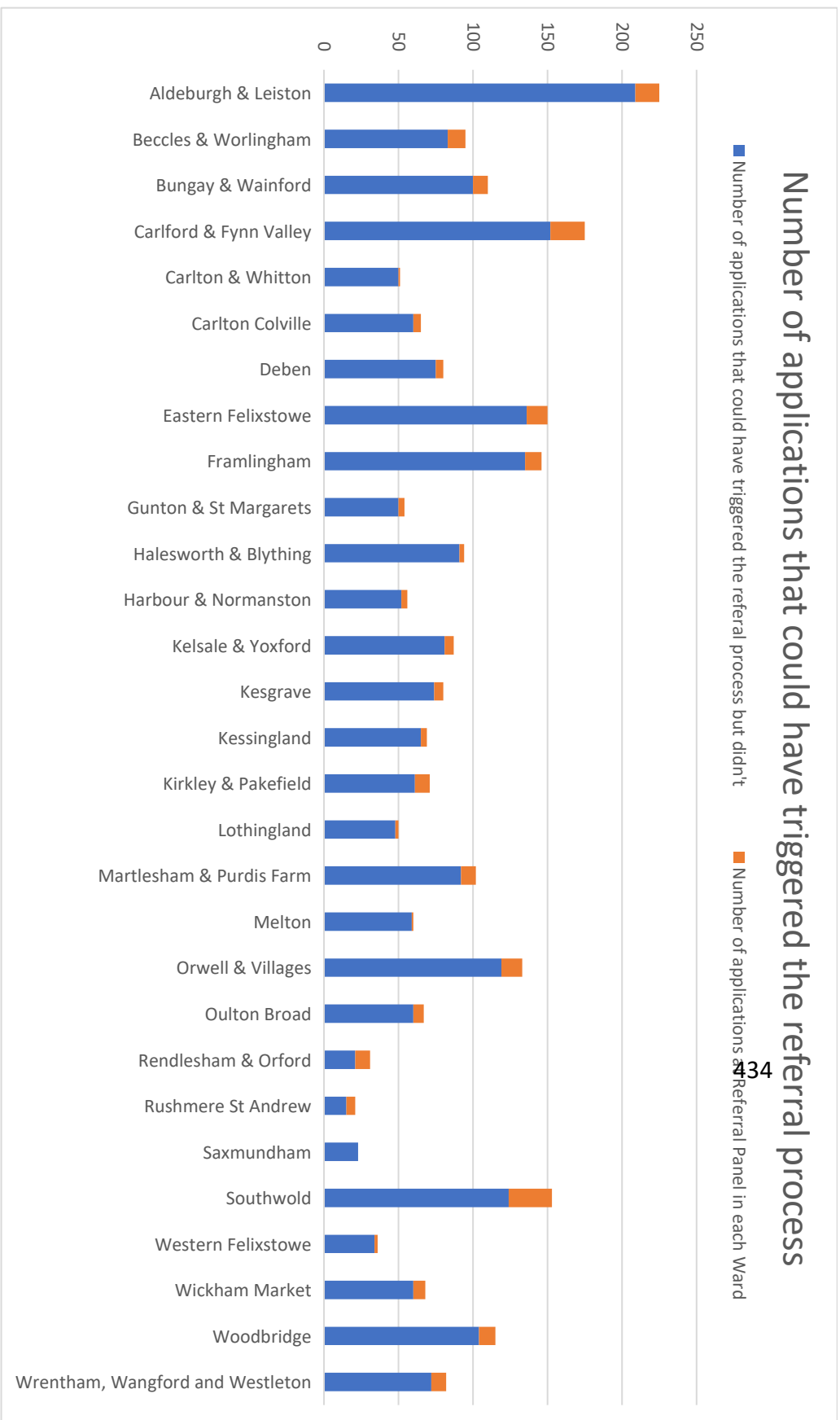


Figure 5: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)

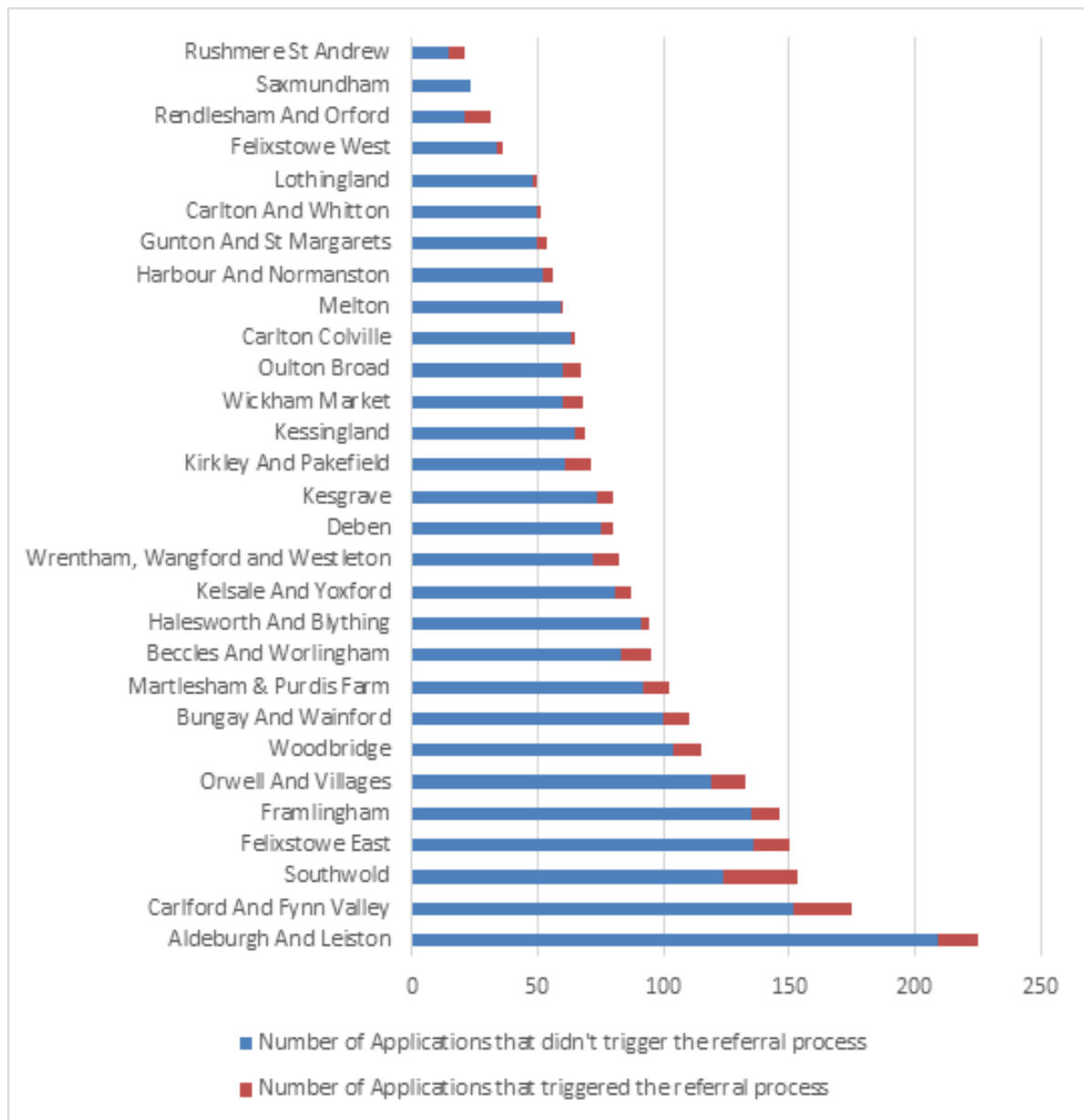
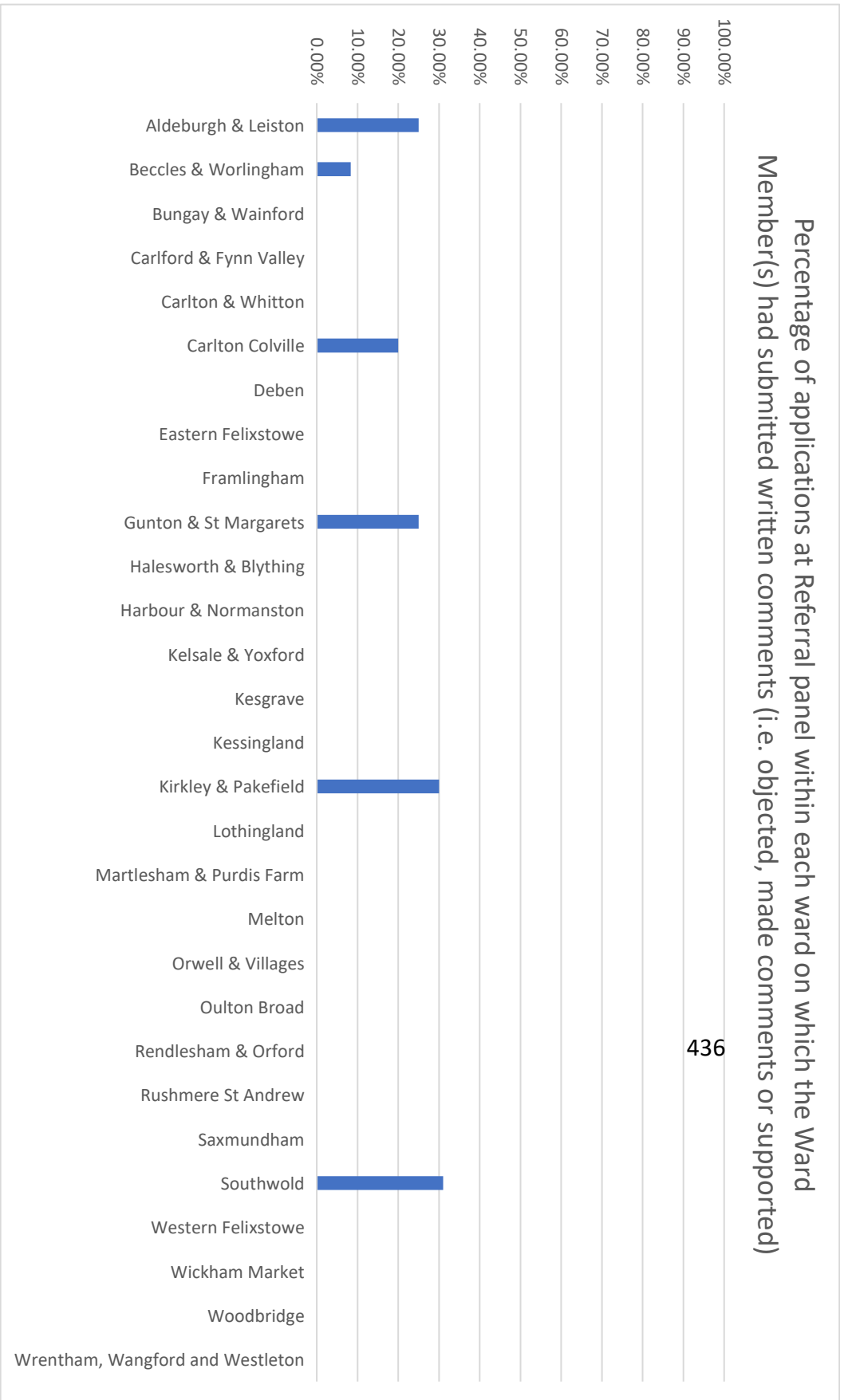


Figure 6: The percentage of applications within each ward at the referral panel which had written comments from the Ward Member between 1 April 2021 and 31 March 2022



# East Suffolk Council

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

1:200000

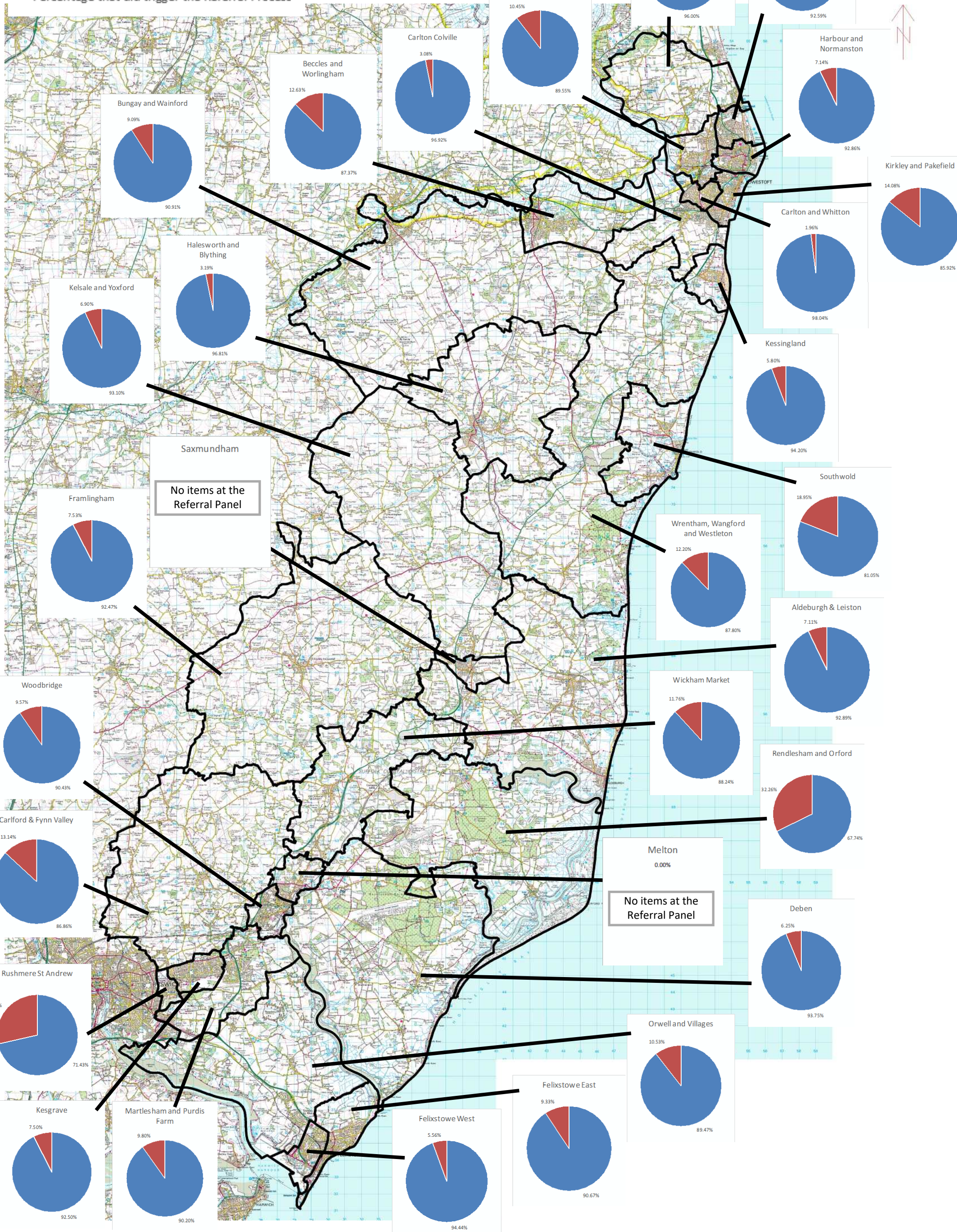




Figure 1 : Number of 'Planning Applications' and number triggering Referral Panel by Parish in alphabetical order

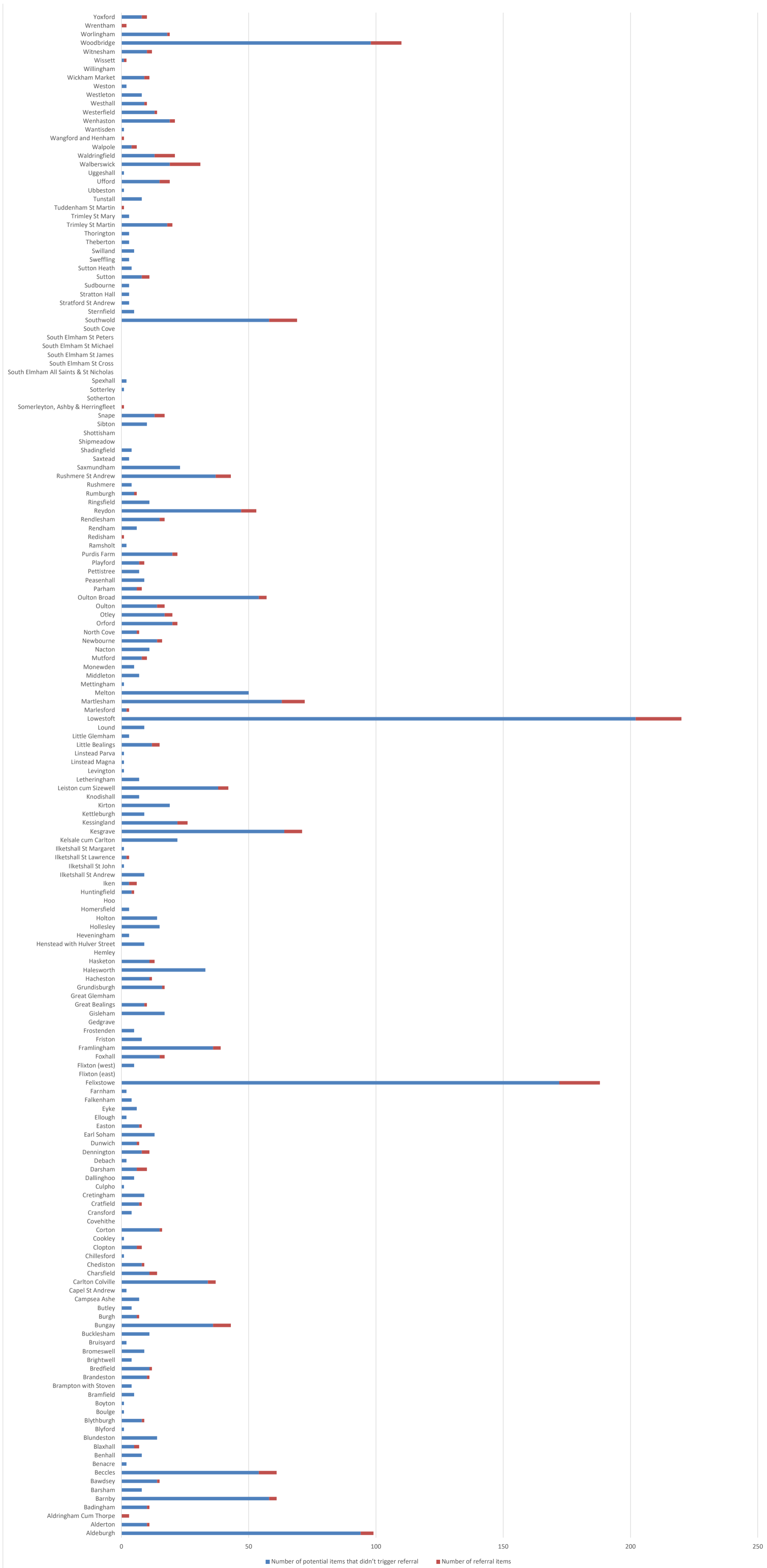


Figure 2 : Number of 'Planning Applications' and number triggering Referral Panel by Parish, in order of total number of 'Planning Applications'

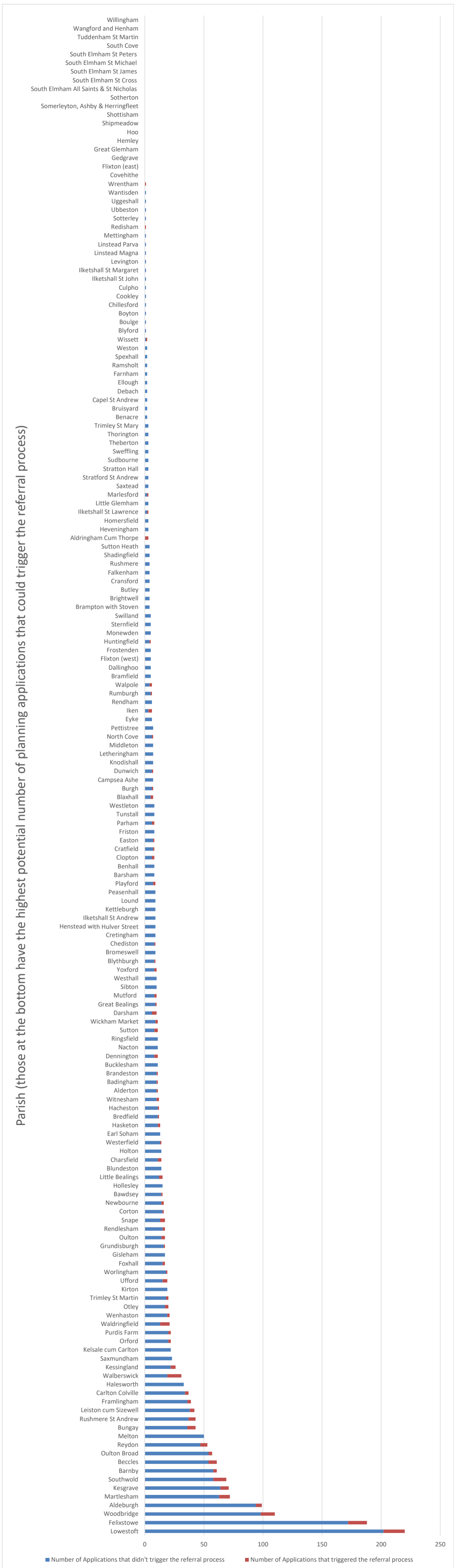
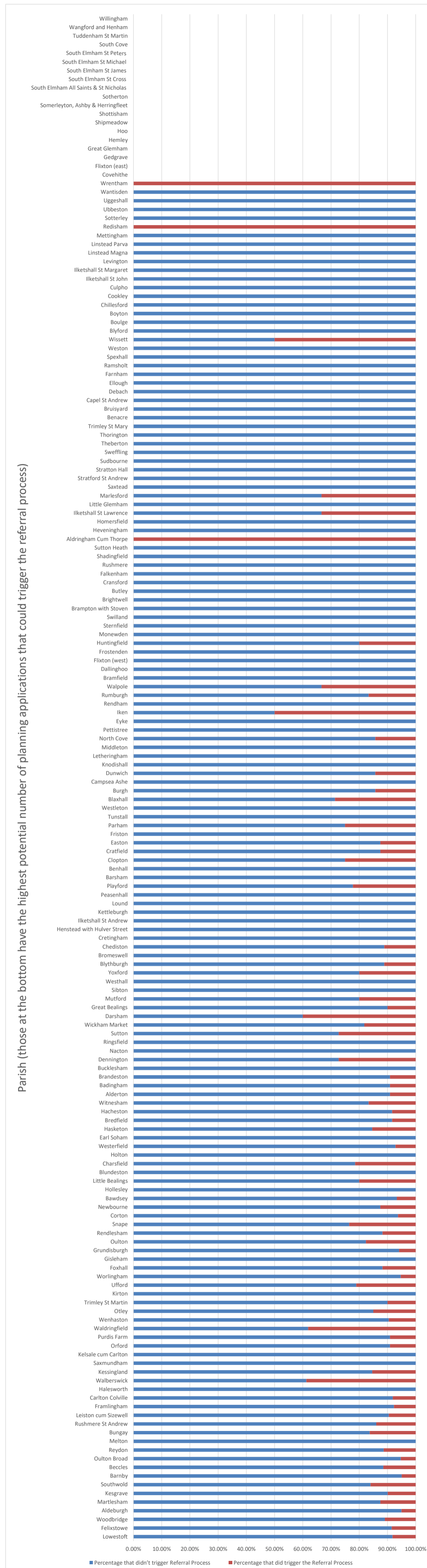
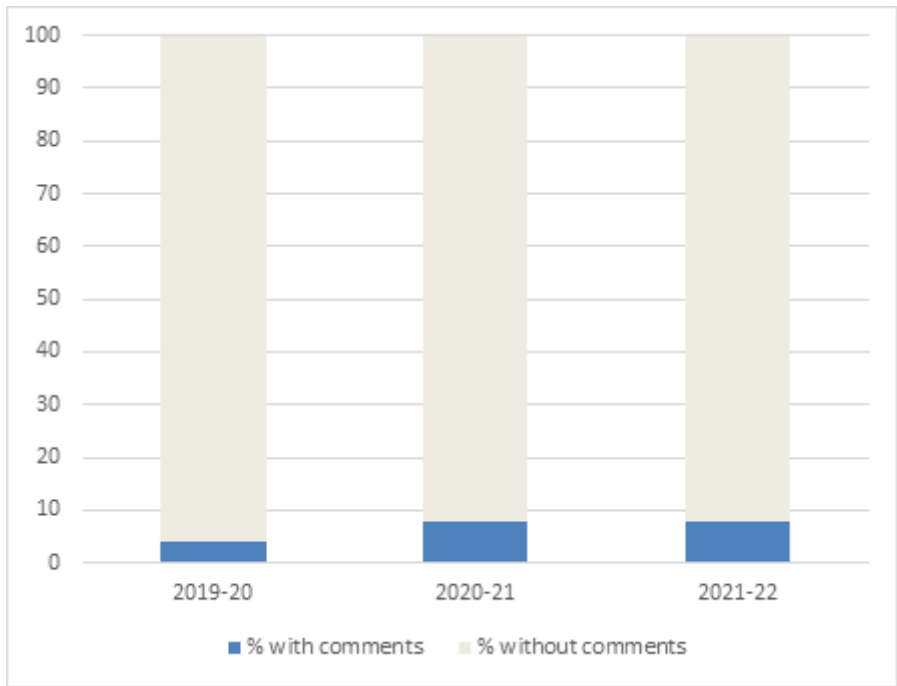


Figure 3: Percentage of 'Planning Applications' triggering Referral Process, ordered by number of planning applications received within each Parish



**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**

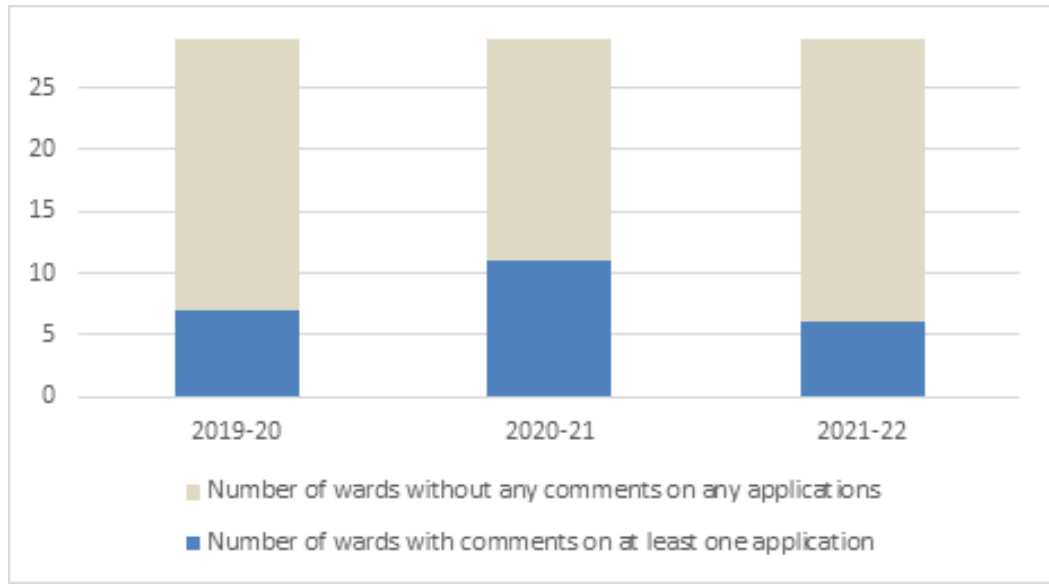


Figure 3: The number of applications with comments from the Ward Member at the Referral Panel shown by Ward 1 April 2019 to 31 March 2022

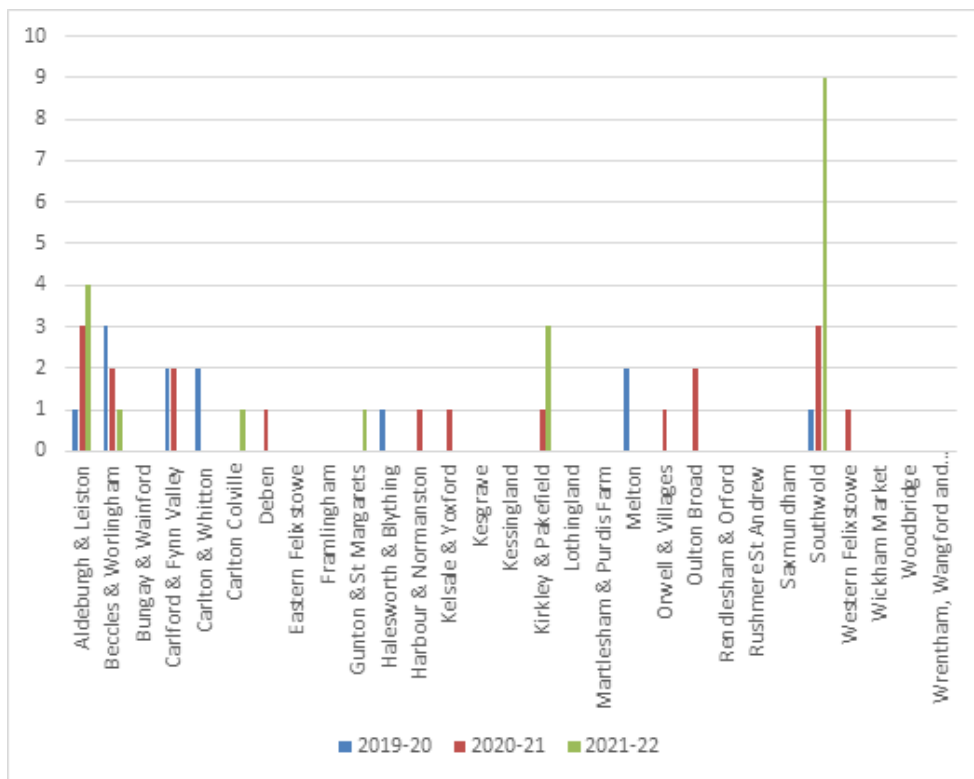
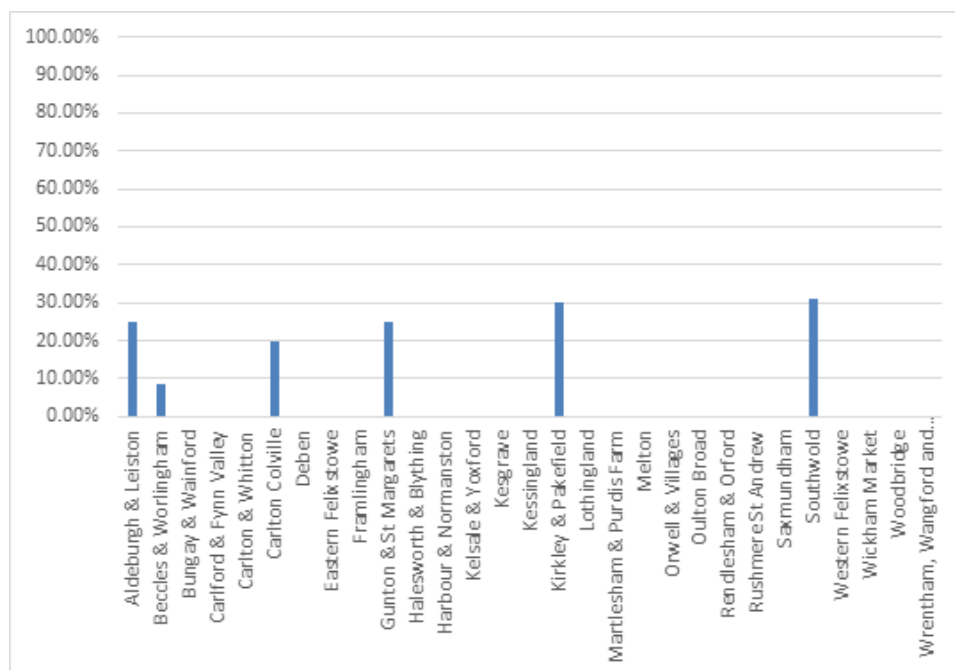


Figure 4: Percentage of applications at Referral panel within each ward on which the Ward Member(s) had submitted written comments (i.e. objected, made comments or supported) 1 April 2021 – 31 March 2022



# East Suffolk Council

## 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

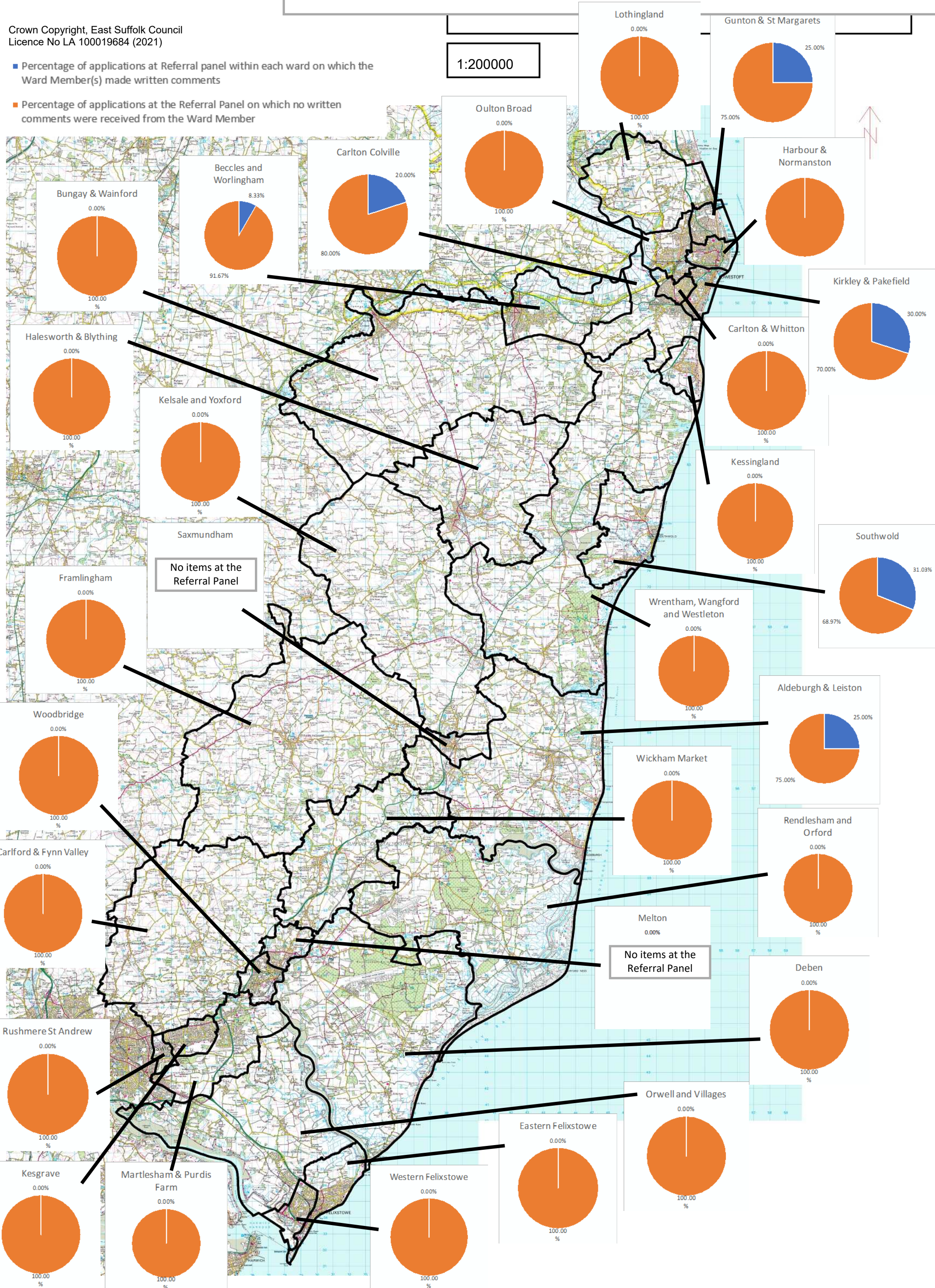


Figure 1: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2021 – 31 March 2022

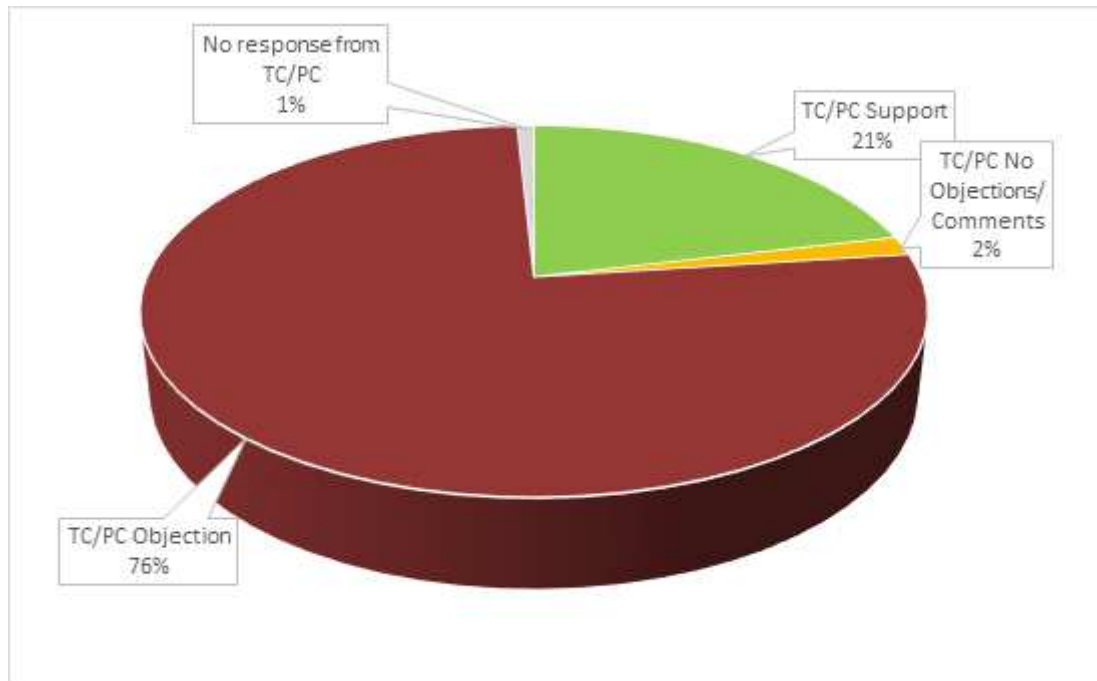


Figure 2: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2020 – 31 March 2021

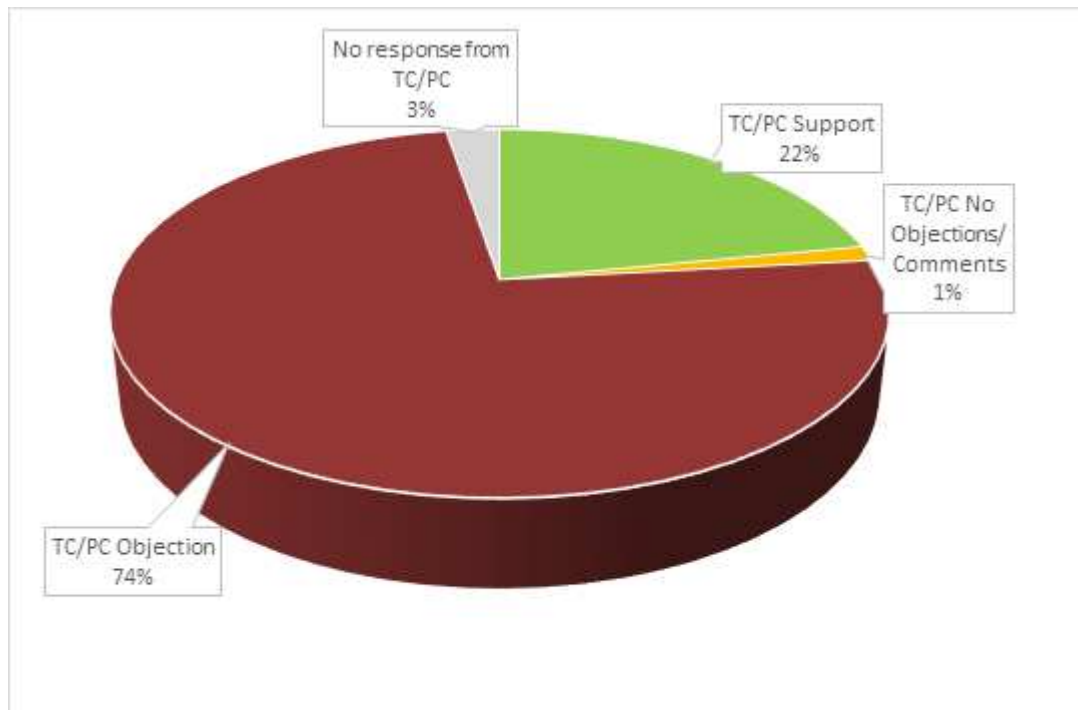
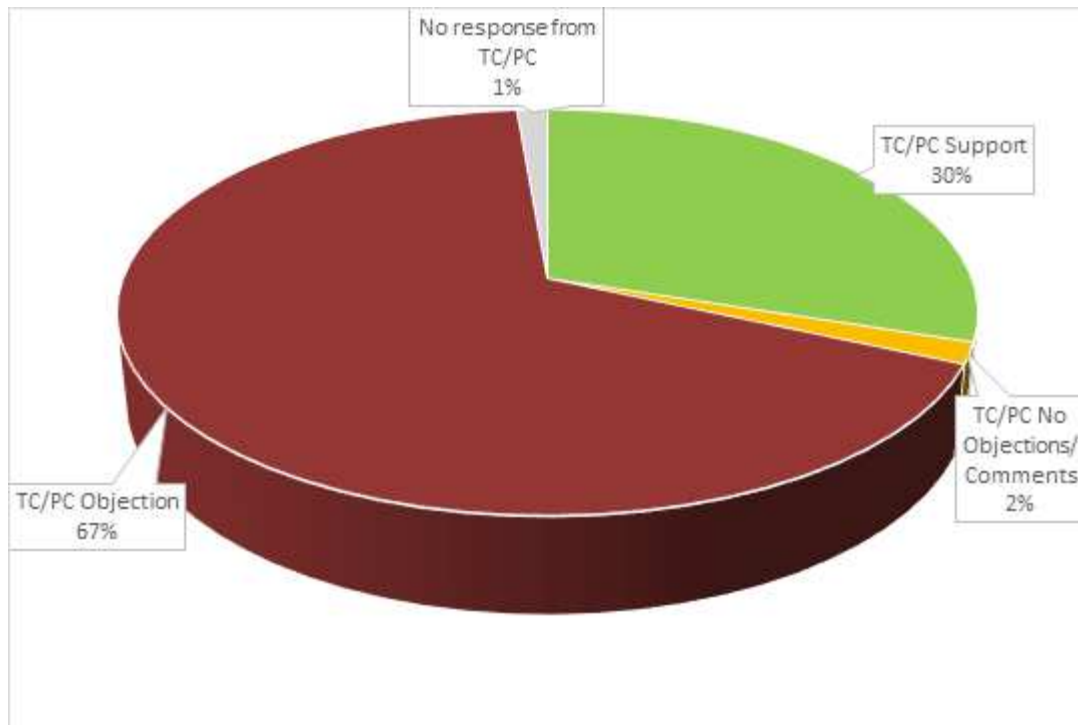
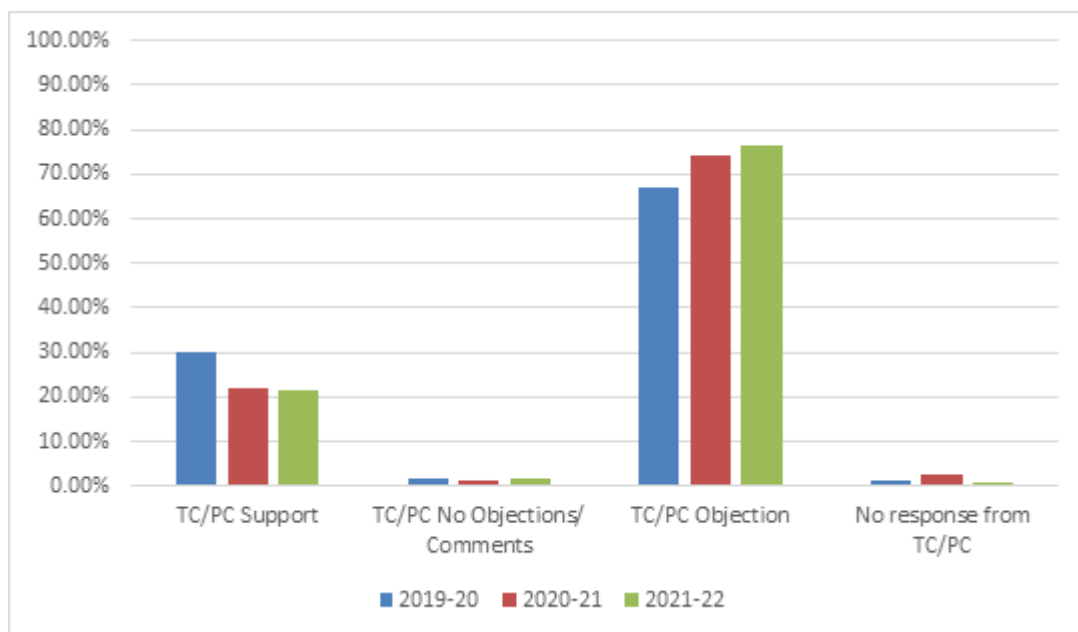


Figure 3: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020



**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.**





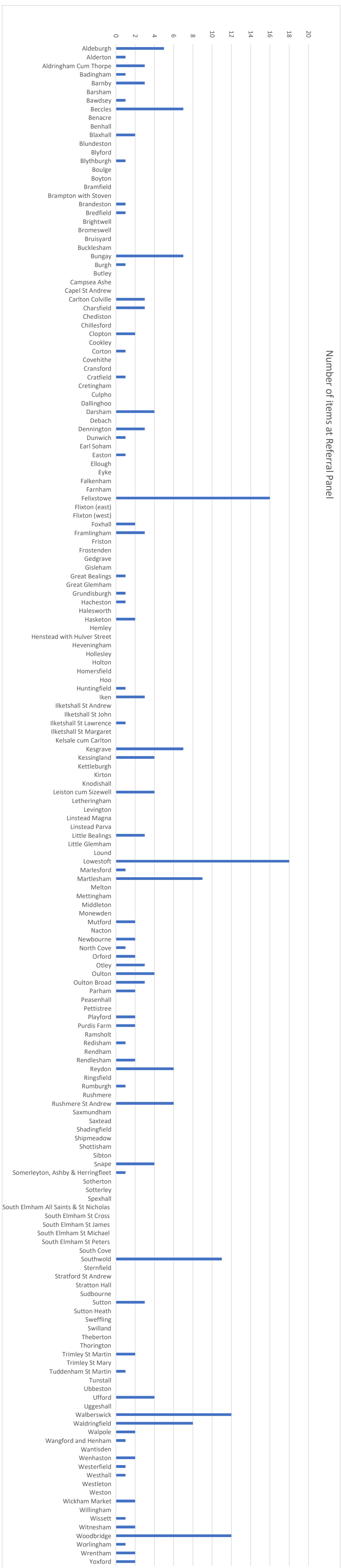
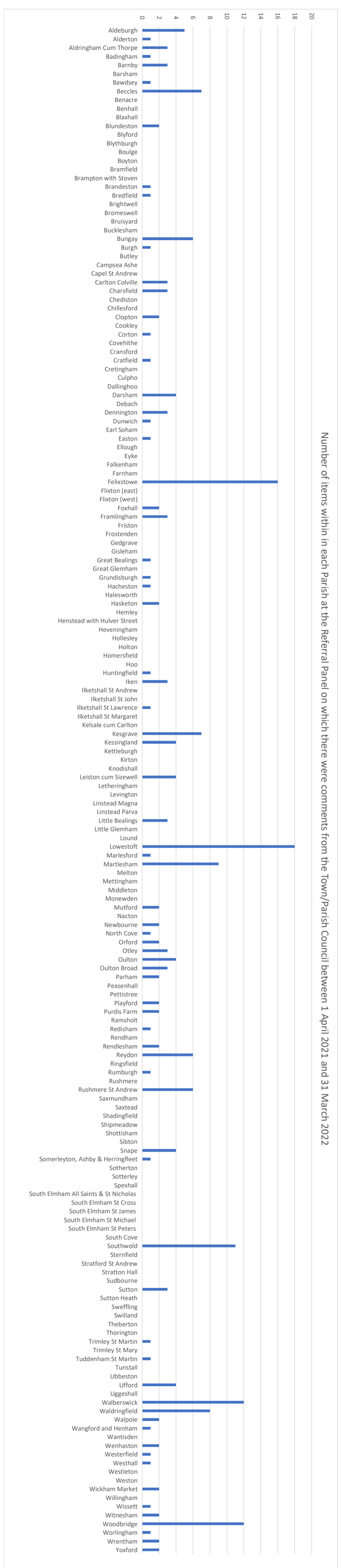
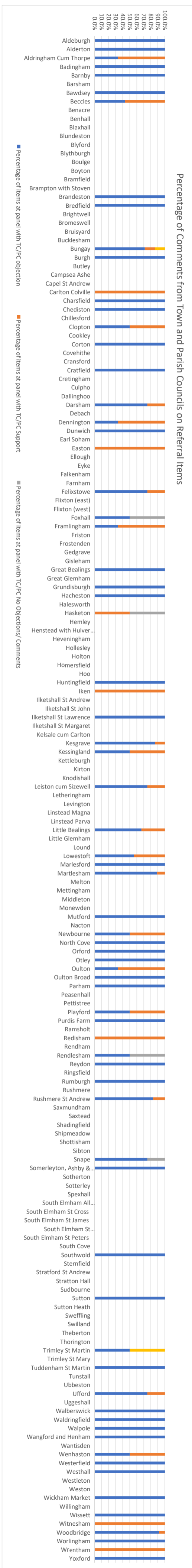


