



STRATEGIC PLANNING COMMITTEE

Monday, 03 July 2023

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

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| 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 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.

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| External Consultees: | None |
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Strategic Plan Priorities

| Select the priorities of the Strategic Plan which are supported by this proposal: (Select only one primary and as many secondary as appropriate) | | Primary priority | Secondary priorities |
|---|--|-------------------------------------|-------------------------------------|
| T01 | Growing our Economy | | |
| 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 | |
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| 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">1 Background facts2 Summary of Current position3 Conclusions4 How to address current situation5 Reason/s for recommendation6 Detailed Analysis informing recommendation above |
| 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 | |
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| 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 Appendix A to this report.</p> |

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| 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><u>Headline Points</u></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"> - 1 April 2022 – 31 March 2023, 2151 Planning Applications were determined, - 1 April 2021 – 31 March 2022, 2560 Planning Applications were determined, - 1 April 2020 – 31 March 2021, 2327 Planning Applications were determined, and - 1 April 2019 – 31 March 2020, 2,529 Planning Applications were determined. <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><u>Percentage delegated?</u></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"> - 1 April 2021 – 31 March 2022 having 244 items, - 1 April 2020 – 31 March 2021 having 230 items, and - 1 April 2019 – 31 March 2020 having 295 items. |
| 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. |

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| 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 (Appendix E, Figure 1). 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 (Appendix G, Figure 1). |
| 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 (Appendix N, Figure 3). |
| 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. (Appendix N, Figure 1). |
| 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) (Appendix J, Figure 6). |
| 2.13 | 55% of members did not attend any Referral Panel meetings during the whole year (Appendix P, Figure 2) |
| 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 (Appendix L, Figure 5). |
| 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 (Appendix N, Figure 2). |
| 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 (Appendix H, Figure 1). |

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| 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' (Appendix H, Figure 1). |
| 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% (Appendix H, Figure 3). |
| 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 | <p>During this period applications were at Planning Committee for the following reasons (Appendix S, Figure 1):</p> <ul style="list-style-type: none"> - 49% of applications were at Planning Committee due to referral by the Planning Referral Panel. - 24% of applications at Planning Committee were taken directly by the Head of Service - None were taken directly by referral by the Chairman/Vice-Chairman of the Planning Committee. - 27% were there due to an East Suffolk Council connection |
| 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' (Appendix R). |
| 2.23 | <p>In respect of public and Ward Member participation in Planning Committees (Appendix T, Figure 1):</p> <ul style="list-style-type: none"> - Town and Parish Councils spoke at Planning Committee on 24% of applications - Third parties/objectors spoke on 16% of applications - Agents or Applicants spoke on 16% of applications - Ward Members spoke on 24% of applications. |
| 2.24 | <p>In terms of the proportions of applications approved (Appendix V):</p> <ul style="list-style-type: none"> - 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. - 94.7% of applications determined as delegated by officers were approved - 89% of applications delegated back to officers by the Referral Panel were approved - 92% of applications `determined at Planning Committee were approved |

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| 2.25 | <p>Between 1 April 2022 and 31 March 2023, there were 45 Planning related Appeal Decisions received, with (Appendix F of the Planning Performance Report, also on this agenda):</p> <ul style="list-style-type: none"> - 32 (71%) dismissed (i.e. upholding the ESC’s decision), and 13 (29%) were allowed (i.e. overturning ESC’s decision) - 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. |
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| 3 Conclusions | |
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| 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> |

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| 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

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| 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

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| 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

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| 6.1 | <p><u>Application interactions with 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> |
| 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">- 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. |
| 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 Figure 1 of Appendix 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">- 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. |

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| 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 Figure 3 of Appendix 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 | Figures 5 and 7 of Appendix B to this report illustrate the key formal interaction points during planning applications for Statutory Consultees, Non-Statutory Consultees and Third Parties. |
| 6.11 | <p><u>The Referral Panel Process</u></p> <p>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.</p> |
| 6.12 | An application is triggered to the Planning Referral Panel by part for of the Scheme of Delegation (Appendix A). 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 (Constitution » East Suffolk Council), 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. |

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| 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 (Appendix C), 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 Appendix D 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><u>Planning Referral Panel – Ward Members</u></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 Figure 1 of Appendix B). Their comments can trigger the Planning Referral Process when their views are contrary to the ‘minded to’ recommendation of officers (illustrated in Figure 2 of Appendix B).</p> |

