



STRATEGIC PLANNING COMMITTEE

Monday, 06 June 2022

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

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

Purpose of the Report and High-level overview

Purpose of Report:

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

Options:

Not applicable.

Recommendation/s:

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

Corporate Impact Assessment

Governance:

None.

ESC policies and strategies that directly apply to the proposal:

None.

Environmental:

None.

Equalities and Diversity:

None.

Financial:

None.

Human Resources:

None.

ICT:

None.

Legal:

None.

Risk:

None.

External Consultees:	None
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Strategic Plan Priorities

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

Background and Justification for Recommendation

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

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

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

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

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

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

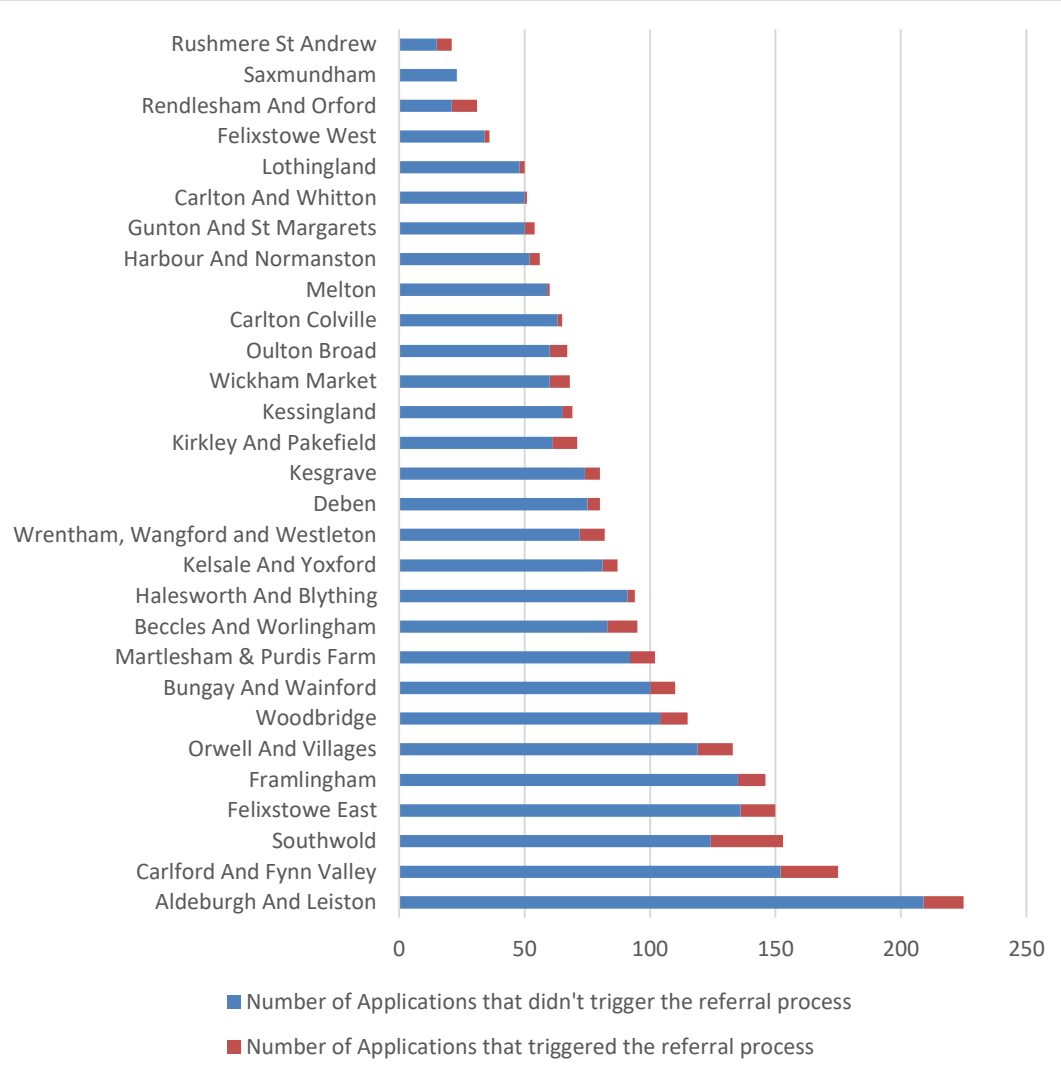
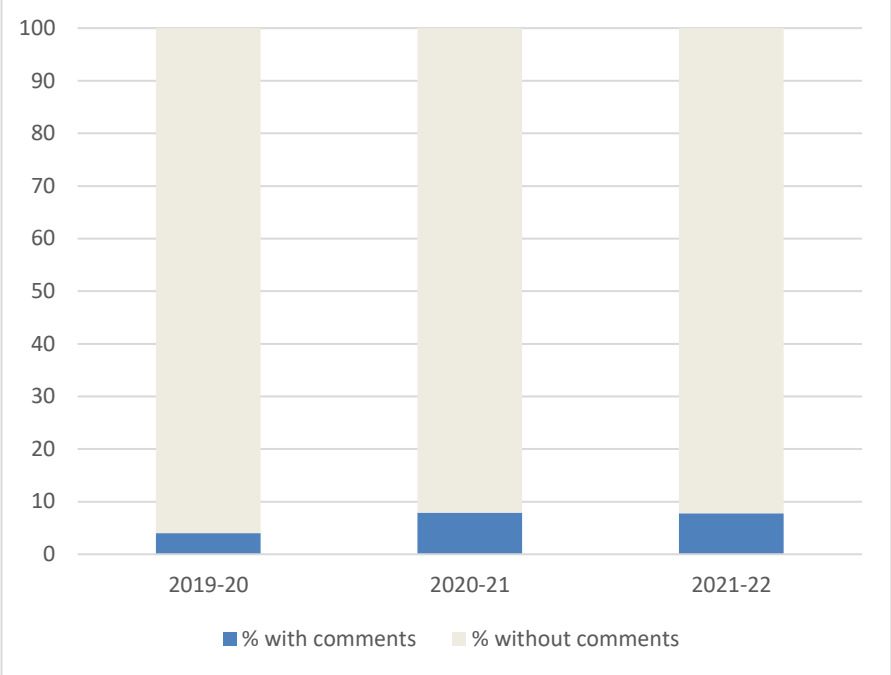