Figure 1: The total number of items at the Referral Panel shown by Parish between 1 April 2021 and 31 March 2022

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**

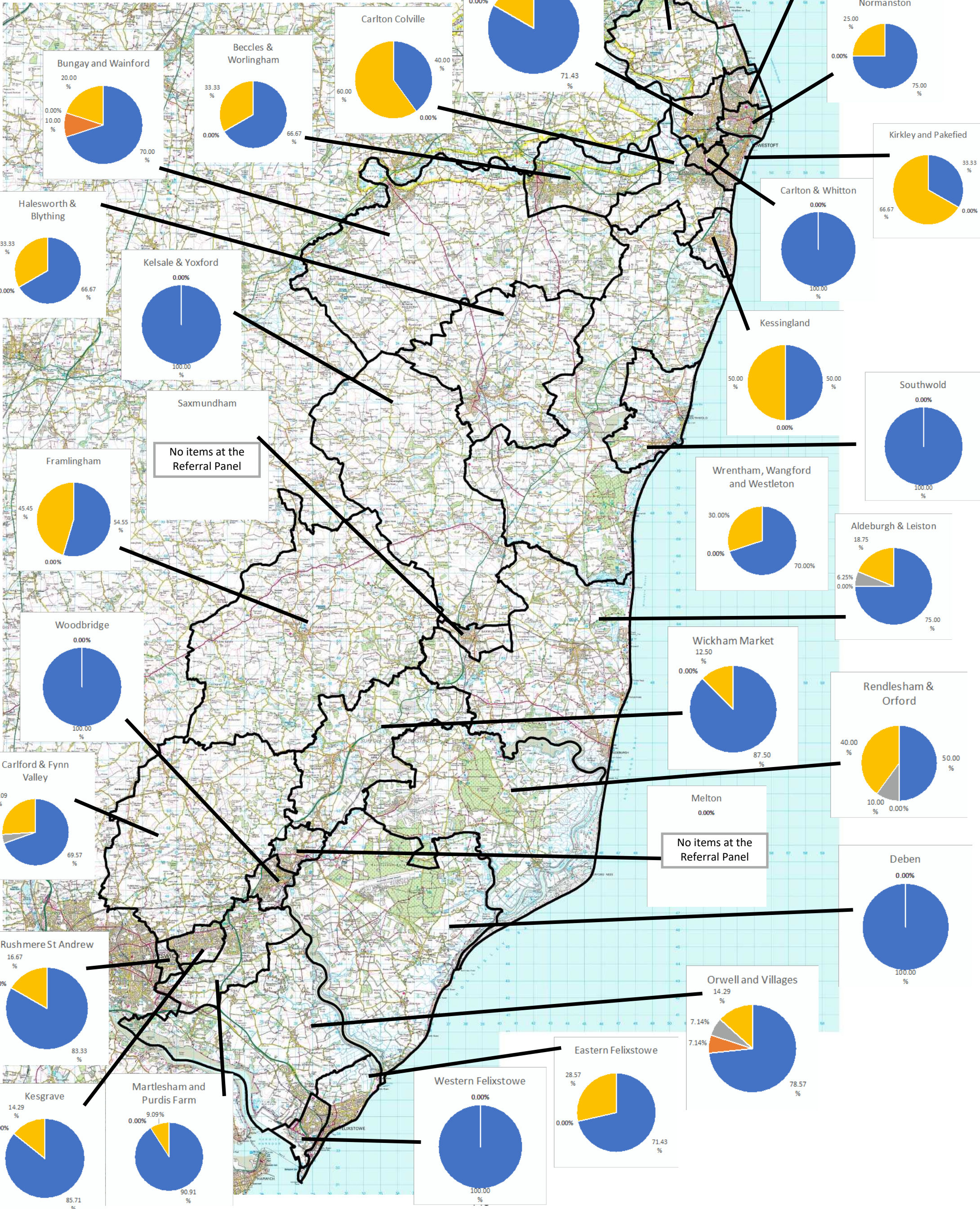


# East Suffolk Council

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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

1:200000



**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

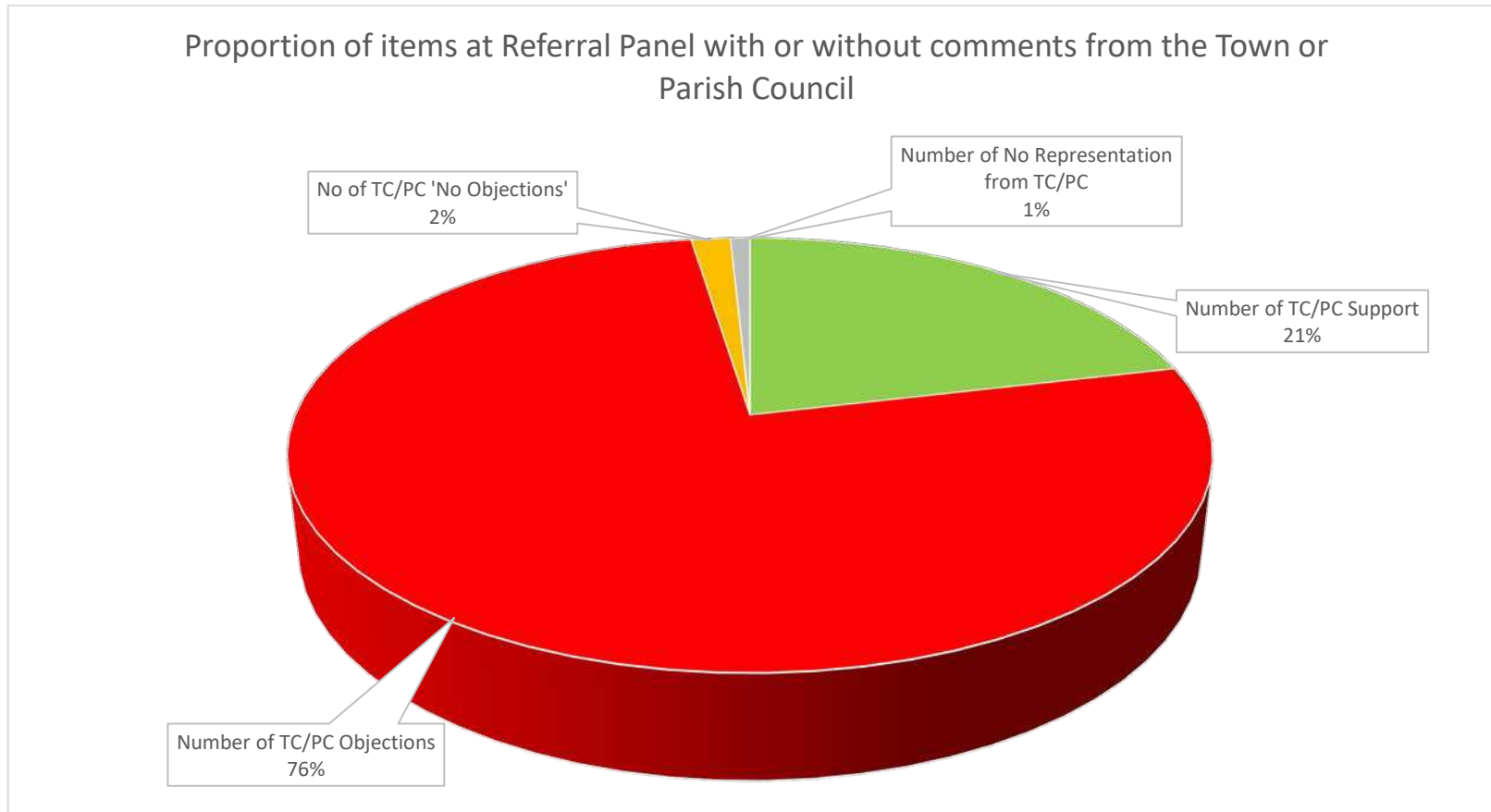
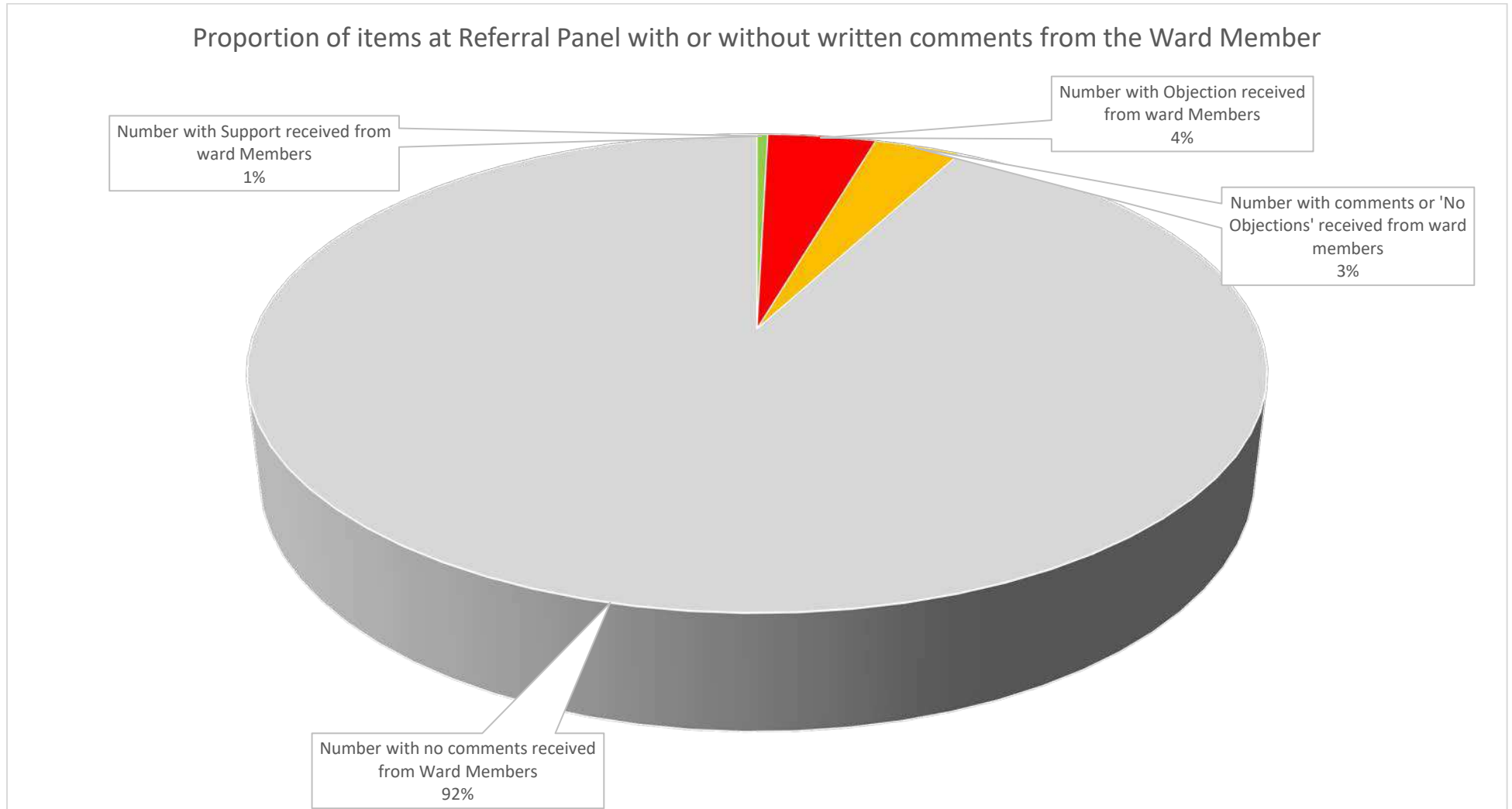


Figure 2: Proportion of items at the Referral Panel with or without written comments from Ward Member between 1 April 2021 and 31 March 2022



**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.

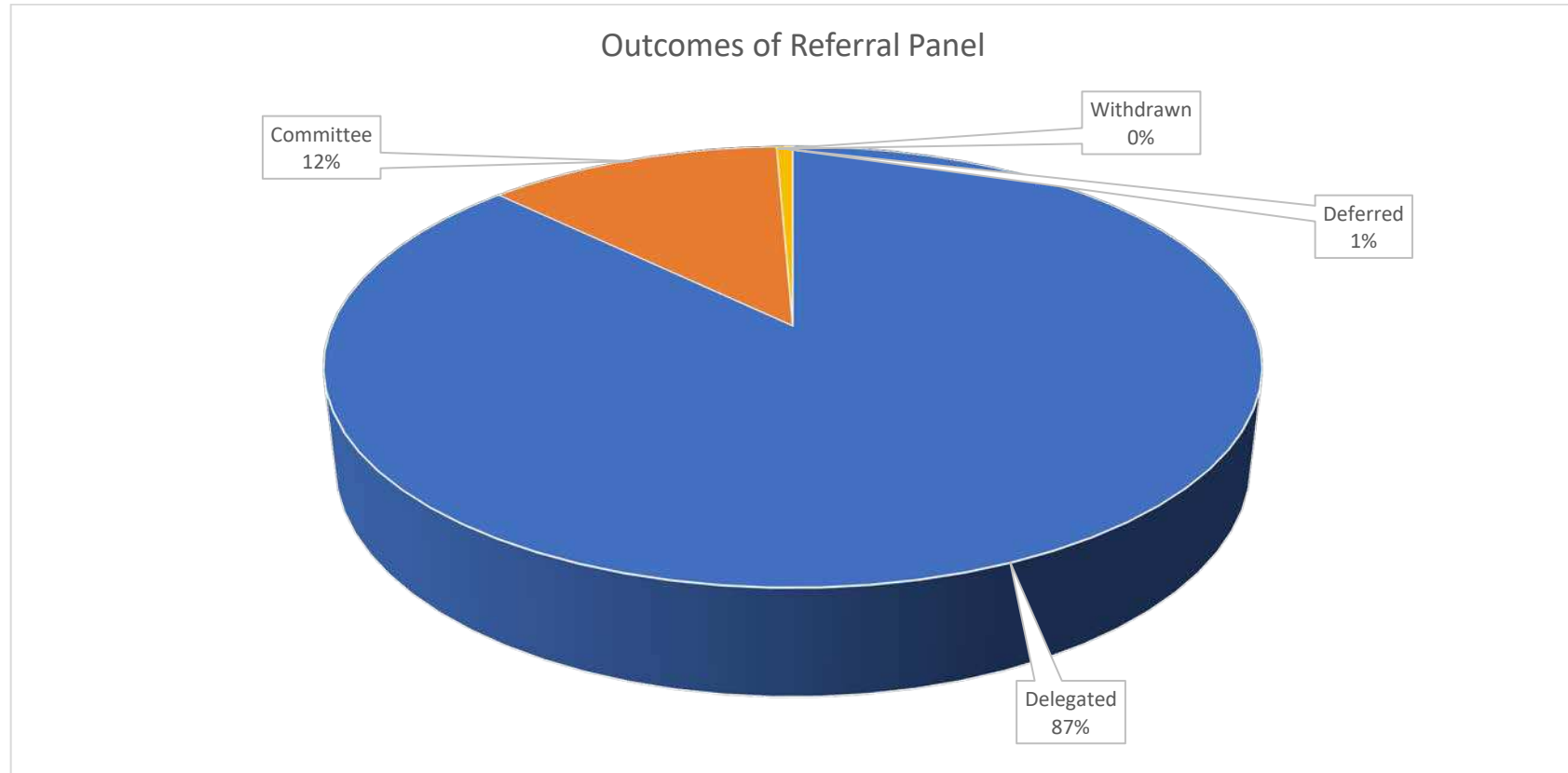


Figure 2: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2020 and 31 March 2021.

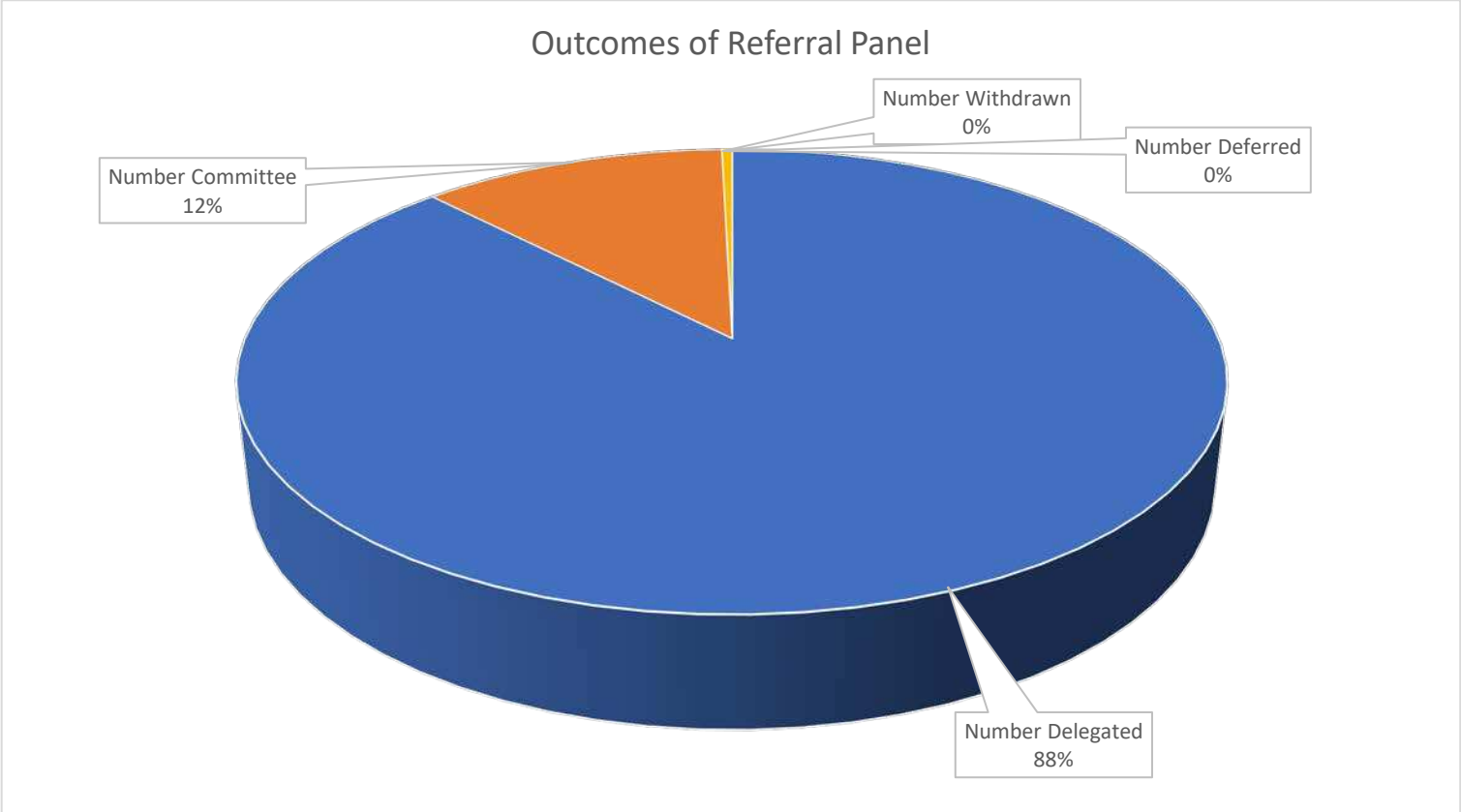
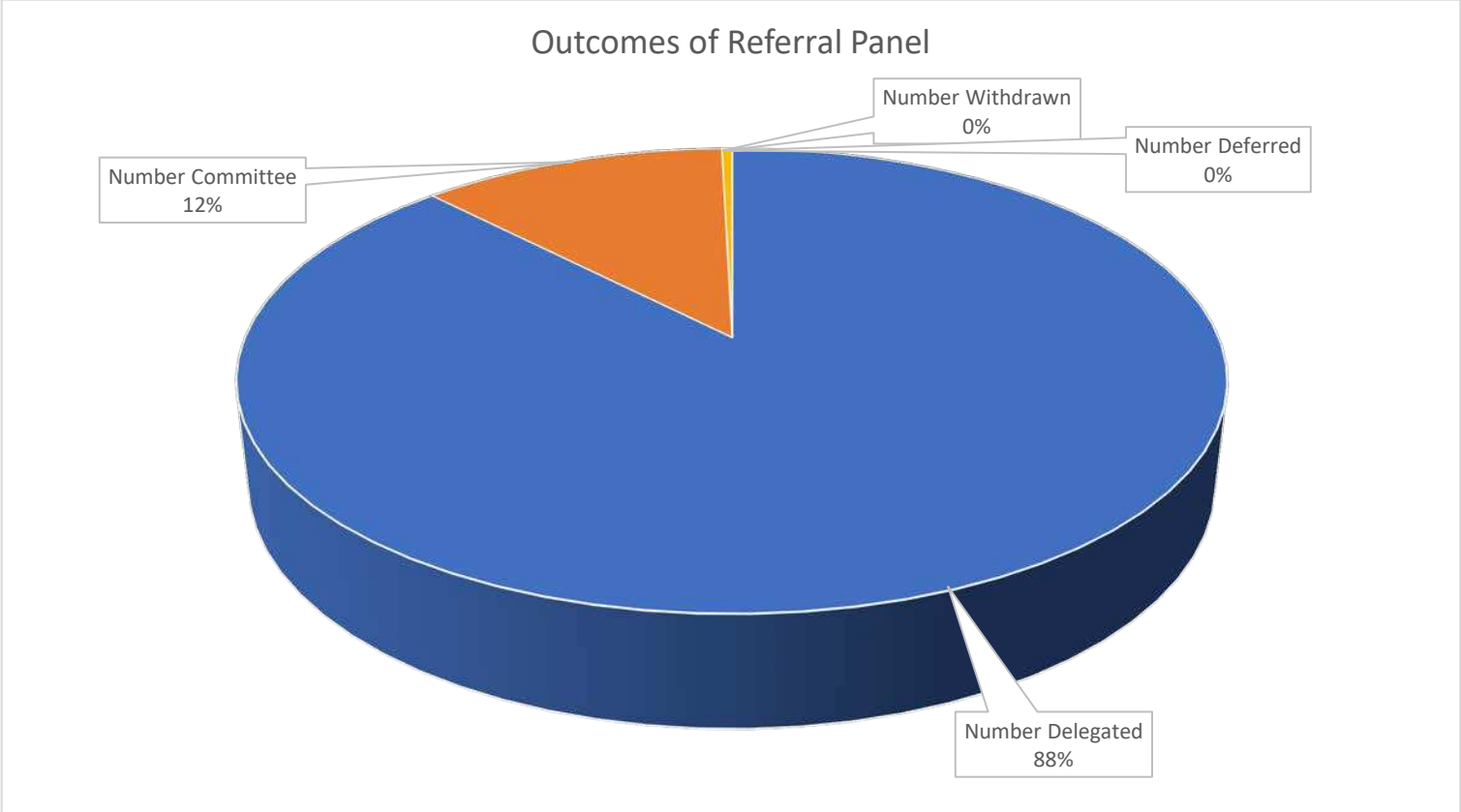




Figure 3: The proportions of items referred to Planning Committee, Delegated back to officers, withdrawn or deferred between 1 April 2021 and 31 March 2022.



**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 ONTR 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.

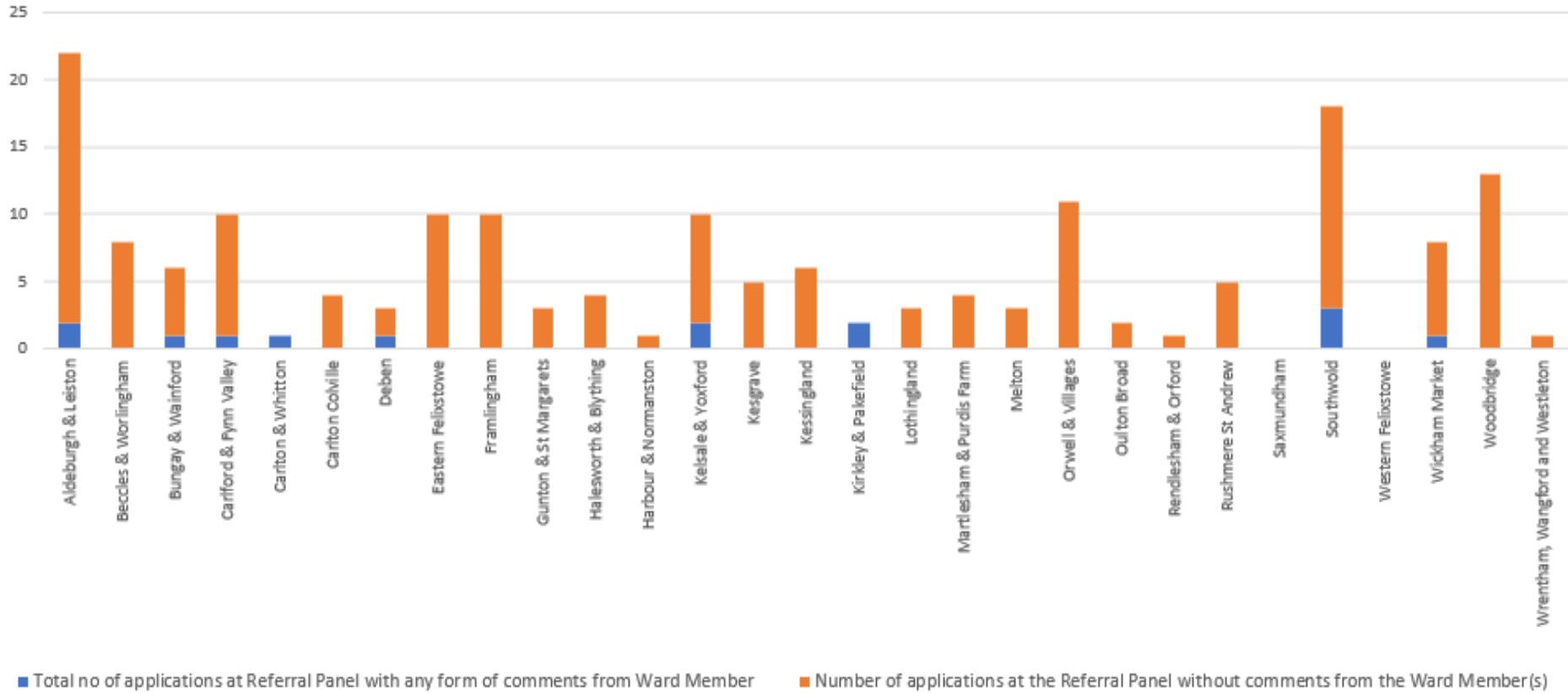
It was agreed that officers would produce a major application update on Brightwell Lakes to be presented to the Committee at its meeting being held on 5 September 2022.

The meeting concluded at 12.26pm

.....  
Chairman

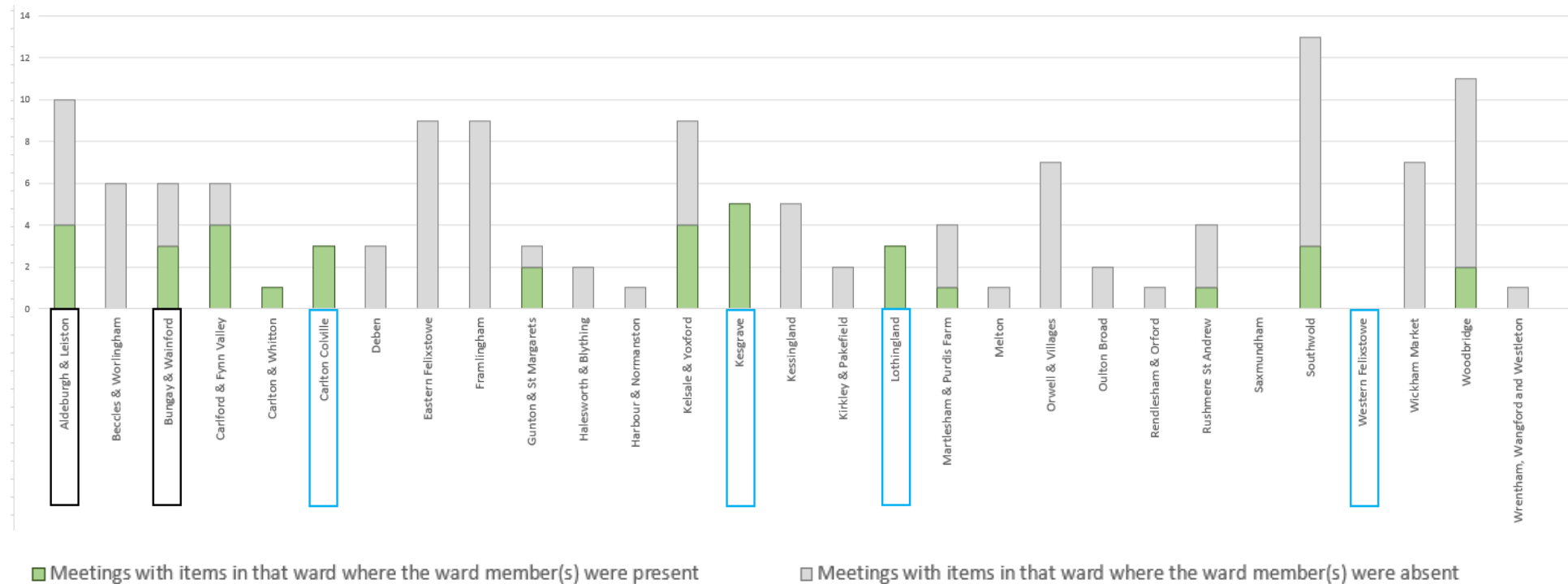
**Appendix I: Ward Member engagement with planning applications at the Planning Referral Panel 1 April 2022 – 7 February 2023**

**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 2<sup>nd</sup> 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.

Page 1

Author: S. Longmate, Chief Executive Officer, SALC



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 1<sup>st</sup> December 2022 and asked if there was an opportunity to agree a way forward.

A preliminary meeting took place on 15<sup>th</sup> 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](mailto:admin@salc.org.uk).



# East Suffolk Planning Survey

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INITIAL REPORT

# Background


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- 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

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- 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

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EXECUTIVE SUMMARY

# Executive Summary

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- 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

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- 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

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FINDINGS



# Process Step 1 – Pre-application advice

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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)

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**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

<b>Updates</b>		
<b>Minute Item Number</b>	<b>Member Query Raised</b>	<b>Cabinet Member/Officer Response (no more than a paragraph required)</b>
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>

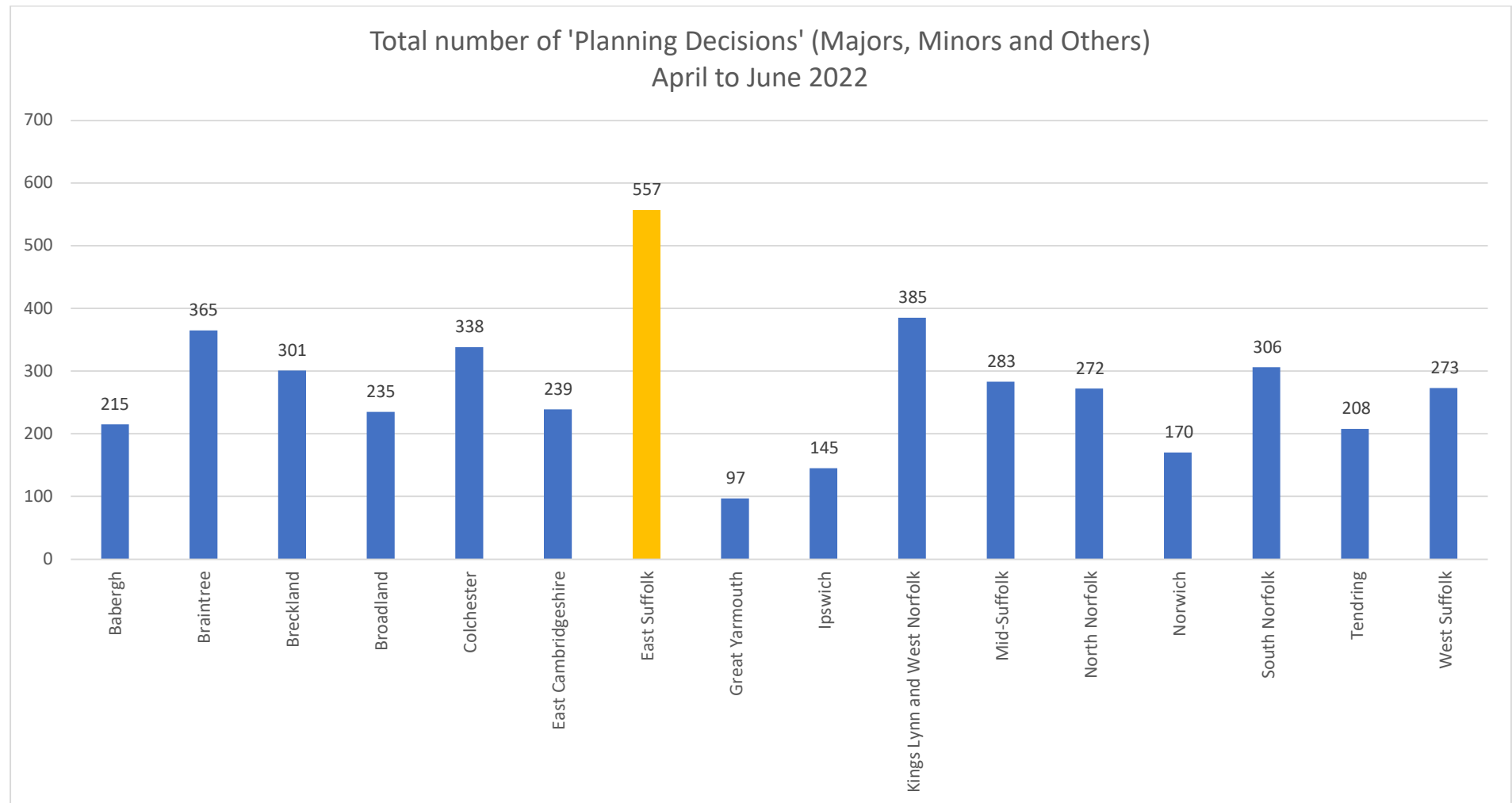
		<p>ESC are constantly updating processes to improve the service and a number of changes have already taken place recently and ambitions to re-start other engagement initiatives are in the process of being implemented post the forthcoming elections. This commitment includes to re-group following the May 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](#)

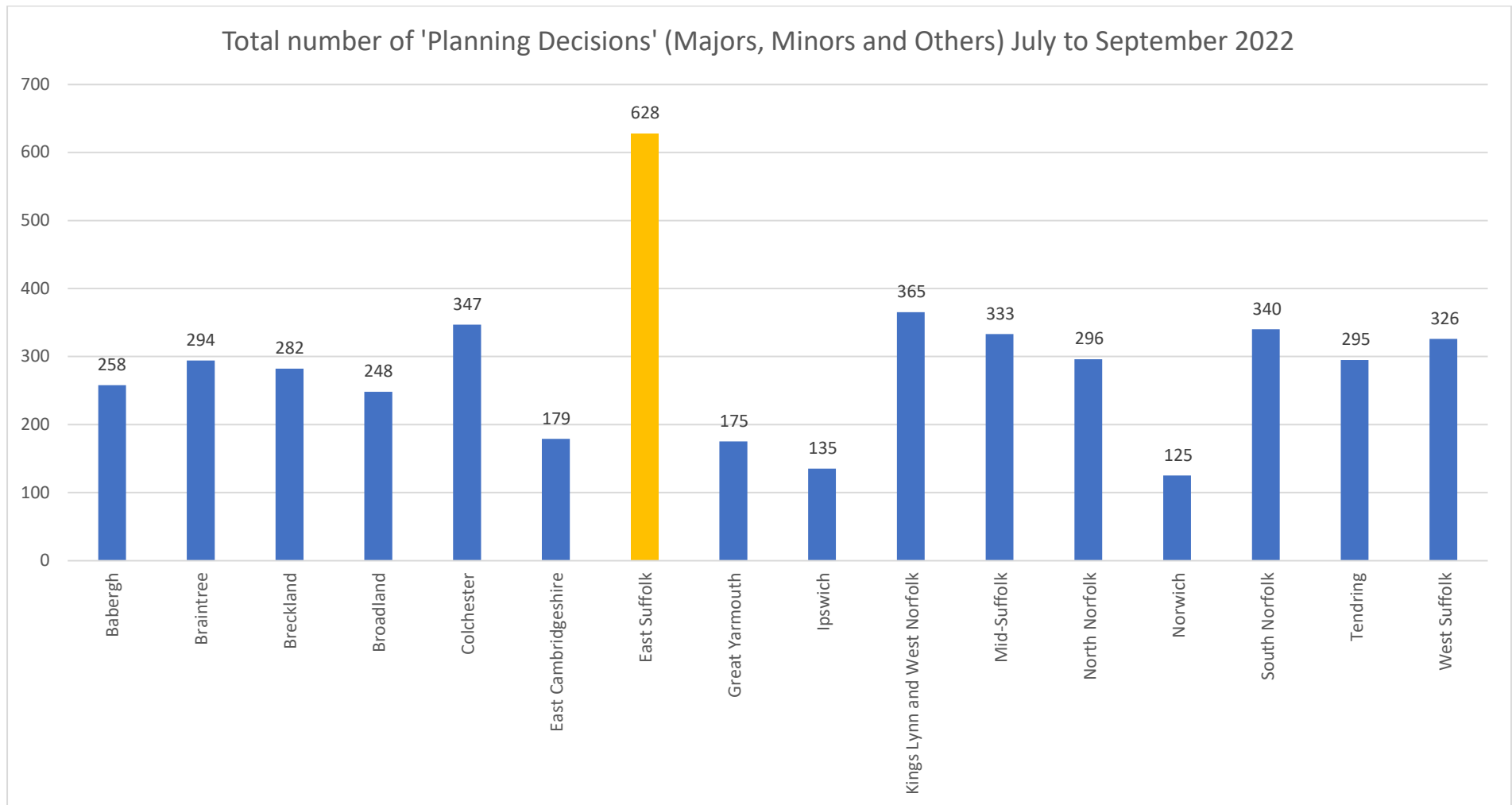
**Appendix E:** A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at [DLUHC - Planning Application Statistics](#)

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



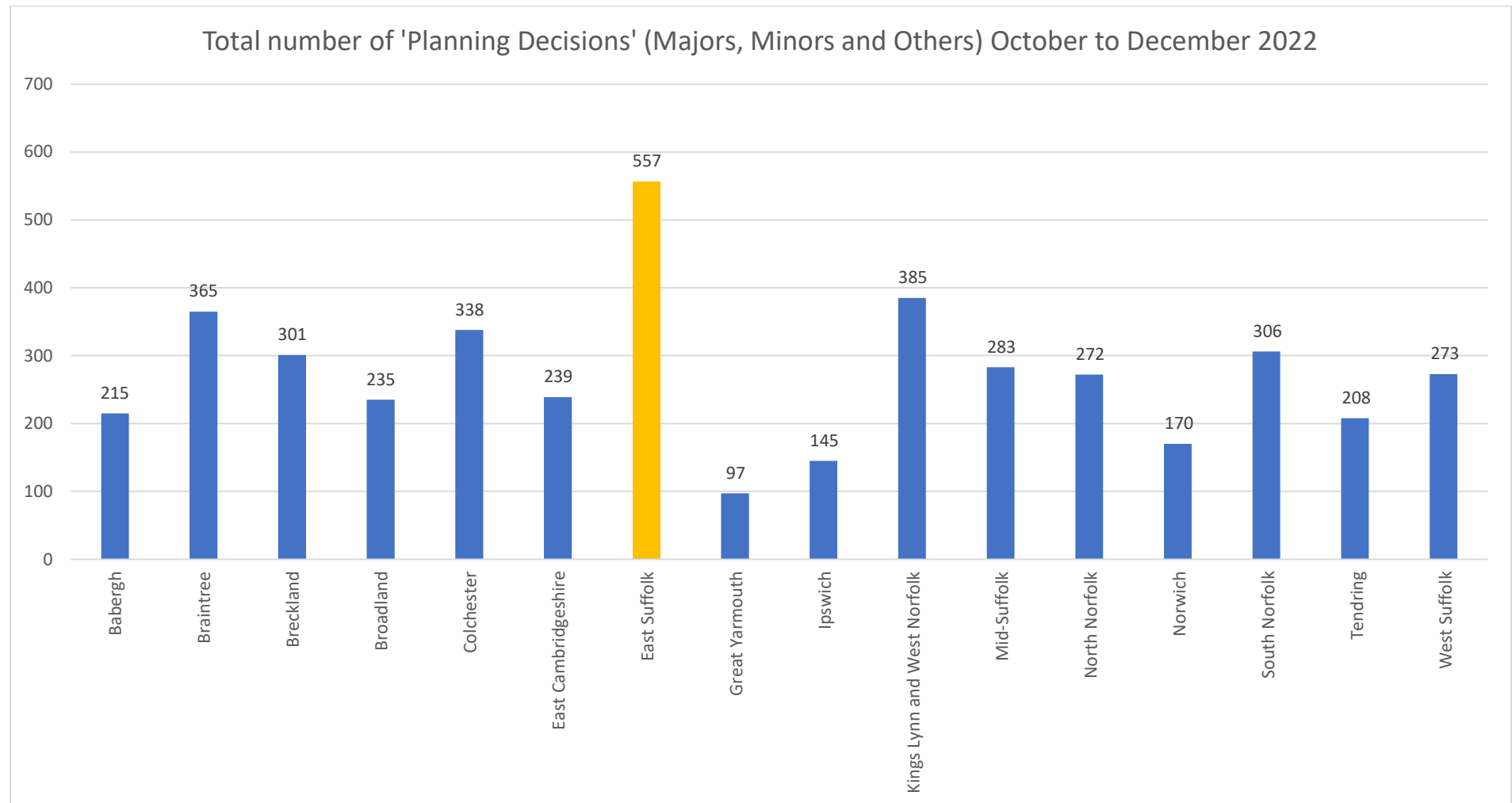
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**Figure 2:** Number of 'Planning Decisions' issued 1 July 2022 to 30 September 2022



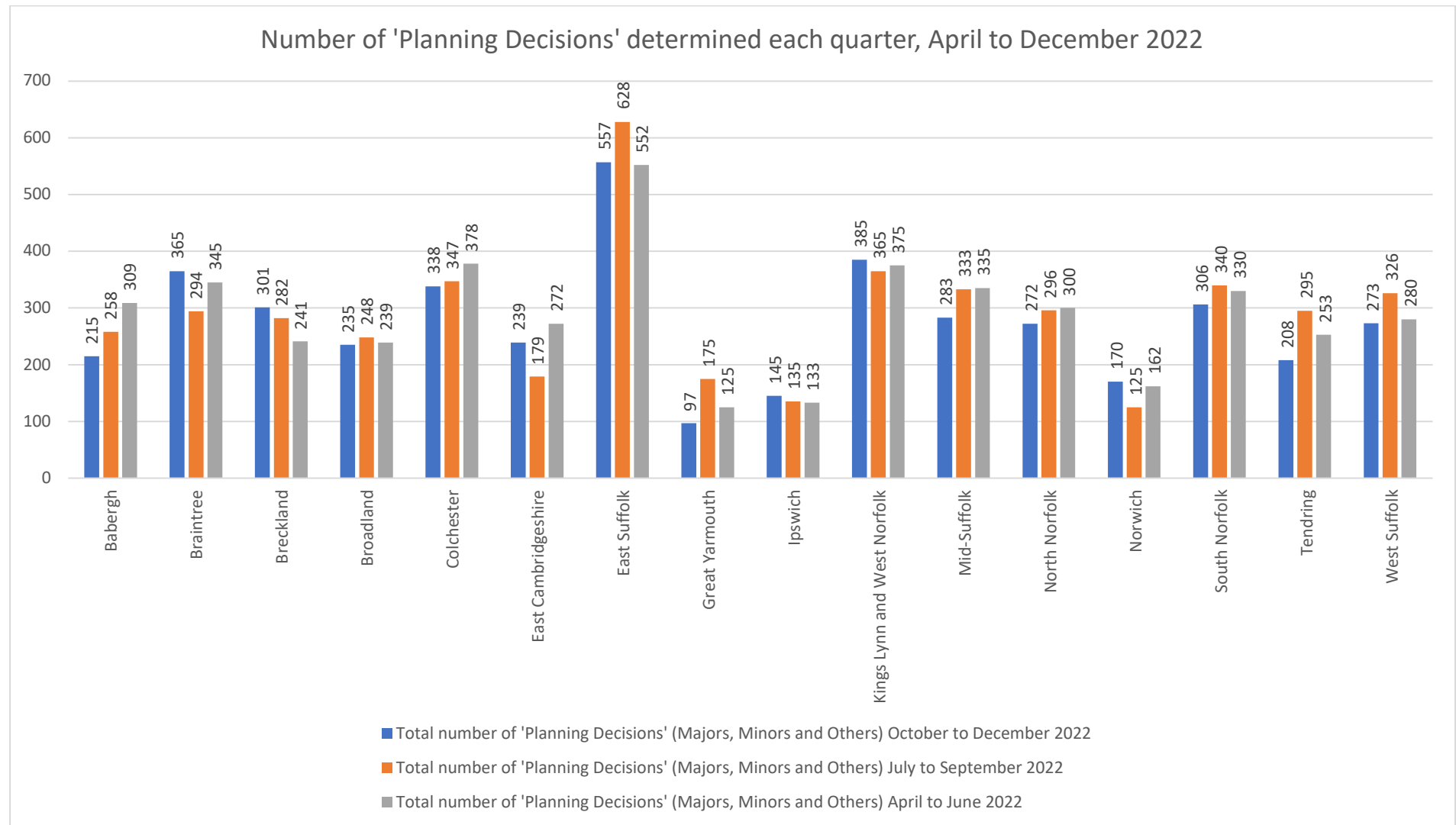
**Appendix E:** A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at [DLUHC - Planning Application Statistics](#)

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



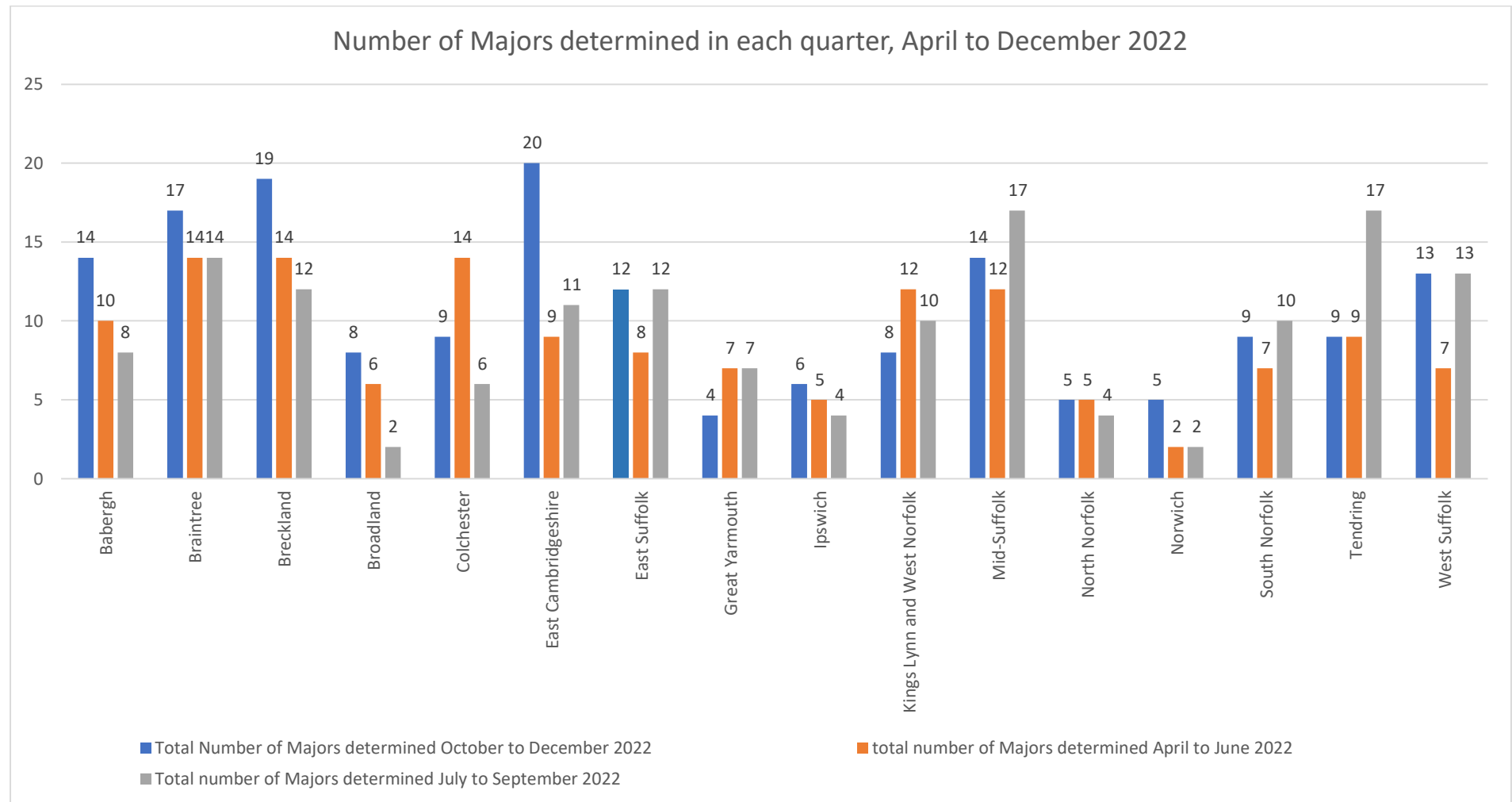
**Appendix E:** A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at [DLUHC - Planning Application Statistics](#)

