

**Planning Applications: Consultation with Navigation Committee**  
Report by Director of Planning and Strategy

<p><b>Summary:</b> This report outlines for members the process for consulting the Navigation Committee in respect of planning applications.</p>
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**1 Introduction and Background**

- 1.1 The Broads Authority is the Local Planning Authority for the Broads Area. It receives on average between 350 and 400 applications per year as well as consultations on planning applications received by the adjoining Districts and County Councils.
- 1.2 As with all Local Planning Authorities applications are determined either by delegated powers (at officer level) or by Planning Committee. The Government has set targets for the speed of determination of applications. These are 13 weeks for “major” applications and 8 weeks for “minor” and “other” applications. The definitions are set nationally. The determination time runs from the moment the application is validated by the Local Planning Authority until the decision notice is issued. (N.B. For applications that are determined by Planning Committee the decision notice may not necessarily be issued on the day depending upon the complexity of the conditions or whether a Section 106 legal agreement is required.) Local Planning Authorities are required to report their determination figures quarterly to the Department of Communities and Local Government which is the parent Government Department for Planning. These figures are also reported on a quarterly basis to Planning Committee.
- 1.3 Over the last 12 months the speed of determination has taken on greater significance as the Government has indicated that authorities that are underperforming i.e require “special measures” or are consistently in the bottom of the league tables, will have their applications determined for them by the Planning Inspectorate. Members may recall that the Broads Authority was a “standards authority” in 2005/06 when the adjoining District Councils were responsible for the processing of planning applications.
- 1.4 The Government expects approximately 90% of planning applications to be determined under delegated powers. In 2011/12, 85% of Broads Authority applications were determined under delegated powers. In March 2012 the Planning Committee reviewed its terms of reference with the specific intention to ensure that the Committee only considered applications where there was a significant material planning issue raised. The purpose of this was both to protect determination times and to reduce the workload associated with the Committee process in recognition of the staff cuts resulting from the

Comprehensive Spending Review. It was considered that the new arrangements balanced efficiencies of process with the accountabilities afforded by Committee decisions.

## **2 Consultation with Navigation Committee**

- 2.1 Section 4 (1) of the 2009 Broads Authority Act requires the Authority to consult the Navigation Committee *“before determining any application for planning permission which may significantly affect the use or enjoyment of any aspect of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority”*. I have underlined the “and” in the sentence to make the point that to meet the test a planning application needs to satisfy both tests, to both have a significant affect and conflict with a policy, plan, strategy or procedure.
- 2.2 Clearly time is of the essence and the earlier it can be identified that an application meets the criteria and therefore the Navigation Committee needs to be consulted then the better. With some applications this is obvious upon receipt of the application and the Case Officer and/or the Head of Development Management and/or Director of Planning and Strategy will inform Committee Services so that it can be included on the appropriate draft Agenda for discussion at the Agenda setting meeting e.g the Pegasus Application on today’s agenda. Historically the flood defence applications made by BESL have been brought to the attention of Navigation Committee by the BFAP Project Officer, now Senior Waterways and Recreation Officer where there is a potential conflict with the Authority’s policies and they have a significant impact on the navigation area – for example through the proposed removal of piling at an established mooring.
- 2.3 Sometimes the potential for impact on the navigation area is less obvious and it may only be through the consultation process (internally or externally) that the significance of an issue becomes more apparent. Where possible this will then be notified using the same process as outlined above if the committee deadlines permit.
- 2.4 If the timescales do not allow for consideration by the full Navigation Committee then the option exists for consultation with the Chairman and Vice Chairman of the Committee and for any comments they have to be forwarded on to the Planning Committee.
- 2.5 Both the Chairman and Vice Chairman of the Navigation Committee receive the weekly list of planning applications validated and therefore if there is an application that they feel meets the criteria outlined in paragraph 2.1 above then they can bring that to the Case Officer’s attention at an early stage. It should also be noted that the consultation on any planning application is an open process and any member is entitled to comment, whether or not they have been formally consulted.
- 2.6 The purpose of consultation with Navigation Committee is to utilise the expertise of the members in navigation matters and to inform the deliberations

of the Planning Committee. The Navigation Committee will focus on the navigation impacts of a specific application and make comments. This may result in the Planning Committee considering the imposition of conditions to overcome any adverse navigation impacts. Conditions need to satisfy the test of Circular 11/95 in that they are necessary, relevant to the development, relevant to planning, enforceable, precise and reasonable.

- 2.7 For information, members may wish to be advised that the Broads Society is consulted on every planning application and the Norfolk and Suffolk Boating Association also receives the weekly list.

Background papers: Broads Act 2009; Committee Terms of Reference July 2012

Author: Andrea Long  
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Broads Plan Objectives: None

Appendices: None