Figure 1: Number of applications and proportion triggering Referral Panel Process shown by Ward for 1 April 2021 – 31 March 2022, (organised so the wards with the highest application numbers are at the base of the chart)

2.26	There are a significant number of parishes within these wards, which have not had an item at the Referral Panel (see Figures 1 in Appendix K). However, this may be in part because many of these parishes are relatively small and therefore have not have many applications (Figures 2 and 3 Appendix K).
2.27	As shown in the graphs in the appendices, there are also particularly parishes which appear to have had a larger proportion of their applications triggered to the referral panel.
2.28	Of the 244 reports presented, the Referral Panel determined that 214 could be delegated to the Head of Planning and Coastal Management for determination and 29 applications were referred to the Planning Committee. The rate of delegation for these applications sits at 87.7%. For comparison, the delegation rate in the preceding year was 81% (2020-2021) and 85% for 2019-2020. A slightly lower percentage of applications are therefore being referred to the

	Planning Committee. These figures are illustrated in the graphs/charts in Appendix R.
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	<u>Ward Member comments</u> All Ward Members are set up on the Public Access System, so they receive notifications via email on all valid applications received within the geographical area of their ward. All members are therefore made aware of all applications within their ward and have the opportunity to review and comment on the application.
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 Appendix M.
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 Appendix L .
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 Appendix L .

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

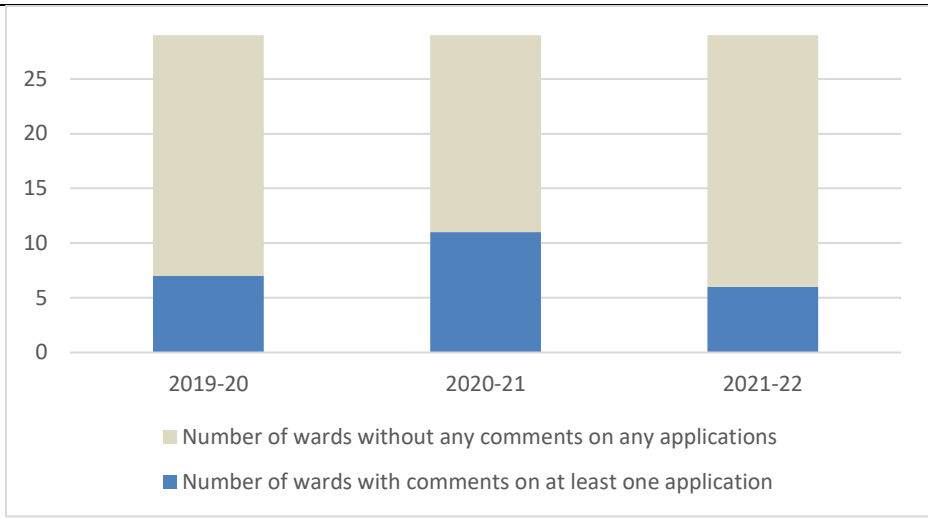


Figure 3 – Number of wards with and without any comments on at least one application at the Planning Referral Panel.