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



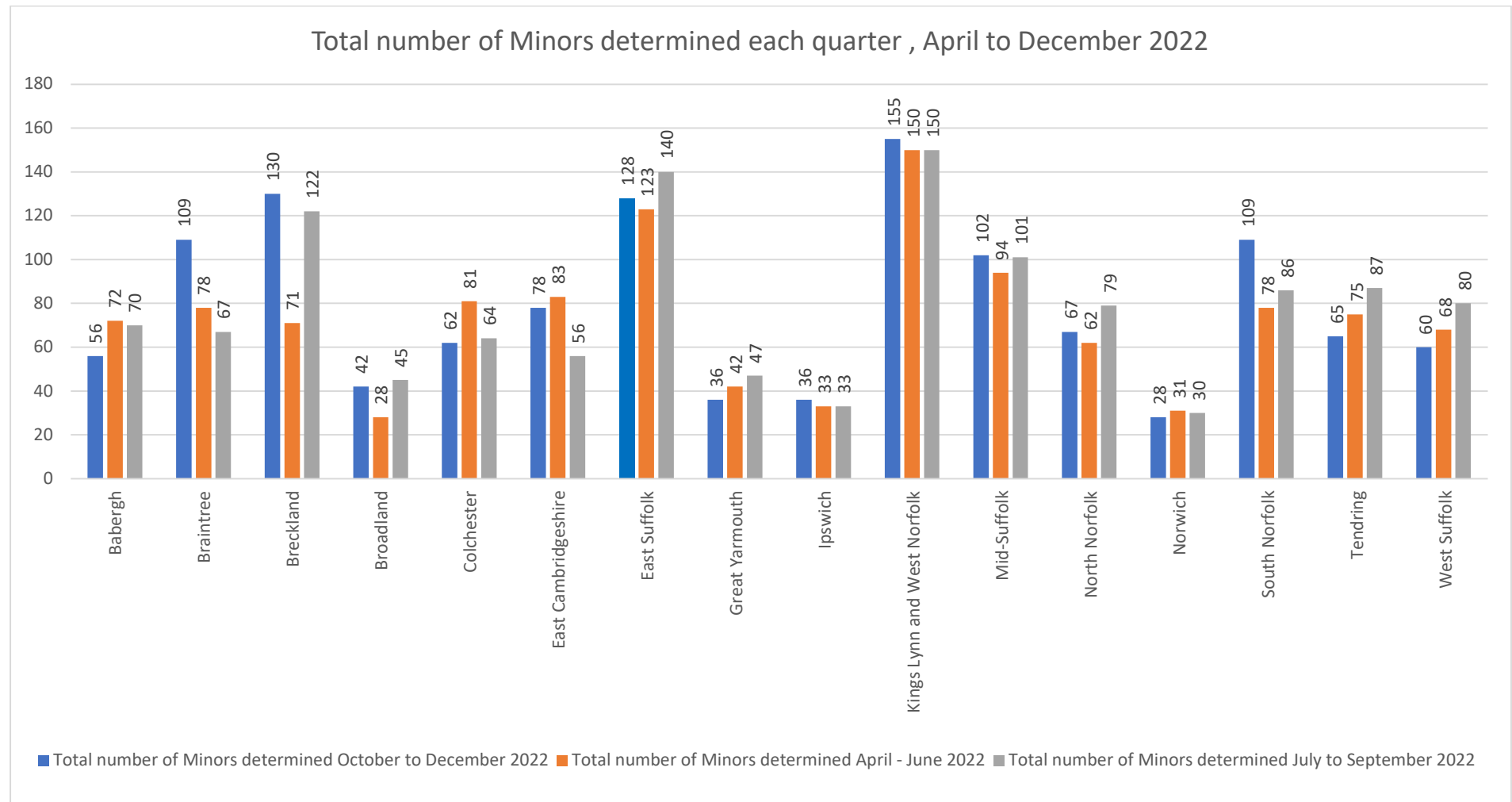
**Appendix E: A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at [DLUHC - Planning Application Statistics](#)**

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



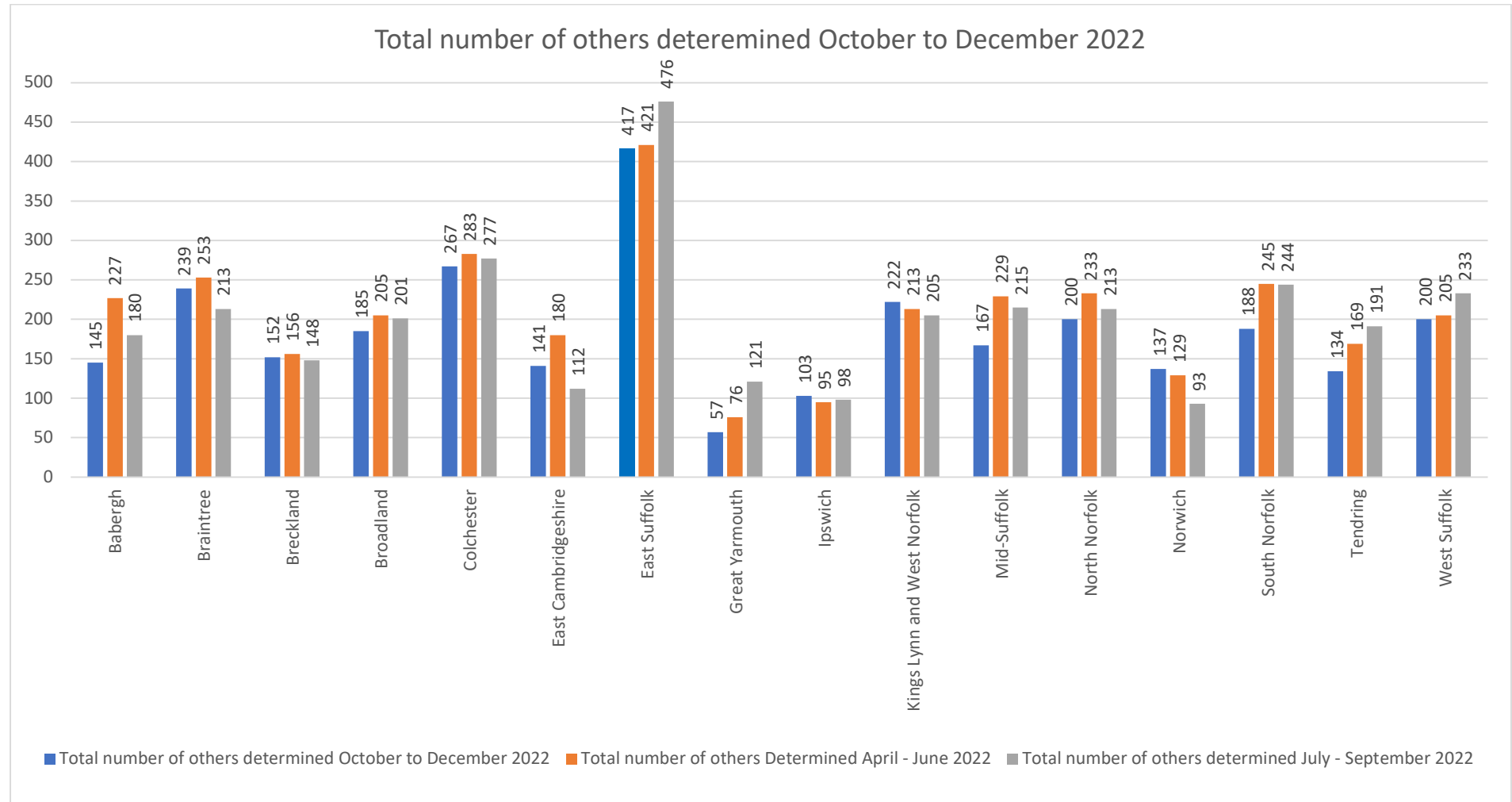
**Appendix E:** A comparison with other Suffolk /Neighbouring Authorities in terms of the number and scale of applications determined, using data published at [DLUHC - Planning Application Statistics](#)

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



**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](#)

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

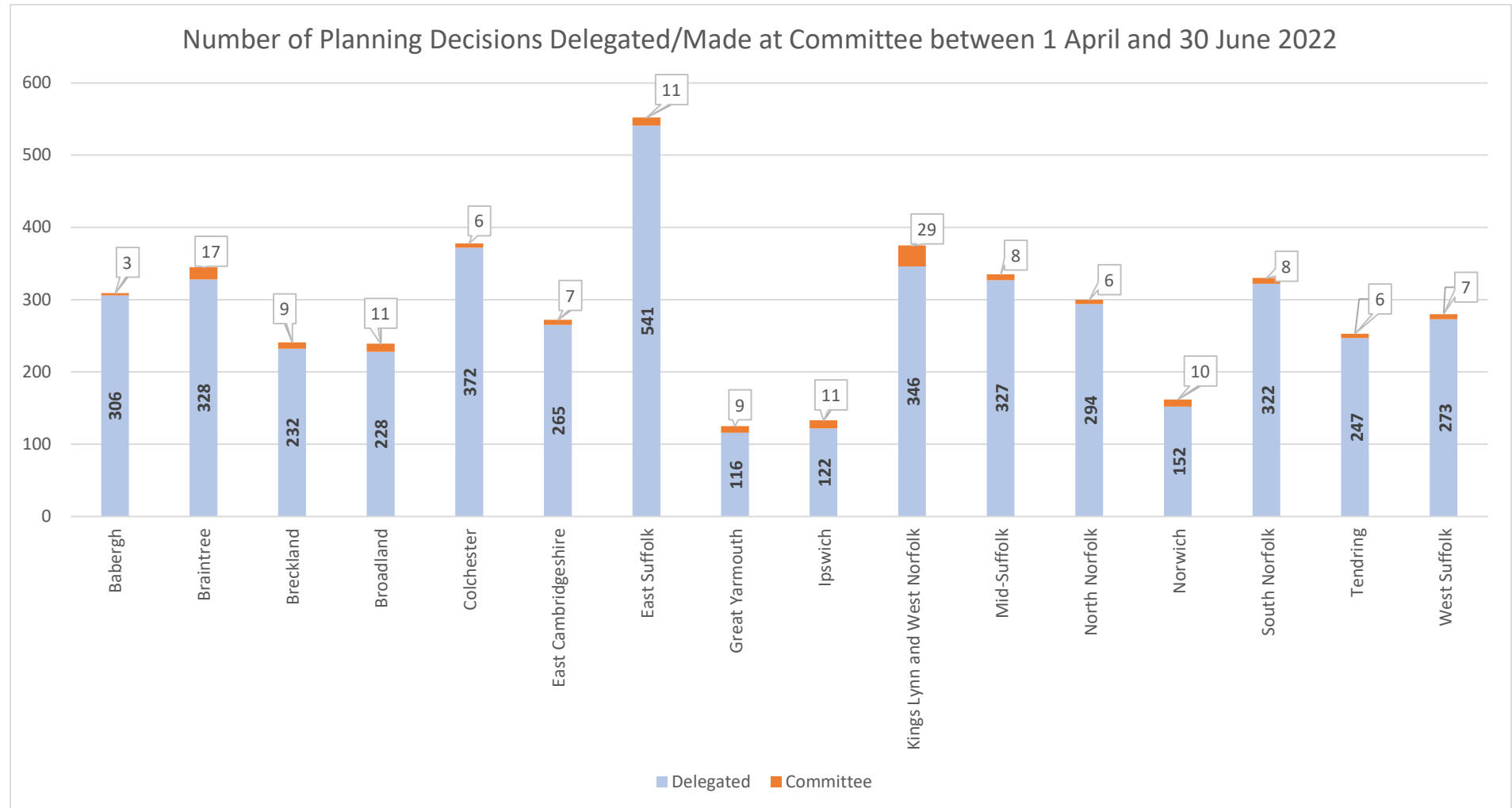




**Appendix F** A comparison with other Suffolk /Neighbouring Authorities in terms of the Number/Proportion of Planning Decisions Delegated/Made by Planning Committees, using data published at [DLUHC - Planning Application Statistics](#)

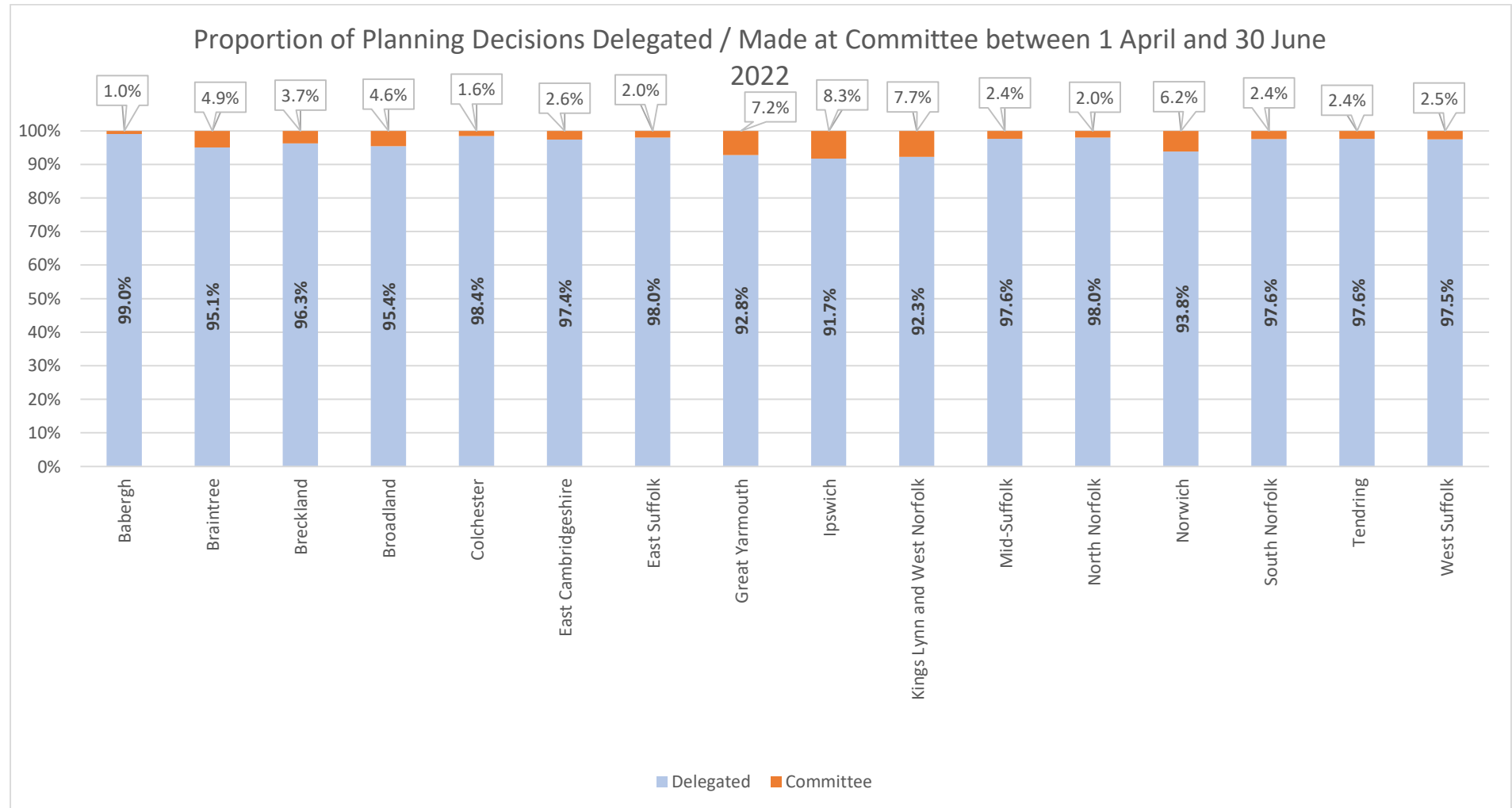
**Appendix F:** A comparison with other Suffolk /Neighbouring Authorities in terms of the Number/Proportion of Planning Decisions Delegated/Made by Planning Committees, using data published at [DLUHC - Planning Application Statistics](#)

**Figure 1:** Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority between 1 April 2022 – 30 June 2022



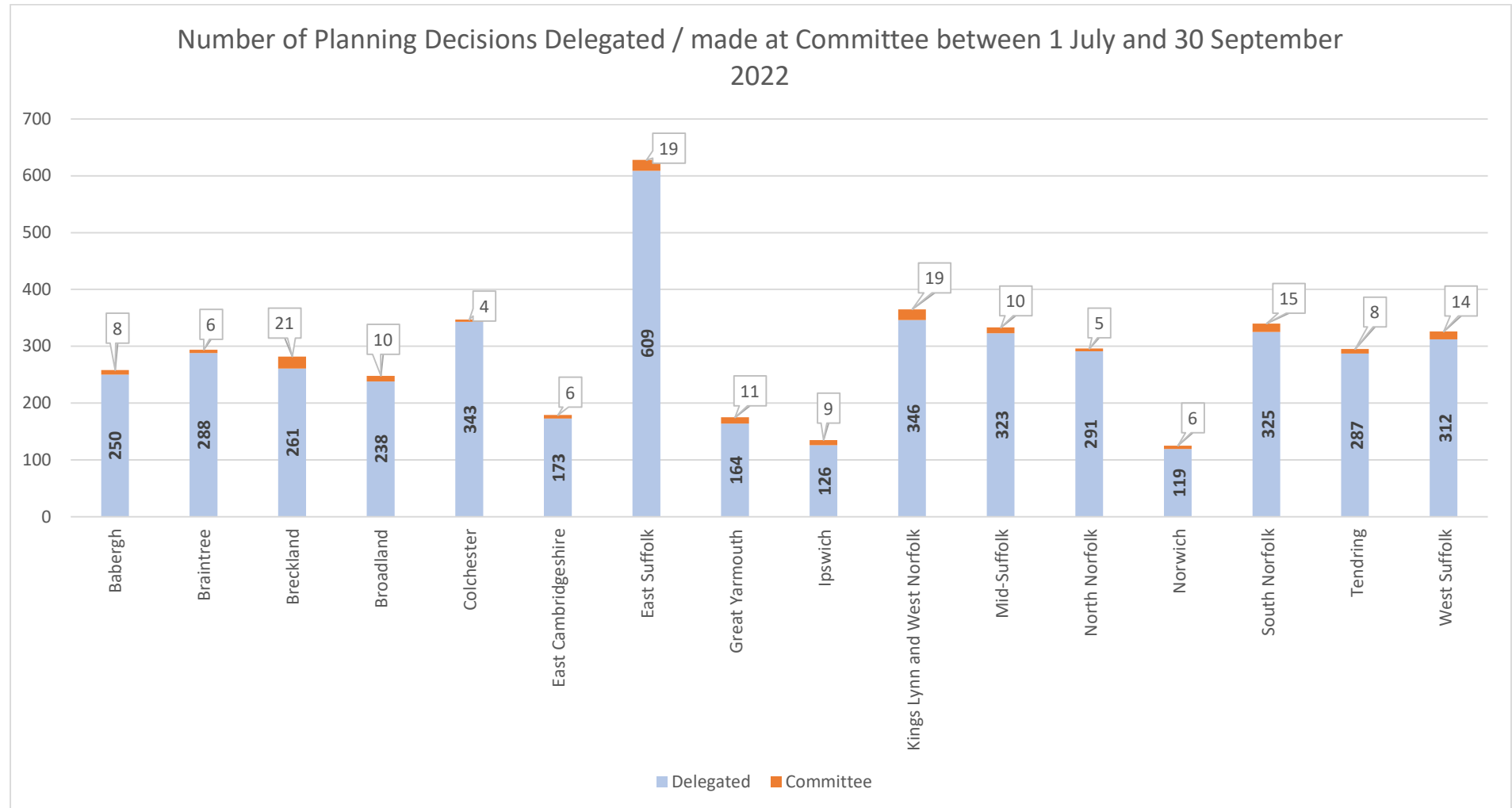
**Appendix F: A comparison with other Suffolk /Neighbouring Authorities in terms of the Number/Proportion of Planning Decisions Delegated/Made by Planning Committees, using data published at [DLUHC - Planning Application Statistics](#)**

**Figure 2: Proportion Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority between 1 April 2022 – 30 June 2022**



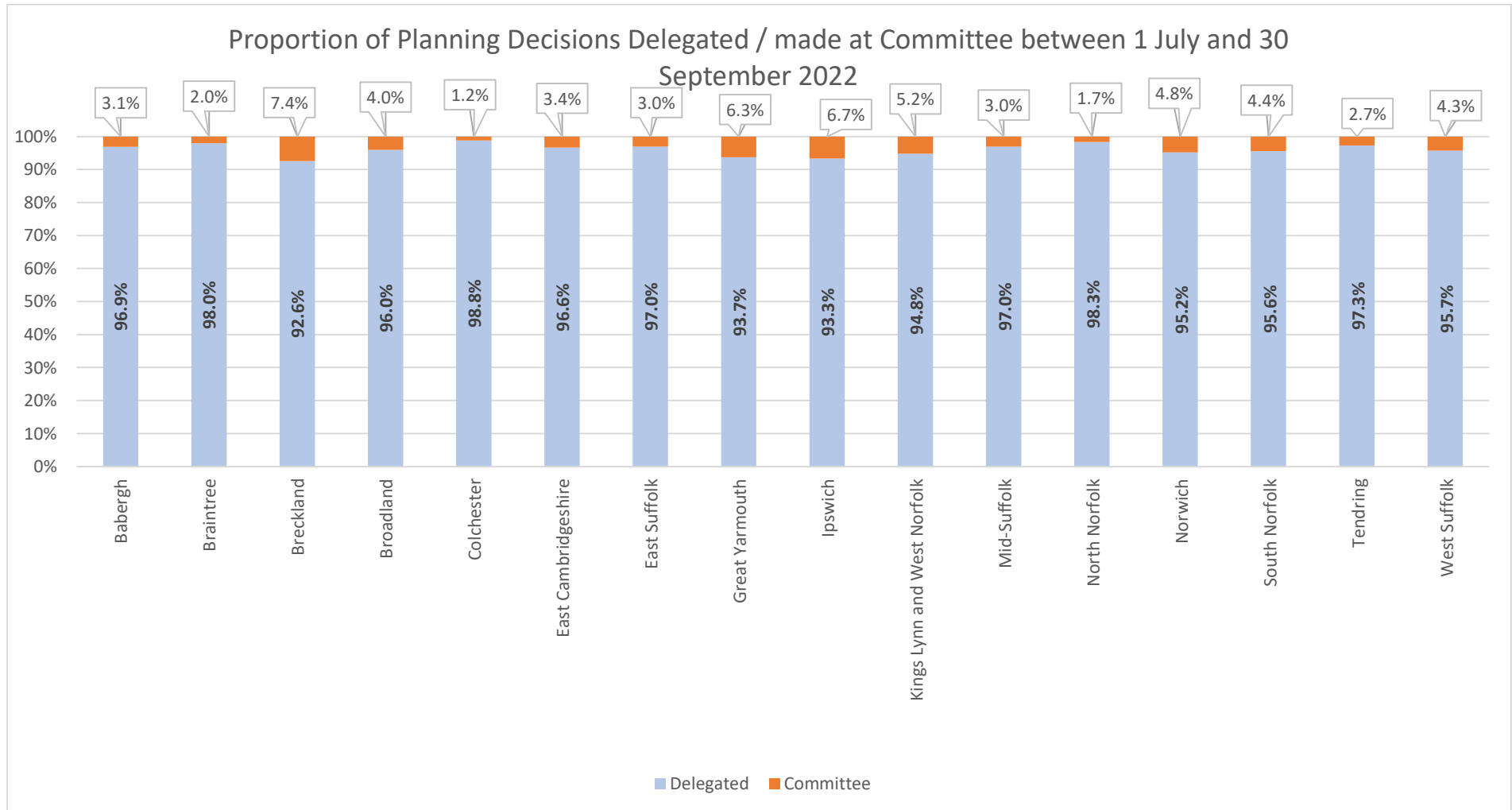
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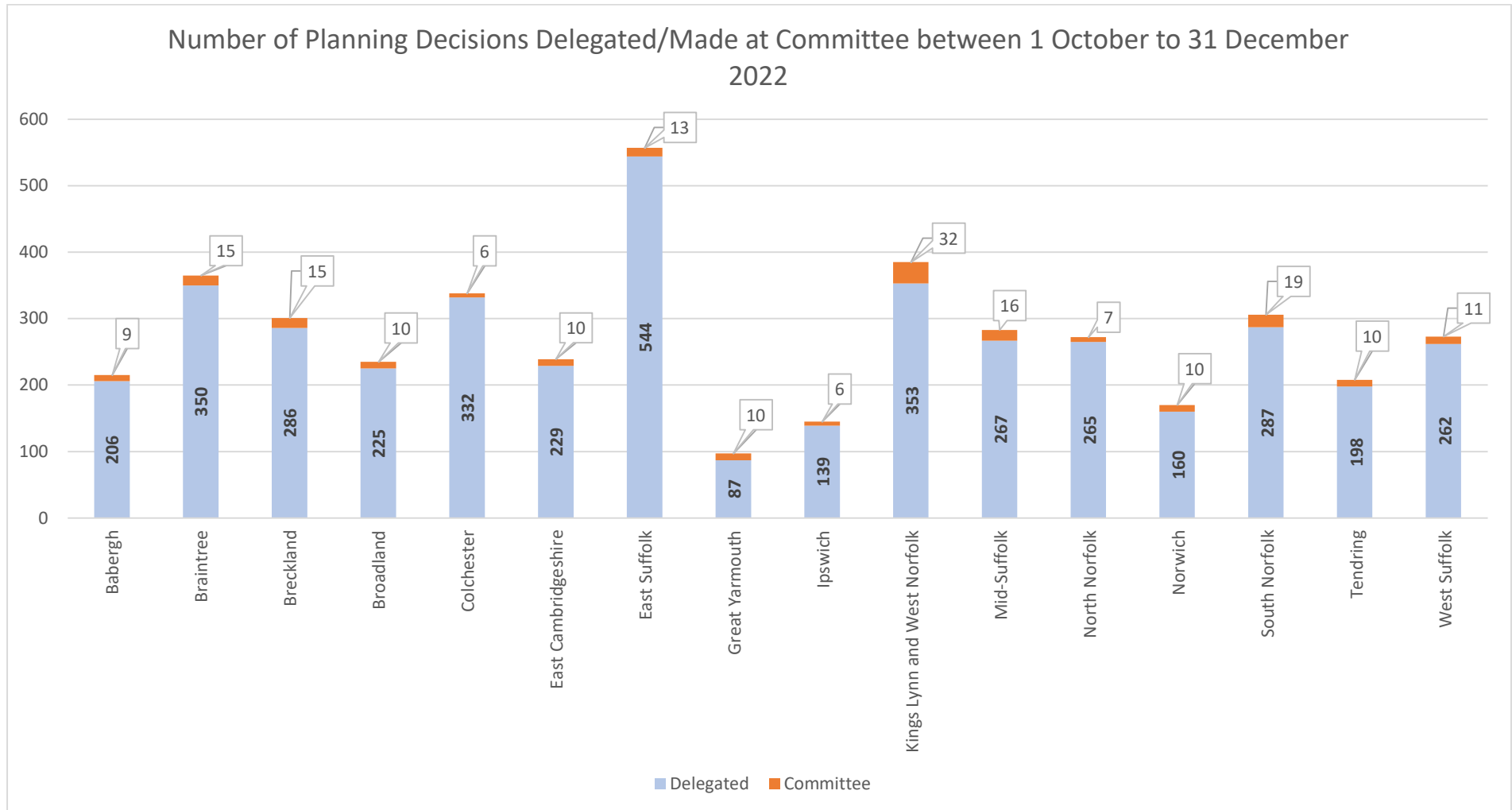
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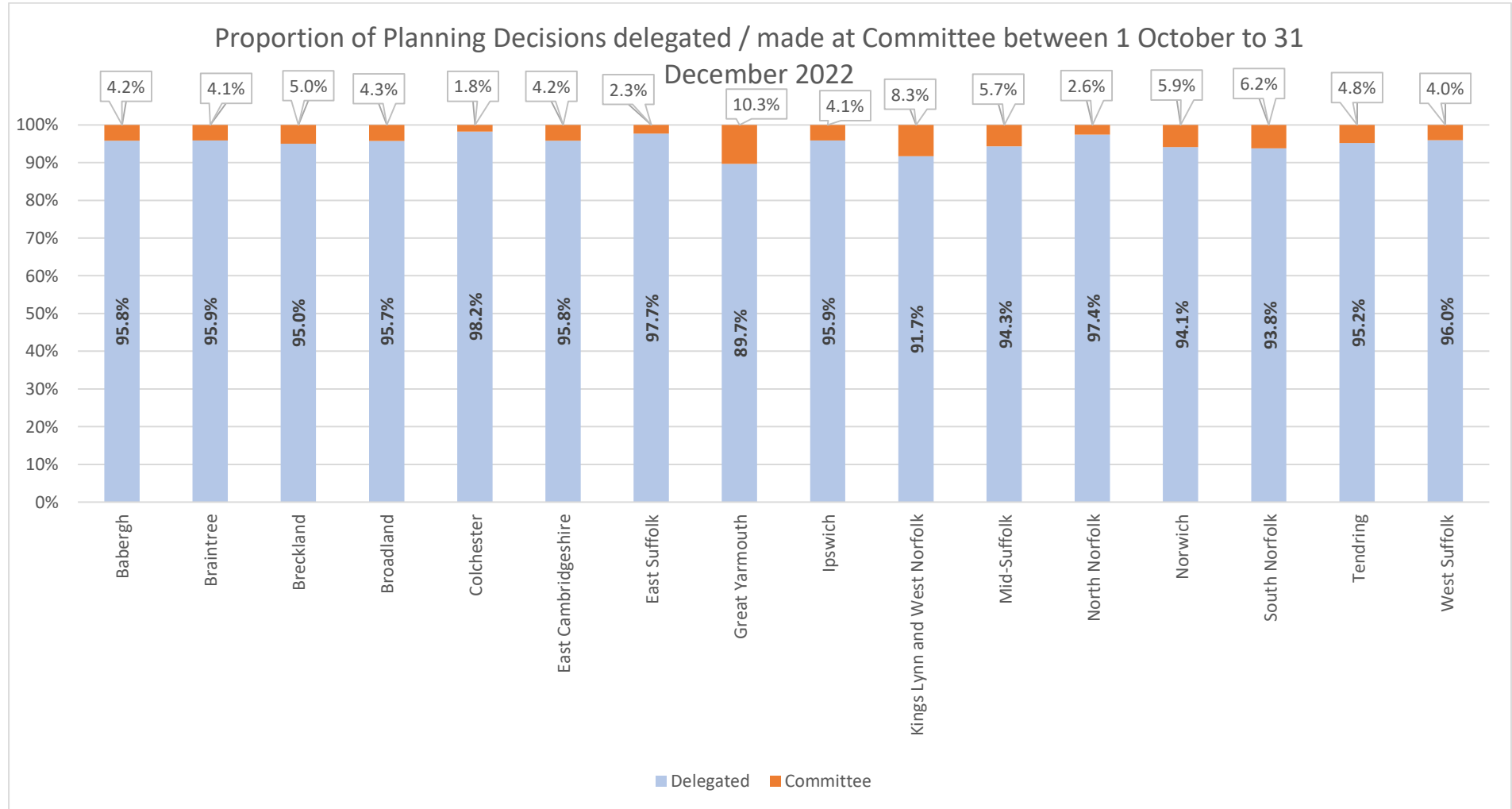
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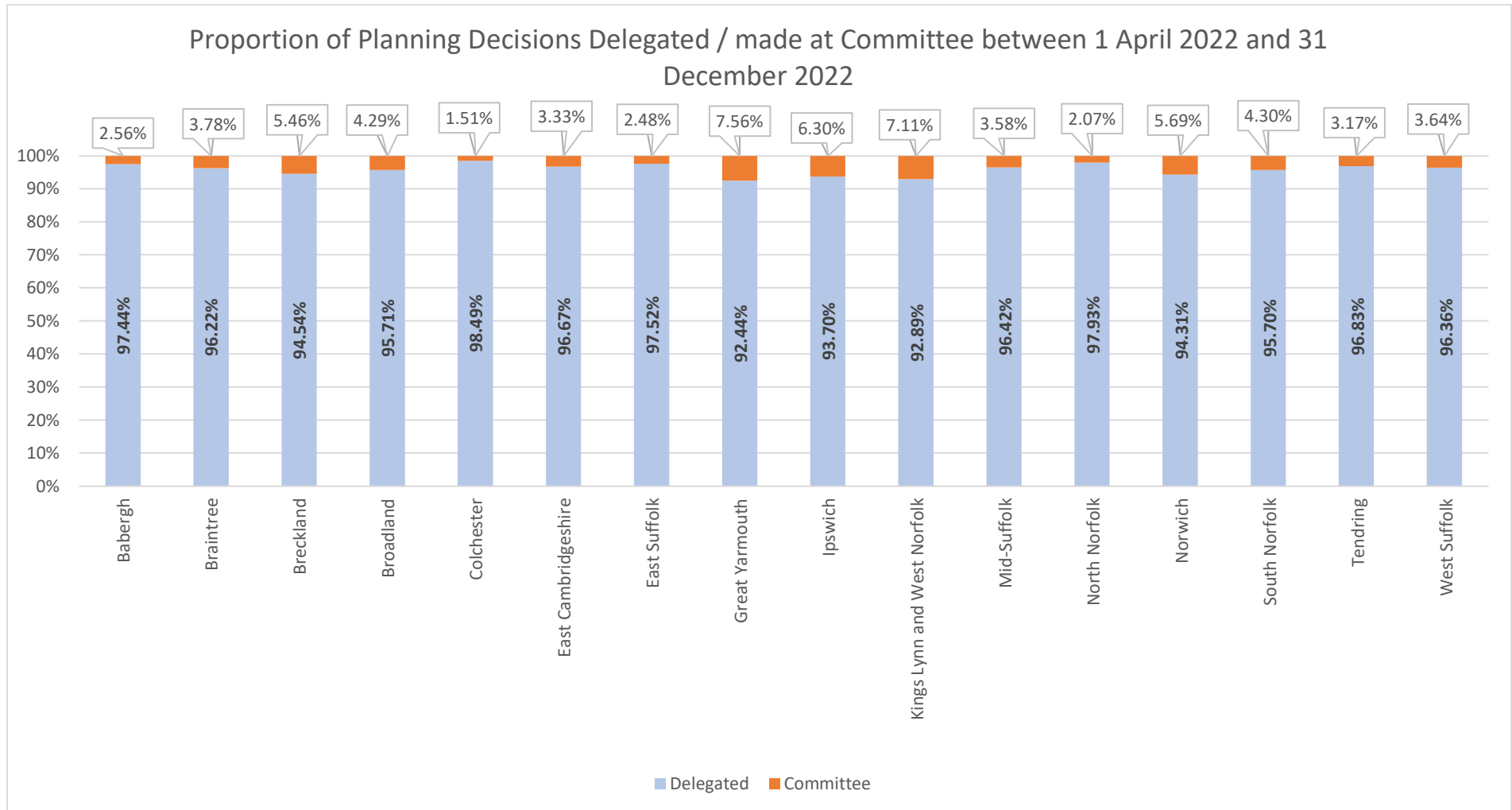
**Figure 7:** Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the 2022-23 financial year published so far (1 April 2022 – 31 December 2022)





