



STRATEGIC PLANNING COMMITTEE

Thursday, 4 June 2020

REVIEW OF THE PLANNING APPLICATION REFERRAL PROCESS TO DETERMINE WHICH APPLICATIONS ARE CONSIDERED BY THE RELEVANT PLANNING COMMITTEE

EXECUTIVE SUMMARY

1. This report provides a review of the Planning Application Referral Process operating at East Suffolk Council from 1 April 2019 until the end of March 2020 which determines which applications are considered by the relevant Planning Committee of the Council
2. It concludes the process is working well and that as a result no amendments are proposed to the process.

Is the report Open or Exempt?	Open
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Wards Affected:	All
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Cabinet Member:	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
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Supporting Officer:	Liz Beighton Planning Manager (Development Management) 01394 444778 Liz.beighton@east Suffolk.gov.uk
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1 INTRODUCTION

- 1.1 This report provides Members of the Strategic Planning Committee with a review and analysis of the planning application Referral Panel decisions in the year from April 2019 to March 2020. Attached as an appendix to this report is the data of the cases considered by the Referral Panel.
- 1.2 Local Planning Authorities are subject to performance assessment by government to seek to ensure an efficient system is in operation for the determination of planning applications. Failure to meet the required performance levels can result in sanctions. To monitor performance of planning application reports are presented quarterly to both Cabinet and this committee for review and comment. Additionally, this committee receives wider performance data on appeal decisions. To help deliver the required performance government advocates a delegation rate (those decisions made by authorised officers of a council) be in excess of 90%. This then enables those applications of significance, or controversy, to be considered by the relevant Planning Committee.
- 1.3 The establishment of the new Council, and its Constitution, had due regard to the government requirements on planning performance.

2 THE SCHEME OF DELEGATION IN RELATION TO DETERMINING PLANNING APPLICATIONS

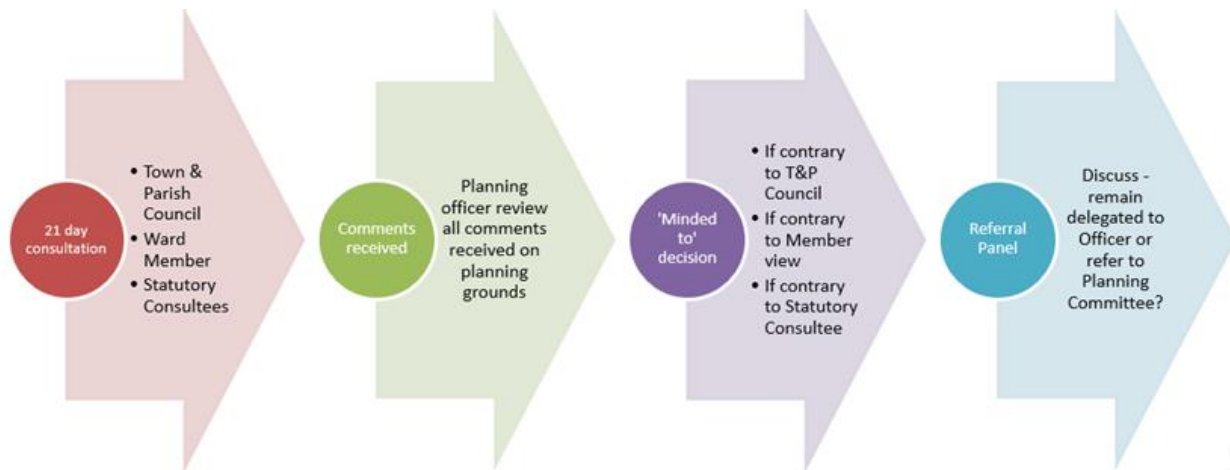
- 2.1 In April 2019, East Suffolk Council brought into force a new scheme of delegation aligning the former authorities of Suffolk Coastal District Council and Waveney District Council. This scheme sets out the means by which applications will be determined and seeks to clarify which applications will be determined by the Head of Planning and Coastal Management, under delegated powers, and which will be referred to the Planning Committee for consideration.
- 2.2 The scheme of delegation was established following extensive dialogue with Planning Committee members and the Portfolio holders for planning and seeks to secure an appropriate balance between efficiency of the service and securing public scrutiny in the planning service. This dialogue included research on how councils of a similar size managed the process to ensure there was a transparent and fair system for all, including applicants and communities.
- 2.3 The scheme of delegation is laid out in the Council's constitution and reads as follows:

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:

- 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***

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.

- 2.4 The table below shows, in diagrammatic form, how the referral process is operated. In essence, any application where the view of either 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.
- 2.5 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.



- 2.6 The Council undertook significant publicity for the new arrangements acknowledging that the determination of planning applications is a high-profile process. The Planning Service wrote to and undertook training sessions both for Ward Members and representatives from Town and Parish Councils at the instigation of the new council 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. The meeting dates for Parish Council sessions were the 6 June 2019, 7 June 2019, 24 January 2020 and 27 January 2020. Training sessions were held with Ward Members on 3 June 2019, 5 June 2019 and 3 October 2019. In addition, during this year, three Agents forums have been held on the 20 May 2019, 28 May 2019 and 30 January 2020, where all registered agents were appraised in detail on the scheme of delegation. The powerpoint slides from all these meetings remain available on the Council's website for public inspection and to benefit anyone who was unable to attend in person
- 2.7 The Planning Service is committed to continuing working with our Ward Members and Town and Parish Councils and as soon as public meetings are able to take place, additional sessions will be set up to deal specifically with how to best frame consultation responses and to build and retain confidence in the planning service.