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

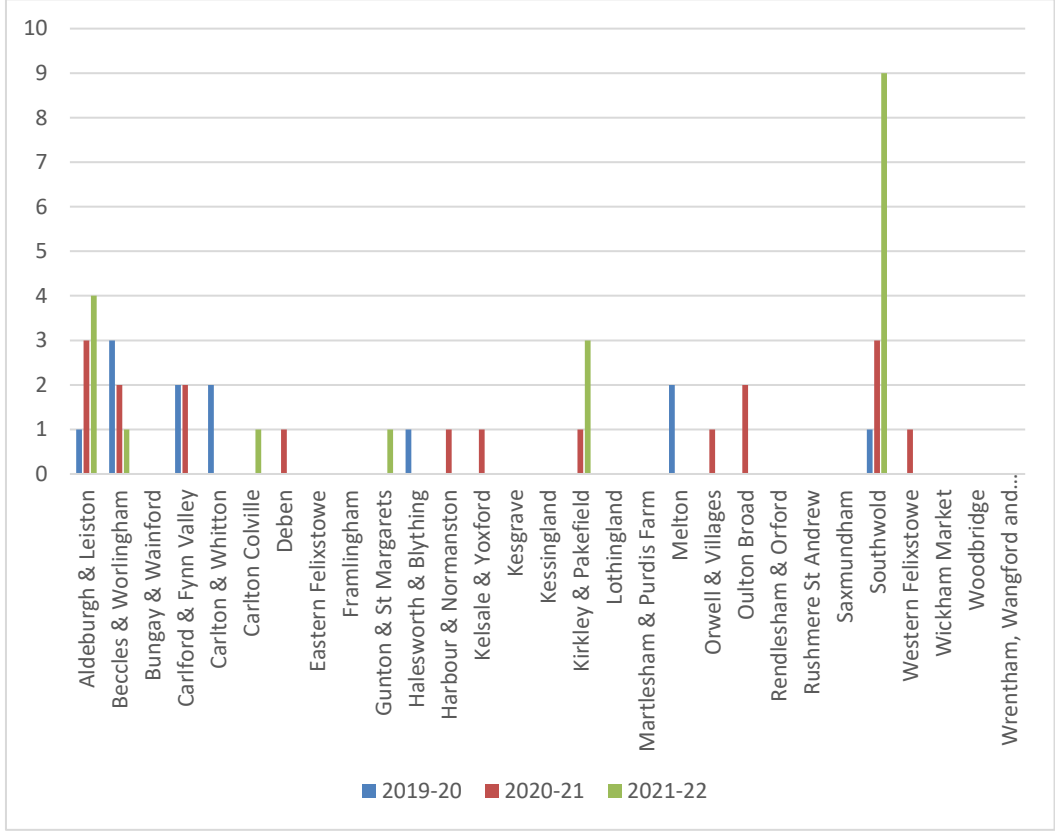


Figure 4: The number of applications with comments from the Ward Member at the Referral Panel shown by Ward

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

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

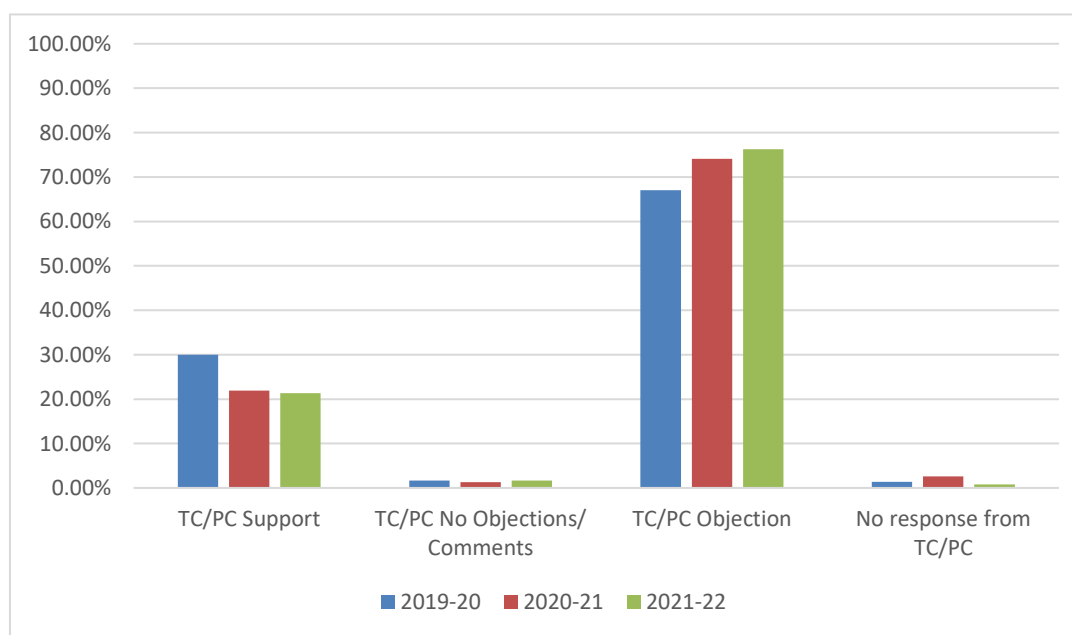


Figure 5: Percentage of responses from Town/Parish Councils on Referral Panel items 1 April 2019 – 31 March 2020, 1 April 2020 – 31 March 2021, and 1 April 2020 – 31 March 2021.

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

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

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

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

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

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

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

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

3 How to address current situation

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

4.1	That the contents of the report are noted
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Appendices

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

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

Background reference papers:

None.