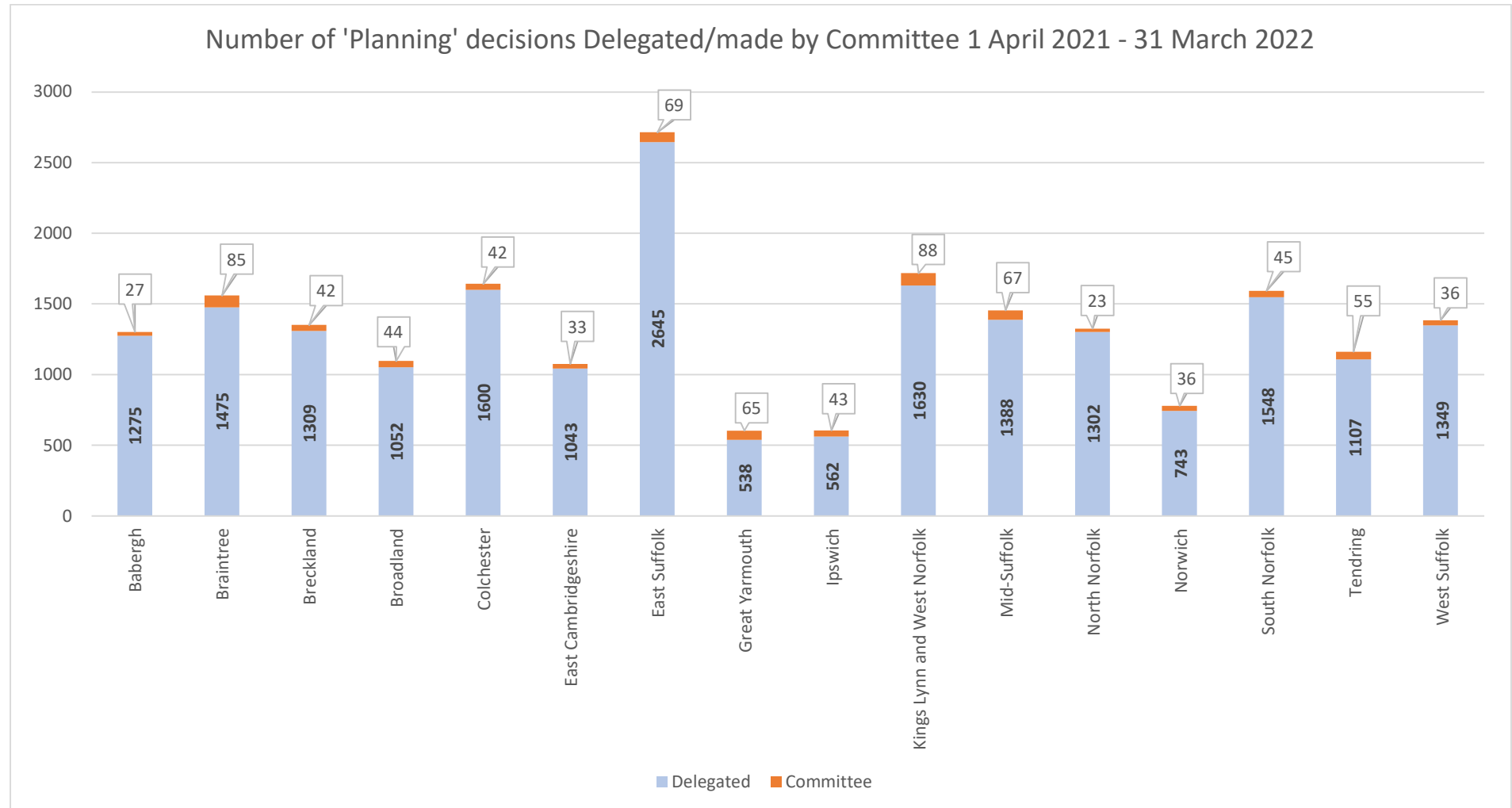
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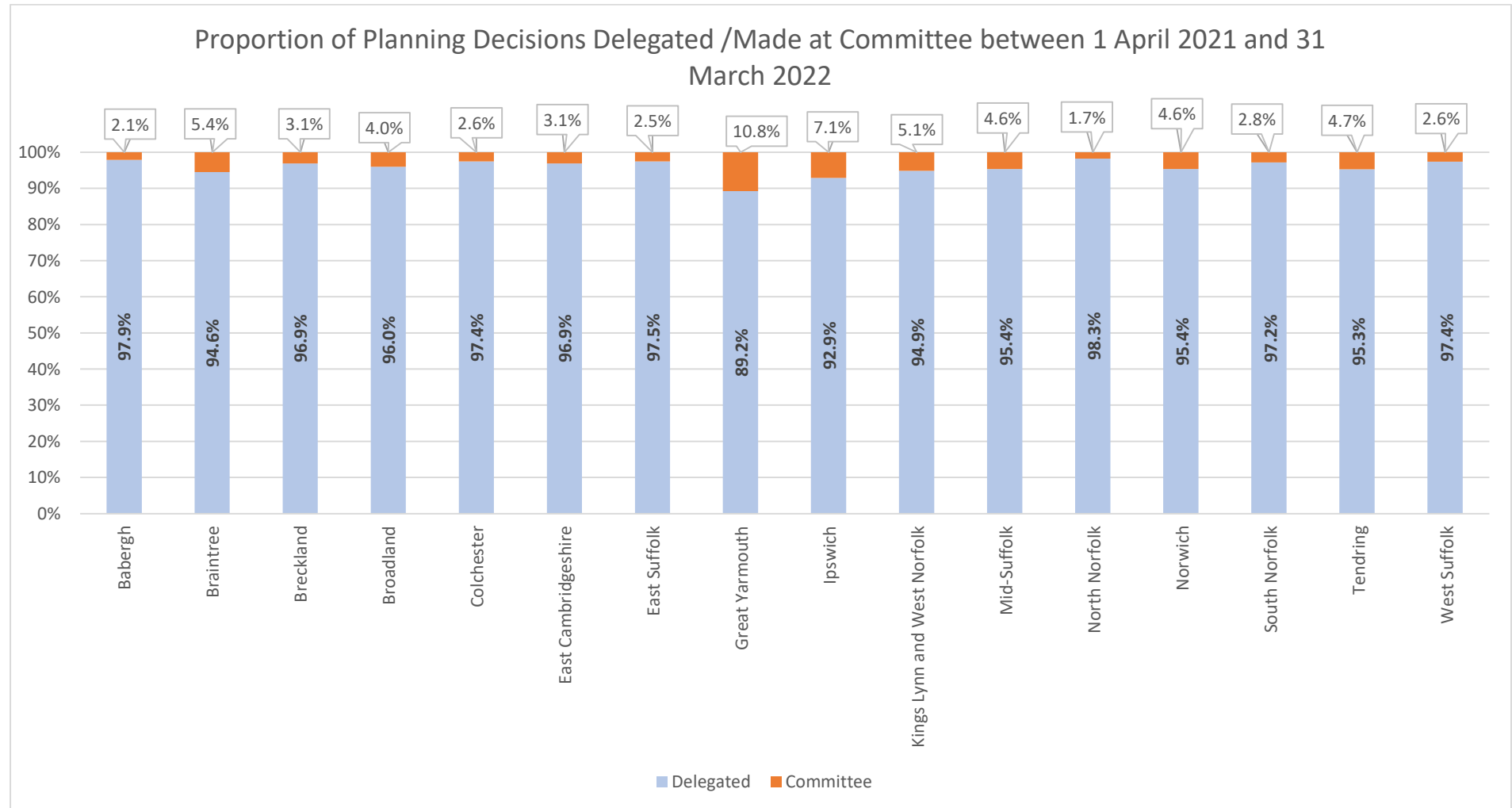
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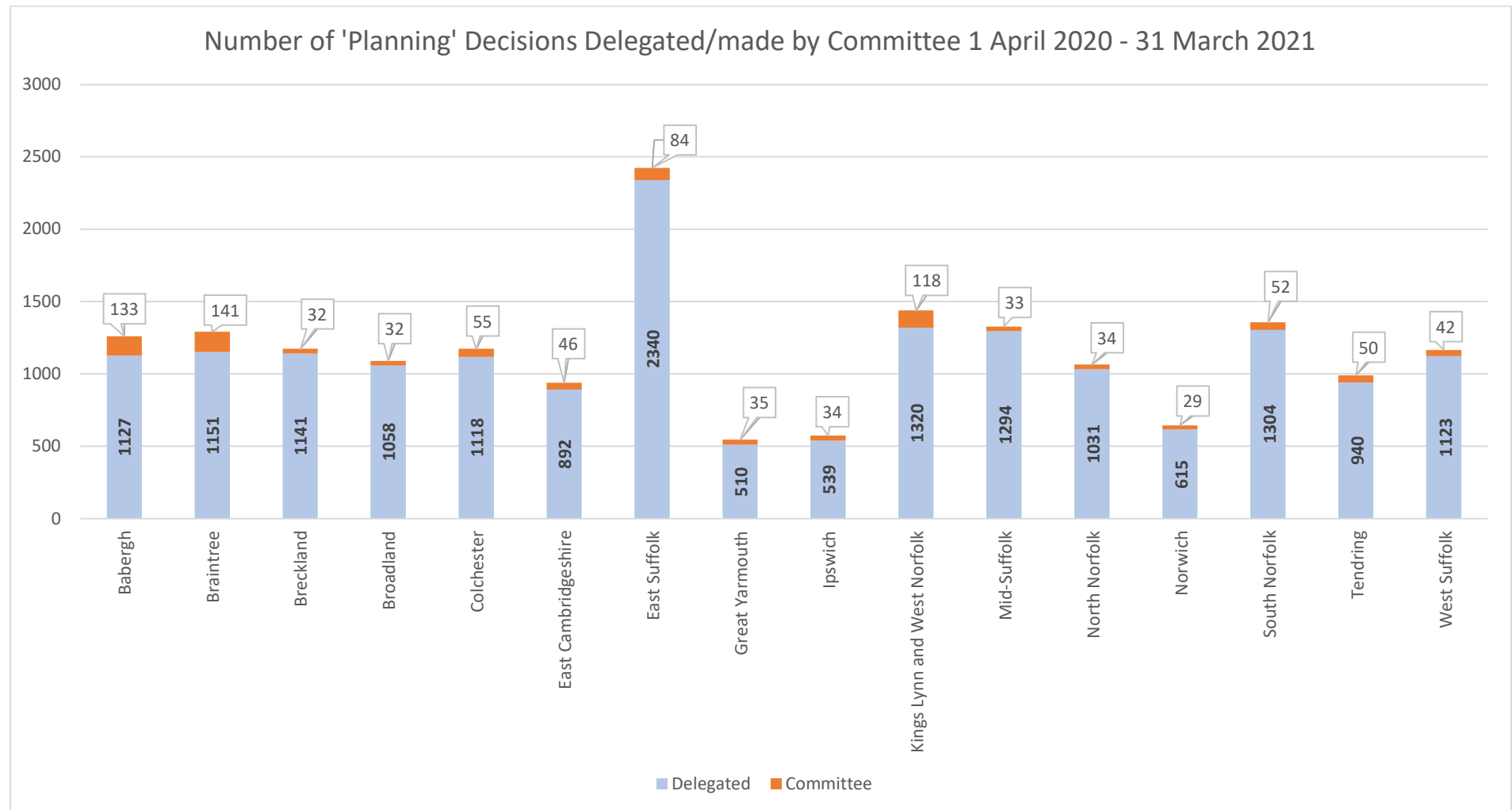
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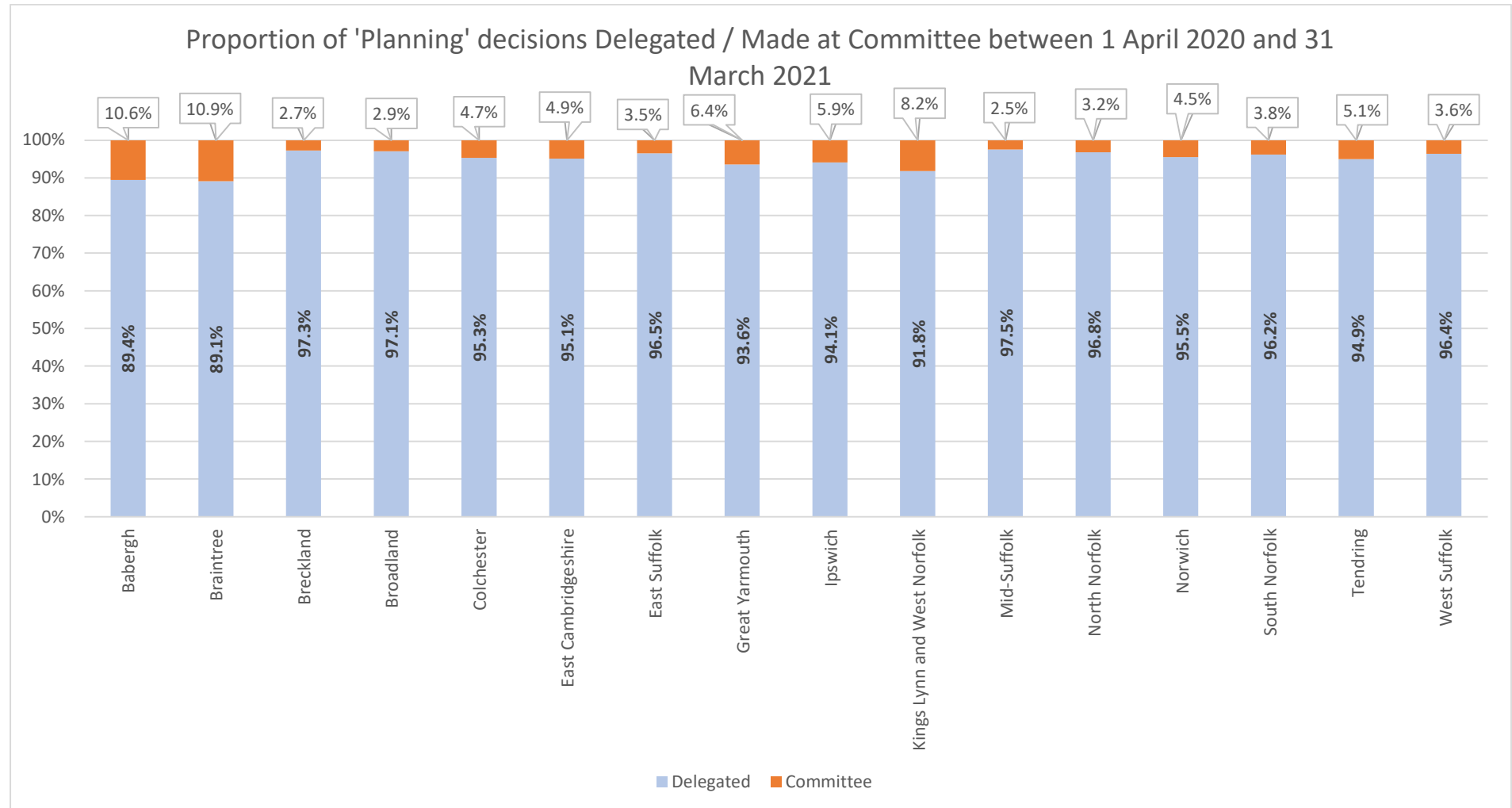
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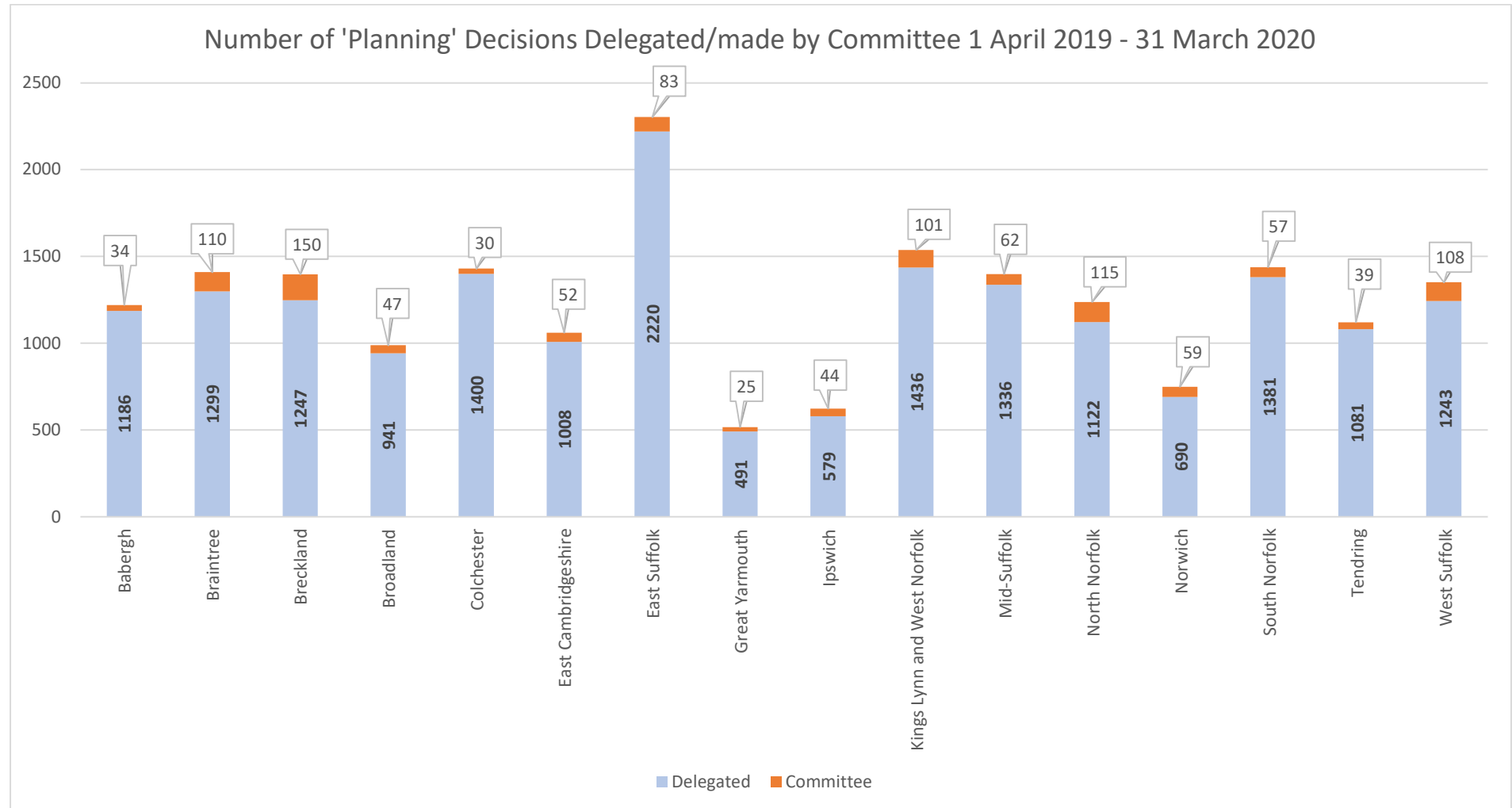
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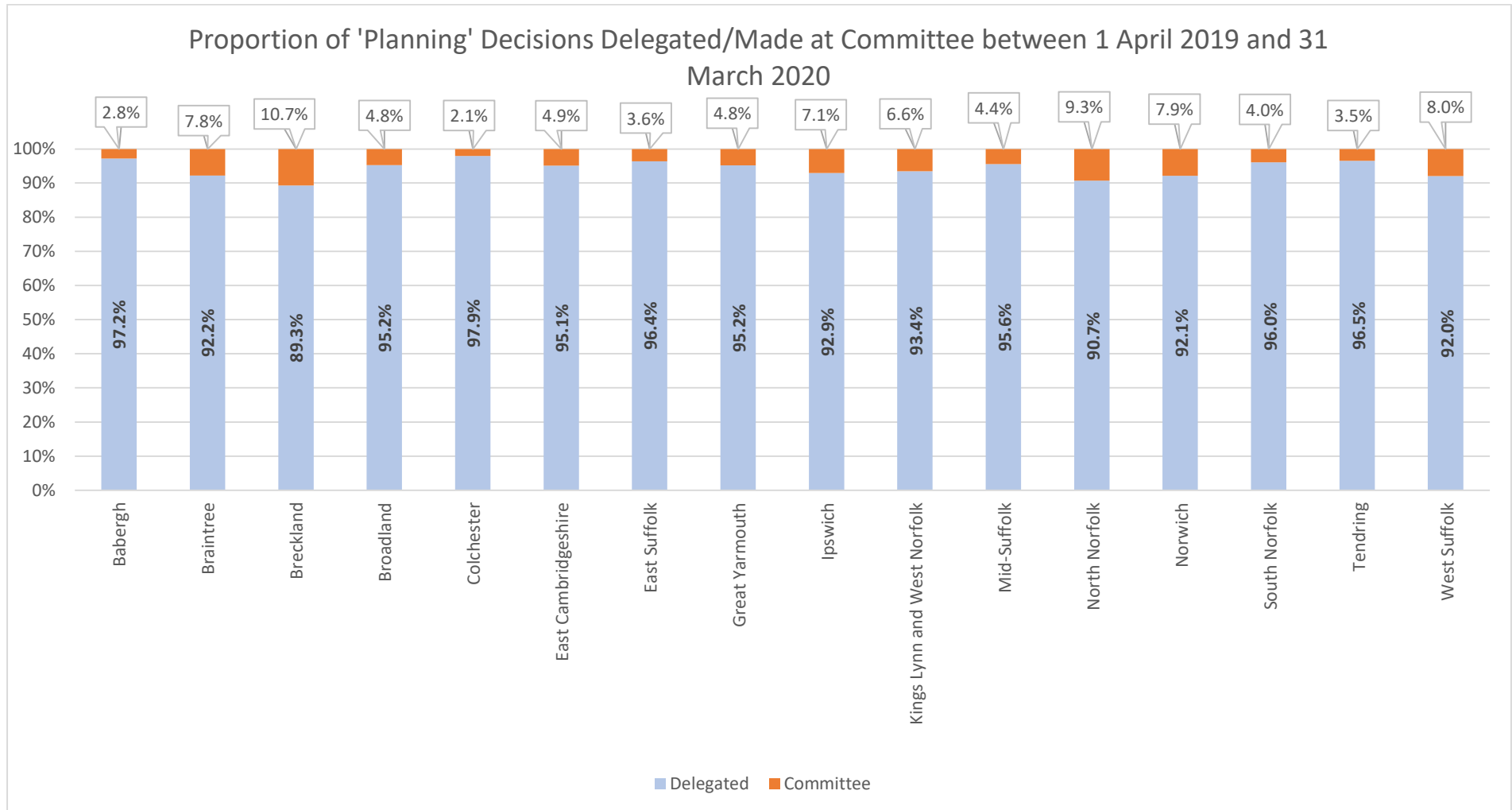
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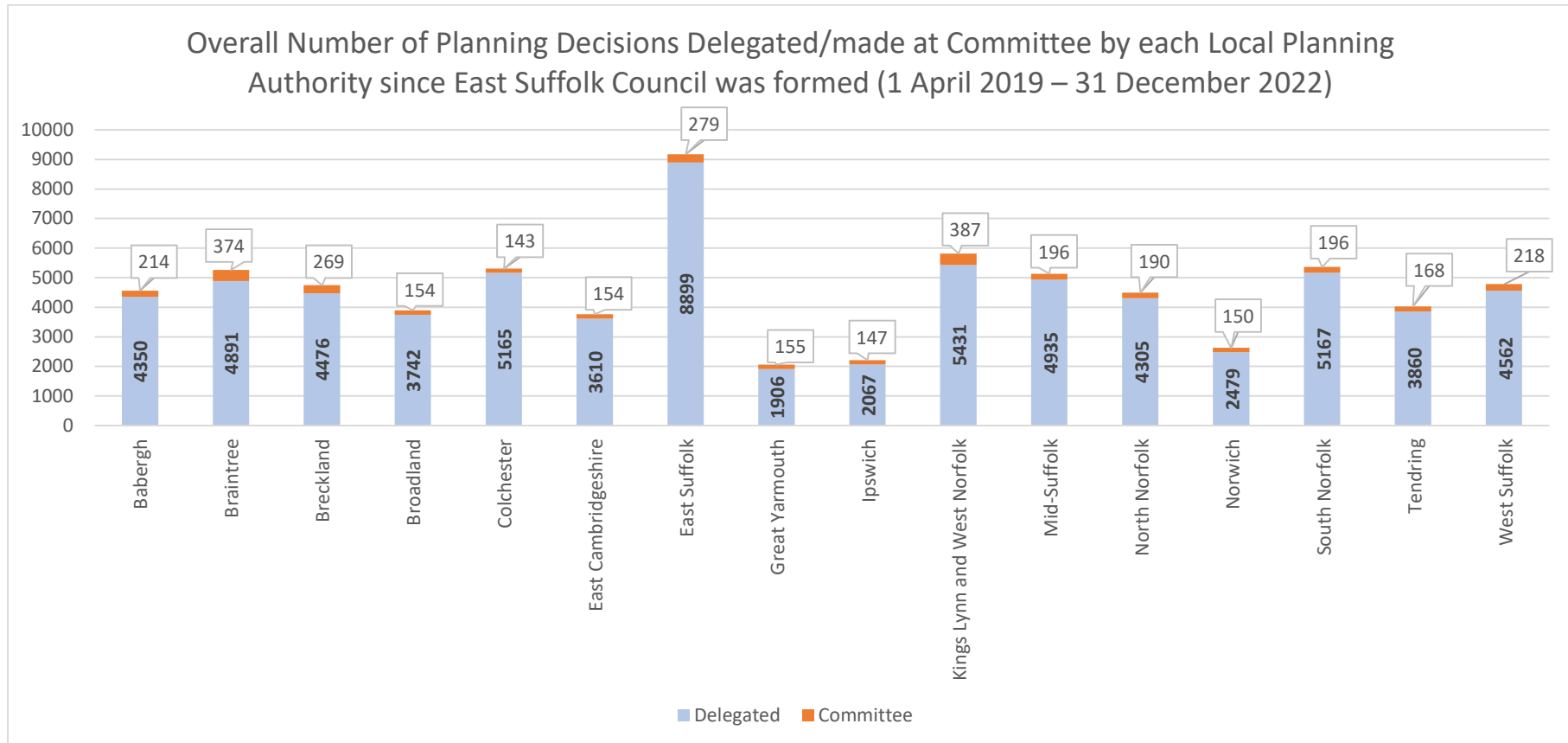
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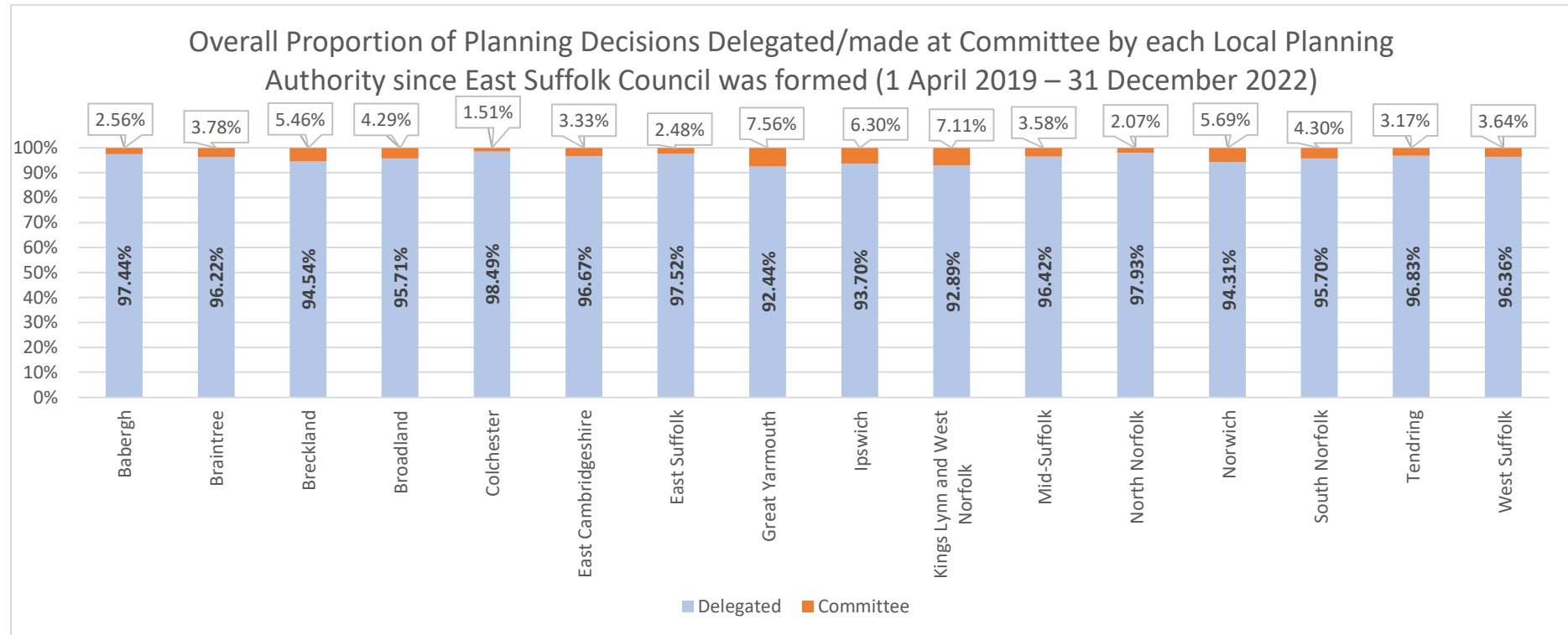
**Figure 15:** Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority since East Suffolk Council was formed (1 April 2019 – 31 December 2022)





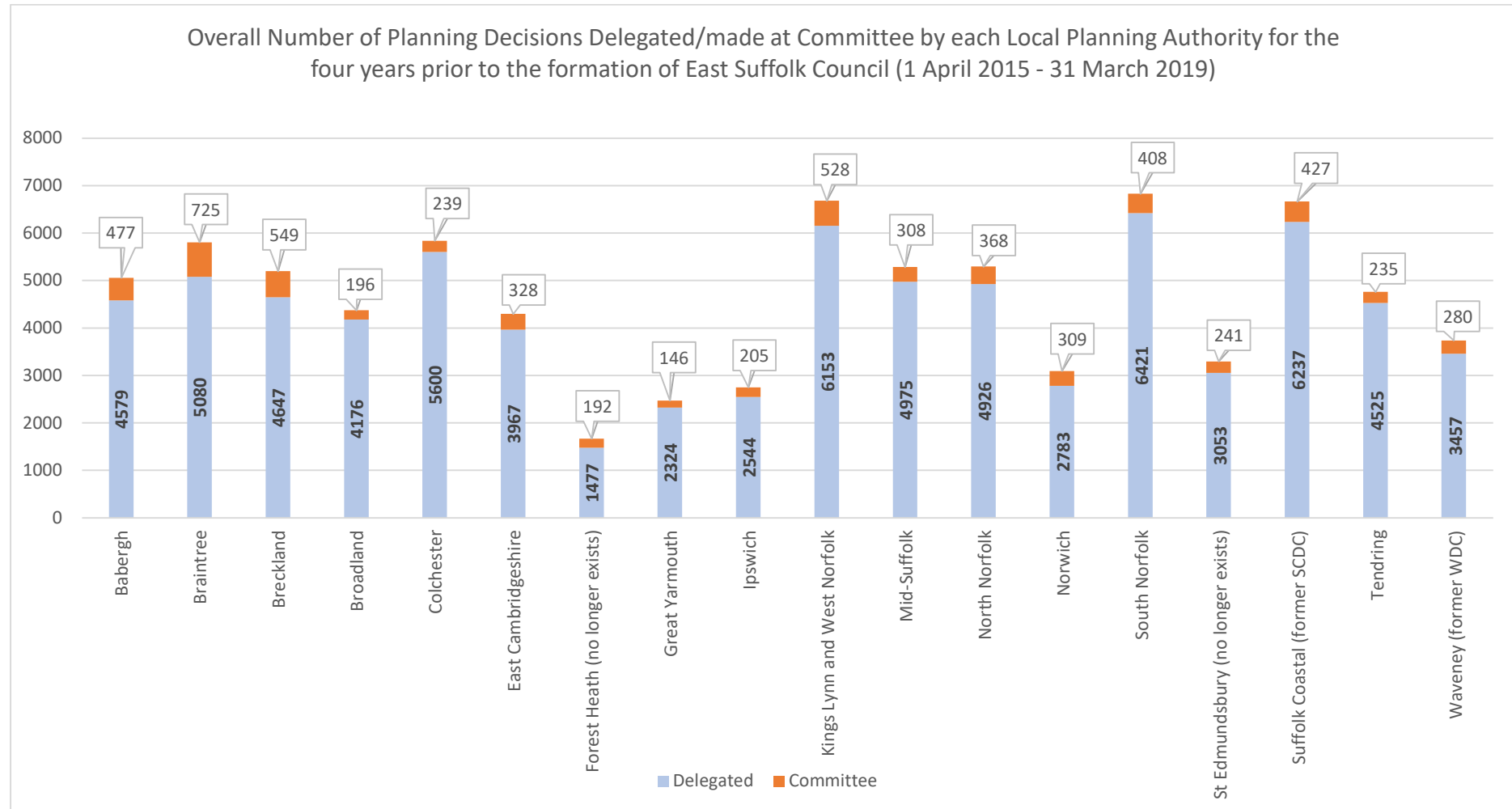
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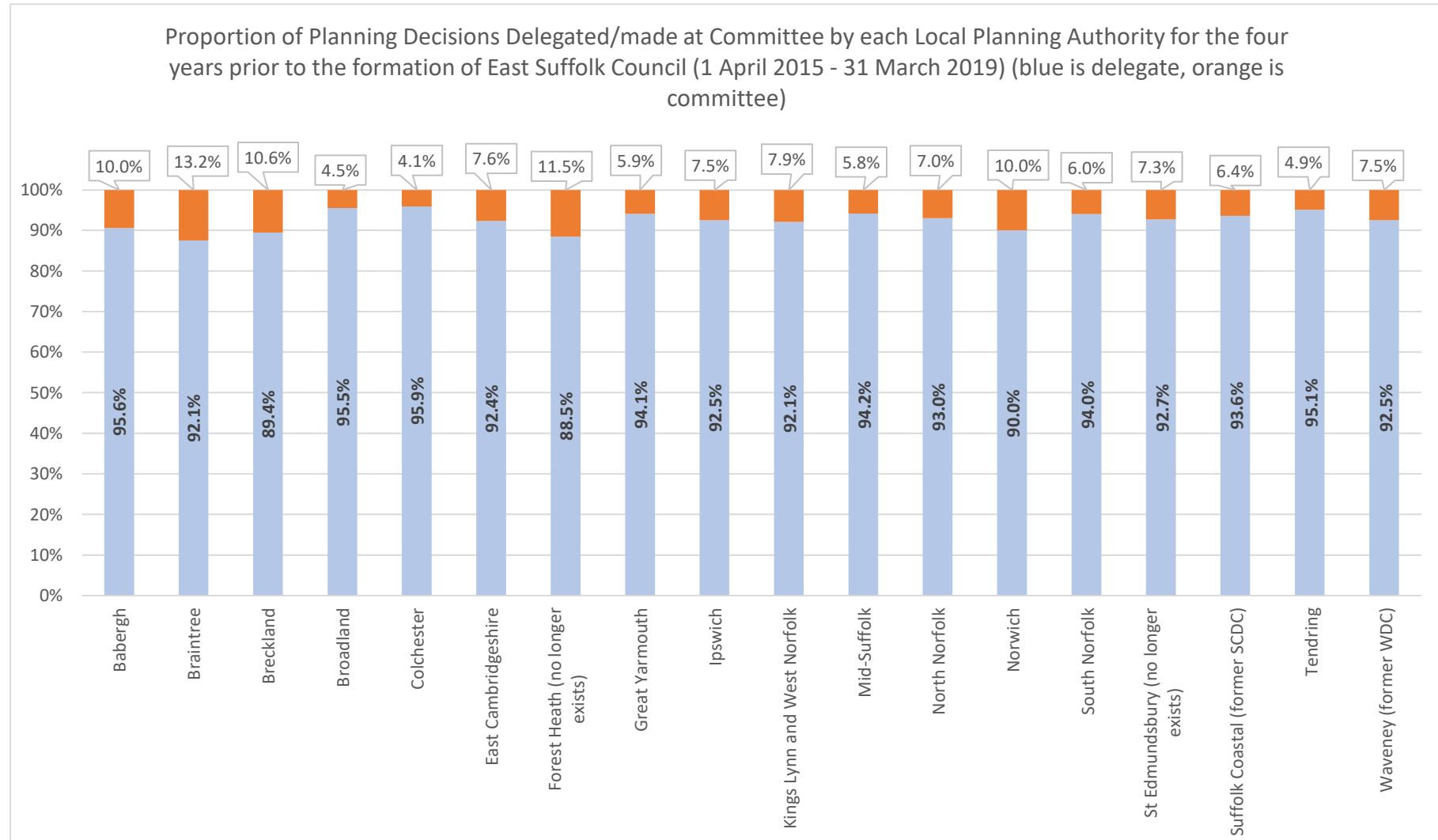
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**Figure 17:** Overall Number of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the four years prior to the formation of East Suffolk Council (1 April 2015 – 31 March 2019)

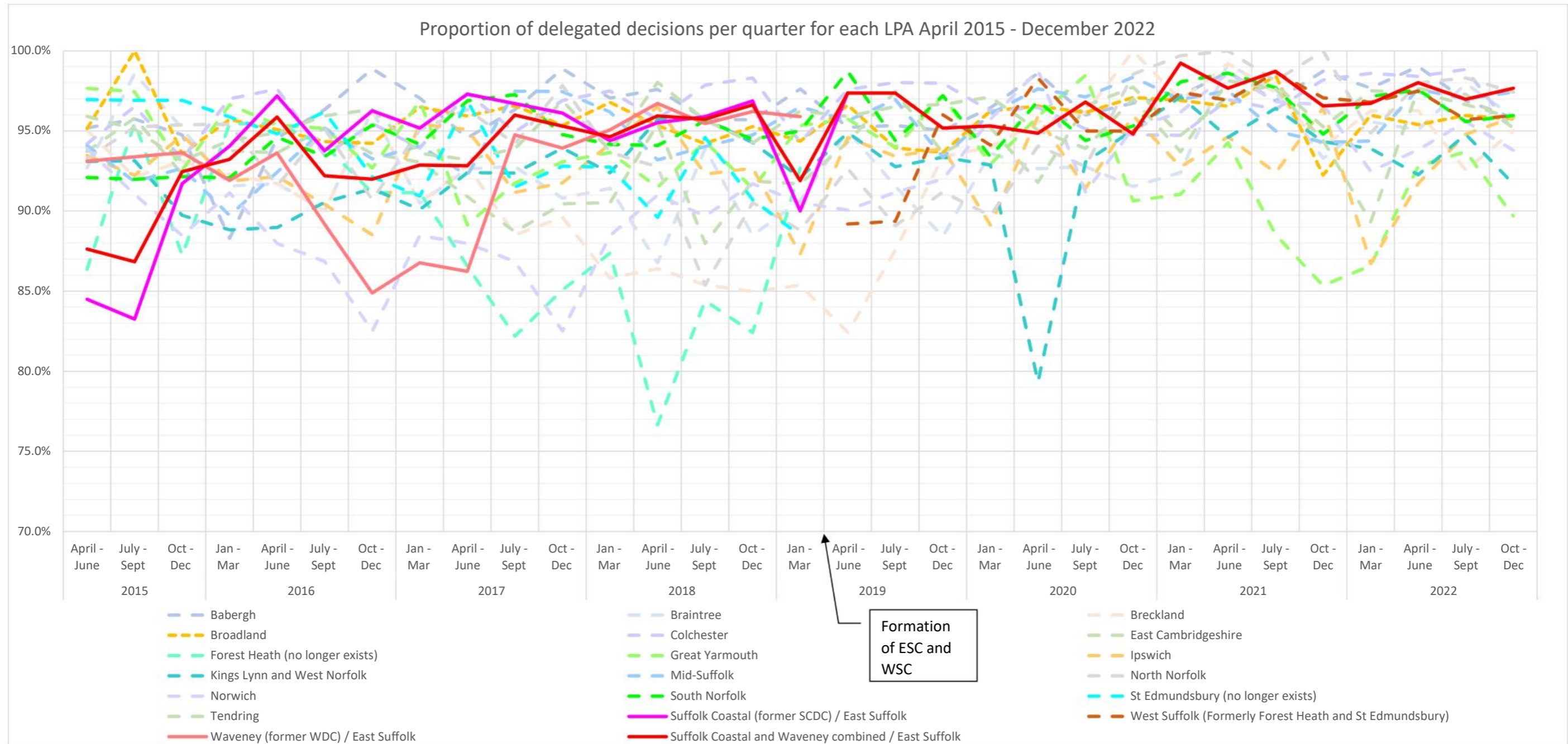


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**Figure 18:** Overall Proportion of Planning Decisions Delegated/made at Committee by each Local Planning Authority for the four years prior to the formation of East Suffolk Council (1 April 2015 – 31 March 2019)



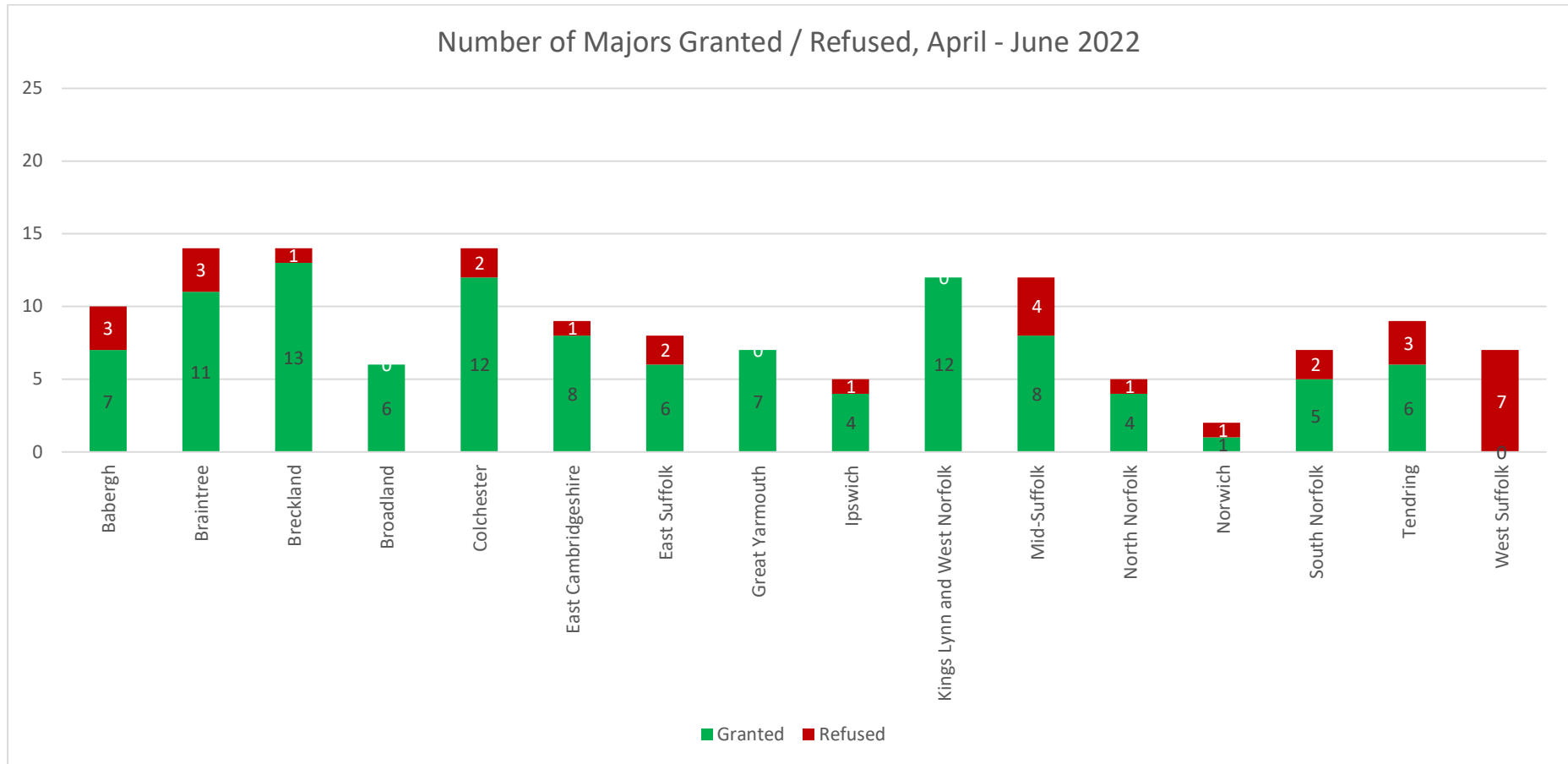
**Figure 19:** Proportion of decisions that were delegated per quarter for each Local Planning Authority April 2015- December 2022



**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](#)

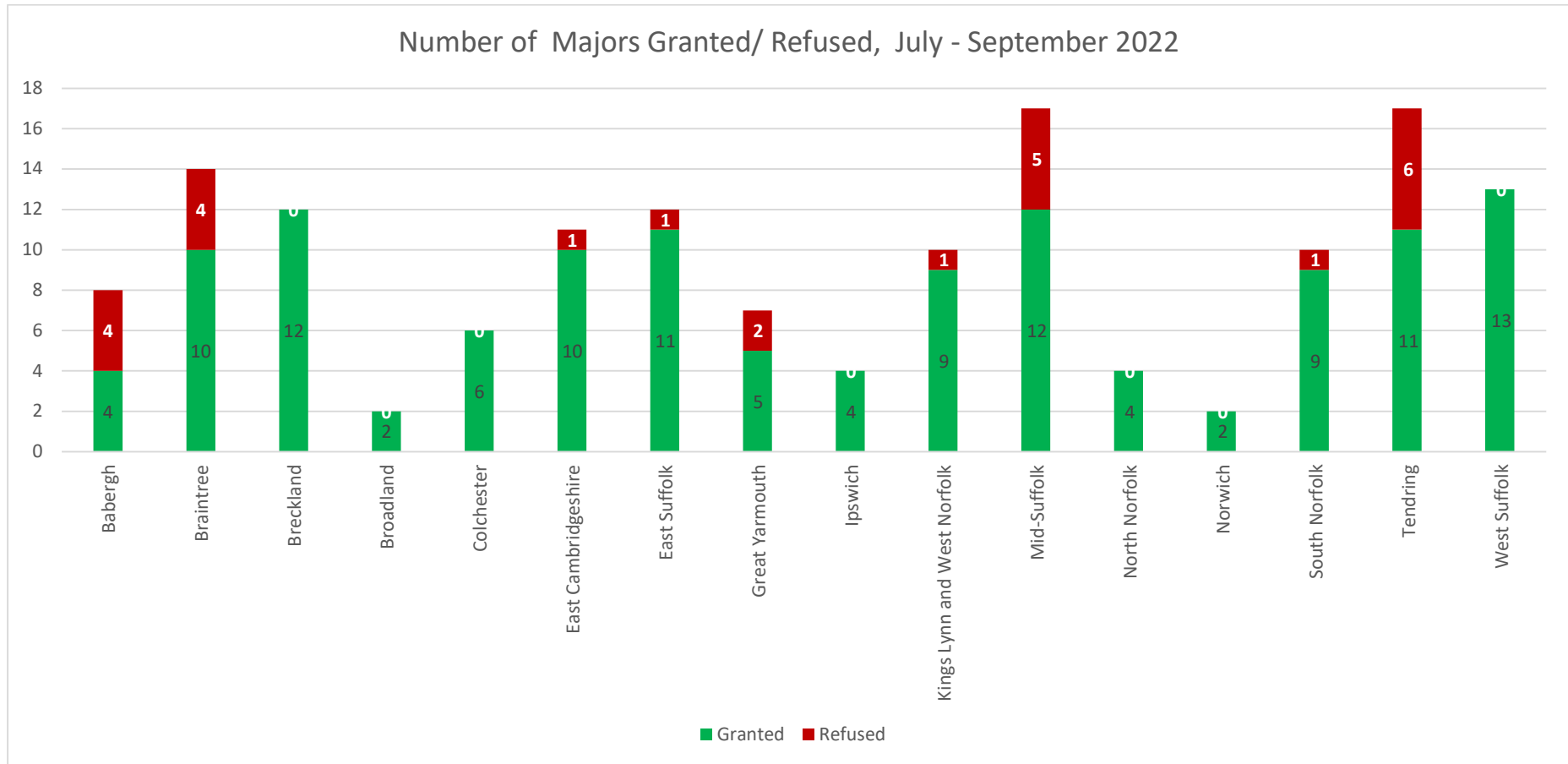
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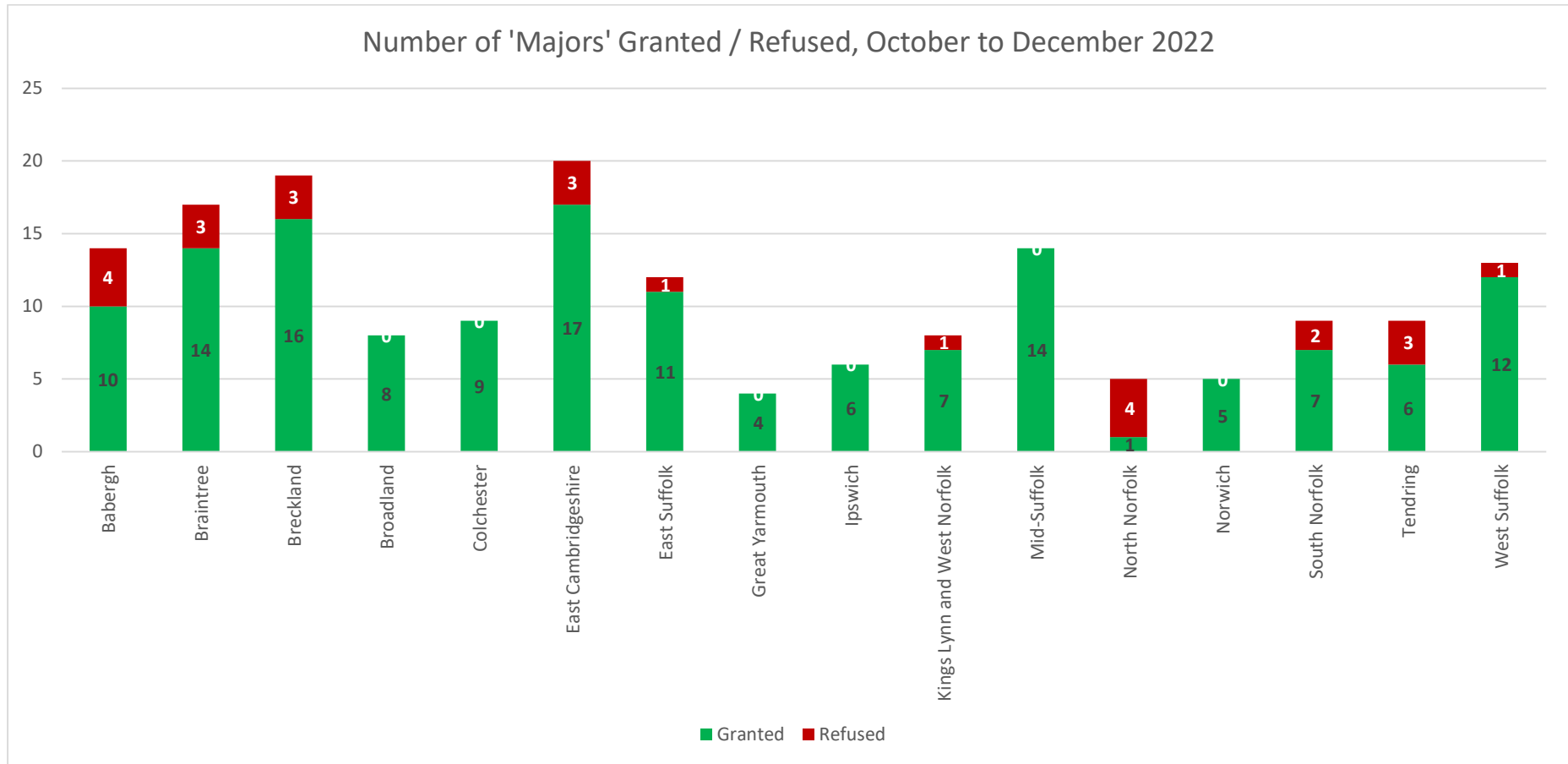
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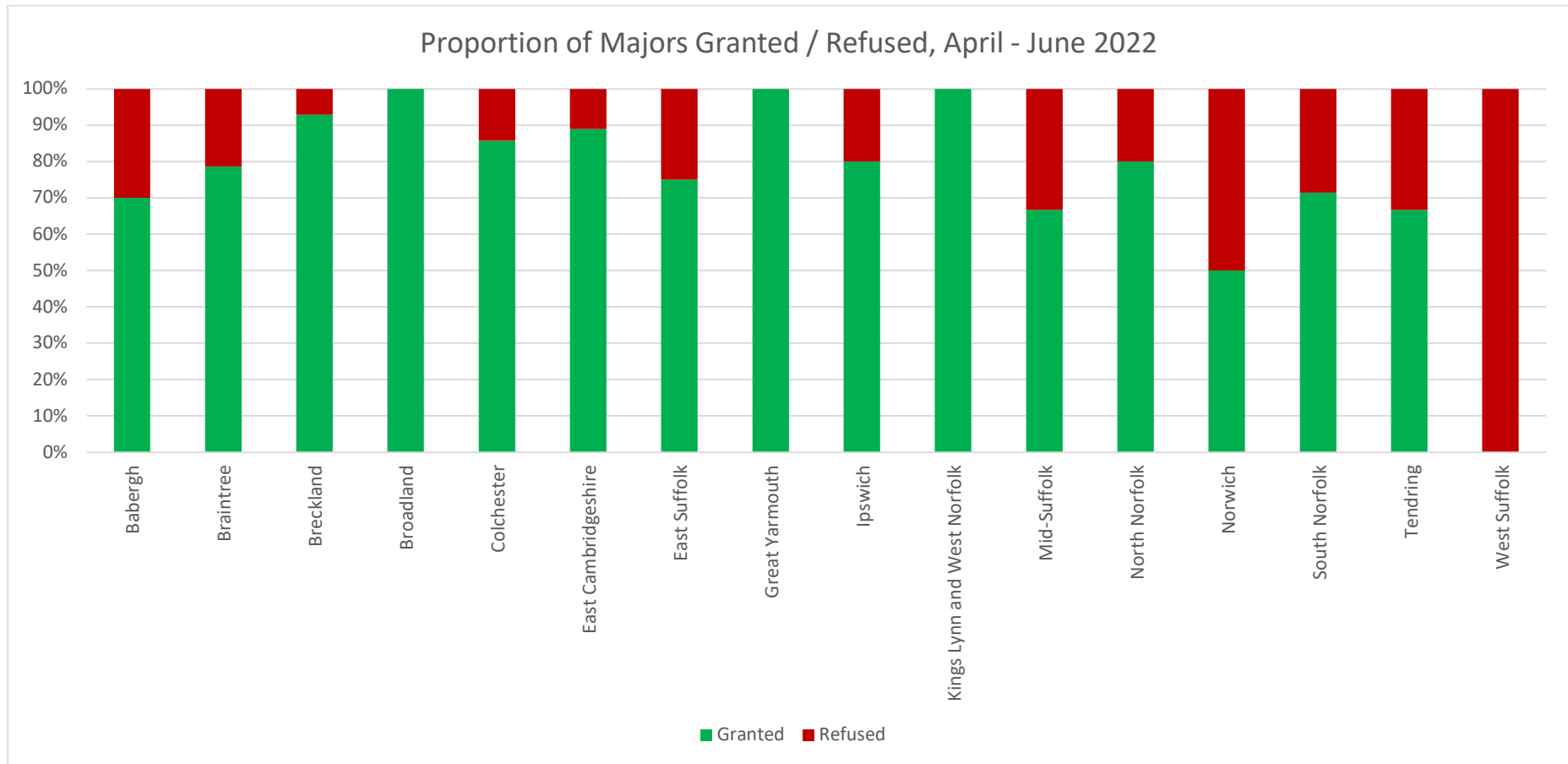
**Figure 3:** The Number of Majors Granted / Refused for each Local Planning Authority between 1 October 2022 and 31 December 2022