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| 6.20 | Part 4 of the East Suffolk Councils Constitution (Constitution » East Suffolk Council) 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, Figure 1 in Appendix G), 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 (Appendix N shows the proportions of applications at Planning Referral Panel with comments from Ward Members and/or Town/Parish Councils). |
| 6.22 | As shown in Figure 3 – 5 of Appendix O , 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 | Appendix J 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 (Figure 1 of Appendix N). The limited proportion of applications at the Referral Panel with written comments from Ward Members is shown clearly in the graphs in Figures 6 and 7 of Appendix J 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 Appendix C). 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. |

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| 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 Appendix D). 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 (Figure 2 of Appendix P). |
| 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 Figure 2 of Appendix P , 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 Figure 4 of Appendix J shows that even with the limited attendance by some Ward Members, more are attending the meetings than submitting written comments. |

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| 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 | <u>Planning Referral Panel - Town and Parish Council</u> 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 (Figure 1 of Appendix H). 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' (Figure 2 of Appendix H). |
| 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 Figures 2 and 3 of Appendix H 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 Figure 3 of Appendix H , 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 |

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| | 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), Winesham 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 Figures 3 and 4 of Appendix B . |
| 6.44 | As shown in Figure 6 of Appendix K and Figure 6 of Appendix L , 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 (Figure 2 of Appendix N). These are shown with a breakdown by Parish in Figure 6 of Appendix L . |

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| 6.46 | <p><u>Planning Referral Panel – Statutory Consultees</u></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 Figure 5 of Appendix B. The means by which their comments can trigger the Planning Referral Process are outlined in Figure 6 of Appendix 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><u>Planning Referral Panel – Numbers, Proportions and Scale of Applications</u></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"> - 1 April 2021 – 31 March 2022 having 244 items, - 1 April 2020 – 31 March 2021 having 230 items, and - 1 April 2019 – 31 March 2020 having 295 items. <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> |

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| 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"> - 1 April 2022 – 31 March 2022, 2151 Planning Applications were determined, - 1 April 2021 – 31 March 2022, 2560 Planning Applications were determined, - 1 April 2020 – 31 March 2021, 2327 Planning Applications were determined, and - 1 April 2019 – 31 March 2020, 2,529 Planning Applications were determined. |
| 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"> - 'Major' <ul style="list-style-type: none"> o 10 or more dwellinghouses, or o a site area of 0.5 hectares or more where the number of dwellinghouses is unknown, or o the floorspace to be created is 1,000sqm or more, and/or o the site area is 1 hectare or more. - 'Minor' <ul style="list-style-type: none"> o 1 – 9 dwellings, o A site area of up to 0.5 hectares where the number of dwellings is unknown, o Up to 1,000sqm of floorspace (excluding works to existing dwellings), and/or o The site area is less than 1 hectare. - 'Other' <ul style="list-style-type: none"> o Works to existing dwellinghouses, often referred to as Householder applications, o Changes of use where no additional floorspace is created. |

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| 6.53 | As set out in Figures 2 and 3 of Appendix E , 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 (Figures 4 and 5 of Appendix E). 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><u>Planning Referral Panel – Geographical Distribution of Applications</u></p> <p>As shown in Figure 1 of Appendix E 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"> - 1 April 2021 – 31 March 2022, 50% North and 50% South. - 1 April 2020 – 31 March 2021, 54% North and 46% South, - 1 April 2019 – 31 March 2020, 55% North and 45% South <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 | Figure 1 of Appendix G 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 Figure 2 of Appendix G , and Figure 3 shows them alongside the numbers at the Planning Referral Panel). |

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| 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% (Figure 4, Appendix G). |
| 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 | Appendix F 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 (Figure 1 of Appendix H). 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 | Planning Referral Panel – Variations over the year 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. Figure 1 of Appendix F 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. | | | | | | | | | | | | | | | | | | | | |
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| 6.64 | <p>Planning Referral Panel – Proportions Referred to Planning Committee</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>Table 1: 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% |
| 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) | | | | | | | | | | | | | | | | | | |
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| 1 April 2019 – 31 March 2020 | 87% | 12% | 96.4% | | | | | | | | | | | | | | | | | | |
| 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> | | | | | | | | | | | | | | | | | | | | |

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| | 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 (Figure 1 of Appendix S). |
| 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><u>Routes to Planning Committee</u></p> <p>In accordance with the East Suffolk Constitution (relevant extract in Appendix A), 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"> 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 application is referred by the Planning Referral Panel |
| 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. |

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| 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 | Planning Committee – Route to Planning Committee 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. |

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| 6.79 | As shown in Figure 1 of Appendix S , 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 | <u>Planning Committee – Numbers, Proportions and Scale of Applications</u> 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 Figures 2 – 4 of Appendix R , 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 | <u>Planning Committee – Geographical Distribution of Applications</u> 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 Figure 4 of Appendix S , 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. |