THE REFERRAL PANEL

- 2.8 The referral panels meet every Tuesday and are 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 visual presentation of the application by officers. This information is also made available to interested parties on the Councils website alongside the relevant application details. The outcome of the referral panel is communicated to the relevant parties as soon as possible after the meeting by the relevant case officer
- 2.9 Officers have provided an undertaking to Members that following a year of the Referral Panel being in operation, a report will be produced detailing the breakdown of how the applications were determined and whether there were any changes needed to it to improve its efficiency and effectiveness. Members attention is drawn to the appendix to this report which provides further details of all applications presented to the Referral Panel.
- 2.10 From the 1 April 2019 to 31 March 2020, East Suffolk Council has determined a total of 2291 planning applications. The detail surrounding the performance of such is laid out in the planning performance report tabled at the Strategic Planning Committee (report reference ES/0389).
- 2.11 From the 1 April 2019 until the 20 March 2020 a total of 295 planning applications have been presented to the Referral Panel. This means that in most instances the views received from the Town or Parish Council, Ward Member or statutory consultee accorded with the recommendation of the planning officer.
- 2.12 It is of note that from the 20 March 2020 until the 12 May 2020 no Referral Panels operated due to the Coronavirus pandemic which saw a cease on meetings taking place at East Suffolk. All Referral Panel reports and Committee reports were duly presented to the Advisory Panel in accordance with the emergency powers instigated by the Council (see Report ES/0387 presented to this Committee).
- 2.13 Of the 295 reports presented, the Referral Panel determined that 259 could be delegated to the Head of Planning and Coastal Management for determination and 36 applications were referred to the Planning Committee.
- 2.14 Within the same period a total of 39 planning applications have been reported straight to the Planning Committees without first recourse to the Referral Panel in accordance with the Scheme of Delegation (points 1-3). Therefore, out of the 75 items taken to the Planning Committee 48% of those were as a result of the decision by the Referral Panel. Of those 75 applications at Planning Committee, 43 were presented to the North Committee and 32 to the South Committee. The delegation rate therefore to the Head of Planning and Coastal Management sits at 96.5%.
- 2.15 Of the 36 that were presented to the Planning Committee following determination by the Referral Panel, five of these remain pending determination and one has been withdrawn in advance of receiving a decision. 24 of the decisions by Committee were made in accordance with the officer recommendation, one was overturned from an officer recommendation of refusal to approval and three were overturned from an officer recommendation of approval to refusal. Of those three which were refused contrary to officer recommendation, one has been appealed and subsequently allowed.

- 2.16 Therefore 32 of those which were presented to committee were determined as per officer recommendation (89%). It is also worth noting that three of these items were dealt with by the Advisory Panel during the coronavirus lockdown, but the decision by the Head of Planning and Coastal Management aligned with the member view set out by the Advisory Panel. Two of these were in accordance with the officer recommendation and one was an overturn of officer recommendation of approval to a refused decision.
- 2.17 Only 12 of the referral panel applications had comments from Ward Members, a percentage of 0.04%.

3 CONCLUSION

- 3.1 Between 1 April 2019 and 30 March 2020, the Council operates at a delegation rate of 96%, with a total of 75 planning applications being reported to the North or South Planning Committees. This 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 a volume of applications, and that appropriate time is allowed for full and proper debate on those applications what warrant such.
- 3.2 Nearly half of all items presented to the Planning Committees have been as a direct result of the decision of the Referral Panel. Of those, all bar four were determined in accordance with the officer recommendation. Looking at the referral panel items alone, the delegation rate sits significantly lower than the overall rate of delegation at 85%. Therefore, the referral panel is seeking to refer a significant number of items to Planning Committee. It also seeks to demonstrate that there is confidence between Members and Officers.
- 3.3 It is also important to note, sitting alongside this process, the associated reports on appeals performance and speed of determination remain extremely high and above the national requirements, providing significant confidence in the quality of decisions being made by East Suffolk Council.
- 3.4 Officers are committed to working closely with our Town and Parish Council's and maintain appropriate training on how to frame consultation responses.
- 3.5 It is also important to note that there is limited communication from Ward Members on applications, which sits at just 12 applications of a total of 295 that were presented to the Referral Panel. Contrary views of Ward Members is one of the key triggers of the Referral Process and Officers would welcome enhanced dialogue with Ward Members on planning applications.
- 3.6 Having reviewed the work of the Referral Panel alongside the work of the council as a whole in determining planning applications there is a thorough, robust and transparent process which enables the planning committees to consider those applications of significance. It is considered that there is no need to make any changes to this process other than to promote the needs of ward Members to become more directly involved in this process as part of the regular training provided to Councillors.

4 REASON FOR RECOMMENDATION

4.1 This report is for information only.

RECOMMENDATION

1. That Members note the contents of the report and the Referral Panel process be maintained in its current form.
2. That officers provide the Strategic Planning Committee with a yearly report on the referral panel.