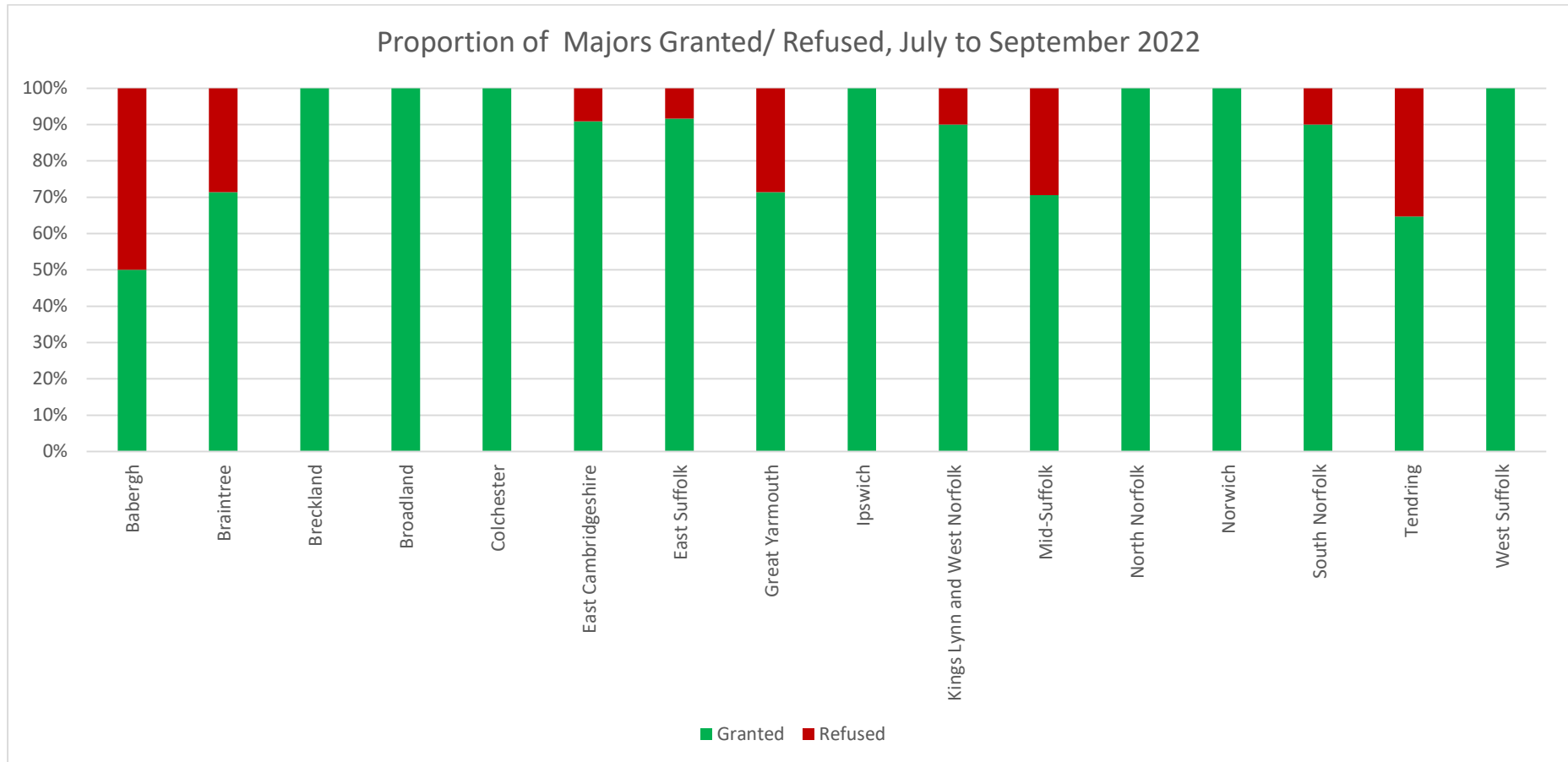
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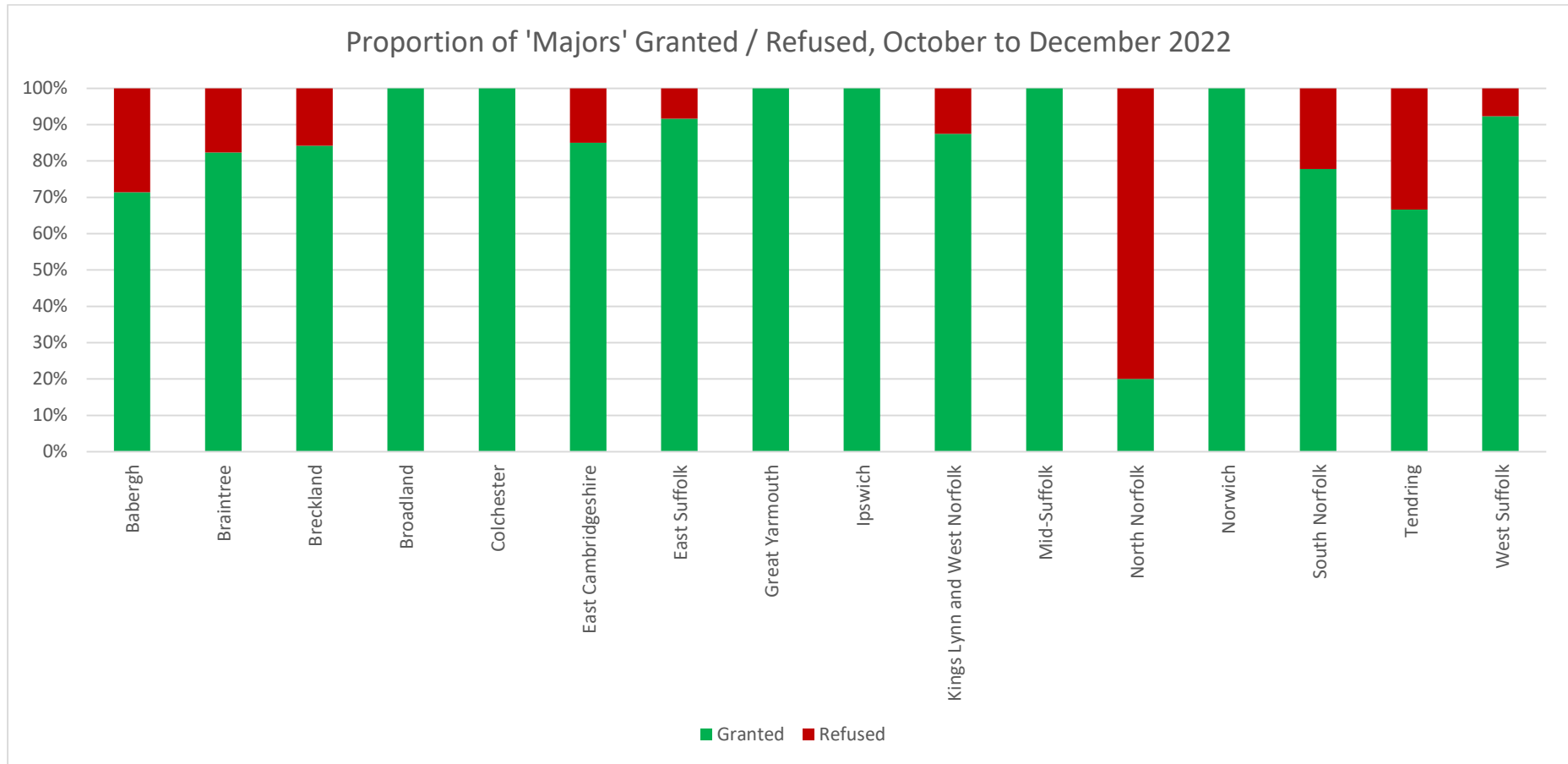
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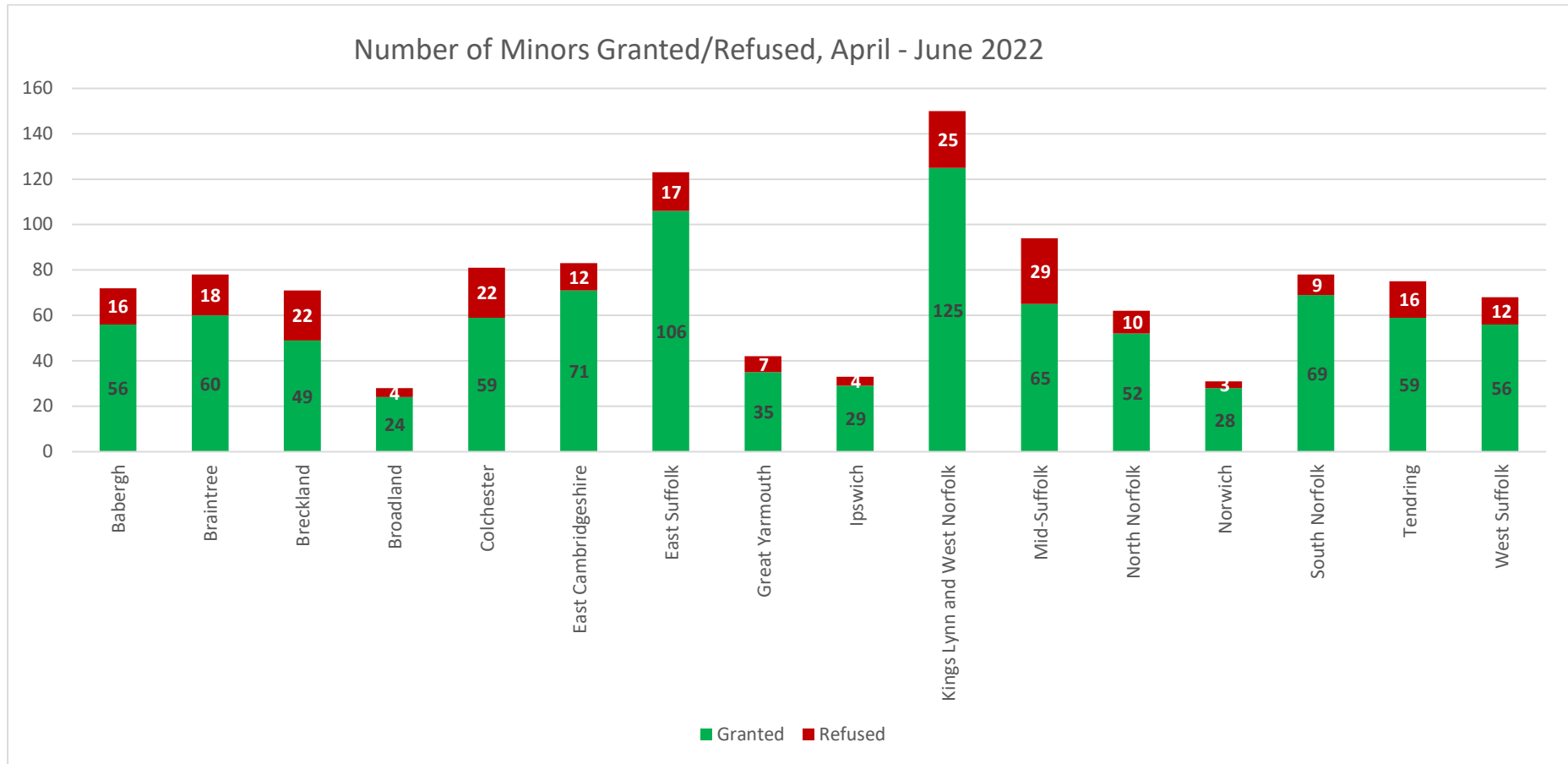
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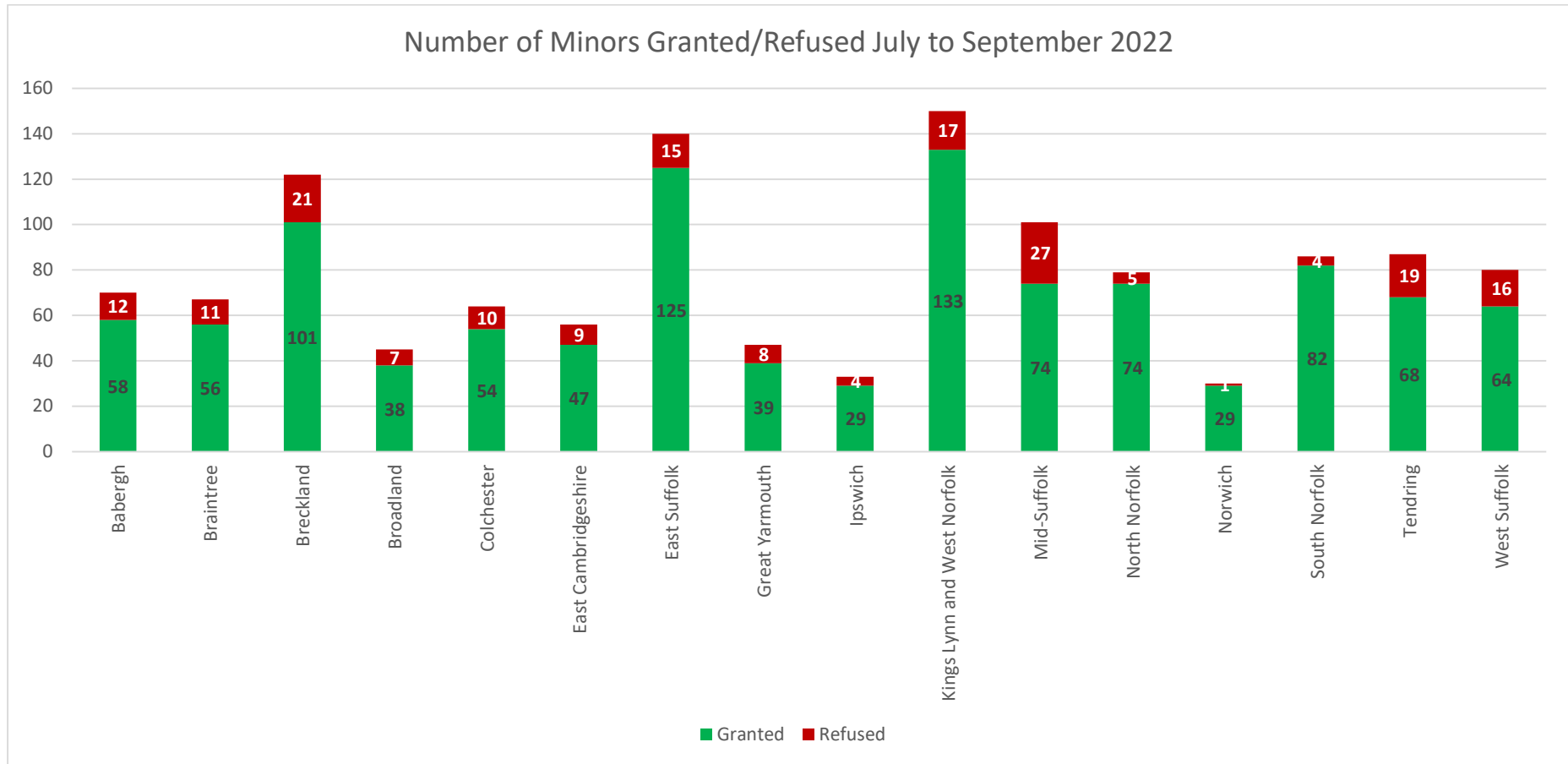
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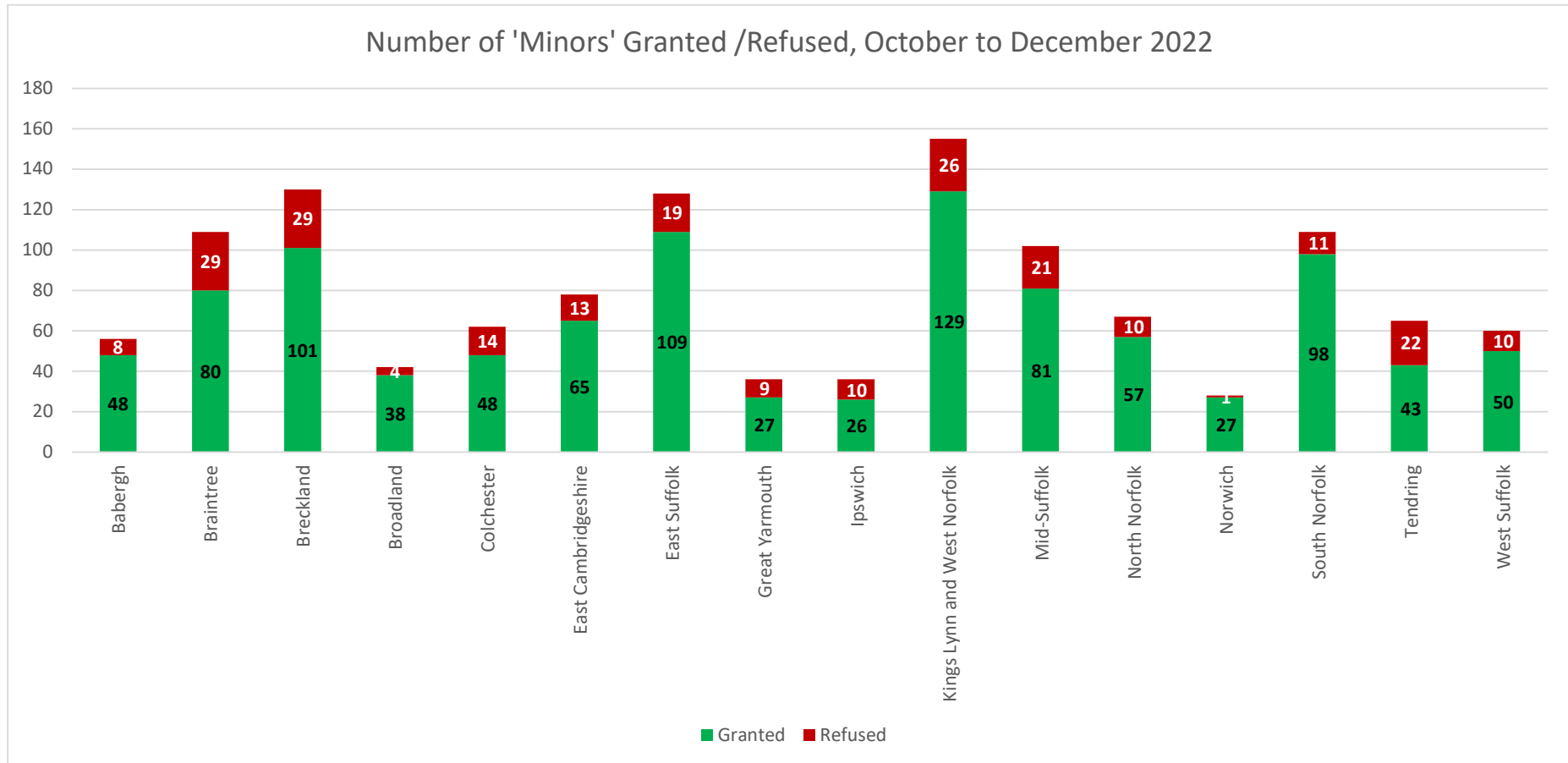
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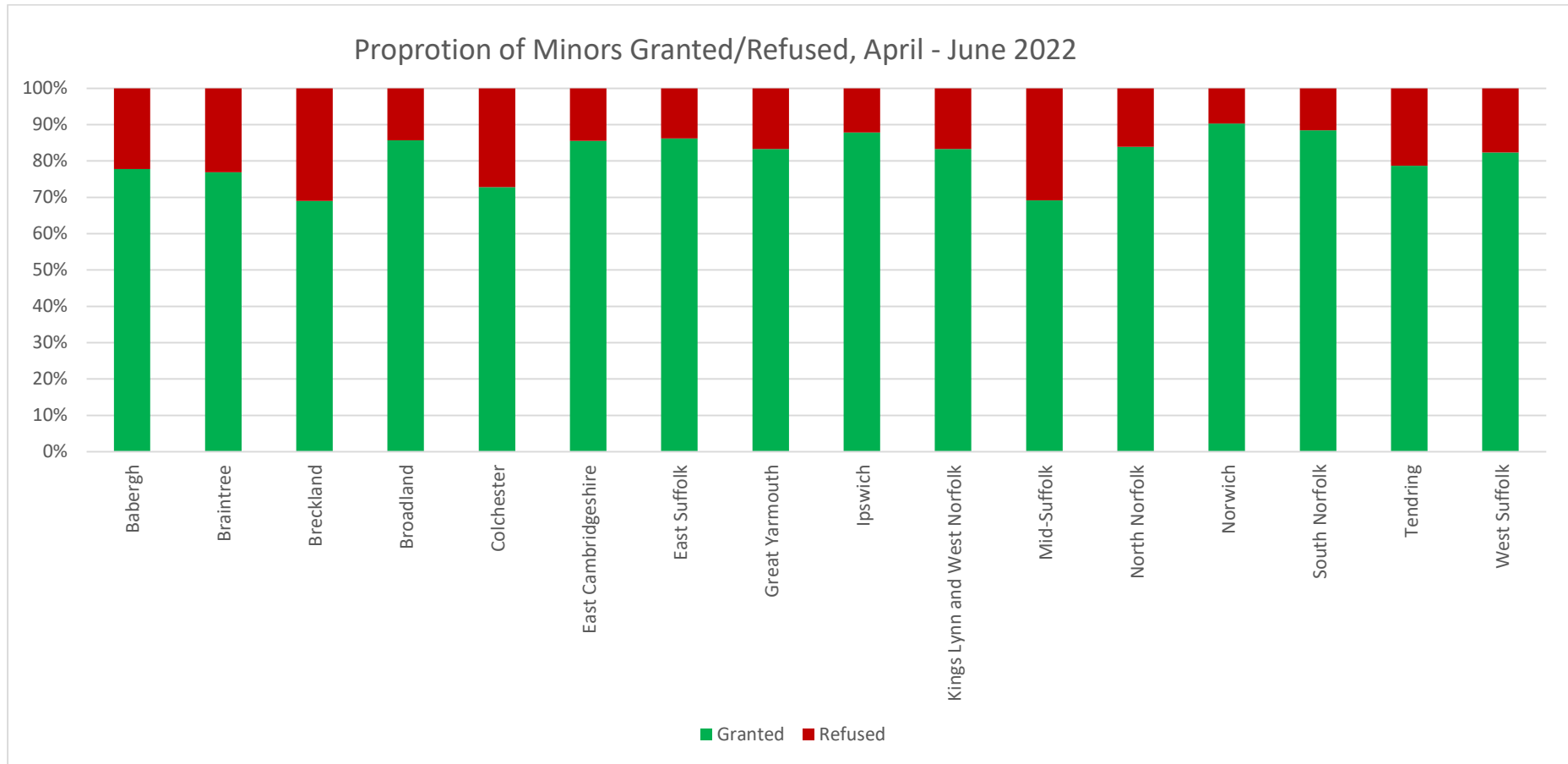
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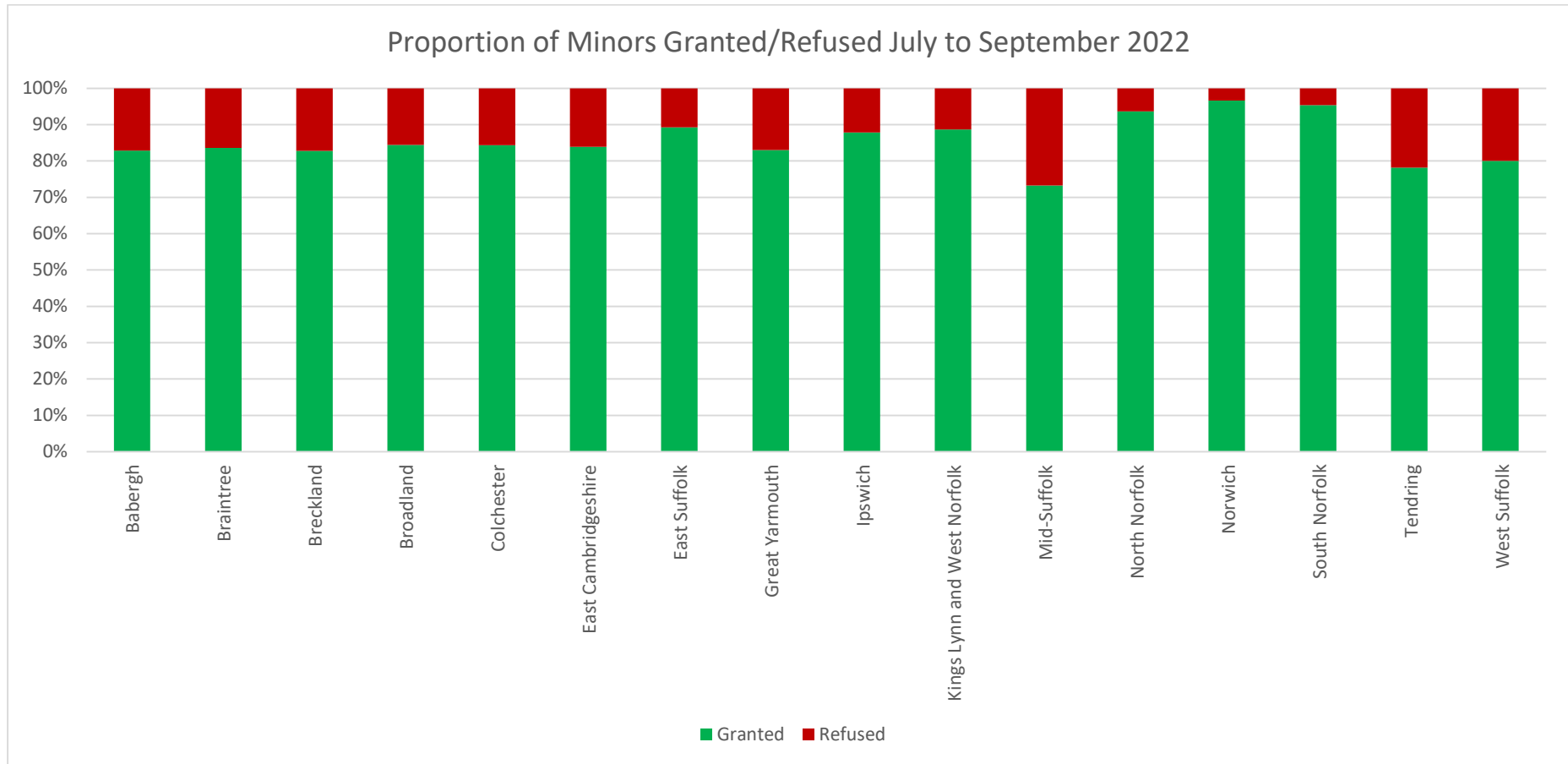
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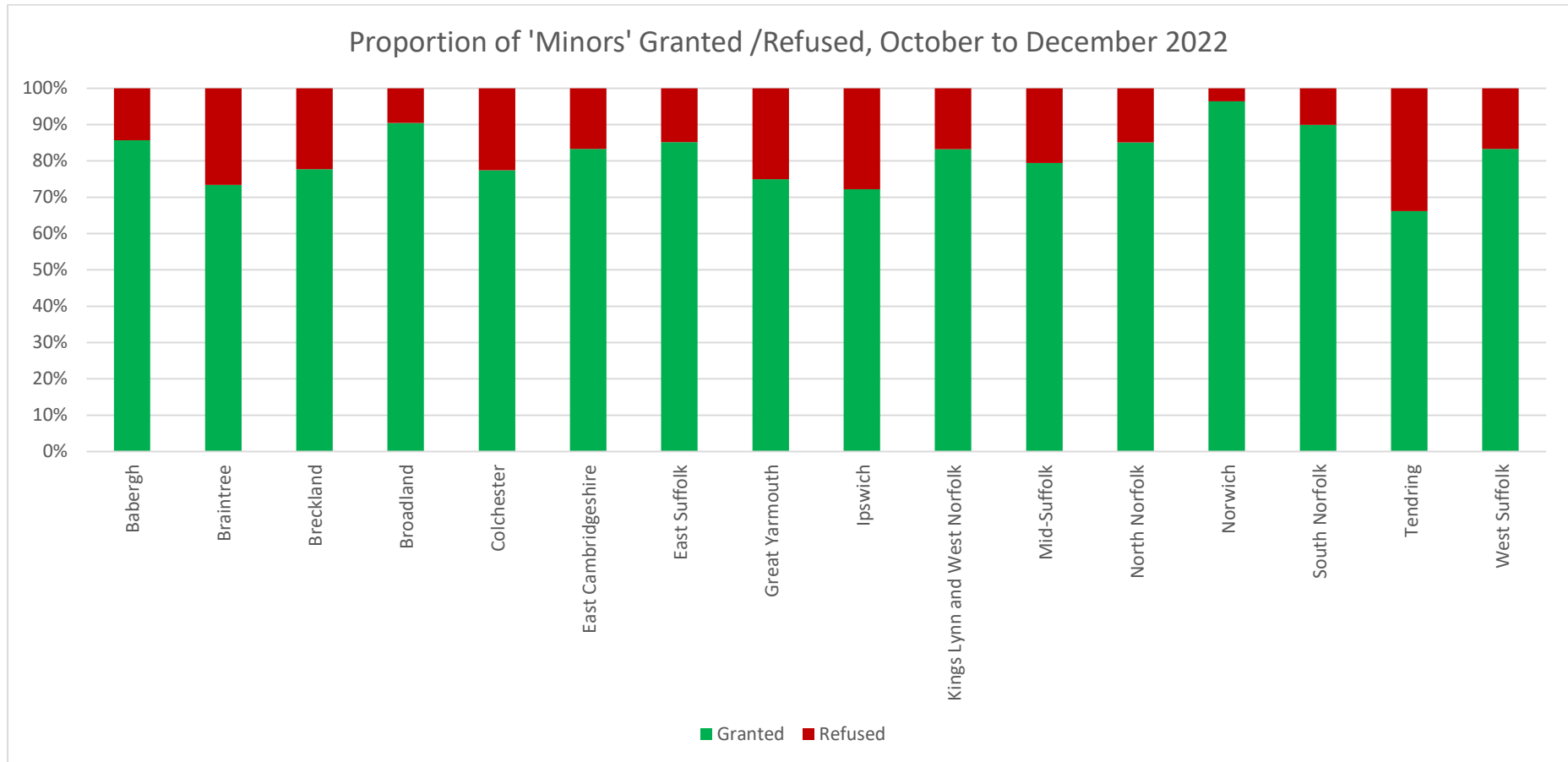
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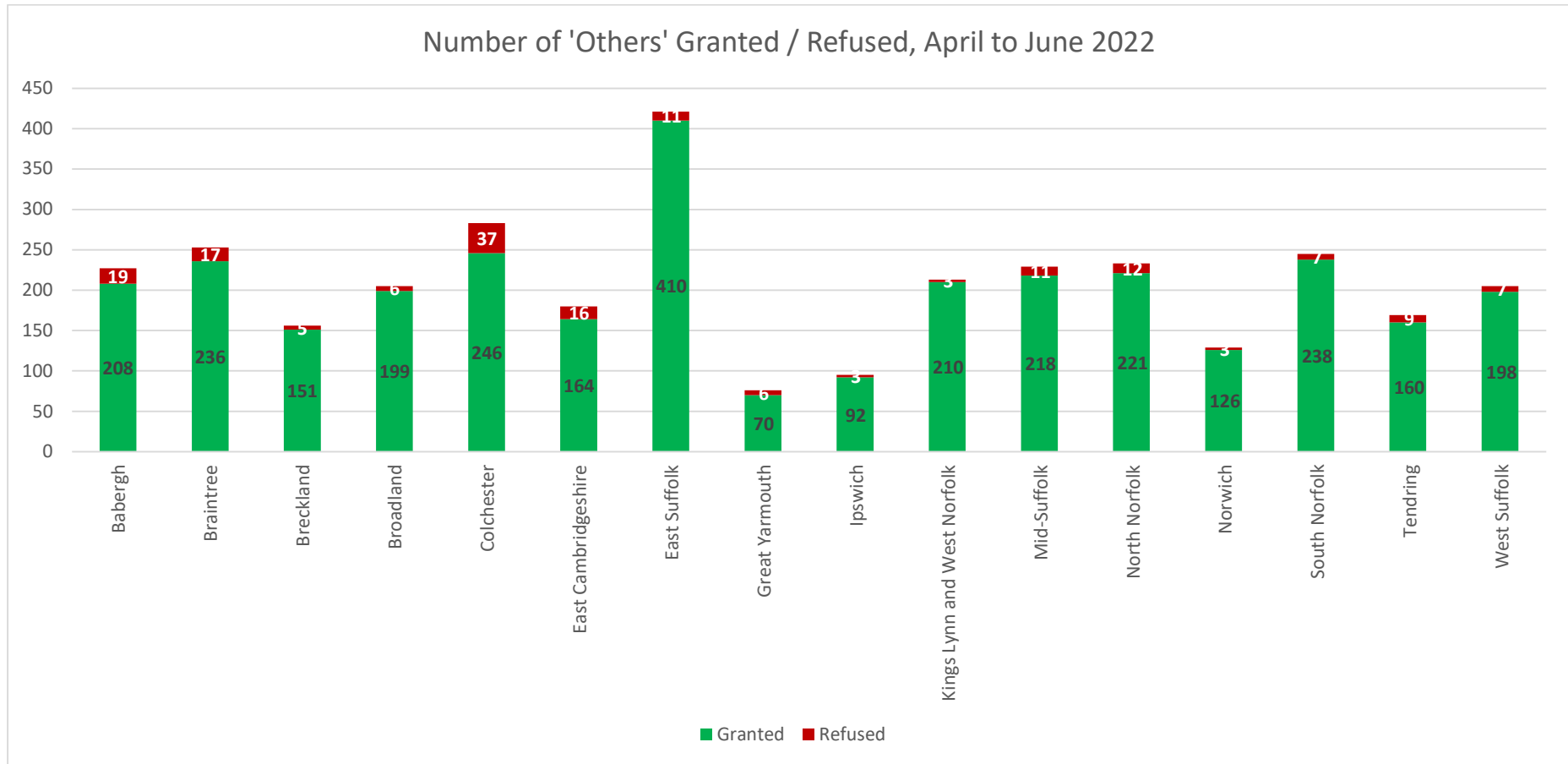
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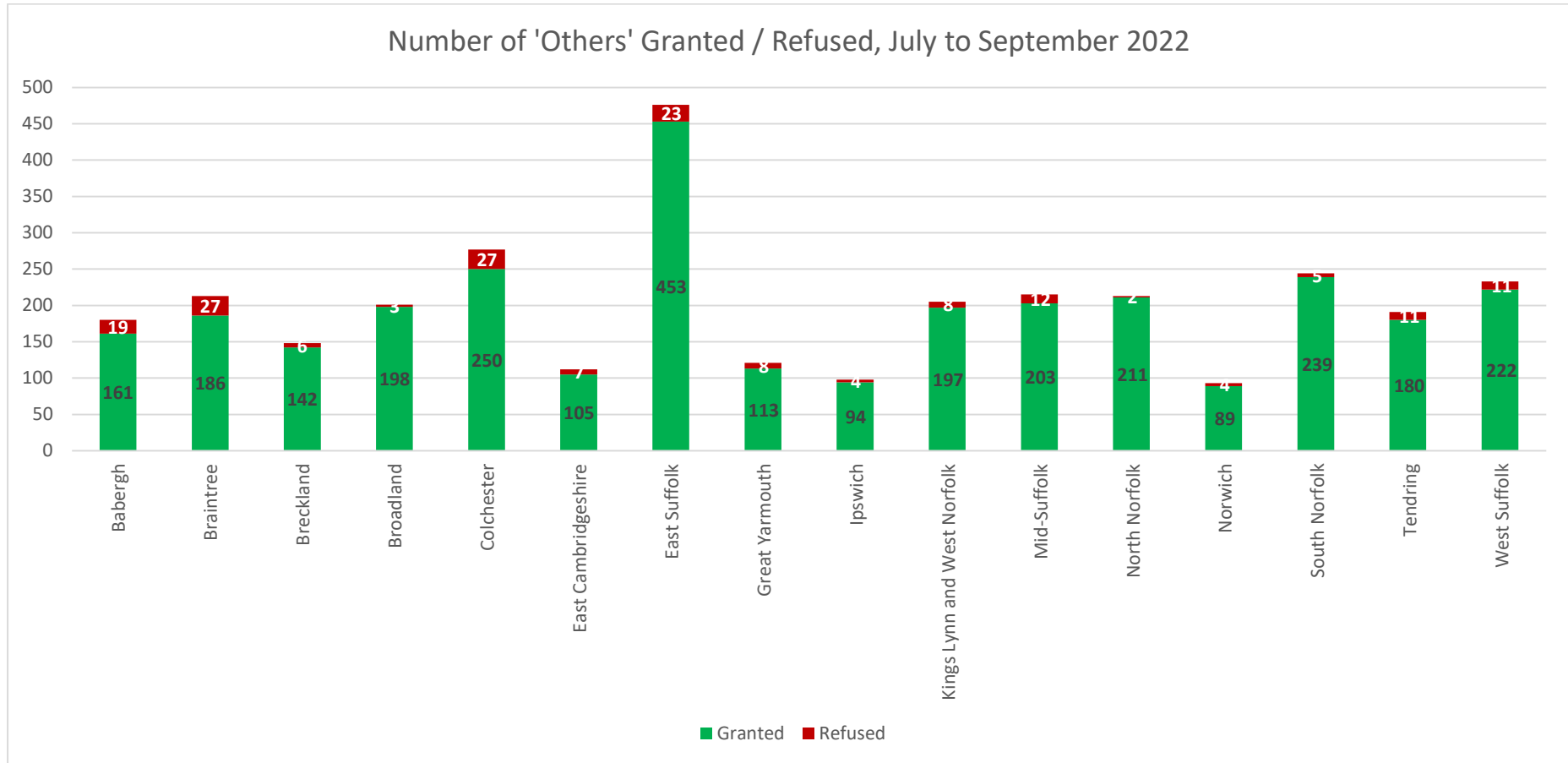
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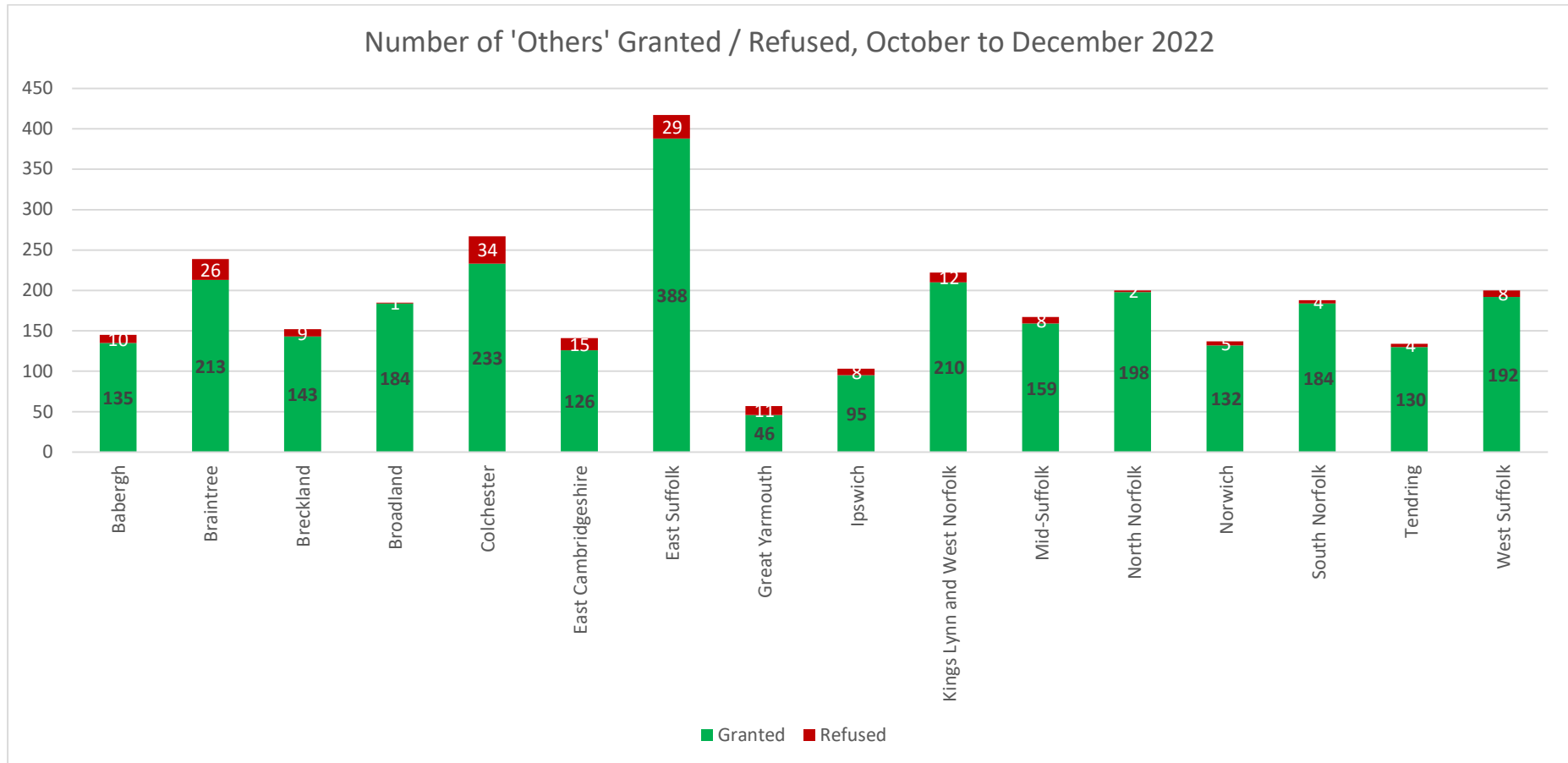
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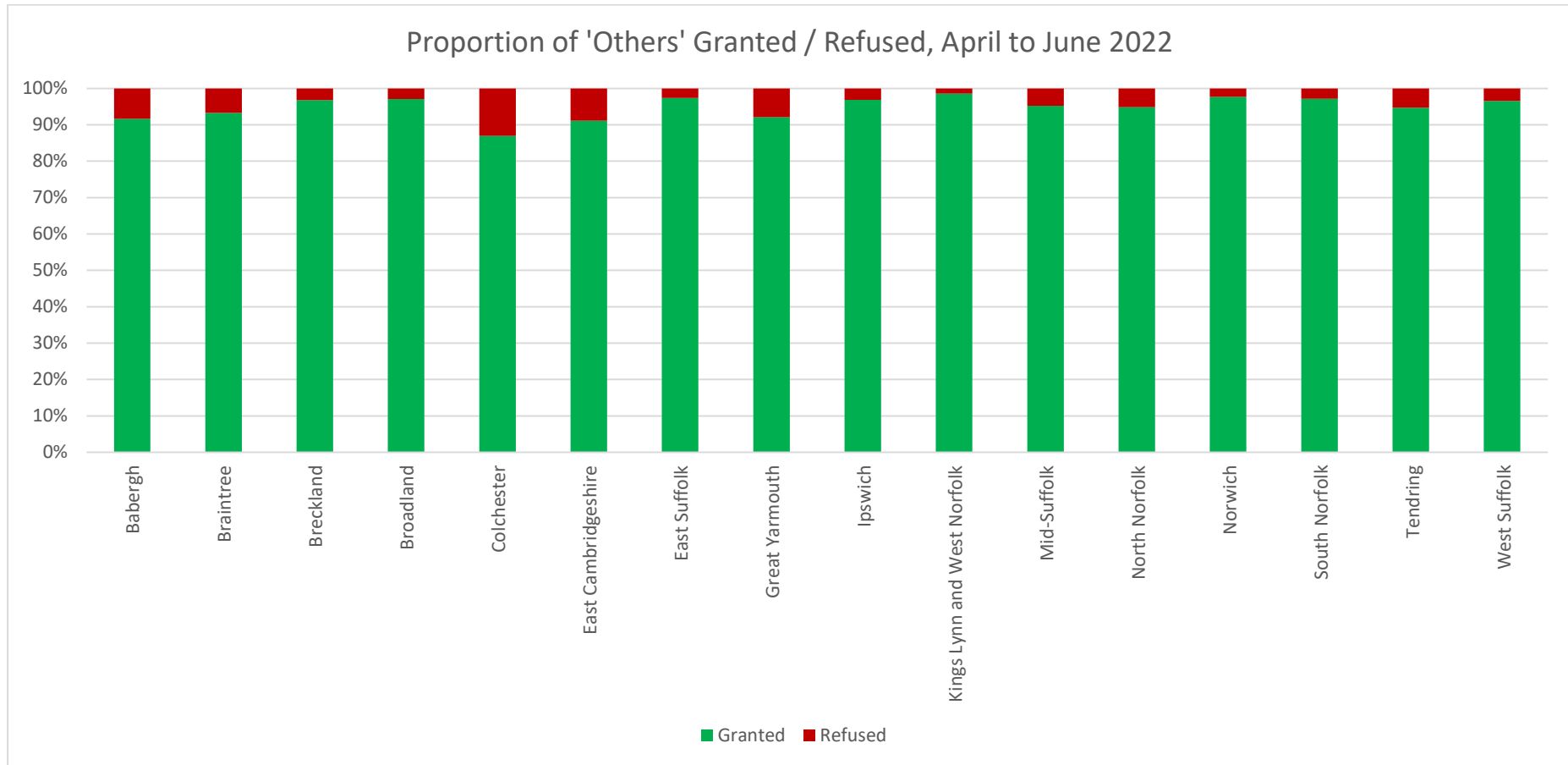
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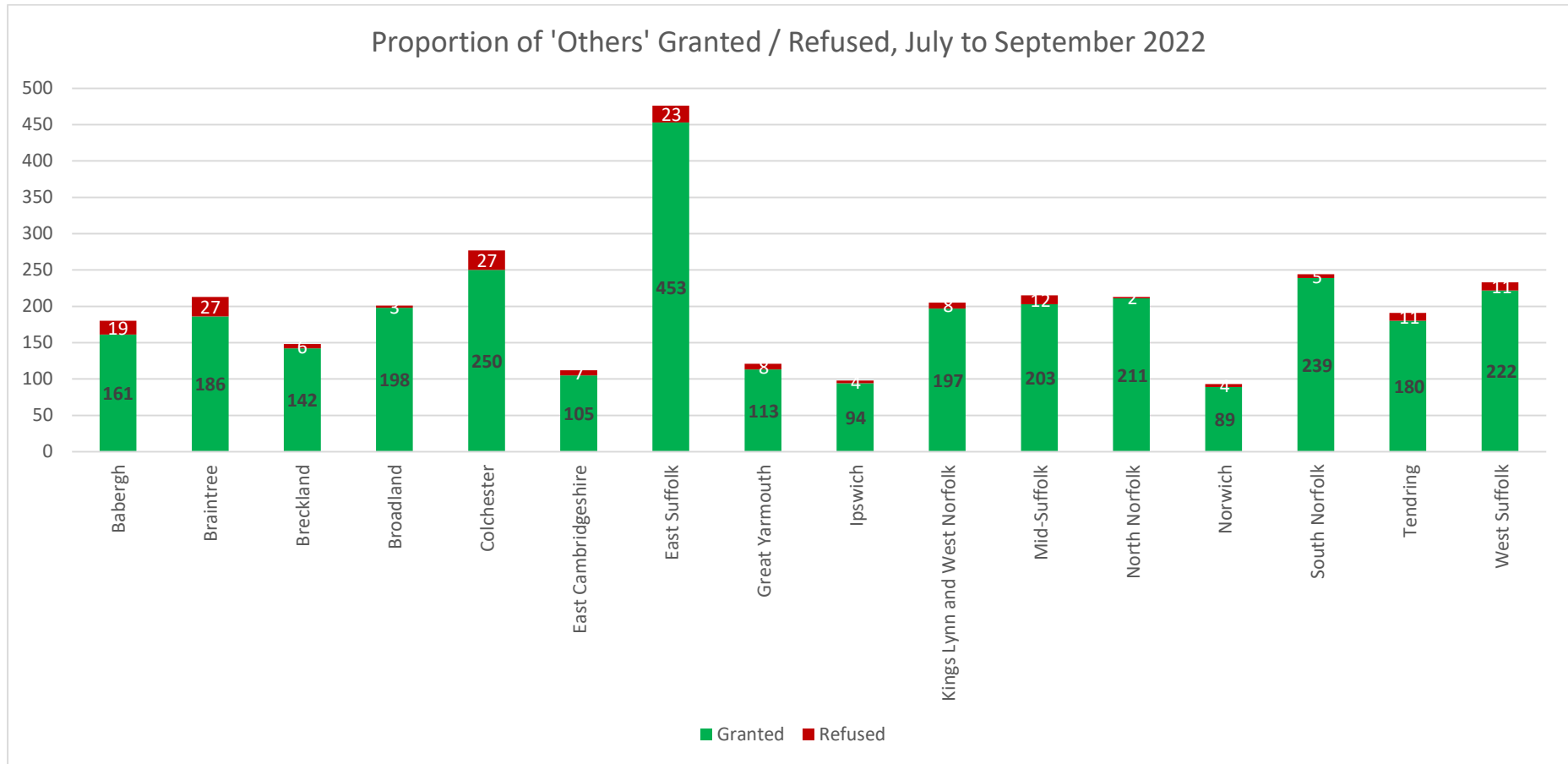
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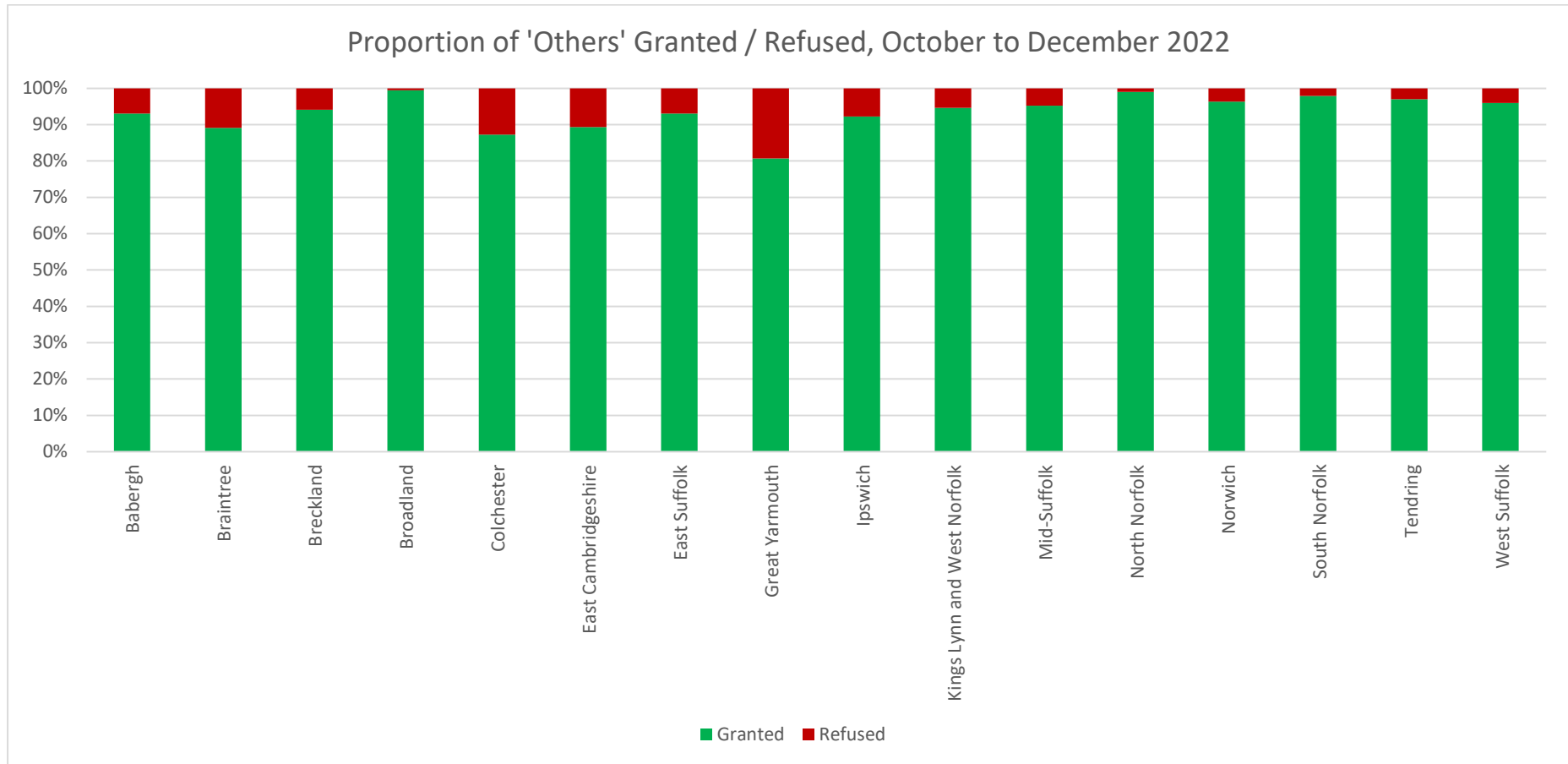
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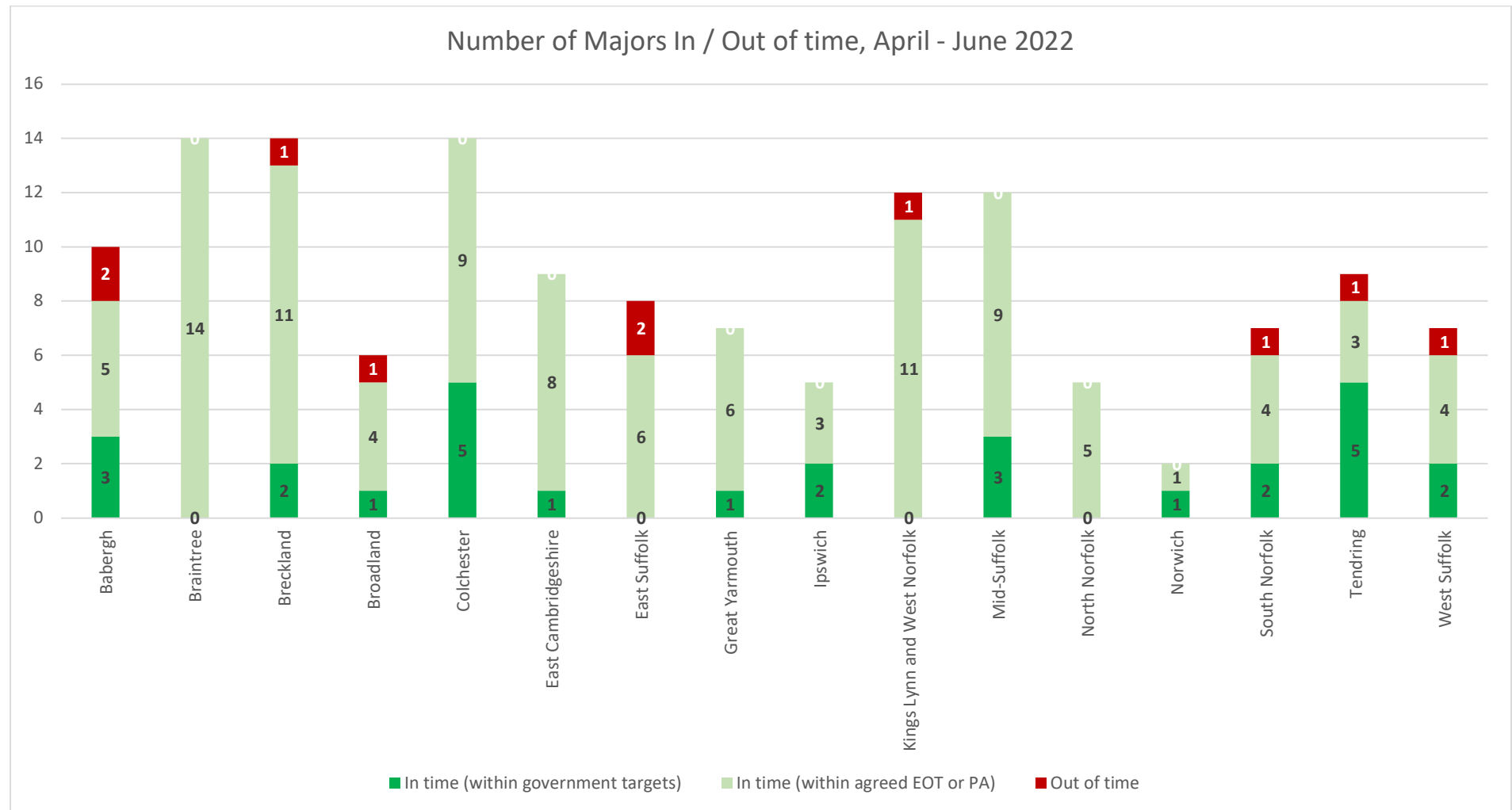