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| 6.85 | <p>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.</p> |
| 6.86 | <p>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).</p> |
| 6.87 | <p><u>Planning Committee – Variations over the year</u> During 2022-2023 financial year there was significant variation in the number of items at each of the North and South Planning Committees (Figure 1 of Appendix R). 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 | <p>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 (Figures 2 and 3 of Appendix R).</p> |
| 6.89 | <p><u>Planning Committee – Ward Member, Town/Parish Council, Agent/Applicant and Third Party Speaking</u> 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 Figure 1 of Appendix T , 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. | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 6.91 | <p>As detailed in Figures 2 – 4 of Appendix T 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="320 734 1385 1641"> <thead> <tr> <th></th> <th>Straight to committee by the Head of Service or the Chairman/ Vice-Chairman of Planning Committee.</th> <th>ESC Connection</th> <th>Via the Planning Referral Panel</th> <th>Overall</th> </tr> </thead> <tbody> <tr> <td>Town/Parish Council</td> <td>21%</td> <td>2.4%</td> <td>28.1%</td> <td>24%</td> </tr> <tr> <td>Third Party / Objector</td> <td>18.4%</td> <td>4.9%</td> <td>9.4%</td> <td>16%</td> </tr> <tr> <td>Agent or Applicant</td> <td>42.1%</td> <td>2.4%</td> <td>65.6%</td> <td>40%</td> </tr> <tr> <td>Ward Member (Specifically mentioned as speaking as Ward Member in the minutes)</td> <td>31.6%</td> <td>0%</td> <td>18.8%</td> <td>24%</td> </tr> </tbody> </table> <p>Table 2: The proportions each party spoke on applications at Planning Committee (shown in the graphs in Appendix T). <i>(These percentages will not equal 100% as some items have more than one speaker and others have none)</i></p> | | Straight to committee by the Head of Service or the Chairman/ Vice-Chairman of Planning Committee. | ESC Connection | Via the Planning Referral Panel | Overall | Town/Parish Council | 21% | 2.4% | 28.1% | 24% | Third Party / Objector | 18.4% | 4.9% | 9.4% | 16% | Agent or Applicant | 42.1% | 2.4% | 65.6% | 40% | Ward Member (Specifically mentioned as speaking as Ward Member in the minutes) | 31.6% | 0% | 18.8% | 24% |
| | Straight to committee by the Head of Service or the Chairman/ Vice-Chairman of Planning Committee. | ESC Connection | Via the Planning Referral Panel | Overall | | | | | | | | | | | | | | | | | | | | | | |
| Town/Parish Council | 21% | 2.4% | 28.1% | 24% | | | | | | | | | | | | | | | | | | | | | | |
| Third Party / Objector | 18.4% | 4.9% | 9.4% | 16% | | | | | | | | | | | | | | | | | | | | | | |
| Agent or Applicant | 42.1% | 2.4% | 65.6% | 40% | | | | | | | | | | | | | | | | | | | | | | |
| Ward Member (Specifically mentioned as speaking as Ward Member in the minutes) | 31.6% | 0% | 18.8% | 24% | | | | | | | | | | | | | | | | | | | | | | |
| 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. | | | | | | | | | | | | | | | | | | | | | | | | | |

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| 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><u>Application outcomes</u></p> <p>As illustrated in the figures within Appendix V, 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><u>Appeal Outcomes</u></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) (Appendix F, Figure 3 to the Performance Report).</p> |
| 6.98 | The appeals were against applications that were determined both by Planning Committee and those delegated to officers (Appendix F, Figure 1), 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. |

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| 6.99 | The proportions dismissed/allowed and their ESC determination route are detailed in Appendix F, Figure 2 , 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><u>Timeliness of Determination based upon determination route</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> |
| 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"> - 8 weeks for other/minor applications - 13 weeks for Major applications - 16 weeks for applications accompanied by an Environmental Statement (EIA development) |
| 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 |

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| | 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 Appendix W 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><u>Recommendations of Scrutiny Committee</u></p> <p>In March 2023, the Scrutiny Committee resolved to recommend:</p> <ul style="list-style-type: none"> - the introduction of a triple-lock process as an additional mechanism to take applications to Planning Committee directly, - a casting vote by a member at the Planning Referral Panel, - the potential increase of the time permitted for objectors to speak at Planning Committee, - the addition of a QR code on site notices to link to a webpage with advice on commenting on applications, and - queried the outcomes and if there were any further actions arising from the meeting between SALC and officers. |
| 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: | |
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| 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 |

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| 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 |

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| Background reference papers: |
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| None. |
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