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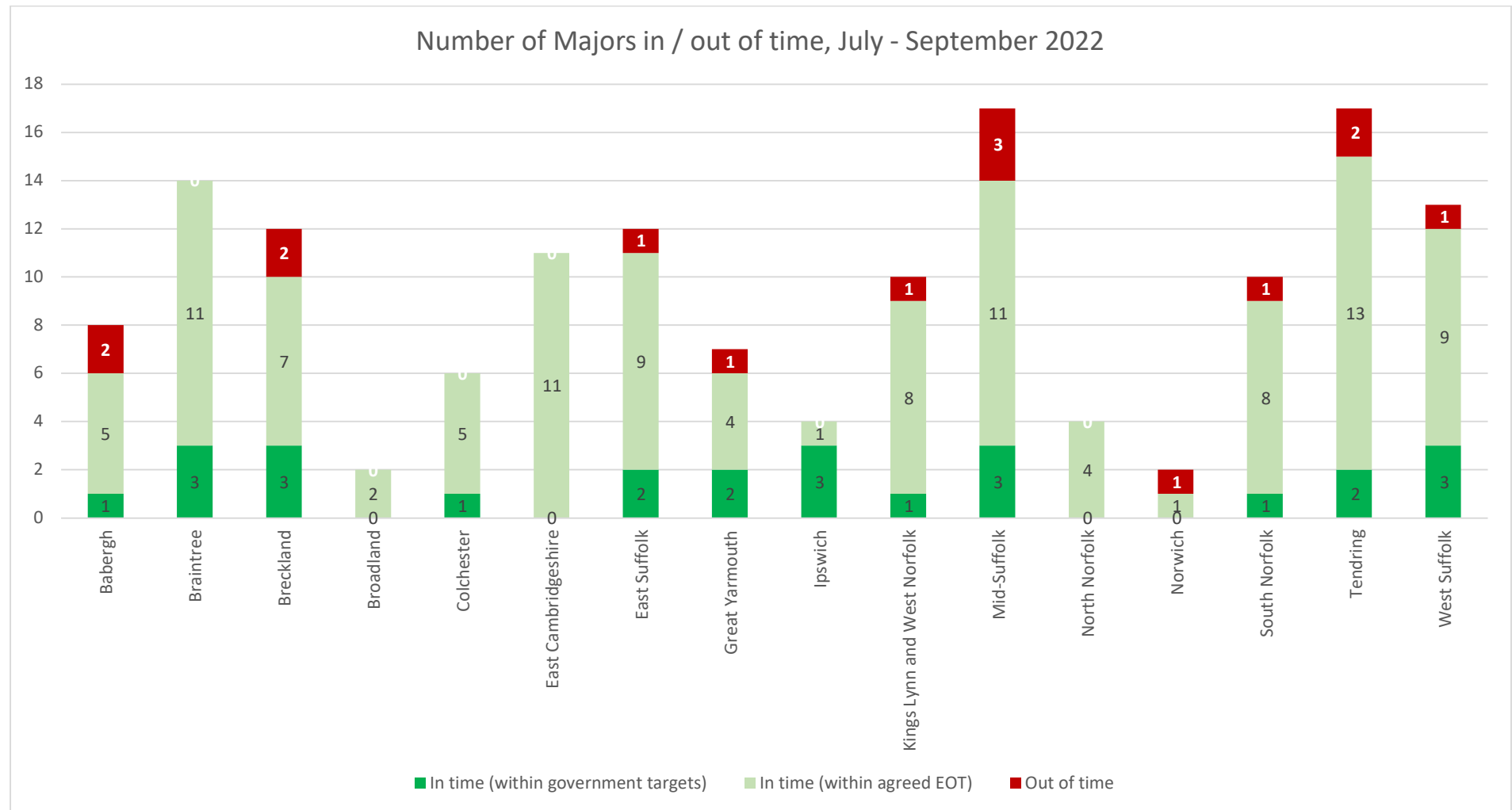
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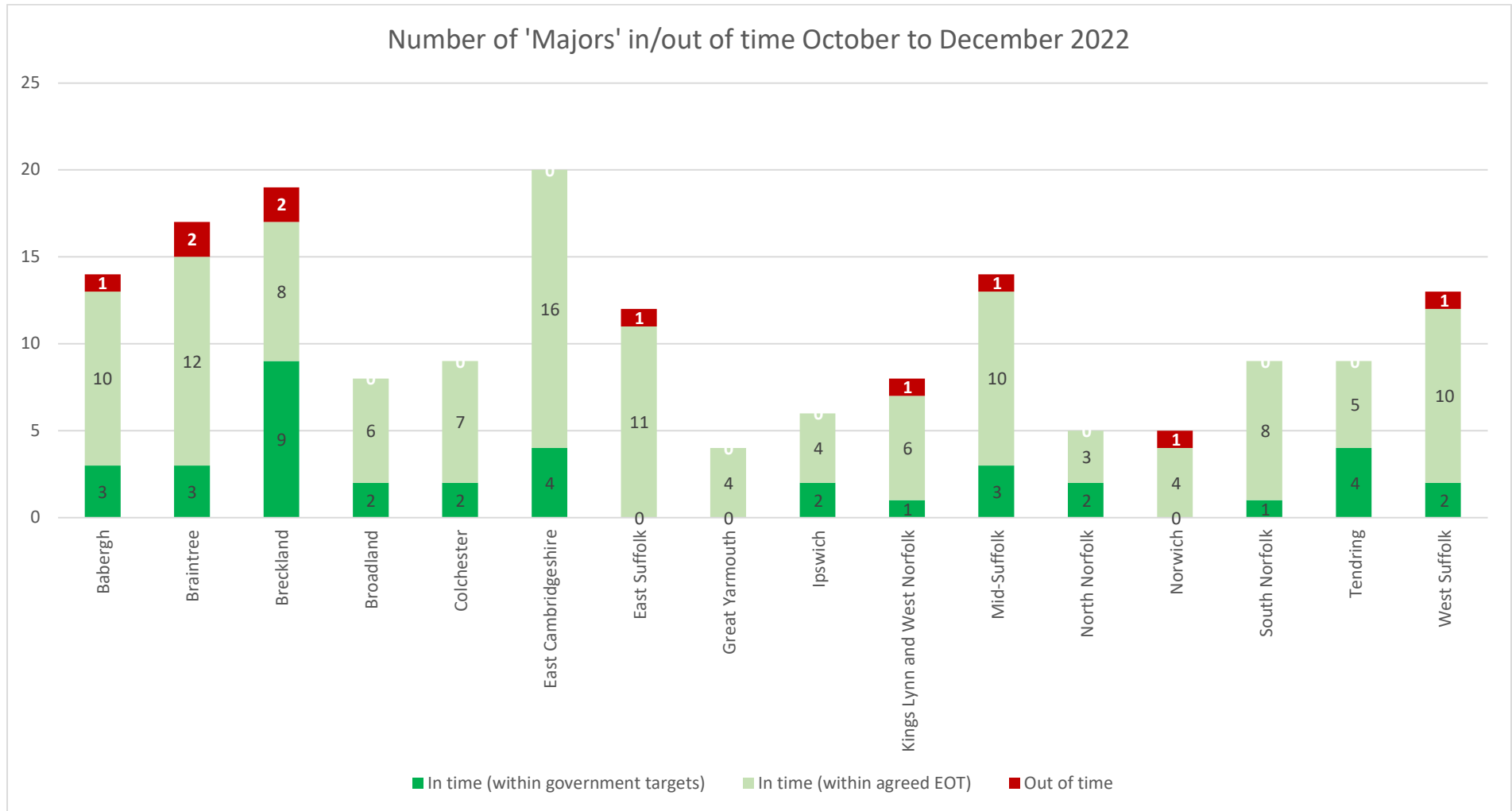
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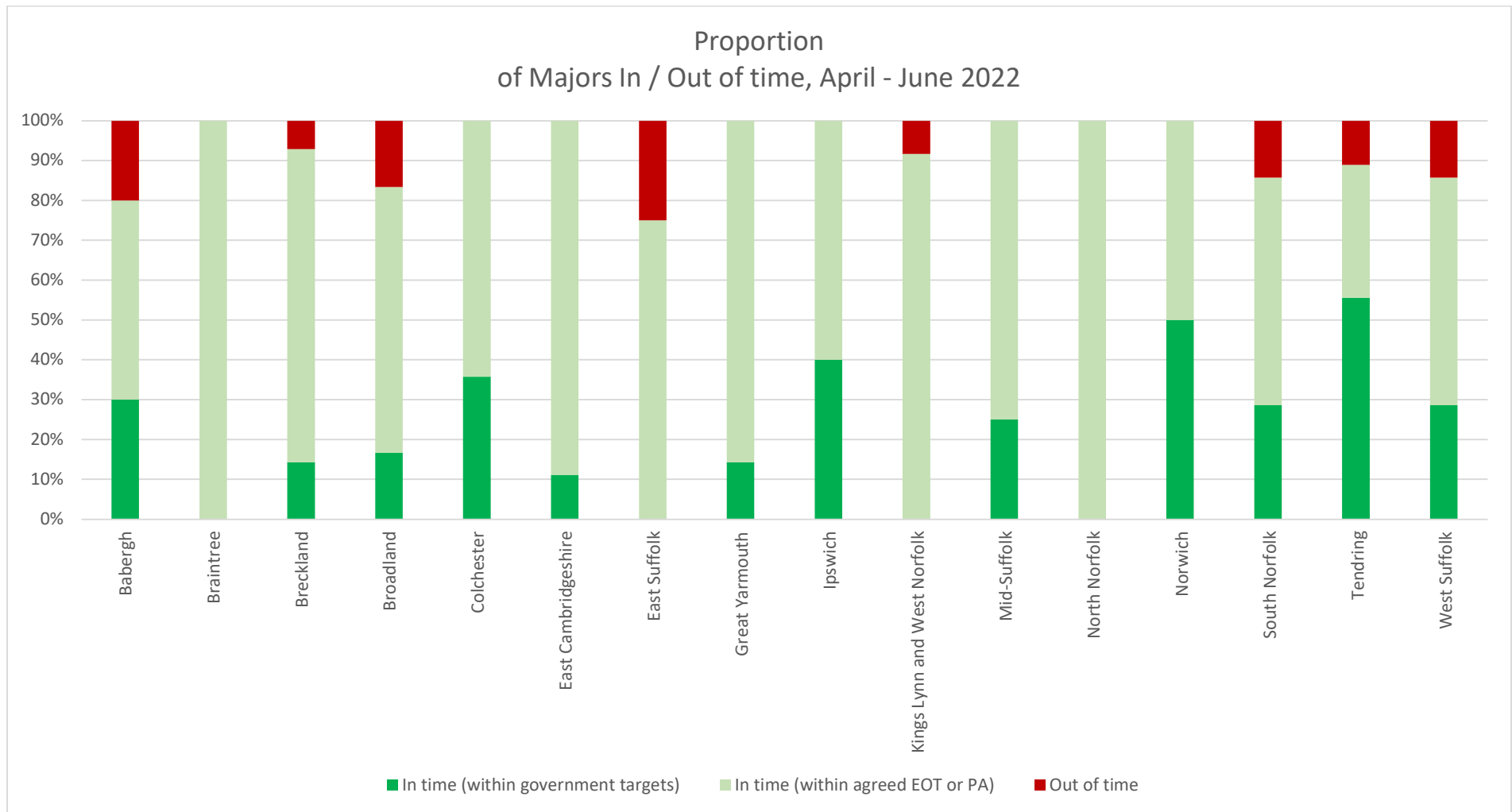
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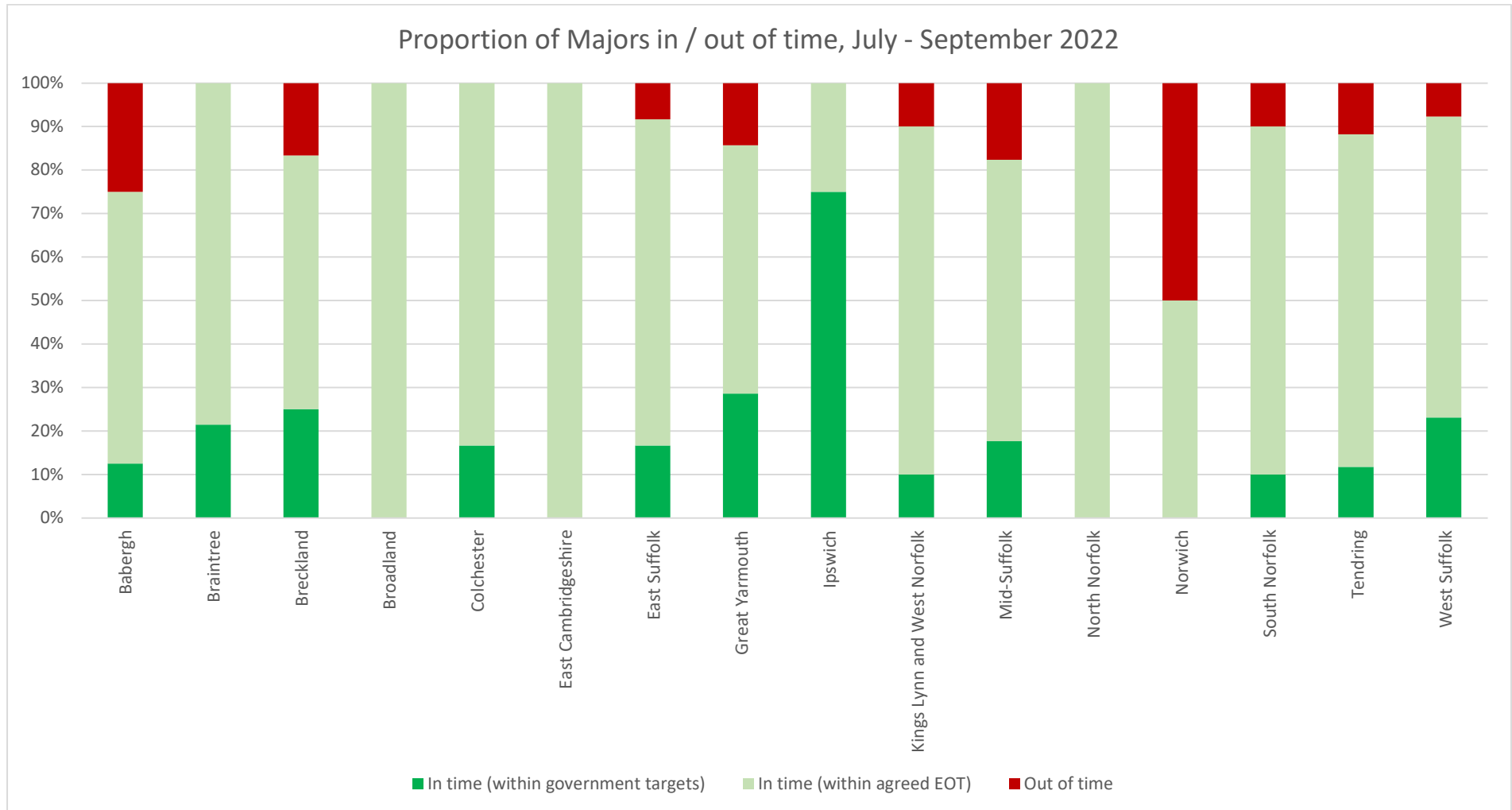
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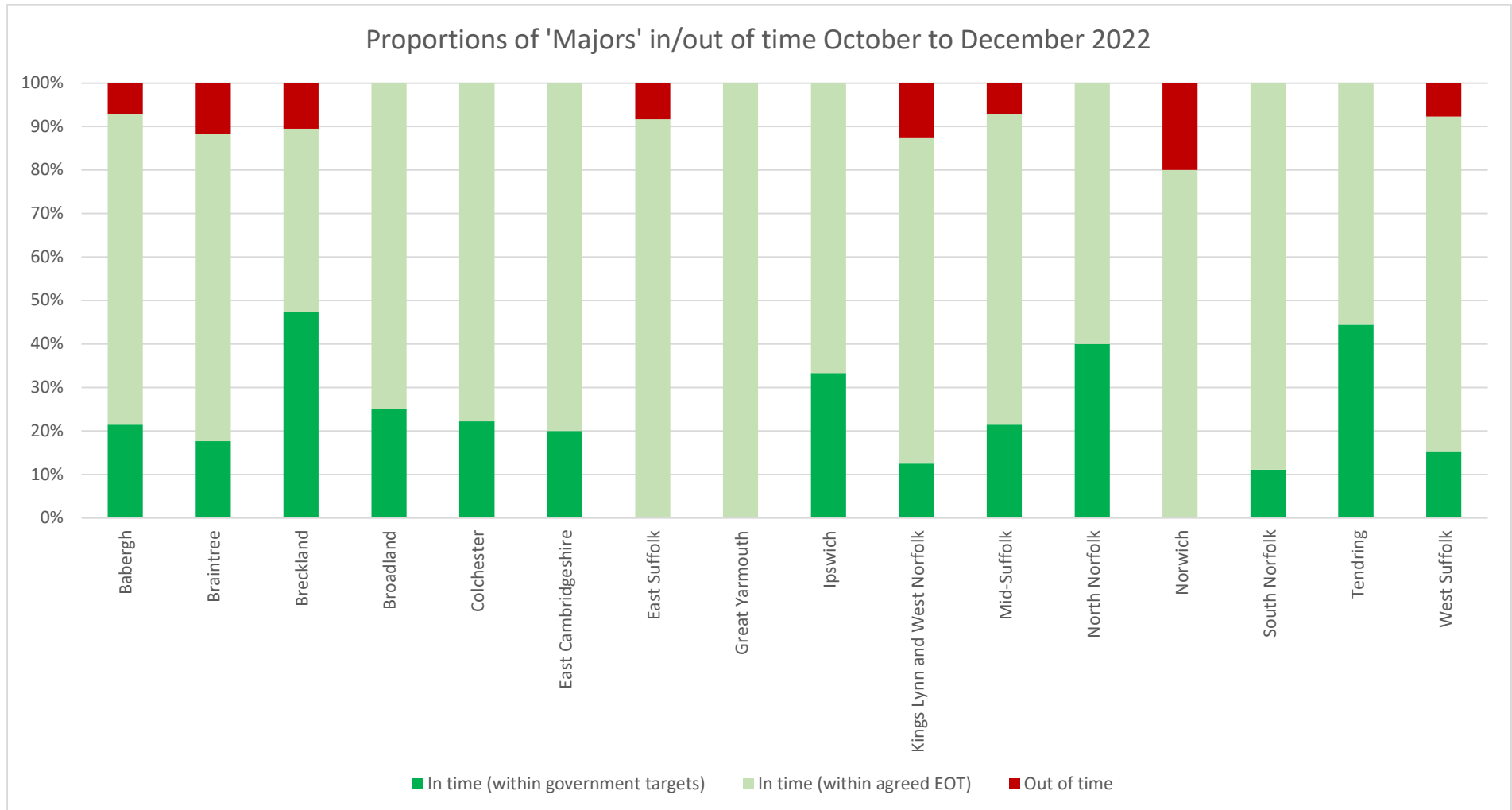
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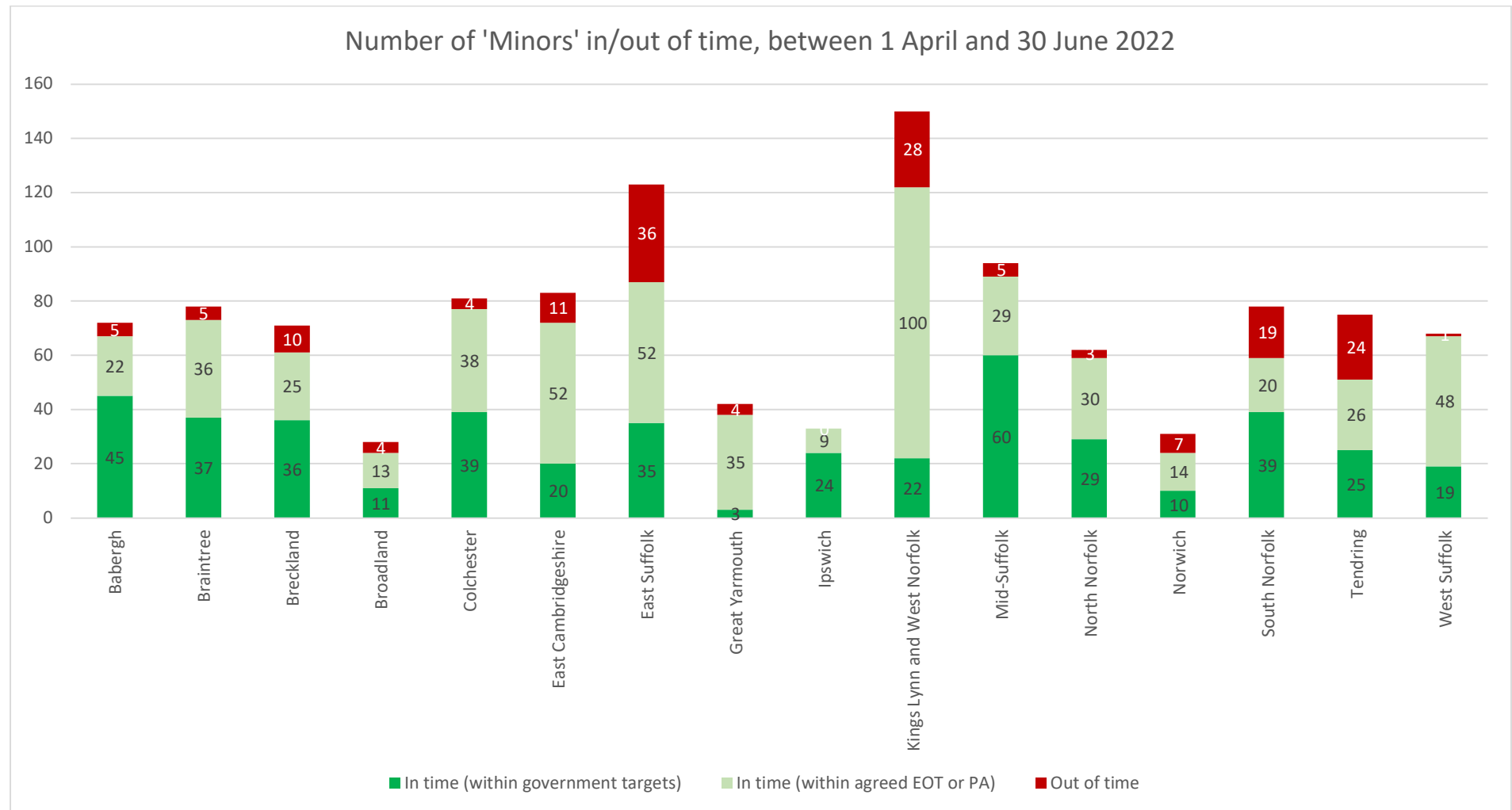
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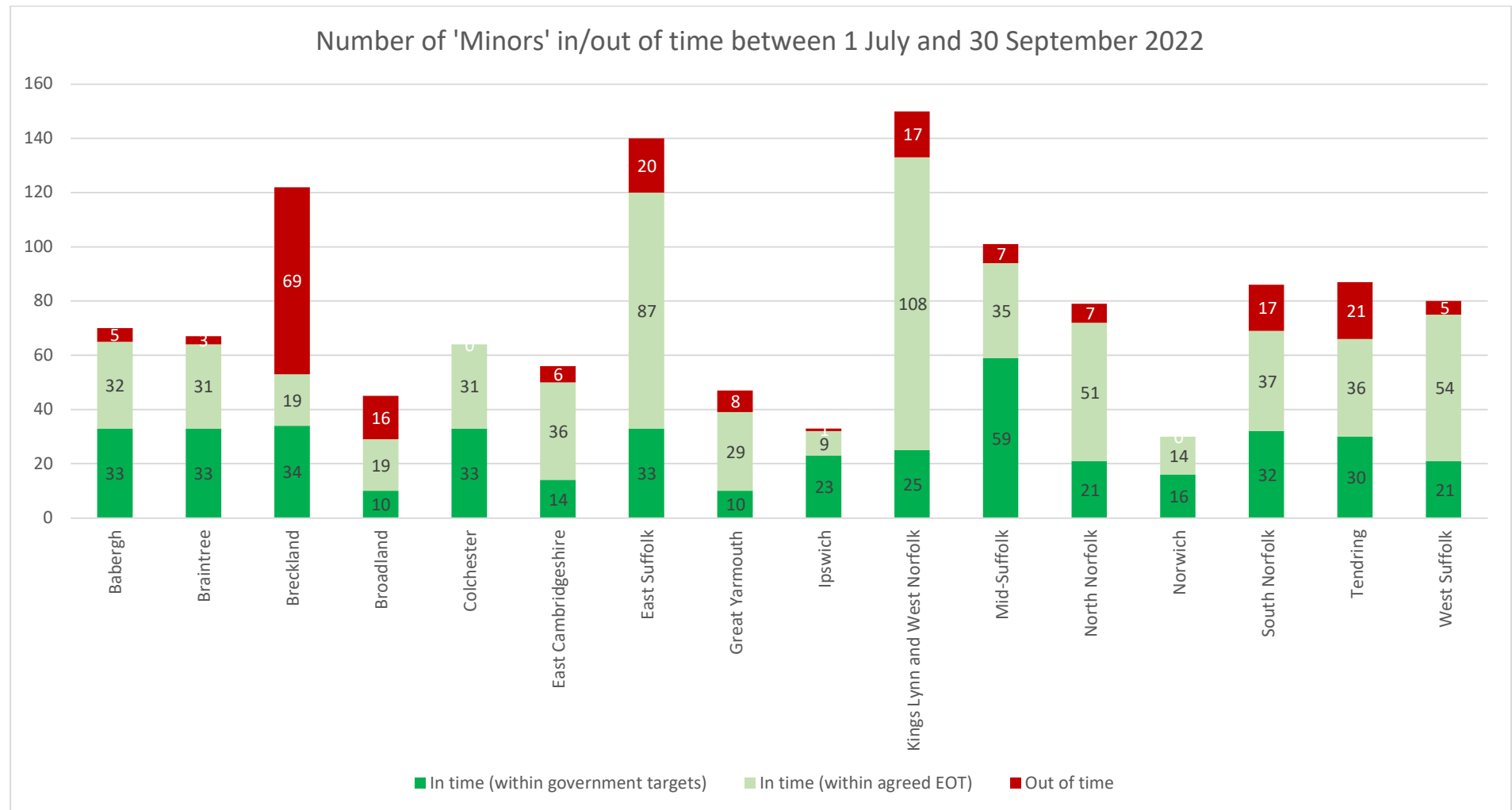
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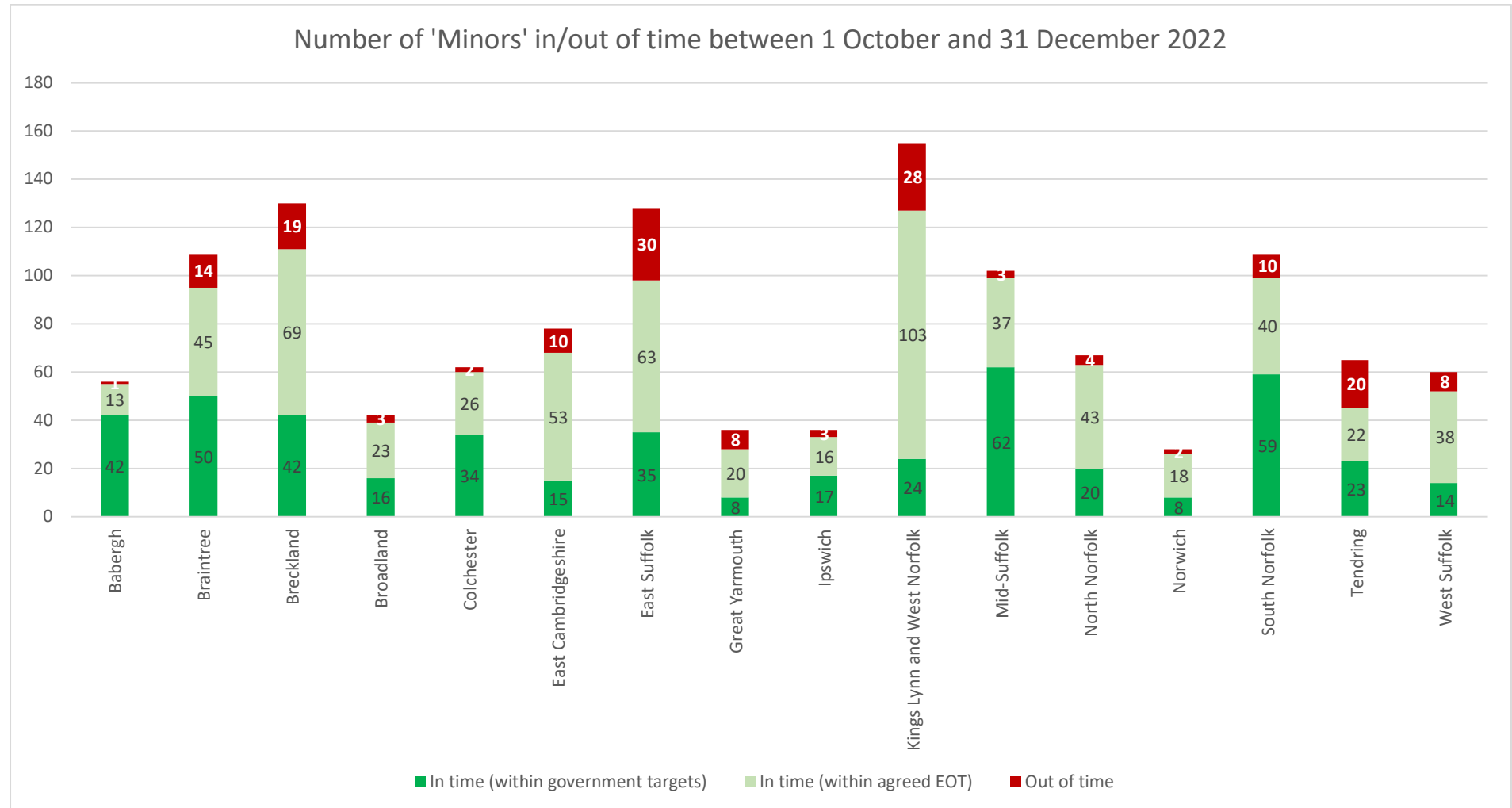
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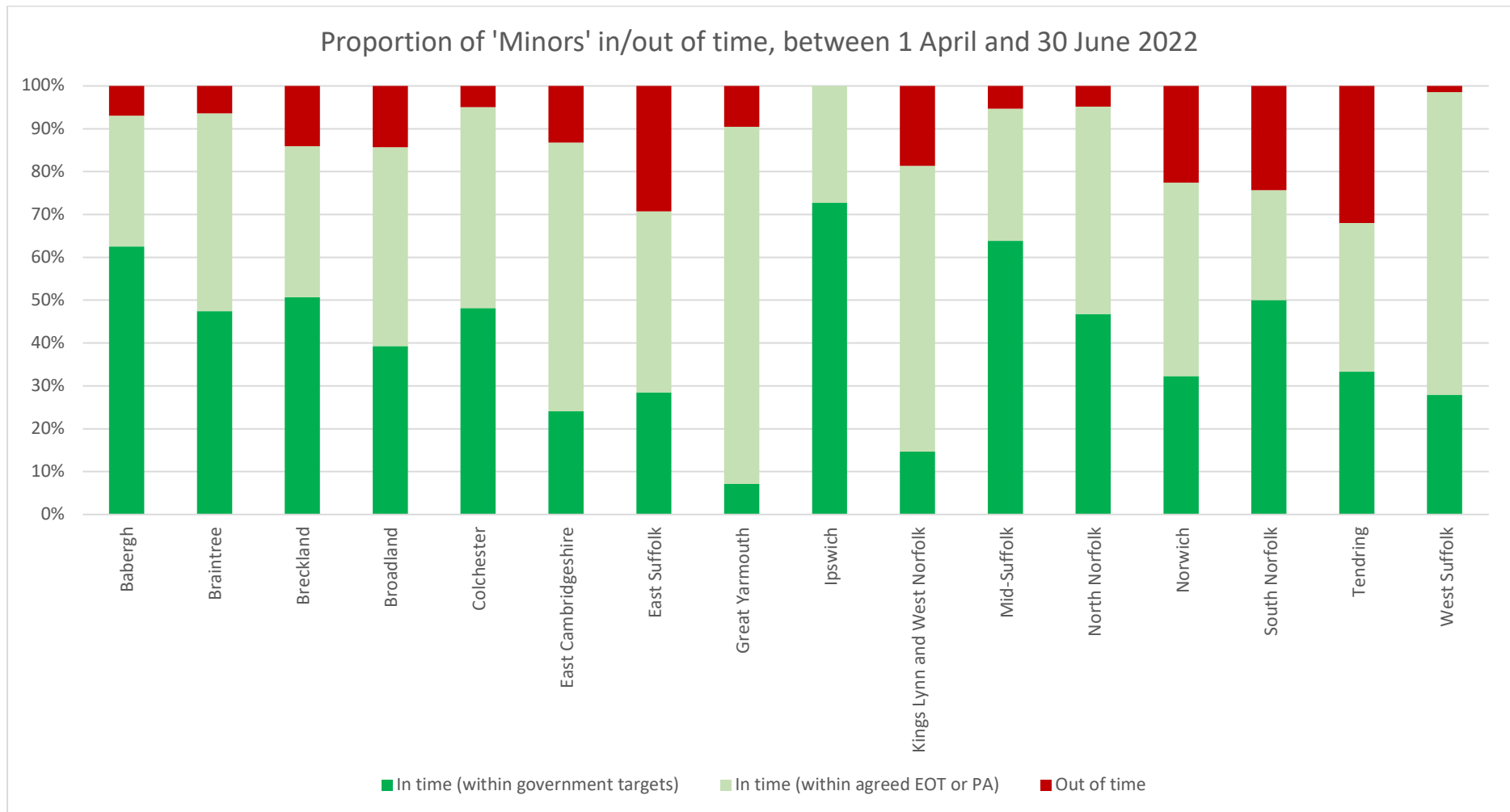
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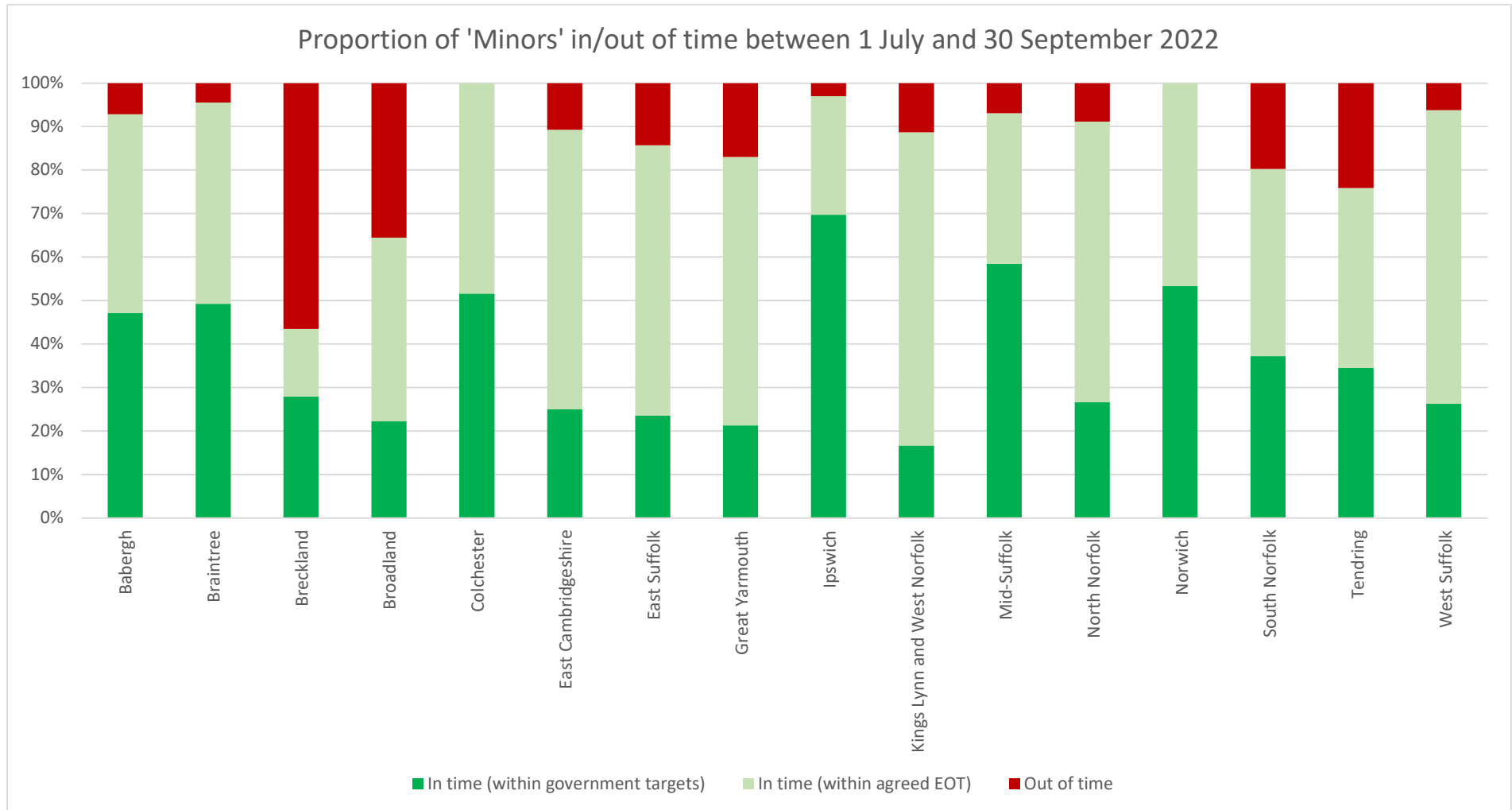
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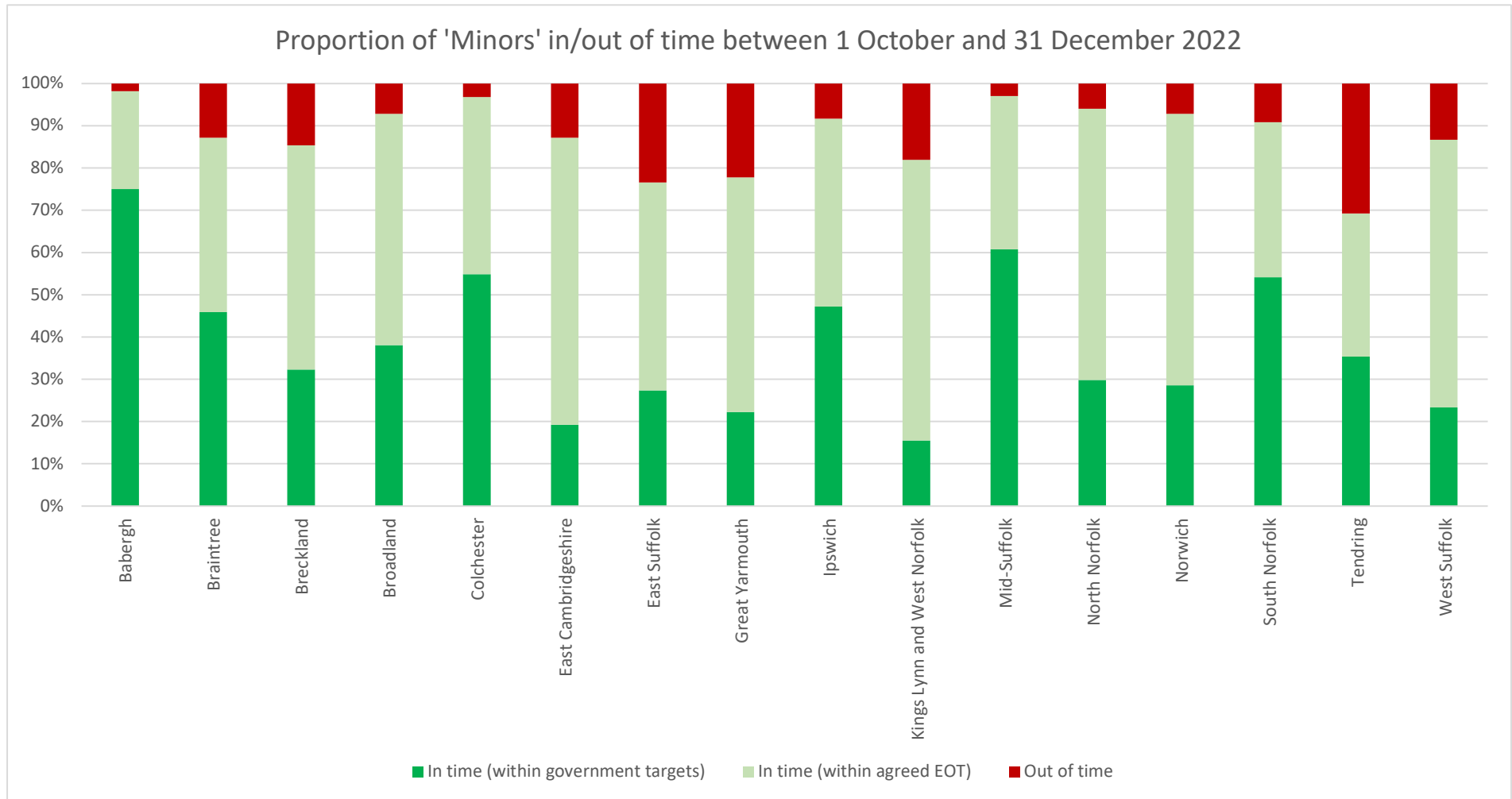
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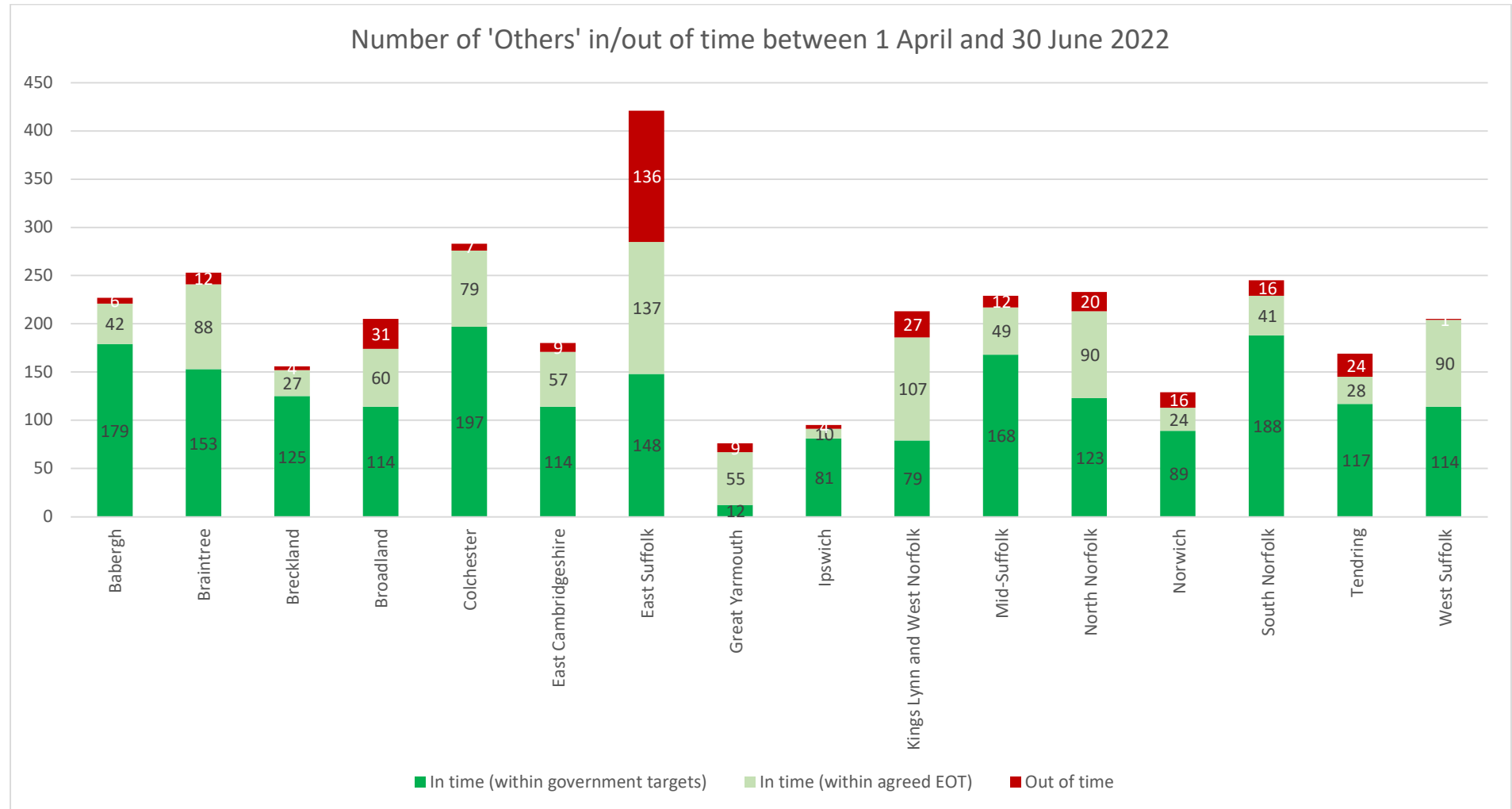
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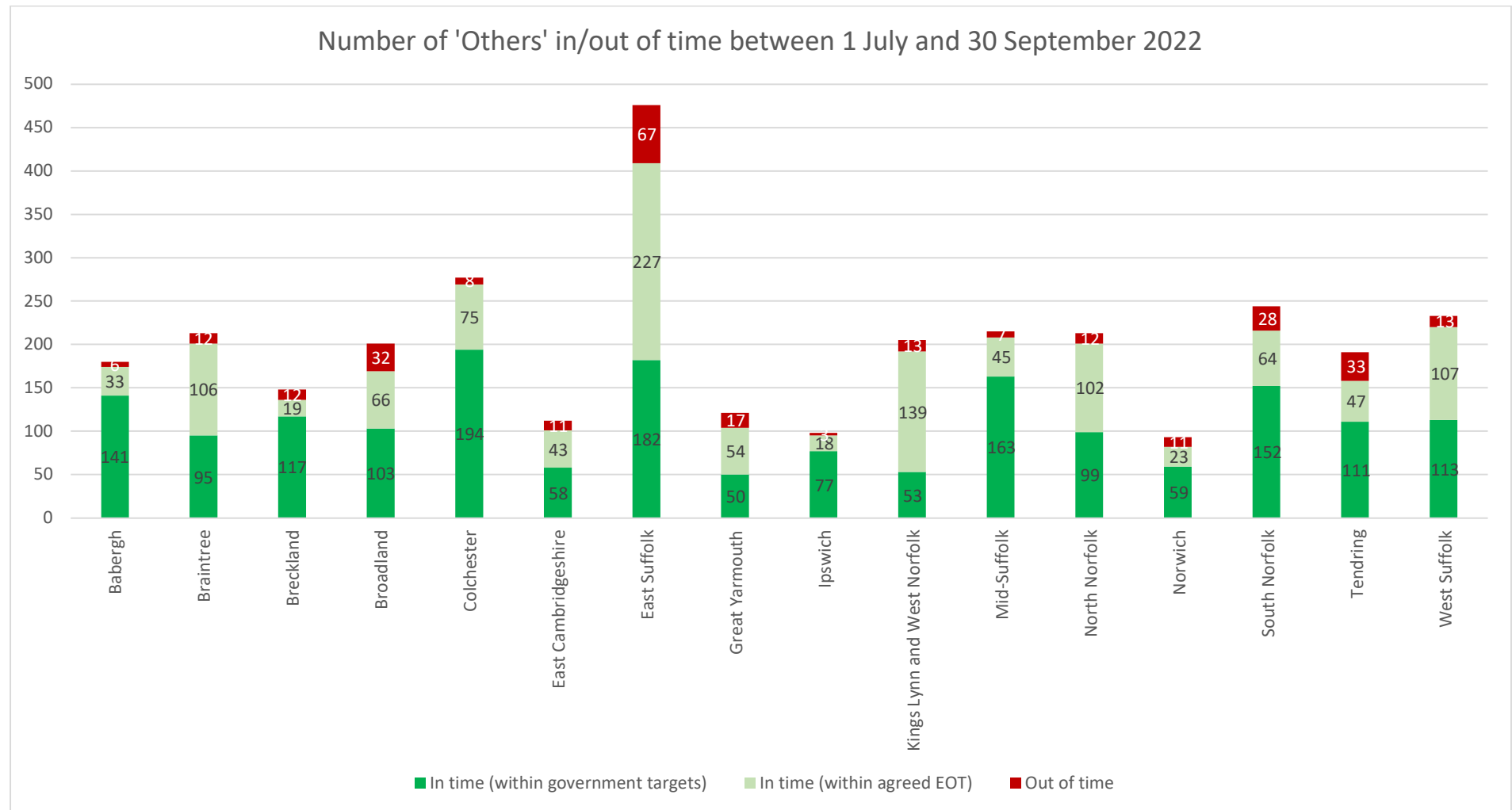
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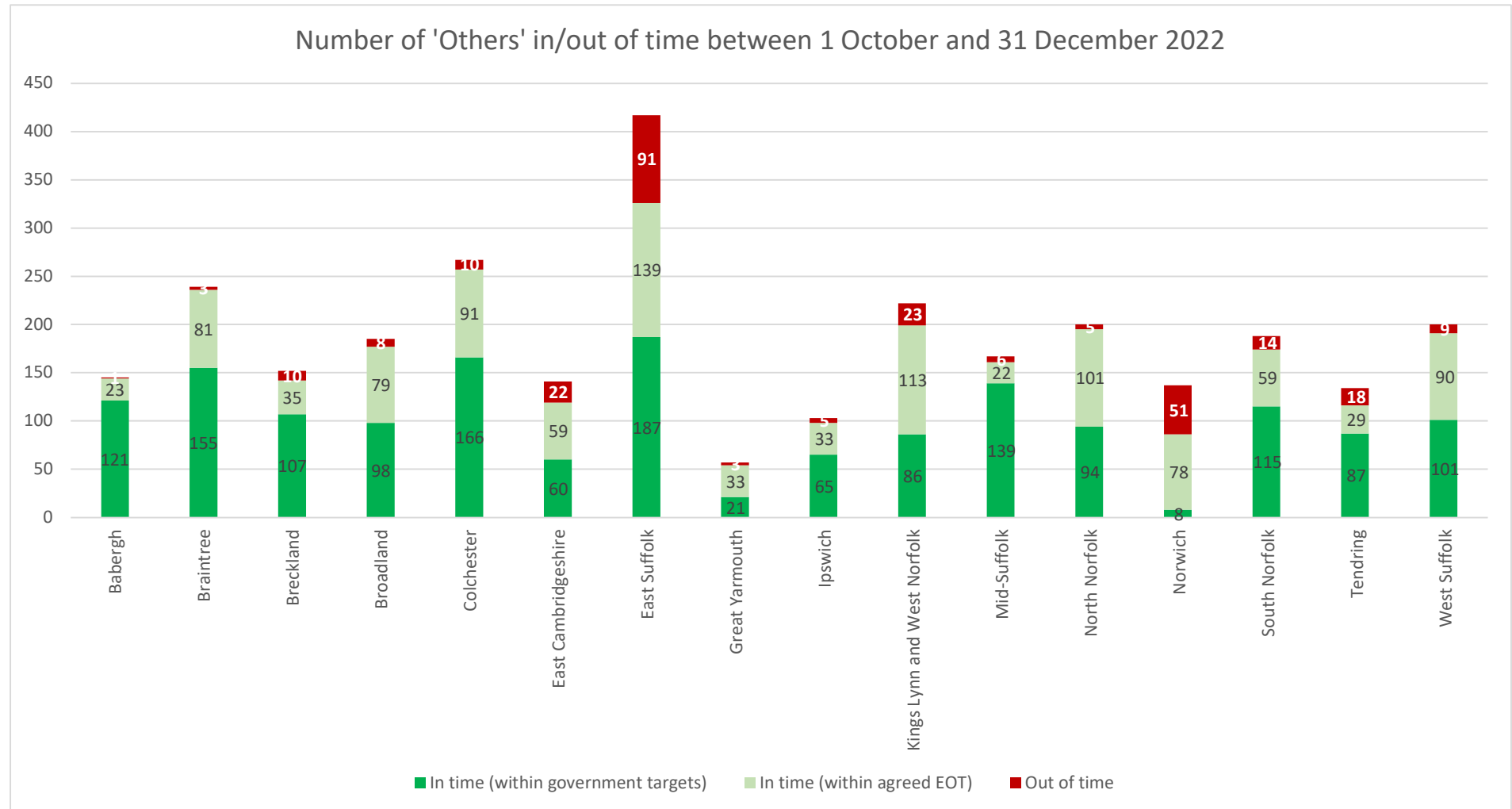
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**Figure 14:** Number of 'Others' In/out of Time, for each Local Planning Authority between 1 July 2022 – 30 September 2022



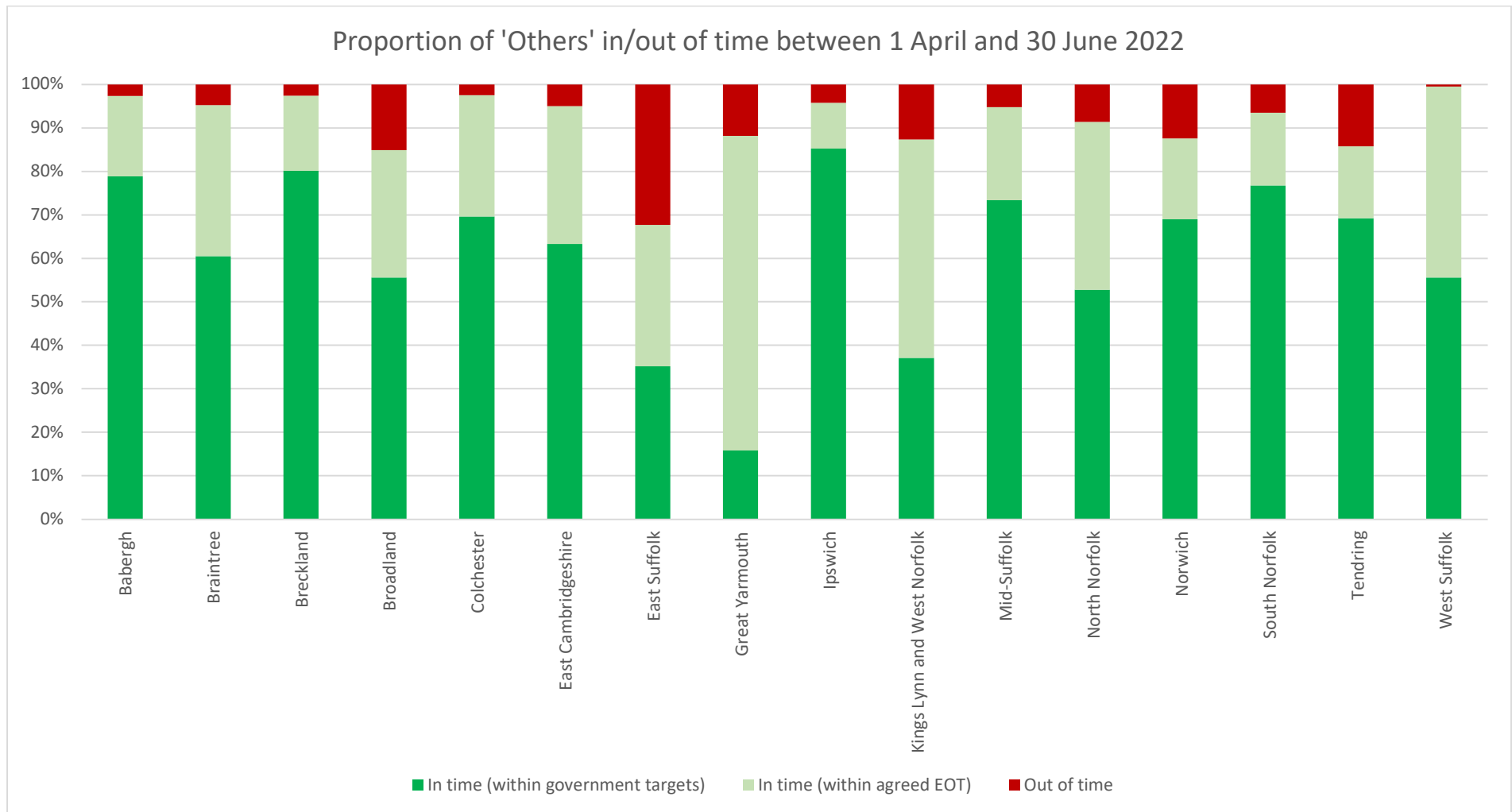
**Appendix H:** A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

**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](#)

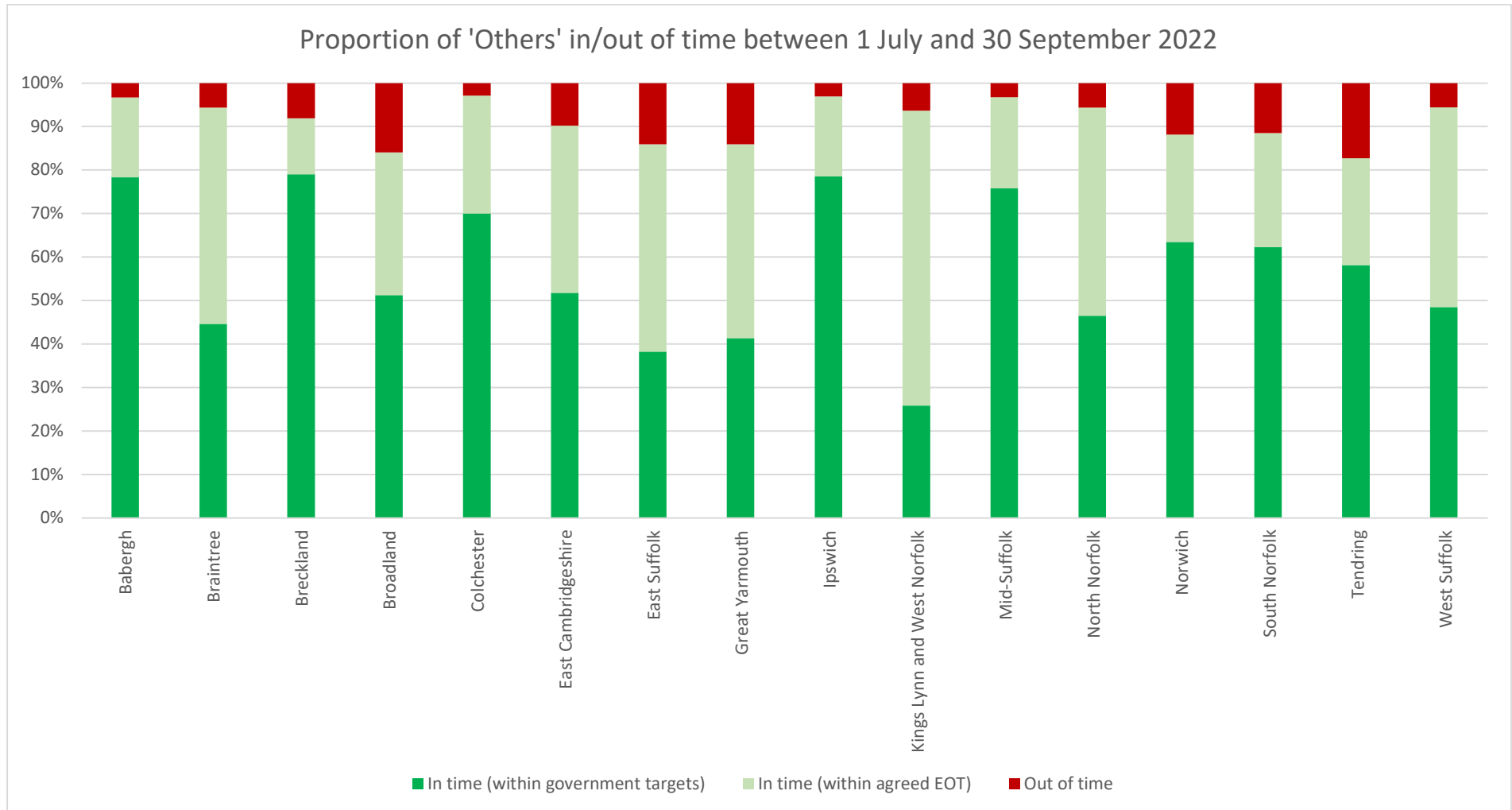
**Figure 16:** Proportion of ‘Others’ In/out of Time, for each Local Planning Authority between 1 April 2022 – 30 June 2022





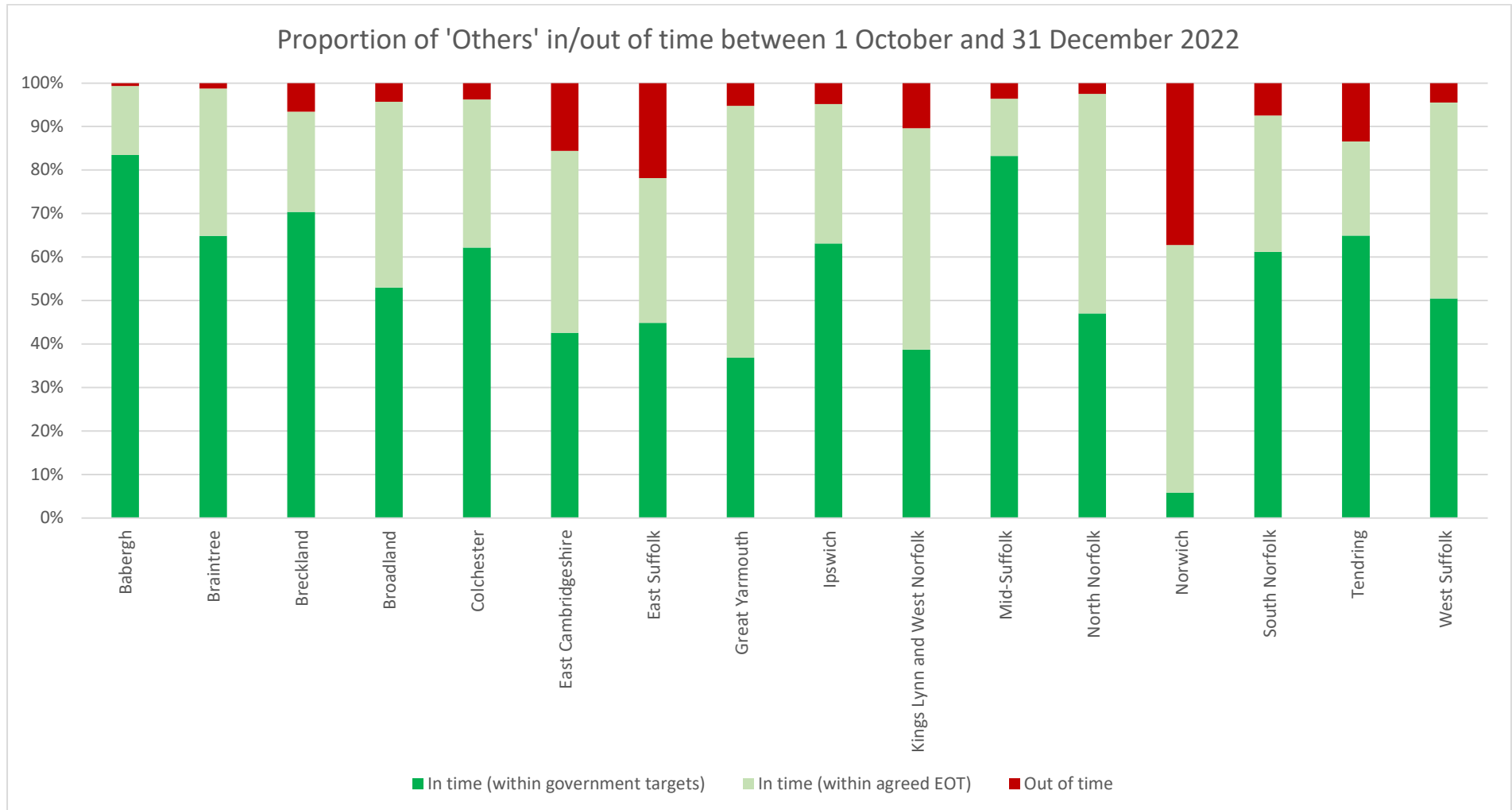
**Appendix H:** A comparison with other Suffolk/Neighbouring Authorities in terms of the numbers/proportions of applications determined in/out of time, using data published at [DLUHC - Planning Application Statistics](#)

**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"> <li>• Development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any amendment or statutory re-enactment thereof)</li> <li>• A residential development of 15 or more dwellings,</li> <li>• The erection of any industrial building/s with a gross space exceeding 3,750sqm</li> <li>• A retail development with floorspace exceeding 2,500sqm</li> <li>• A renewable energy development, as defined by government guidance, (unless the application would be refused under delegated authority)</li> </ul> <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"> <li>• 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 .</li> <li>• All Major applications for renewable energy schemes.</li> </ul>	<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"> <li>• All Minor applications for renewable energy schemes.</li> <li>• Where the applicant is Braintree District Council.</li> <li>• Where the applicant or agent is an employee or Member of Braintree District</li> </ul>	<p>All Other applications are delegated to officers unless:</p> <ul style="list-style-type: none"> <li>• Where the applicant is Braintree District Council.</li> <li>• Where the applicant or agent is an employee or Member of Braintree District Council.</li> <li>• Where the applicant or agent is related to an employee within the Planning Department or member of Braintree</li> </ul>	<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"> <li>• Where the applicant is Braintree District Council.</li> <li>• Where the applicant or agent is an employee or Member of Braintree District Council.</li> <li>• Where the applicant or agent is related to an employee within the Planning Department or member of Braintree District Council.</li> <li>• Any application which is deemed significant by the Planning Development Manager.</li> </ul>	<p>Council.</p> <ul style="list-style-type: none"> <li>• Where the applicant or agent is related to an employee within the Planning Department or member of Braintree District Council.</li> <li>• Any application which is deemed significant by the Planning Development Manager.</li> <li>• They trigger referral to Chairmans Briefing.</li> </ul> <p>The above Minor applications trigger referral to Chairmans briefing as result of:</p> <ul style="list-style-type: none"> <li>• The Town/Parish Council's view is contrary to the officer recommendation,</li> <li>• 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,</li> <li>• 6 or more valid planning representations from separate households have been received</li> </ul> <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"> <li>• any application which is deemed significant by the Planning Development Manager.</li> </ul>	

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"> <li>• It is a Major Application</li> <li>• 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.</li> <li>• The application is contrary to policy and recommended for approval,</li> <li>• In the opinion of the Executive Director and Chairman of Planning Committee are of particularly sensitivity locally,</li> <li>• Applications submitted by the Council,</li> <li>• Applications by members or officers of the Council</li> </ul>	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The application is contrary to policy and recommended for approval,</li> <li>• In the opinion of the Executive Director and Chairman of Planning Committee are of particularly sensitivity locally,</li> <li>• Applications submitted by the Council,</li> <li>• Applications by members or officers of the Council</li> </ul>	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The application is contrary to policy and recommended for approval,</li> <li>• In the opinion of the Executive Director and Chairman of Planning Committee are of particularly sensitivity locally,</li> <li>• Applications submitted by the Council,</li> <li>• Applications by members or officers of the Council</li> </ul>	<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"> <li>• The application is contrary to the development plan</li> <li>• A member request for planning committee has been received within 21 days of the details of the application being made available,</li> <li>• Applications submitted by Members, Officers or persons related to them to which an application has been made</li> <li>• Compulsory Purchase Orders</li> <li>• Revocation orders or discontinuance Orders under section s97 and 102 of the Town and Country Planning Act 1990</li> <li>• Matters which the assistant director planning considered should be determined</li> </ul>	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> <li>• The application is contrary to the development plan</li> <li>• A member request for planning committee has been received within 21 days of the details of the application being made available,</li> <li>• Applications submitted by Members, Officers or persons related to them to which an application has been made</li> <li>• Compulsory Purchase Orders</li> <li>• Revocation orders or discontinuance Orders under section s97 and 102 of the Town and Country Planning Act 1990</li> <li>• Matters which the assistant director planning considered should be determined</li> </ul>	<p>All Planning Applications are delegated to officers unless:</p> <ul style="list-style-type: none"> <li>• The application is contrary to the development plan</li> <li>• A member request for planning committee has been received within 21 days of the details of the application being made available,</li> <li>• Applications submitted by Members, Officers or persons related to them to which an application has been made</li> <li>• Compulsory Purchase Orders</li> <li>• Revocation orders or discontinuance Orders under section s97 and 102 of the Town and Country Planning Act 1990</li> <li>• Matters which the assistant director planning considered should be determined</li> </ul>	<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**

<b>Local Planning Authority</b>	<b>'Major' Planning Applications</b>	<b>'Minor' Planning Applications</b>	<b>'Other' Planning Applications</b>	<b>Referral Panel or similar?</b>
	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"> <li>Significantly contrary to adopted policies or a departure from the development plan which is recommended for approval,</li> <li>A ward councillor requests in writing to the assistant director within 25 days of notification, should be considered by committee</li> <li>A major application that is recommended for approval and where a section 106 is required and the terms of that agreement are in dispute</li> <li>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).</li> <li>Submitted by or on behalf of Colchester City Council</li> </ul>	All Planning Applications are delegated to officers unless: <ul style="list-style-type: none"> <li>Significantly contrary to adopted policies or a departure from the development plan which is recommended for approval,</li> <li>A ward councillor requests in writing to the assistant director within 25 days of notification, should be considered by committee</li> <li>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).</li> <li>Submitted by or on behalf of Colchester City Council</li> </ul>	All Planning Applications are delegated to officers unless: <ul style="list-style-type: none"> <li>Significantly contrary to adopted policies or a departure from the development plan which is recommended for approval,</li> <li>A ward councillor requests in writing to the assistant director within 25 days of notification, should be considered by committee</li> <li>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).</li> <li>Submitted by or on behalf of Colchester City Council</li> </ul>	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"> <li>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.</li> </ul>	All 'Minors' including are delegated, unless: <ul style="list-style-type: none"> <li>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.</li> </ul>	All 'others' including Householder Developments are delegated, unless: <ul style="list-style-type: none"> <li>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.</li> </ul> <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"> <li>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</li> </ol>	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> <ul style="list-style-type: none"> <li>a. The comments received from the Town or Parish Council within the 21-day consultation period; or</li> <li>b. The Comments received from the Ward Member within the 21 day consultation period; or</li> <li>c. The comments received from a statutory consultee within the 21 day consultation period.</li> </ul> <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"> <li>• 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</li> <li>• Where the proposal requires the submission of an environmental statement and/or</li> <li>• Where the proposal involves the winning or working of minerals or relates to waste disposal and/or</li> <li>• Where the Director of Planning and Growth declines to exercise his/her</li> </ul>	<p>All Minor applications are delegated except:</p> <ul style="list-style-type: none"> <li>• Where the proposal requires the submission of an environmental statement and/or</li> <li>• Where the proposal involves the winning or working of minerals or relates to waste disposal and/or</li> <li>• Where the Director of Planning and Growth declines to exercise his/her delegate authority and/or</li> <li>• 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</li> </ul>	<p>All other applications are delegated except:</p> <ul style="list-style-type: none"> <li>• Where the proposal requires the submission of an environmental statement and/or</li> <li>• Where the proposal involves the winning or working of minerals or relates to waste disposal and/or</li> <li>• Where the Director of Planning and Growth declines to exercise his/her delegate authority and/or</li> <li>• 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</li> </ul>	<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"> <li>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</li> </ul>	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"> <li>The scale of the proposal;</li> <li>Any controversial planning issues raised by the application;</li> <li>Any views expressed by Councillors;</li> <li>The extent to which the proposal is in accordance with planning policies;</li> <li>Government targets for decisions to be taken by officers under delegated powers.</li> </ul>	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"> <li>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)</li> <li>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</li> </ul>	All Minor applications are delegated except: <ul style="list-style-type: none"> <li>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)</li> <li>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</li> </ul>	All Other applications are delegated except: <ul style="list-style-type: none"> <li>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)</li> <li>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</li> </ul>	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.

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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>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"> <li>• It relates to a new telecommunications mast over 30m in height</li> <li>• 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.</li> <li>• An application submitted by or on behalf of the council for its own developments</li> <li>• Where the site is the subject of a previously dismissed appeal for substantially the same development and the recommendation is to approve.</li> </ul>	<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"> <li>• It relates to a new telecommunications mast over 30m in height</li> <li>• 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.</li> <li>• 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</li> <li>• Where the site is the subject of a previously dismissed appeal for substantially the same development and the recommendation is to approve.</li> </ul>	<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"> <li>• 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.</li> <li>• 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</li> <li>• Where the site is the subject of a previously dismissed appeal for substantially the same development and the recommendation is to approve.</li> </ul>	
<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"> <li>• Where a request for the application to be determined by Committee has been received from a member within 28 days of notification,</li> <li>• 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.</li> <li>• 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</li> </ul>	<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"> <li>• 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.</li> <li>• Applications submitted by or on behalf of the District Council where representations have been received.</li> <li>• Applications made or submitted on behalf of staff within Planning or Property Teams, Senior Management Team, Directors/ Assistant Directors/Corporate Leadership Team, and Members.</li> <li>• Ground mounted solar panels in excess of 250kW capacity or with a site area of 0.5 hectares or greater.</li> <li>• 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.</li> </ul> <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"> <li>(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</li> <li>(b) The proposal would represent a serious departure from the development plan.</li> </ul> <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"> <li>(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</li> <li>(b) The proposal would represent a significant departure to the approved development plan.</li> </ul> <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>

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>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"> <li>- The local member has requested that the application be determined by the Committee for appropriate planning reasons,</li> <li>- 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.</li> <li>- 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,</li> <li>- 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,</li> <li>- The proposal has to potential to generate employment but the recommendation is for refusal</li> <li>- The proposal has to the potential to result in the loss of employment but the recommendation is for approval.</li> </ul>	<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"> <li>i. Officer recommendations for approval materially contrary to national or local policy.</li> <li>ii. Officer recommendation of approval contrary to a previous refusal by the Planning Committee, where policies remain substantially unchanged.</li> <li>iii. Officer recommendation of approval and the application should be referred</li> </ol>	<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"> <li>- 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,</li> <li>- 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,</li> </ul>	<p>The Committee determines all matters:</p> <ul style="list-style-type: none"> <li>- 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,</li> <li>- Applications other than major development referred by the Director following consultation with the 'Members Delegation Panel'</li> <li>- Departures from the provisions of the</li> </ul>	<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>

**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"> <li>- Departures from the provisions of the Development Plan where approval is recommended.</li> <li>- Applications made by or on behalf of the Council.</li> </ul>	<ul style="list-style-type: none"> <li>- Development Plan where approval is recommended.</li> <li>- Applications made by or on behalf of the Council.</li> </ul>		<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>

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

**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.

Babergh District Council  
The Constitution: Part 8: Protocol for Use of Planning Officer Delegations



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

**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 Consent<sup>2</sup>.
- (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:**

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<sup>2</sup> 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:
<b>ADV</b>	Applications for Advertisement Consent
<b>AGR</b>	Agricultural Prior Approval
<b>ALT</b>	Certificate of Alternative Appropriate Development
<b>AREM</b>	Agricultural Reserved Matters
<b>CLPLB</b>	Certificate of Lawfulness for Works to a Listed Building
<b>COMPA</b>	Commercial Extensions Prior Approval
<b>COUPA</b>	Applications for Prior Approval (All)
<b>DAC</b>	Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent
<b>ECCDAC</b>	Consultation on Essex County Council Discharge of Conditions Applications
<b>ELD</b>	Application for a Certificate of Lawfulness for an Existing Use or Development
<b>FPO</b>	Footpath Order
<b>GOV</b>	Development by Government Department

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

<b>Application Type:</b>	<b>Description:</b>
<b>ECC</b>	Consultation on Essex County Council Applications
<b>ODC</b>	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"><li>• some of the above functions are also specifically delegated to other officers.</li><li>• 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.</li></ul>
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.
<b>F3 DELEGATIONS TO EXECUTIVE DIRECTORS</b>	
1	<b>General</b> 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

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

- 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.

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

**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

<b>SCHEME OF DELEGATION TO OFFICERS BY THE PLANNING COMMITTEE</b>	
<b>Delegated to Lead Officer for Planning and Place Strategy</b>	
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.

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**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.

### 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.

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**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).

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

**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

<b><u>PLANNING COMMITTEE</u></b>	
<b>1.</b>	<b><u>Constitution</u></b>
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.
<b>2.0</b>	<b><u>Objectives</u></b>
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.
<b>3.0</b>	<b><u>Terms of Reference</u></b>
	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

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:

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

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.

<b>Building Act 1984</b>	Head of Planning and Sustainable Development or Team Leader Building Control
<b>Building (Local Authorities Charges) Regulations 1998</b> Power to set fees.	Head of Planning and Sustainable Development or Team Leader Building Control
<b>Planning Act 2008 &amp; Community Infrastructure Levy Regulations 2010</b>  To authorise/ arrange and approve any operational issues, process and procedure for CIL enforcement.	Head of Planning and Sustainable Development
<b>Town and Country Planning Act 1990</b> ss.191-196 Provisions relating to Certificates of Lawful Use on Development.	Head of Planning and Sustainable Development or Principal Development Control Officer
<b>Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999</b> 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
<b>Town and Country (General Permitted Development) Order 1995</b> 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
<b>Town and Country Planning (General Permitted Development) Order 1995</b> <b>Town and Country Planning Act 1990 as amended</b> 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

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

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



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

To issue or authorise the issuing of repairs notice as preliminary to acquisition under s47.	
<b>Section 10</b> 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
<b>Section 106A</b> 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
<b>Section 106</b> 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
<b>Sections 198-201</b> 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
<b>Section 198-201</b> 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
<b>Sections 215 and 216</b> 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
<b>Town and Country Planning (Assessment of Environmental Effects) Regulations 1999</b> To determine whether environmental assessments are required.	Head of Planning and Sustainable Development or Principal Development Control Officer
<b>Town and Country Planning Act 1990</b> <b>Town and Country Planning Act (Control of Advertisements) Regulations 1989</b> Institution of proceedings against fly posters.	Head of Planning and Sustainable Development or Head of Legal and Democratic Services
<b>Town and Country Planning (Control of Advertisements) Regulations 1989 as amended</b> 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
<b>Town and Country Planning (Control of Advertisements) Regulations 1989 Local Government (Miscellaneous Provisions) Act</b>	Head of Planning and Sustainable Development or Principal Development Control Officer

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

<p><b>1972</b> To give notice where owner identifiable , and remove if continued, unauthorised advertisements on the highway.</p>	
<p><b>Town and Country Planning (Inquiries Procedure) Rules 1988</b> Paragraph 11(3) To represent the Council at Local Inquiries.</p>	Senior Legal Assistant and Legal Assistant (Solicitors authorised automatically)
<p><b>Town and Country Planning Act 1990 Planning and Compensation Act 1991</b> 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><b>Public Health Act 1925 – Town Improvement Clauses Act 1847</b> 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><b>Public Health Act 1936 Sections 275 and 291</b> 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><b>Public Utilities Street Works Act 1950 Sections 6 and 26</b> Service of notices re: laying of apparatus for statutory undertakers in the highway.</p>	Chief Executive or Head of Planning and Sustainable Development
<p><b>Safety of Sports Grounds Act 1975 Sections 1 – 6</b> 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><b>Goods Vehicles (Licensing of Operators) Act 1995</b> 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><b>Prosecution Proceedings</b> To institute prosecution proceedings.<sup>33</sup></p>	Head of Legal and Democratic Services or Chief Executive

<sup>33</sup> Council Agenda item 13, 210213, to include OI – related enforcement Under Planning Act 2008 & Community Infrastructure Levy Regulations 2010

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

To take enforcement action, apply for injunctions and subsequent prosecution proceedings, where applicable.
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Head of Legal and Democratic Services or Head of Planning and Sustainable Development
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## Appendix I: The schemes of delegation at other Local Planning Authorities

**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.

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

**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;

3.5.15

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

- (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.

3.5.16

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

**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:

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

- 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	
<b>Part 3. Development Committee</b>			
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.			
<b>DEVELOPMENT COMMITTEE</b>			
<b>Appointed by:</b> The Council under section 102 of the Local Government Act 1972		<b>Number of Elected Members:</b> Fourteen	
<b>Chairman and Vice-Chairman appointed by:</b> The Council		<b>Political proportionality:</b> The elected Members shall be appointed according to Political Proportionality.	
<b>Quorum:</b> Seven		<b>Co-opted members:</b> None	
<b>Frequency of Meetings:</b> Monthly			
<b>Terms of Reference:</b>			
<p>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.</p> <p>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</p> <p>3. When a determination under paragraph 1 or 2 would, in the view of the Head of Planning;</p> <ol style="list-style-type: none"> <li>have major implications for planning policy or</li> <li>be a significant departure from the Development Plan without sound reasons for doing so</li> <li>would fail to observe the proper principles of planning decisions</li> </ol> <p>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.</p> <p>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.</p> <p>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</p> <p>6. To make recommendations to working parties, the Cabinet or Council on matters of planning policy or practice.</p> <p>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> <p><b>Note:</b> 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.

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### 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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*(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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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 major<sup>11</sup> 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 minor<sup>12</sup> 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 family<sup>13</sup> of an elected member or member of staff who works in the planning service. This

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<sup>11</sup> 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.

<sup>12</sup> 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.

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

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 major<sup>14</sup> applications if:

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<sup>14</sup> 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 minor<sup>15</sup> 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 family<sup>16</sup> 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

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<sup>15</sup> 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.

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

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

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
<b>Part 3.4 Delegations to Councillors</b>	
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.	
<b>Part 3.5 Specific delegation of exercise of functions to officers: Development Management Committee</b>	
<b>1. Applications made under the Planning Acts</b>	
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.	
<b>2. Enforcement of Development Management</b>	
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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## Appendix I: The schemes of delegation at other Local Planning Authorities

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><b>Planning Committee</b></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"> <li>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.</li> </ol>	<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"> <li>(i) Officer recommendations for approval materially contrary to national or local policy.</li> <li>(ii) Officer recommendation of approval contrary to a previous refusal by the Planning Committee, where the policies remain substantially unchanged.</li> <li>(iii) Office recommendation of approval and the application should be referred to the Secretary of State under a Direction(s) or "call in".</li> <li>(iv) The applicant is the Council or someone acting as applicant on the Council's behalf or in respect of Council owned land.</li> <li>(v) The applicant is a Member of the Council, Planning Officer or a Senior Officer and there is an Officer recommendation for approval.</li> </ol>

(Green)

(July 2020) Part 3.15

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

		<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) 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

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for Council (Non Executive)  
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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).

<b>Local Planning Authority</b>	<b>Number of Minutes for Objectors/third Parties</b>	<b>Number of Minutes for Town/Parish Council</b>	<b>Number of Minutes for Agent/Applicant</b>	<b>Number of Minutes for Ward Members</b>
Babergh District Council <a href="#">Speaking at committee meetings » Babergh Mid Suffolk</a>	3 Minutes	3 Minutes	3 Minutes	?
Braintree District Council <a href="#">Asking a question at a committee meeting – Attending a committee meeting – Braintree District Council</a>	3 Minutes	3 Minutes	3 Minutes	3 Minutes
Breckland District Council <a href="#">Planning Committee meeting guide - Breckland Council</a>	3 Minutes	3 Minutes	3 Minutes	3 Minutes
Broadland District Council <a href="#">Public speaking at Planning Committee (southnorfolkandbroadland.gov.uk)</a>	5 Minutes	5 Minutes	5 Minutes	?
Colchester Borough Council <a href="#">Colchester Borough Council (cmis.uk.com)</a>	5 Minutes	5 Minutes	5 Minutes	?
East Cambridgeshire District Council <a href="#">Public Speaking at Planning Committee (eastcambs.gov.uk)</a>	5 Minutes	5 Minutes	5 Minutes	?
East Suffolk Council <a href="#">East-Suffolk-Council-Constitution.pdf (eastsuffolk.gov.uk)</a>	3 Minutes	3 Minutes	3 Minutes	Chairmans discretion
Great Yarmouth Borough Council	?	?	?	?
Ipswich Borough Council <a href="#">Speaking at Planning and Development Committee   Ipswich Borough Council</a>	5 Minutes	?	5 Minutes	7 Minutes
Kings Lynn and West Norfolk <a href="#">Committee details - Planning Committee (west-norfolk.gov.uk)</a>	3 Minutes	3 Minutes	3 Minutes	?
Mid-Suffolk District Council <a href="#">Speaking at committee meetings » Babergh Mid Suffolk</a>	3 Minutes	3 Minutes	3 Minutes	?
North Norfolk District Council <a href="#">Home   Have your say at Development Committee meetings (north-norfolk.gov.uk)</a>	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 <a href="#">Constitution (1).pdf</a>	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 <a href="#">Public speaking at Planning Committee (southnorfolkandbroadland.gov.uk)</a>	5 Minutes	5 Minutes	5 Minutes	?
Tendring District Council <a href="#">TENDRING DISTRICT COUNCIL (tendringdc.gov.uk)</a>	3 Minutes	3 Minutes	3 Minutes	Can have longer than 3 minutes, but unclear how long
West Suffolk Council <a href="#">Guide to having a say on planning applications (westsuffolk.gov.uk)</a>	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**

<b>Subject</b>	Scrutiny Review of Democratic Accountability within the Planning Process
<b>Report by</b>	Councillor Mike Deacon – Chair of the Scrutiny Committee
<b>Supporting Officer</b>	Sarah Davis Democratic Services Officer <a href="mailto:Sarah.davis@east Suffolk.gov.uk">Sarah.davis@east Suffolk.gov.uk</a>

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

## Corporate Impact Assessment

**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

<b>External Consultees:</b>	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

<b>T01</b>	<b>Growing our Economy</b>
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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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>How does this proposal support the priorities selected?</b></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

<b>1 Background facts</b>	
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"> <li>• Other forms of scrutiny in the planning process eg Local Plans process and the Strategic Planning Committee</li> <li>• Government guidance such as the National Planning Policy Framework</li> <li>• Clarification on the weight of Neighbourhood Plans when determining applications</li> <li>• The Committee’s quasi-judicial role</li> <li>• The use of Public Access to view and comment on applications</li> <li>• The composition, role and remit of the referral panel which decided on the route of applications</li> <li>• The attendance of Ward Councillors at referral panels and if it was transparent to have a referral panel</li> <li>• Government targets for Officer delegated decisions</li> <li>• The ability of Ward Councillors and Town and Parish Councils to submit comments on applications</li> <li>• Training for Councillors and Town and Parish Councillors</li> <li>• Insufficient guidance on the website for members of the public as to what constituted an objection on planning grounds</li> <li>• The proposed ability for Councillors to “call in” applications so they were heard by the Planning Committee rather than delegated to Officers</li> <li>• The distinction between minor and major applications and which were considered by Committee</li> </ul>

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

**STRATEGIC PLANNING COMMITTEE**

**Monday, 03 July 2023**

<b>Subject</b>	Planning Policy and Delivery Update
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Andrea McMillan Planning Manager (Policy, Delivery & Specialist Services) <a href="mailto:Andrea.McMillan@eastsoffolk.gov.uk">Andrea.McMillan@eastsoffolk.gov.uk</a> 01394 444567

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



## Purpose and high-level overview

### **Purpose of Report:**

This report provides an update on key elements of the current work programme, including the preparation of Supplementary Planning Documents and Neighbourhood Plans, and on housing delivery. Updates, as appropriate, are also included for Specialist Services (Design and Conservation, Arboriculture and Landscape (including Rights of Way) and Ecology) that form part of the Planning Policy and Delivery Team. An update is also provided on the delivery of infrastructure to support growth through the Community Infrastructure Levy (CIL).

### **Options:**

This report is for information only.

### **Recommendation/s:**

That the content of the report be noted.

## Corporate Impact Assessment

### **Governance:**

The Local Plan Working Group oversee the preparation of many of the documents referred to in this report.

### **ESC policies and strategies that directly apply to the proposal:**

A range of Local Plan policies for East Suffolk.

### **Environmental:**

No impact.

### **Equalities and Diversity:**

This report is for information only, so no equality impact assessment is required. However, undertaking an assessment is an integral element for most of the projects in the work programme.

### **Financial:**

The work of the Team is undertaken within existing budgets, with grant income generated through support provided on Neighbourhood Planning.

### **Human Resources:**

No impact.

### **ICT:**

No impact.

### **Legal:**

No impact.

### **Risk:**

The work programme of the team is significant and crucial to the delivery of many aspects of the East Suffolk Strategic Plan. Staff capacity is an ongoing risk although the majority of

posts within the team are currently filled, with two vacant Planner posts currently being advertised.

**External Consultees:** None

## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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 type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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 checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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 checked="" type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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 checked="" type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
The Planning Policy and Delivery work programme makes a significant contribution to the delivery of the Strategic Plan, cutting across all 5 themes. The primary priority and 11 secondary priorities identified above reflect the wide range of projects in the work programme.			

The primary priority of building the right environment for East Suffolk (P01) is underpinned by having up to date Local Plan coverage for the whole District, supporting a plan-led approach, with the secondary priorities reflecting the delivery of the Local Plans through the current work programme.

Recent progress and achievements include consultation on the Draft Coastal Adaptation Supplementary Planning Document (P08) and ongoing progress made with the review of the Conservation Area Appraisals and Management Plans (P03). The draft East Suffolk Community Infrastructure Levy (CIL) Charging Schedule has concluded its Examination and is anticipated to be adopted by full Council on 28<sup>th</sup> June, supporting the priority of supporting and delivering infrastructure (P05).

The ongoing support being provided for Neighbourhood Planning and the preparation of the Healthy Environments Supplementary Planning Document provide an important contribution to the Enabling Communities theme, in particular priorities P07, P08 and P09.

The work programme also provides a significant contribution to the Caring for our Environment theme. The work of the Specialist Services team centres on the appropriate protection and enhancement of East Suffolk’s important environmental assets (P23), including through providing expert input on planning applications, Nationally Significant Infrastructure Projects and planning policy documents in relation to landscape, heritage and ecology; carrying out the Council’s duties relating to trees and hedgerows; and reviewing Conservation Area Appraisals and Management Plans.

## Background and Justification for Recommendation

<b>1 Background facts</b>	
1.1	This report provides an update on the current Planning Policy and Delivery work programme. The Council’s two Local Plans (Suffolk Coastal Local Plan, September 2020 and Waveney Local Plan, March 2019) provide up to date Local Plan coverage for the district, and the work of the Planning Policy and Delivery Team continues to focus on the delivery of these Plans.
1.2	The current Planning Policy and Delivery work programme contains a number of projects to support the delivery of the Local Plans and the East Suffolk Strategic Plan. These include providing guidance to support the implementation of planning policies through the preparation of Supplementary Planning Documents (SPDs) and the preparation of the East Suffolk Community Infrastructure Levy Charging Schedule. The Design and Conservation service has a programme of projects including Conservation Area Appraisal and Management Plan reviews. The Specialist Services team, which comprises the Design and Conservation, Ecology, and Landscape and Arboriculture (including Public Rights of Way) services, is continuing to provide ongoing expert input across the Planning service including in respect of development management, Nationally Significant Infrastructure Projects and planning policy, as well as on wider Council projects.
1.3	The updates in this report focus on projects and include the progress being made on the preparation of Supplementary Planning Documents and Neighbourhood Plans and an update on the East Suffolk Community Infrastructure Levy Charging Schedule, as well as projects in the Design and Conservation team and in relation to Biodiversity Net Gain. An update is also provided on housing delivery towards meeting the requirements set out in the adopted Local Plans. An update on the work of the Infrastructure Team relating to the collection and spend of the

Community Infrastructure Levy and Section 106 monies is also provided in this report.

## 2 Current position

2.1 **Key milestones achieved over the past four to five months, since the last report to Strategic Planning Committee, are set out below.**

2.2 **Neighbourhood Plans:**

- Halesworth Neighbourhood Plan and Oulton Neighbourhood Plan were 'made' on 22<sup>nd</sup> February 2023.
- Rushmere St Andrew Neighbourhood Plan - Referendum held on 4<sup>th</sup> May 2023, with 88.6% of votes in favour. The Rushmere St Andrew Neighbourhood Plan is being taken to full Council to be 'made' on 28<sup>th</sup> June.
- Shadingfield, Sotterley, Willingham and Ellough -Referendum held on 4<sup>th</sup> May 2023, with 86.6% of votes in favour. The Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan is being taken to full Council to be 'made' on 28<sup>th</sup> June.
- Saxmundham Neighbourhood Plan – Decision Statement published on 17<sup>th</sup> May 2023, referendum to be held on 29<sup>th</sup> June.
- Wickham Market Neighbourhood Plan – Examination underway, with an additional focussed consultation undertaken between 9<sup>th</sup> and 30<sup>th</sup> May 2023 at the request of the Examiner.
- Carlton Colville Neighbourhood Plan – Submitted to East Suffolk Council (and the Broads Authority), Regulation 16 consultation carried out between 10<sup>th</sup> May and 21<sup>st</sup> June 2023.
- Lowestoft Neighbourhood Plan – Regulation 14 draft consultation carried out by the Town Council between 24<sup>th</sup> January and 7<sup>th</sup> March 2023.
- Easton Neighbourhood Plan – Regulation 14 consultation carried out by the Parish Council between 4<sup>th</sup> February and 20<sup>th</sup> March 2023.
- Playford Neighbourhood Plan – Regulation 14 consultation carried out between 18<sup>th</sup> March and 5<sup>th</sup> May 2023.
- Early engagement with Neighbourhood Plan groups has taken place in relation to the preparation of Neighbourhood Planning housing guidance.

2.3 The Examination on the [East Suffolk Community Infrastructure Levy Charging Schedule](#) concluded with receipt of the final Examiner's report on 19<sup>th</sup> April 2023. The Examiner recommended in his report that the CIL Charging Schedule be approved, subject to three modifications being made: i) to reflect parish boundary changes which came into effect on April 2023; ii) to correct a minor labelling error; and iii) to set the CIL rate for the Beccles and Worlingham Garden Neighbourhood strategic site to zero (£0). On 6<sup>th</sup> June, a meeting of the Cabinet considered the final CIL Charging Schedule and agreed that Full Council be recommended to adopt the Charging Schedule (this is to take place at the full Council meeting on 28<sup>th</sup> June). A revised CIL Instalment Policy and CIL Discretionary Housing Relief Policy were also considered by Cabinet and were also recommended to be approved by Full Council.

2.4 Public consultation on the Draft [Coastal Adaptation Supplementary Planning Document](#) concluded on 8<sup>th</sup> March 2023. The SPD, which is being produced in partnership with the Broads Authority, Great Yarmouth Borough Council and North Norfolk District Council, is now being finalised.

2.5	Preparation of the <a href="#">Healthy Environments Supplementary Planning Document</a> has continued following the initial consultation which was held for six weeks between 26 <sup>th</sup> September and 7 <sup>th</sup> November 2022, which invited comments on the proposed scope and content of the SPD.
2.6	Initial consultation was held on the <a href="#">Rural Development Supplementary Planning Document</a> between 1 <sup>st</sup> February and 16 <sup>th</sup> March 2023, inviting comments on the scope and content. The SPD will provide guidance on a range of rural matters such as barn conversions, rural worker dwellings, farm diversification and equestrian developments.
2.7	Initial consultation was held on the <a href="#">Custom and Self Build Supplementary Planning Document</a> between 1 <sup>st</sup> February and 16 <sup>th</sup> March 2023, inviting comments on the scope and content.
2.8	<p><b>Design and Conservation:</b></p> <p>Recent progress in relation to the review of Conservation Areas and their Appraisals and Management Plans is set out below:</p> <ul style="list-style-type: none"> <li>• The draft appraisals for a proposed new Conservation Area at <b>Aldeburgh Park</b> and three proposed extensions to the existing <b>Aldeburgh Conservation Area</b> are being finalised following public consultation that ended on 17<sup>th</sup> February 2023. Consultants have been re-engaged to prepare some revisions based on consultation feedback.</li> <li>• A six week public consultation concluded on 16<sup>th</sup> March 2023 on the draft new <b>Southwold Conservation Area Appraisal and Management Plan</b>. The proposed new Conservation Area will form an amalgamation and extension of the existing Southwold Conservation Area and Southwold Harbour Conservation Area.</li> <li>• The review of the <b>Halesworth Conservation Area Appraisal and Management Plan</b> is underway.</li> <li>• Consultants' fieldwork in support of a pilot review of the existing <b>Article 4 Directions in place in both Lowestoft Conservation Areas</b>, taking account of changes in the 2021 National Planning Policy Framework (NPPF) on their use, is complete. Results are being reviewed by the team.</li> </ul> <p>Progress on other Design and Conservation projects includes:</p> <ul style="list-style-type: none"> <li>• The <a href="#">2022 Quality of Place</a> awards ceremony was held on 8<sup>th</sup> March 2023. Nominations for the 2023 awards have been invited – the nominations period closes on 30<sup>th</sup> June. The four categories are design, building conservation, nature and landscape, and community.</li> </ul>
2.9	<p><b>Biodiversity Net Gain:</b></p> <p>The mandatory requirement for Biodiversity Net Gain, as introduced through the 2021 Environment Act, is proposed to come into place in November 2023. In the interim, officers have been working with other Suffolk local planning authorities to prepare an <a href="#">Interim Planning Guidance Note</a> to provide advice on how biodiversity net gain should be demonstrated and considered through planning applications in a consistent manner under current planning policies.</p>
2.10	<p><b>Housing Delivery:</b></p> <p>The housing growth planned for in the Local Plans has continued to come forward, with many sites either under construction, consented, subject to planning applications or subject to early discussion with the planning service. The annual housing requirement figure for East Suffolk is 916 dwellings, based on the figures in the two adopted Local Plans for the District. For the year 2022/23, 813 dwellings were delivered, 156 of which were for affordable housing (provisional figures). A comparison of dwellings under construction shows that as at 31<sup>st</sup> March 2023 1,223 dwellings were under construction compared to 1,132 at the same point in</p>

	the previous year, showing that supply is continuing to come forward. Of those under construction 268 are affordable homes.
2.11	<p><b>CIL Collection and Spend:</b></p> <ul style="list-style-type: none"> <li>• For the 2022/23 financial year, just short of £6.8m in total CIL had been received.</li> <li>• During the 2022/23 financial year, £1,710,874.89 was allocated to parish councils in Neighbourhood CIL (NCIL) payments. Some of this NCIL income relates to NCIL received in 21/22, as per the CIL Regulations. This means that NCIL income received in the last 6 months of a financial year are paid across in the new financial year.</li> <li>• District CIL funded projects continue to make steady progress, with 2 school extensions projects and the Castle Community Rooms, Framlingham, and the Framlingham Walkways project having been completed and in use.</li> <li>• A Neighbourhood CIL spending and reporting (compliance) review was completed in early 2023. This is periodically actioned to ensure that parish councils are spending and reporting on their Neighbourhood CIL funds in accordance with the CIL Regulations. The review work informs East Suffolk's duty to clawback funds not spent within 5 years of receipt or not spent in compliance with the CIL Regulations. Following the review 6 training sessions were offered (and provided in March 2023) to both parish council members and parish clerks/finance staff to encourage compliance and priority spending plans to be developed.</li> <li>• The District CIL fund received £5,390,821.06 and was open to applications between 1<sup>st</sup> April and 31<sup>st</sup> May 2023.</li> <li>• Applications to the Local CIL fund also opened on 1<sup>st</sup> April 2023. This fund remains open to applications until funds have been allocated for the year. It is likely that the fund will be fully subscribed and will close during Summer 2023.</li> <li>• In total 17 Bids were received, although a small portion of these were 'twin-tracked' (some duplicate) bids for both funds, in case the Local fund was oversubscribed.</li> <li>• Data on CIL collection and spend is made publicly available, following a significant period of work over 2 and a half years to create and populate the Exacom Public Facing Module.</li> <li>• Exacom training has been provided to those town and parish councils attending the recent training and there will be further training for East Suffolk Council members planned towards the Autumn. The system is relatively intuitive and allows users to click on values to explore further information.</li> </ul>

3 How to address current situation	
3.1	<b>During the next 3 to 4 months, some of the key project milestones will include:</b>
3.2	<p>With respect to <b>Neighbourhood Plans:</b></p> <ul style="list-style-type: none"> <li>• Rushmere St Andrew and Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plans are anticipated to be 'made' by Full Council on 28<sup>th</sup> June.</li> <li>• A referendum is to be held for Saxmundham Neighbourhood Plan on 29<sup>th</sup> June.</li> <li>• The Examiner's report into the Wickham Market Neighbourhood Plan will be received with a referendum to subsequently take place.</li> </ul>

	<ul style="list-style-type: none"> <li>• Carlton Colville Neighbourhood Plan - Examination will take place.</li> <li>• Guidance for neighbourhood plan groups on delivering new housing through their plans will be progressed with consultation expected in the Autumn.</li> <li>• The Neighbourhood Plans for Easton, Lowestoft and Playford are expected to be submitted to East Suffolk Council later this year.</li> <li>• A regulation 14 consultation for the Otley Neighbourhood Plan is expected over the summer.</li> </ul>
3.3	The <b>Community Infrastructure Levy Charging Schedule</b> implementation is anticipated to come into effect on 1 <sup>st</sup> August, subject to approval by Full Council on 28 <sup>th</sup> June.
3.4	The <b>Coastal Adaptation Supplementary Planning Document</b> is anticipated to be adopted in the late Summer/early Autumn.
3.5	The Draft <b>Healthy Environments Supplementary Planning Document</b> will be prepared, with public consultation anticipated in the Autumn.
3.6	The Draft <b>Rural Development Supplementary Planning Document</b> will be prepared, with consultation anticipated to take place in late Summer 2023.
3.7	The Draft <b>Custom and Self Build Supplementary Planning Document</b> will have also been prepared with consultation anticipated to take place in late Summer 2023.
3.8	<p><b>Design and Conservation:</b></p> <ul style="list-style-type: none"> <li>• The additional work on the proposed new Conservation Area at <b>Aldeburgh Park</b> and three proposed extensions to the existing <b>Aldeburgh Conservation Area</b> will have concluded, with approval anticipated to take place in Autumn.</li> <li>• The <b>Southwold Conservation Area</b> appraisal and boundary review will be complete and is also anticipated to be approved in Autumn.</li> <li>• Consultants' work on the review of the <b>Walberswick Quay Conservation Area</b> with a view to addition to the Walberswick Conservation Area will be complete, with consultation to take place in Summer 2023.</li> <li>• Work on the <b>Halesworth Conservation Area</b> draft appraisal and boundary review will continue.</li> <li>• The review of the existing <b>Article 4 Directions</b> in the Lowestoft Conservation Areas will continue with future work involving drafting revised Directions, associated consultation and presentation to Members for confirmation.</li> <li>• Following the Article 4 pilots, the review is to be rolled out across other Conservation Areas in the former Waveney area. Consultants are to be appointed to initiate a 3-year phased project to undertake a review of the remaining Article 4 Directions in Conservation Areas in the Waveney area and to consider pilots in the Suffolk Coastal area.</li> <li>• Following the nominations deadline of 30<sup>th</sup> June for the 2023 Quality of Place Awards, judging and shortlisting will take place. An awards ceremony will subsequently take place later in the year.</li> </ul>
3.9	<p><b>Biodiversity Net Gain:</b></p> <p>The Interim Planning Guidance Note approach will be promoted to help inform Biodiversity Net Gain delivery from new developments ahead of mandatory requirements coming into force. Preparation for the mandatory requirements will continue to take place.</p>
3.10	<p><b>Housing Delivery:</b></p>

	<p>As stated in paragraph 2.10 above, there were 1,223 dwellings under construction at the end of March 2023, up slightly on the same time the previous year providing a positive outlook for delivery, including affordable housing. Over the coming months, the Planning service will continue to support the delivery of housing set out in the Local Plans, including through the determination of planning applications and through ongoing support for bringing forward strategic sites such as supporting master-planning.</p> <p>Work on the Housing Land Supply Statement will be completed and this will be published in the early Autumn.</p> <p>Whilst the Council is not currently required to prepare a Housing Action Plan due to having ‘passed’ the most recent Housing Delivery Test, the Housing Action Plan is reviewed annually and the 2023 Housing Action Plan will be published in the Autumn.</p>
3.11	<p><b>CIL Collection/Spend and Exacom:</b></p> <ul style="list-style-type: none"> <li>• The Exacom data transparency project (relating to the management of CIL, Section 106 and RAMS payments) has continued to make steady progress and reconciliation to financial systems is ongoing as this work progresses to finalise s106 data. 30 years’ worth of historic s106 data has been input to the system and is currently being progressed to a point where this module of the system will be made “live” to view.</li> <li>• District CIL Bid applications will be considered by the CIL Spend Working Group over the next few weeks and subsequently by Cabinet in September.</li> <li>• The 2022/23 Infrastructure Funding Statement, along with a review of the CIL Spending Strategy, will be also considered by Cabinet in September.</li> <li>• It is anticipated, subject to full Council approval on 28<sup>th</sup> June, new CIL rates for East Suffolk will come into effect on 1<sup>st</sup> August 2023 (see paragraph 3.3), alongside a new CIL Instalment Policy and Social Housing Relief Policy. Preparation and publicity for the introduction of the new rates will be carried out over the coming weeks.</li> </ul>
3.12	<p><b>National update:</b></p> <p>The Levelling Up and Regeneration Bill, first published in May 2022, takes forward some of the ambitions from both the 2022 Levelling Up White Paper and the 2020 Planning White Paper. A summary of the proposed provisions of the Bill, as published in May 2022, can be viewed in the Government’s <a href="#">‘Policy paper – Levelling Up and Regeneration: further information’</a>. The paper anticipated that changes will begin to take place from 2024. The Bill is currently progressing through Parliament.</p> <p>A number of future consultations were also proposed as part of the changes such as a review of the National Planning Policy Framework and on proposals such as the Infrastructure Levy and Environmental Outcomes Reports. <a href="#">Consultation</a> on shorter term revisions to the National Planning Policy Framework and on the implementation of some of the proposed reforms took place between 22<sup>nd</sup> December 2022 and 2<sup>nd</sup> March 2023. The Government has also recently undertaken consultation on its proposals for <a href="#">Environmental Outcomes Reports</a> and the <a href="#">Infrastructure Levy</a>, and responses were submitted to each of the consultations.</p>



<b>4</b>	<b>Reason/s for recommendation</b>
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4.1	This report is for information only.
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### Appendices

<b>Appendices:</b>
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None
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<b>Background reference papers:</b>
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None
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## STRATEGIC PLANNING COMMITTEE

Monday, 03 July 2023

<b>Subject</b>	Update on the Local Validation List
<b>Report of</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officers</b>	<p>Philip Ridley Head of Planning and Coastal Management 01394 444434 <a href="mailto:philip.ridley@eastsoffolk.gov.uk">philip.ridley@eastsoffolk.gov.uk</a></p> <p>Ben Woolnough Planning Manager (Development Management) 01394 444681 <a href="mailto:ben.woolnough@eastsoffolk.gov.uk">ben.woolnough@eastsoffolk.gov.uk</a></p> <p>Katherine Scott Principal Planner (Technical Lead, Development Management) 07867 155568 <a href="mailto:katherine.scott@eastsoffolk.gov.uk">katherine.scott@eastsoffolk.gov.uk</a></p>

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

## Purpose of the Report and High-level overview

**Purpose of Report:**

This report provides an update on the progress towards the production and adoption of a Local Validation List and associated guidance, setting out the required documents/plans etc required for applications.

**Options:**

Not applicable.

**Recommendation/s:**

That the content of the report be noted.

## 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.

<b>External Consultees:</b>	None
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
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"/>
<b>T02</b>	<b>Enabling our Communities</b>		
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"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
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"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
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"/>
<b>T05</b>	<b>Caring for our Environment</b>		
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"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>How does this proposal support the priorities selected?</b></p> <p>To provide information on the performance of the development management and enforcement section</p>			

## Background and Justification for Recommendation

1 Background facts	
1.1	This report provides Members of the Strategic Planning Committee with an update on the production and adoption of a Local Validation List and associated guidance setting out the requirements for applications submitted to East Suffolk Council as Local Planning Authority.
1.2	The Town & Country Planning (Development Management Procedure) Order 2015 (as amended) sets out the national information requirements for planning applications, often referred to as the 'National List', and it includes basic essentials for all planning applications such as specific Plans and Drawings, and specific requirements based upon application types.
1.3	All planning applications must be accompanied by the information set out in the national list. In addition to the 'National List', the Local Planning Authority can adopt a 'Local List', in accordance with Paragraph 44 of the National Planning Policy Framework (NPPF).
1.4	Paragraph 44 of the NPPF states:  <i>“Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every 2 years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”</i>
1.5	There are also national requirements for other types of planning related applications, which are defined in other regulations. For example, the requirements for Prior Notification Applications are set out in the Town and Country General Permitted Development Order 2015 (as amended).
1.6	Whilst the Local Planning Authority cannot require more than the national requirements for such applications (i.e. those that aren't seeking Planning Permission), it can provide guidance to highlight and explain the national requirements to customers and provide advice on additional information which may be useful/assist with their application.

2 Current position	
2.1	The current Local Validation List for East Suffolk Council is published at <a href="#">How to submit a planning application » East Suffolk Council</a> , and was published in October 2020. It has been the subject of a comprehensive review which commenced in January 2022, and has led to the drafting of a new Local Validation List, and associated guidance.

2.2	<p>An initial consultation process was undertaken in February/March 2022, with Statutory Consultees, Non-Statutory Consultees who regularly comment on applications, Town and Parish Councils of the East Suffolk District, East Suffolk Council Councillors (i.e. Ward Members), and those who act as agents on applications (e.g. architects, planners etc) who are signed up to attend our 'Developer Forum' sessions. It sought answers to the following initial questions:</p> <ol style="list-style-type: none"> <li>1. Are there any legislative or policy changes since the last document was adopted in October 2020, that relate to documents/ information/ material planning considerations that may affect the information/ documentation that is required to enable yourselves and/or other consultees to consider and provide specific comments on planning/ listed building/ advertisement/ prior notification applications? If so, please provide details.</li> <li>2. It is recognised that the current document, is potentially lacking in terms of providing a simple list of what documents are required when, as the requirements for each document are set out within the section on each document. Planning is complex so it would not be possible to provide a definitive list of all the documents are required for all the potential circumstances/proposals and relevant factors. However, the revised document maybe able to assist in providing additional clarification on when the most common documents are required and/or those required for the most common types of development proposal. Therefore on which types of development proposals and/or application types would a specific clarification of document requirements be useful? E.g. extensions on domestic properties, applications for 1-2 dwellings, changes of use of existing buildings with/without physical works etc?</li> <li>3. Would additional clarification of the content requirements of particular submission documents/additional information documents be beneficial? If so, which?</li> <li>4. Are there any submission/additional information/supporting documents missing from the current document?</li> <li>5. Do you have any further comments on the content of the Local Validation List?</li> </ol>
2.3	<p>The response to this consultation was very limited, with just ten respondents (two external statutory / non-statutory consultees, five ESC teams, two Town/Parish Councils, one Agent and no comments from Ward Members). The content of comments received were also limited but included reference to the current list being difficult to understand particularly in terms of what documents/plans are required to validate an application, and there was a mix of views as to whether too little was being required at validation stage or too much was being asked for, particularly for small scale works.</p>

2.4	The current 'Local Validation List' is a static relatively long pdf document, which is not the ideal format for applicants and agents when trying to understand what is required to be submitted for a specific application, as readers have to trawl through each section of the document to check when each document/drawing listed is required.
2.5	The reviewed Local Validation List and additional guidance is proposed to be published in a more interactive online format akin to a series of interconnected webpages. The objective in changing the format, is to make it easier for applicants and agents to understand what is required when submitting applications, and easier for our Planning Support Team to check if all the required documents/drawings have been submitted at registration/validation stage.
2.6	By making it easier to understand what needs to be submitted for specific application, the aim is to improve the quality of application information submitted to the Local Planning Authority, which should in the longer term reduce the number of invalid applications submitted as it will be clearer for applicants/agents to understand what is required.
2.7	The content of the Local Validation List is also to be updated to reflect current legislative and national and local policy requirements.
2.8	The changes are also seeking to encourage the submission of additional information upfront which in turn should reduce the need for conditions which require the discharge through the submission of additional applications, saving both applicants/agents and the Local Planning Authority officer's time.
2.9	<b><u>The changes from the current 'Local Validation List'</u></b> The new 'Local Validation List' and an associated 'Local Validation Guidance' have been drafted in the form of two documents that will be consulted on in the near future. Together they will replace the current 'Local Validation List'.
2.10	The 'Local Validation List' will list all the drawings, documents, assessments etc that can potentially be required to validate applications. It will also specify when they are required, what they must contain and their required format. This will be an updated version of the current 'Local Validation List', which requires updating to reflect National and Local Policy changes that have occurred since the previous list was adopted. This means that a number of additional documents/drawings etc have been added to the 'Local Validation List'.

2.11	<p>The drawing, assessment and documents intended to be covered in the new 'Local Validation List' are:</p> <ul style="list-style-type: none"> <li>• Agricultural Diversification Statement (New)</li> <li>• Air Quality Assessment (previously formed part of another section)</li> <li>• Amendments/Changes Statement (New)</li> <li>• Application Forms and Ownership Certifications (previously formed part of another section)</li> <li>• Arboricultural Assessment and Tree Survey</li> <li>• Archaeological Assessment</li> <li>• Biodiversity Gain Plan (New)</li> <li>• Biodiversity and Ecological Assessments</li> <li>• Biomass Boiler Form (previously formed part of another section)</li> <li>• Block Plan/Site Layout Plan (previously formed part of a requirement of another section)</li> <li>• Building Heights / Number of Storeys Plan (New)</li> <li>• Coastal Erosion Vulnerability Assessment</li> <li>• Community Consultation Statement / Statement of Community Involvement (New)</li> <li>• Community Facilities Justification Statement (New)</li> <li>• Community Infrastructure Levy (CIL)</li> <li>• Construction Management Plan /Method Statement (New)</li> <li>• Contaminated Land Assessment / Land Contamination Questionnaire</li> <li>• Conversion Specification (New)</li> <li>• Cross Sections (previously formed part of another section)</li> <li>• Daylight / Sunlight Assessment</li> <li>• Design and Access Statement</li> <li>• Draft Heads of Terms</li> <li>• Dwelling Sizes and Tenure Plan/schedule (New)</li> <li>• Elevational Plans (previously formed part of another section)</li> <li>• Energy Statement</li> <li>• Environmental Impact Assessment</li> <li>• Fees (previously formed part of another section)</li> <li>• Flood Risk Assessment</li> <li>• Flood Risk Sequential and Exception Tests</li> <li>• Floor Plans (previously formed part of another section)</li> <li>• Foul Drainage Assessment</li> <li>• Geodiversity Survey and Assessment Report</li> <li>• Habitats Regulation Assessment (HRA) and Recreational disturbance Avoidance Mitigation Strategy (RAMS) tariff form/payment (New)</li> <li>• Health Impact Assessments</li> <li>• Heritage Statement or Impact Assessment</li> <li>• Housing Statement (New)</li> <li>• Hydrographical /Bathymetric Survey (New)</li> </ul>
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	<ul style="list-style-type: none"> <li>• Isometric Drawings / Virtual 3-Dimensional Modelling (New)</li> <li>• Joinery and Window Details</li> <li>• Landscape and Visual Impact Assessment</li> <li>• Landscaping details</li> <li>• Lighting Assessment / Details of Lighting Scheme</li> <li>• Marketing Assessment</li> <li>• Models (New)</li> <li>• Noise Impact Assessment and/or acoustic report</li> <li>• Odour Assessment (previously formed part of another section)</li> <li>• Open Space Assessment</li> <li>• Parking layout plans</li> <li>• Phasing Plan/Schedule (New)</li> <li>• Planning Statement</li> <li>• Public Rights of Way</li> <li>• Refuse storage/presentation plan</li> <li>• Retail / Leisure Impact Assessments</li> <li>• Roof Plans (New)</li> <li>• Rural Workers Dwelling Statement</li> <li>• Sequential Test and Exception Tests for Flood Risk</li> <li>• Site Location Plan</li> <li>• Streetscene (New)</li> <li>• Structural Survey</li> <li>• Sustainable Drainage Strategy</li> <li>• Sustainable Construction Statement/Plan</li> <li>• Telecommunications report (New)</li> <li>• Topographical Survey (New)</li> <li>• Transport Statement or Assessment</li> <li>• Travel Plan</li> <li>• Variation of Condition Statement/Specification (New)</li> <li>• Ventilation/Extraction Equipment Details and Assessment</li> <li>• Viability Assessment</li> </ul>
2.12	<p>The 'Local Validation List', is also being amended to add clarity and improve its format so that it can be published in a more interactive form, with links to the 'Local Validation Guidance'.</p>
2.13	<p>The 'Local Validation Guidance' will contain details of application types, and specify what drawings, documents, assessments etc are required for each application type with specific requirements based upon the specifics of the proposals. In effect this translates the 'National List' and the 'Local Validation List' into a format that is more usable for applicants, as is in effect provides a checklist for each application type, including both those for Planning Permission and other types of Planning related applications including Listed Building Consent, Advertisement Consent, Prior Notification applications etc.</p>

2.14	<p>The key application types this guidance document will include are:</p> <ul style="list-style-type: none"> <li>• Planning Applications for extensions and/or alterations to dwellings, their curtilage, outbuildings, and means of enclosure (i.e. Householder applications),</li> <li>• Householder Prior Notifications,</li> <li>• Planning Applications for Solar Power, air source heat pumps, Biomass Boilers and other renewables,</li> <li>• Listed Building Consent,</li> <li>• Planning Applications for changes of use of land and buildings,</li> <li>• Planning Applications for new dwellings and residential care facilities,</li> <li>• Planning Applications for commercial, agricultural, community and other non-residential land and buildings, including new buildings, conversions to/from such uses, extensions and alterations to existing units,</li> <li>• Applications for Advertisement Consent,</li> <li>• Applications seeking 'Prior Notification' approval for agricultural works and buildings,</li> <li>• Applications seeking 'Prior Notification' approval including those for changes of use (with and without physical works),</li> <li>• Applications seeking Certificates of Lawfulness (Existing or Proposed),</li> <li>• Applications seeking Variations or Removal of Conditions,</li> <li>• Non-Material Amendment Applications,</li> <li>• Applications for the discharge of conditions/approval of matters reserved by condition or those seeking confirmation of compliance with conditions, and</li> <li>• Applications made under Regulation 77 of the Habitats Regulations (Appropriate Assessment requirements in relation to Permitted Development),</li> </ul>
2.15	<p>Although the documents are being drafted as two text documents, they are worded with the intention that the documents will be broken down into smaller online sections that will enable them to be interactive linked 'pages', rather than very long static pdf documents. The interactive online version will enable users to access information either by selecting the type of application one is applying for or by selecting the document/drawing more information is sought on. It will also be set up so that users can easily navigate between the sections of information via hyperlinks. An illustration of the functionality that will be built into the online interactive version is provided in <b>Appendix A</b>.</p>

2.16 The 'Local Validation List' has to meet five key principles, which are Necessity, Precision, Proportionality, Fitness for purpose and Assistance, as detailed in this table from ["Guidance on Information requirements and validation"](#).

Table A: Principles and criteria for local list preparation	
Principle	Key considerations
Necessity	All local list requirements should be based on statutory requirements <sup>10</sup> , national, regional or adopted local policy, or on published guidance which explains how adopted policy should be implemented
Precision	It should be clear what types of development require the provision of particular supporting information. Where appropriate, the LPA should also identify specific areas where the information requirement arises.
Proportionality	The information required is likely to be dependent on the nature and scale of the proposal and the sensitivity of its location. Where possible, the LPA should identify size thresholds below which certain information is not required or where only limited information is required.
Fitness for purpose	It should be clear what information is required to satisfy the requirement – with a strong emphasis on a proportionate approach and succinct documents.
Assistance	For each element of the list it should be clear where further information or answers to queries can be obtained.

2.17 Therefore, whilst as is to be expected the 'Local Validation List' and 'Local Validation Guidance', can set additional requirements than the 'National List', they have to fulfil these principles in doing so, and therefore for example cannot ask for a particular document because 'it would be nice to have', there has to be a necessity for requiring its submission, which is generally based upon national or local planning policy or statutory requirements.

2.18 Therefore the 'Local Validation List' and 'Local Validation Guidance' are being drafted to meet these principles, and as part of this they are shaped by the requirements of adopted Local Planning Policies within the Waveney and Suffolk Coastal Local Plans.

2.19 **The Consultation Process**  
 The 'List' will be consulted on commencing in July for a period of 56 days / 8 weeks as per the national ["Guidance on Information requirements and validation"](#). Although this guidance dates from 2010 and predates the NPPF and a number of other national policy changes have taken place since then, it is the most up to date guidance officers can find on this process, and therefore it is that which is being followed, including the publications of this report which includes a summary of the changes made as a result of the review.

2.20 There is only a requirement to consult on the 'Local Validation List', no requirement to consult on the guidance. However, both will be consulted upon for this 56-day period, in the interests of completeness and because the List and Guidance will be so intertwined once adopted and published as an online interactive feature.

2.21	<p>Those consulted will include:</p> <ul style="list-style-type: none"> <li>- Statutory Consultees,</li> <li>- Non-Statutory Consultees who regularly comment on applications,</li> <li>- Town and Parish Councils of the East Suffolk District,</li> <li>- East Suffolk Council Councillors (i.e. Ward Members), and</li> <li>- Those who act as agents on applications (e.g. architects, planners etc) and are signed up to attend our 'Developer Forum' sessions.</li> </ul>
2.22	<p>The documents will be published on our website and therefore any other parties who wishes to review and comment on the documents will be able to do so.</p>
2.23	<p>Alongside the consultation on the validation documents, an initial consultation will also be undertaken in relation to the Pre-Application Service. This will a high-level style consultation seeking initial thoughts rather than setting out detailed intentions on potential changes to the current pre-application process. We want to establish views from applicants and developers of the type of service which suits their needs. We also want to understand from communities, particularly Town and Parish Councils, how they perceive the pre-application process, which is purposefully a private advice service with the applicant, though increasingly we are being asked by communities to share the pre-application advice with have given. Importantly we need to be charging the right amount for the service to cover the cost of officer time, which often has to instead be prioritised towards planning applications. The Planning Advisory Service (part of the Local Government Association) has recently done research on pre-application services and found that the majority of Councils are under-charging for their time.</p>
2.24	<p>Once that initial consultation process has been completed, officers will review the comments received and review the current Pre-application process to identity and suitable changes to improve the Pre-Application service. A report will then be presented to the Strategic Planning Committee, identifying the proposed changes, prior to a full consultation on those changes being undertaken.</p>
2.25	<p><b><u>After the Consultation Process</u></b>  Once the consultation Process has been completed, the comments received will be reviewed, and where appropriate amendments will be made to the 'Local Validation List' and 'Local Validation Guidance'.</p>
2.26	<p>The 'Local Validation List' and 'Local Validation Guidance' documents will be translated into an interactive web-based format for publication on the East Suffolk Council website.</p>
2.27	<p>A report will be presented to the Strategic Planning Committee, to recommend the adoption of the new 'Local Validation List' and 'Local Validation Guidance'. This is intended to be at the 2 October 2023 meeting, and the report will contain details of the consultation responses received, and the draft 'Local Validation List' and 'Local Validation Guidance' documents.</p>

2.28	Upon adoption, this new 'Local Validation List' and 'Local Validation Guidance', will supersede the current list, and all applications received from that date will need to comply with the new documents in order to be validated.
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### 3 How to address current situation

3.1	Note the current progress on the review of the 'Local Validation List' and 'Local Validation Guidance'.
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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	An interactive illustration of how the new East Suffolk Local Validation List and Guidance are to be published
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### Background reference papers:

None.
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# Illustration of East Suffolk Validation Requirements for Planning and related applications

**Note:** Illustration of how the information will interlink and be navigable by users, with links set up for extensions and alterations on dwellings as an example. The blue outlined boxes, and blue underlined text are set up as hyperlinks between the illustrative pages and to other relevant webpages. The wording content is purely illustrative.

# East Suffolk Local Validation List and guidance for Planning and related applications

View requirements  
based upon  
Application Type

View requirements  
for specific drawings,  
documents and  
assessments

# East Suffolk Local Validation Requirements based upon Application Type

*General introductory Text including guidance on what to do prior to submitting and application, guidance on the inclusion of personal and sensitive data, and recommendations on application descriptions*

Planning Applications for extensions and/or alterations to dwellings, their curtilage, outbuilding, and means of enclosure (i.e. Householder applications)

Householder Prior Notification Applications

Planning Applications for Solar Power, air source heat pumps, Biomass Boilers and other renewables

Listed Building Consent

Planning Applications for Changes of Use of land and/or buildings

Planning Applications for new dwellings and/or residential care facilities

Planning Applications for commercial, agricultural, community and other non-residential land and buildings, including new buildings, conversions to/from such uses, extensions and alterations to existing units.

Advertisement Consent

Applications seeking 'Prior Notification' approval for agricultural works and buildings

Applications seeking 'Prior Notification' approval including those for changes of use (with & without physical works)

Applications seeking Certificates of Lawfulness (Existing or Proposed)

Applications seeking Variations or Removal of Conditions

Applications seeking Non-Material Amendments

Applications seeking discharge of conditions/approval of matters reserved by condition

Applications made under Regulation 77 of the Habitats Regulations



- Agricultural Diversification Statement
- Air Quality Assessment
- Amendments/Changes Statement
- [Application Forms and Ownership Certifications](#)
- Arboricultural Assessment and Tree Survey
- [Archaeological Assessment](#)
- [Biodiversity Gain Plan Biodiversity and Ecological Assessments](#)
- Biomass Boiler Form
- [Block Plan/Site Layout Plan](#)
- Building Heights / Number of Storeys Plan
- Coastal Erosion Vulnerability Assessment
- Community Consultation Statement / Statement of Community Involvement
- Community Facilities Justification Statement
- [Community Infrastructure Levy \(CIL\)](#)
- Construction Management Plan /Method Statement)
- Contaminated Land Assessment / Land Contamination Questionnaire
- Conversion Specification
- Cross Sections
- [Daylight / Sunlight Assessment](#)
- [Design and Access Statement](#)
- Draft Heads of Terms
- Dwelling Sizes and Tenure Plan/schedule
- [Elevational Plans](#)
- Energy Statement
- Environmental Impact Assessment
- [Fees](#)
- [Flood Risk Assessment](#)
- Flood Risk Sequential and Exception Tests
- [Floor Plans](#)
- [Foul Drainage Assessment](#)
- Geodiversity Survey and Assessment Report
- Habitats Regulation Assessment (HRA) and Recreational disturbance Avoidance Mitigation Strategy (RAMS) tariff form/payment
- Health Impact Assessments
- [Heritage Statement or Impact Assessment](#)
- Housing Statement
- Hydrographical /Bathymetric Survey
- Isometric Drawings /Virtual 3-Dimensional Modelling
- [Joinery and Window Details](#)
- Landscape and Visual Impact Assessment
- Landscaping details
- Lighting Assessment / Details of Lighting Scheme
- Marketing Assessment
- Models
- Noise Impact Assessment and/or acoustic report
- Odour Assessment
- Open Space Assessment
- Parking layout plans
- Phasing Plan/Schedule
- Planning Statement
- Public Rights of Way
- Refuse storage/presentation plan
- Retail / Leisure Impact Assessments
- [Roof Plans](#)
- Rural Workers Dwelling Statement
- Sequential Test and Exception Tests for Flood Risk
- [Site Location Plan](#)
- [Streetscene](#)
- Structural Survey
- Sustainable Drainage Strategy
- Sustainable Construction Statement/Plan
- Telecommunications report
- Topographical Survey
- Transport Statement or Assessment
- Travel Plan
- Variation of Condition Statement/Specification
- Ventilation/Extraction Equipment Details and Assessment
- Viability Assessment

# Planning Applications for extensions and/or alterations to dwellings, their curtilage, outbuilding, and means of enclosure (i.e. Householder applications)

*General introductory Text specific to Householder applications, explaining what is covered in this section and guidance on what to do prior to submitting an application, guidance on the inclusion of personal and sensitive data, and recommendations on application descriptions.*

**Extension(s) and/or alterations to the dwellinghouse** (including porches, conservatories, solid extensions, replacement of or changes to window or door positions/opening sizes, dormer windows, roof lights, balconies, cladding and rendering).

the installation or replacement of **foul water/sewage treatment plant:**

If the proposal includes the replacement and/or creation of additional **hard surfacing** (e.g. a new driveway).

the installation or replacement of **Heating Fuel tanks.**

If the proposal includes the creation of a **new vehicular access or alteration to an existing vehicular access.**

construction, extension, alteration or demolition of **outbuilding(s)** (including garages, carport, cartlodes, sheds, greenhouses, studio buildings, summerhouses, detached annexes etc):

If the proposal includes: **Solar panels, Air, ground or water source heat pumps, Biomass boilers, Wind turbine(s) and/or Other renewable energy equipment.**

If the proposal includes the installation of **electrical outlets/upstands for recharging vehicles.**

creation of an **annexe** or alterations to an annexe in the form of an extension, or in an existing outbuilding, or a new outbuilding:

If the proposal includes the installation of a new **flue or chimney,** or alterations to such a feature

**Extension to the curtilage** (i.e. enlargement of the garden by changing the use of adjacent land)

creation or enlargement of **swimming pools or other pools or ponds**

If the proposal includes **Satellite dishes and/or CCTV cameras:**

**Additional requirements, based upon the existing physical features that exist within/adjoining the site and any designations**

If the proposal involves any **significant changes to the existing ground level** (e.g. creation of terrace(s) within the garden or excavation of a bank etc):

If the proposal includes works to or **walls, fences, gates or other means of enclosure**

## Extension(s) and/or alterations to the dwellinghouse

(including porches, conservatories, solid extensions, replacement of or changes to window or door positions/opening sizes, dormer windows, roof lights, balconies, cladding and rendering).

Such applications will require the following as a minimum:

- [Application Form with appropriate Ownership Certificate,](#)
- [Fee](#)
- [Site Location Plan](#)
- [Existing and Proposed Block Plan/Site Layout Plans](#)

The [Existing Block Plan/Site Layout Plans](#) must include and label any structures or features that are to be demolished/removed including any trees (also see section in site features table below).

The [Proposed Block Plan/Site Layout Plans](#) should include the position of any extensions.

In all cases the applicant/agent will need to supply [Existing and Proposed Elevational drawings.](#)

In the majority of cases the applicant/agent will also need to supply [Existing and Proposed Floor Plans](#). Only in cases where there are no changes to the floorspace/layout (e.g. installation of cladding or render on the existing building, or replacement of windows/doors) will applications be accepted without floor plans.

If a proposal is seeking Planning Permission (e.g. on a listed building, or in an Article (4) area of a Conservation Area, or if Permitted Development Rights for such works have been removed via condition on a previous consent) and/or Listed Building Consent to replace windows or doors, the application will need to include full [Joinery and Window details](#) detailing the existing and proposed windows/doors. Where the windows/doors to be removed are historic, the application should also include a justification statement supported by evidence that the windows/doors are beyond repair.

If a proposed extension would have a roof that would extend off and/or tie into the original roof, or replace the entire roof then [Existing and Proposed Roof Plans](#) will be required to show how the roofslopes would interrelate. The only exception to this would be for relatively minor works such as the installation of roof lights, where roof plans will not be insisted upon.

If the proposal is for a two-storey front extension or an extension which involves a significant addition to the front roofslope or replacing the existing roof with a roof of a different height or pitch a [Streetscene](#) drawing showing the proposal in the context of the buildings on either side will be required (that is a requirement whether the addition is creating and additional storey or not).

[An Arboricultural Assessment and Tree Survey](#) will be required where there are trees on or overhanging the site and they could be impacted by the development. This is the case whether or not the trees are protected by a [Tree Preservation Order](#) or are in a [Conservation Area](#) (and are therefore protected).

An [Ecological Assessment](#) will be required if the building meets any of the criteria in the Suffolk Biodiversity Validation Checklist (Link to SBIS). This is particularly required if there is potential for bats to be roosting in buildings or if great crested newts may be present around the site.

Non-Designated Heritage Asset (NDHA) and Listed Buildings a [Heritage Impact Assessment](#) will also be required.

All schemes that include/require foul water disposal, should include details of connections to the mains/existing local disposal methods on the block/floor plans and/or a [foul drainage assessment](#).

All householder schemes creating 100sqm or more of floorspace (measured externally) located on sites within [Conservation Areas](#), a [Design and Access Statement](#) is required.

If the new floorspace would be close to or above the threshold making the development [Community Infrastructure Levy \(CIL\) Liable](#), the application will also need to include a CIL Additional Information Form (CIL Form 1). It is also strongly recommended that you also submit CIL Form 2, because if this form isn't submitted, along with other relevant CIL Forms) prior to commencement of development/works on site, the applicant/developer cannot claim any exemptions (e.g. self build exemption).

If the scheme is proposing an extension that by virtue of its size and/or location could affect the light reaching habitable rooms on adjoining properties, the applicant/agent may wish to [Daylight / Sunlight Assessment](#) as part of the application as it might assist their case in demonstrating how/why the scheme is acceptable in this respect.

Additional drawings/documents will be required for proposals that also include the

- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

Please note additional drawings and/or documents maybe required based upon the existing features of the site and/or any designations (e.g. trees, habitats for protected species, at risk of flooding, Listed Buildings, Conservation Areas, Coastal Management Area etc.).

Application Types

Document Types

**Additional requirements, based upon the existing physical features that exist within/adjoining the site and any designations**

Householder applications

## Construction, extension, alteration or demolition of outbuilding(s) (including garages, carport, cartlodes, sheds, greenhouses, studio buildings, summerhouses, detached annexes etc):

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

## Creation of an annexe or alterations to an annexe in the form of an extension, or in an existing outbuilding, or a new outbuilding

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

## creation or enlargement of swimming pools or other pools or ponds:

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

If the proposal involves any significant changes to the existing ground level (e.g. creation of terrace(s) within the garden or excavation of a bank etc):

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

## the installation or replacement of a foul water/sewage treatment plant

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)



# The installation or replacement of Heating Fuel tanks.

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

# If the proposal includes: Solar panels, Air, ground or water source heat pumps, Biomass boilers, Wind turbine(s) and/or Other renewable energy equipment.

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

## If the proposal includes the installation of a new flue or chimney, or alterations to such a feature

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

# If the proposal includes Satellite dishes and/or CCTV cameras:

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

## If the proposal includes works to or walls, fences, gates or other means of enclosure

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

If the proposal includes the replacement and/or creation of additional hard surfacing (e.g. a new driveway).

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

**If the proposal includes the creation of a new vehicular access or alteration to an existing vehicular access.**

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)
- [Extension to the curtilage / garden.](#)

## If the proposal includes the installation of electrical outlets/upstands for recharging vehicles.

*General text setting out the requirements for this type of application with these types of works.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [Extension to the curtilage / garden.](#)



## Extension to the curtilage of the building (i.e. enlargement of the garden by changing the use of adjacent land)

*General text setting out the requirements for this type of application with these types of works. Including explaining this requires a change of use so can not be a Householder application.*

*To include direct links to the documents/drawings referred to, and links to other works which are most likely to be submitted on the same application i.e.*

Additional drawings/documents will be required for proposals that also include the

- [Extensions and/or alterations to dwellinghouses](#)
- [construction, extension, alteration or demolition of outbuildings](#)
- [Annexe.](#)
- [Swimming pools or other pools or ponds.](#)
- [ground level changes.](#)
- [installation or replacement of foul water/sewage treatment plants.](#)
- [installation or replacement of domestic heating fuel tanks.](#)
- [installation of renewable energy equipment .](#)
- [installation or alterations of a flue or chimney .](#)
- [installation of Satellite dishes and/or CCTV cameras.](#)
- [installation or replacement of walls, fences, gates or other means of enclosure.](#)
- [installation or replacement of hard surfacing.](#)
- [Creation or alteration of a vehicular access.](#)
- [installation or replacement of electrical outlets/upstands fore recharging vehicles.](#)

## Additional requirements for Householder applications, based upon the existing physical features that exist within/adjoining the site and any designations

*Text listing potential designations/site features that can trigger the need for additional documents/drawings and an explanation of what documents/plans are required when.*

*To include links to each of the documents / assessments /drawings referred to, and links to external sources of additional information.*

*e.g.*

*Area at risk of Flooding = [Flood Risk Assessment](#)*

*NDHA, Listed Building = [Heritage Statement or Impact Assessment](#)*

*Trees = [Arboricultural Assessment and Tree Survey](#)*

*etc*

# Application forms and Ownership Certificates

## Application forms

You will need to complete and submit the application form that is relevant to the type of application you are seeking. The forms for most applications can be submitted online or be downloaded as 'paper forms' (pdf format) from the [Planning Portal website](#).

The form must be fully completed with all sections of the application form completed accurately including but not limited to sections related to (where the question is included on that application form):

- Description of the proposed works. This must cover all proposed works and/or changes of use whilst being as concise as possible. Guidance on how to word application descriptions for different proposals can be found in the introduction sections of the guidance for each [application type](#).
- Existing and proposed floorspace for each use. This is vital to ensuring you pay the appropriate application fee, can have significant implications for schemes that are [Community Infrastructure Levy \(CIL\) liable](#) and in proposals for retail floorspace can trigger the need for a Retail Impact Assessment.
- The site area. In some applications this is vital to ensuring you pay the appropriate application fee.
- Trees and Hedgerows – This is vital to ensuring that the potential need for an [Arboricultural assessment and tree survey](#) is identified prior to the submission and validation of any planning application, including those for extensions or outbuildings at existing homes. If this section of the application form is falsely completed to declare there are no trees or hedgerows within the relevant locations, when there are such features, then the applicant would be making a misleading claim, which would likely result in significant delays in the determination of the application if/when an arboricultural assessment and tree survey is requested and has to be produced and submitted on behalf of the applicant. If it is not supplied, the application may be refused on the grounds of lack of necessary information.
- Hours of use. This section should be completed, particularly for commercial and community uses, so that officers are aware of how and when the use is intended to operate. Conditions limiting hours are often included on such consents, and therefore having this information upfront as part of the application form can potentially reduce the likelihood for hours conditions to be imposed that are in conflict with the way a site is intended to be used.

## Ownership Certificates

You must complete an ownership certificate for the land within the red line on the Site Location Plan at a scale of 1:1250 or 1:2500, on all applications except:

- an application for Reserved Matters,
- works to trees protected by Tree Preservation Orders,
- Hedgerow Removal Notice,
- any Prior Notification application,
- notification of works to trees in Conservation Areas,
- applications for Express Consent to display an Advertisement,
- Certificate of Lawfulness applications,
- Any post decision application (Discharge of condition, Non-material amendment).

These certificates are embedded within the application form itself.

For these purposes an 'owner' is anyone with a freehold interest, or leasehold interest, the unexpired term of which is not less than 7 years.

The responsibility for completing the appropriate Certificate rests entirely with the applicant. The Planning Authority has no records of the details of ownership or lease of land or buildings. The Planning Authority will therefore rely solely on the information submitted with the application and therefore to avoid any delay or challenge, it is important that the certificates are accurately completed.

Fill in Certificate A if the applicant is the only person who owns the application site and none of the land is part of an agricultural holding. This is what the completed certificate A confirms.

Fill in Certificate B if the applicant does not own the application site or if the applicant owns the site but there are other people who also own it or have an interest in it (for example shared freeholders, leaseholders, agricultural tenants). You will need to list the names and addresses of any other people and confirm the date when you "served notice" (that is, formally told them) that you were making the application by giving them the Part 1 Notice (see below). This is what the completed Certificate B confirms, which is required at least 21 days before the submission of the application.

You should use Certificate C if you know some owners or agricultural tenants but not all of them. In this case you must also explain what reasonable steps you have taken to identify other owners and/or agricultural tenants. You will need to list the names and addresses of any other people and confirm the date when you "served notice" (that is formally told them) that you were making the application. You will also have to place a public notice in a newspaper circulating in the area where the land lies, which is required at least 21 days before the submission of the application.

You should use Certificate D if you do not know any of the owners and/or agricultural tenants. In this case you must also explain what reasonable steps you have taken to identify the owners. You will also have to place a public notice in a newspaper circulating in the area where the land lies.

### Part 1 Notice

A notice to the owners of the application site must be used if Certificate B has been completed, and may be required if Certificate C has been completed, and some owners other than the applicant are known. A copy should be served on each of the individuals identified in the relevant Certificate. It will be helpful if a copy of each Notice served, accompanies the application. This notice can be found on the [Planning Portal](#).

## Arboricultural Assessment and Tree Survey

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information e.g. information on Tree Preservation Orders*

## Block Plan/Site Layout Plan

Such Plans should be at a scale of 1:500 or 1:200, and should be on, or based on, an up to date licensed Ordnance Survey map or equivalent with licence no/details included), or a [topographical survey](#) and must accurately/include:

- Indicate the direction of North
- Include a scale bar
- Title to identify the development and subject of the drawing
- A unique drawing number which also indicates any revisions (e.g.1234Revision B)
- All revisions should be described to identify any changes (e.g. Revision A – Layout changed)
- The date the plan was prepared or amended
- Show the proposed development in relation to the site boundaries, and other existing buildings on the site and neighbouring land.
- The species, position, and spread of, all trees within or overhanging the application site, including those on adjoining land with a canopy overhanging the application site. This may also need to be accompanied by an [Arboricultural Assessment](#).
- The extent and type of any hard surfacing, and the location and type of any associated drainage works (e.g. gullies and soakaways)
- The location, shape and scaled size of any [water management/SuDs features](#), (where appropriate/applicable).
- The proposed Block Plan must include details of the visibility splays for any new or amended vehicle accesses to the highway. control of the Local Highway Authority, and in the majority of cases will need to meet the requirements of the [Suffolk County Council Standard drawings for access layouts](#).
- The location, number and form of any vehicle or bicycle parking

- The location and shape of any vehicle turning area.
- The location of any Electric Vehicle Charging Points.
- The plan should highlight what type of vehicles the parking spaces are to be provided for (e.g. cars, two-wheeled motor vehicles, bicycles etc) which spaces are to be equipped with electric charging points and how those spaces meet the [Suffolk County Council Parking Guidance](#) in terms of size etc
- Boundary treatments including walls or fencing where this is proposed.
- On applications for new dwellings or new commercial units details of the position of refuse/recycling storage and presentation areas should also be shown on the proposed block plan and/or on a separate [Refuse Storage Plan](#).
- On sites with existing significant variations in ground level and/or where works are proposed to alter ground levels (e.g. terracing, excavation before siting a building or to create a pond, or creating a plateau) the existing block plan will need to be accompanied by or maybe replaced by a [topographical survey](#), and the proposed block plan should include proposed levels. [Existing and Proposed Cross Sections](#) are also likely to be required.

**Please note, such plans must be drawn to scale, and a photograph of a plan is not acceptable, as the process results in the photograph showing an image which is not at the same scale as that stated in the image. All plans must therefore be either drawn to scale electronically or drawn by hand and if being submitted electronically then scanned to scale, not photographed. Therefore, if photographs are submitted of plans (e.g. \*.jpg \*.png \*.gif) they will not be accepted as valid plans, and the application will be invalid until 'to scale' drawings are submitted.**

Although the Building Regulations is covered by separate legislation from Planning, consideration should be given to the requirements of Part O of Building Regulations from the outset, prior to the submission of the planning application, to avoid the scheme failing at the Building Regulations Stage and/or a significant redesign being required along with additional applications to amend any Planning Consent. This is recommended because Part O now requires thermal modelling and assessment in terms of overheating which can significantly impact design in terms of glazing and orientation of buildings.

# Community Infrastructure Levy Liable

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Cross-Sections

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Daylight /Sunlight Assessment

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*



## Design and Access Statement

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Biodiversity Gain Plan Biodiversity and Ecological Assessments

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Elevational Plans

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Fees

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Floor Plans

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Flood Risk Assessment

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Foul Drainage Assessment

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Heritage Statement or Impact Assessment

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*



## Joinery and Window Details

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Refuse Storage Plan

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Roof Plans

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Site Location Plan

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Streetscene

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

## Sustainable Drainage Strategy

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*

# Topographical Survey

*Text explaining what these are, when they are required and what they need to include, with links to related/connected documents plans and online sources of further information*