

**Review of Planning Committee Procedures and Scheme of Delegation**  
Report by Director of Planning and Strategy

**Summary:** Following receipt of the National Park Authorities Performance Assessment Report in November 2011, the Authority will be reviewing its consultative arrangements together with a review of its Committees. This is contained with the NPAPA Improvement Plan which was endorsed by Authority members at their meeting in January 2012. Following that decision a small working group was established to undertake a draft review of the Planning Committee procedures and Scheme of Delegation to Officers. The Working Group has made a number of recommendations for changes to the Scheme of Delegation, and the Public Speaking leaflet which will require formal endorsement by members but also suggested a number of changes to Planning Committee agenda papers and committee procedures.

**Recommendation:** Members are requested to consider the recommendations of the working group as outlined in this report and recommend to the Authority that it formally adopts the amendments to the Scheme of Delegations and the Planning Committee Code of Conduct for Members and Officers – Public Speaking at Planning Committee, outlined in Appendix 1 and 2 of this report.

## **1 Background**

- 1.1 Following receipt of the National Park Authority Performance Assessment Report in November 2011, the Authority will be reviewing its consultative arrangements together with a review of its Committees. This is contained with the NPAPA Improvement Plan which was endorsed by Authority Members at their meeting in January 2012.
- 1.2 Following that decision, a small working group was established to undertake a draft review of the Planning Committee Procedures and Scheme of Delegation to Officers. The Working Group consisted of the Chairman and Vice Chairman of the Planning Committee, the Director of Planning and Strategy, the Administrative Officer and support from the Head of Development Management.
- 1.3 The Group met on 27 January 2012. The overall aim of the meeting was to streamline the Committee procedures given:

- (i) the reduced resources of the Authority; and
- (ii) the need to complete meetings within three hours.

1.4 It was agreed that the focus would be to scrutinise three areas:

- reviewing the Scheme of Delegation;
- reviewing the agenda papers and minutes; and
- reviewing the Committee Procedures eg; Presentations, Public Speaking and Debates.

## **2 Review of Scheme of Delegations**

2.1 It was agreed that some minor amendments could be made to tighten the scheme of delegation in order to reduce the number of applications coming to Committee. These related to Paragraph E (34) (iv) (v) to include the word “substantial” (where these were contrary to officer recommendations). It was also suggested that officers should apply the delegation more strictly.

2.2 Revision of the scheme to include the decision already made at a previous Committee in respect of Section 106 Agreements was further endorsed.

2.3 Subsequent to these discussions, at the Planning Committee meeting of 3 February 2012, members suggested that further alterations to the Scheme of Delegations be made so as to preclude the need for the confirming of uncontroversial Tree Preservation Orders to come to Planning Committee. Members felt that this should mirror the approach to planning applications and members should only see them if there were objections.

2.4 It was noted that these amendments would need formal agreement from the Broads Authority and therefore would need to go forward to the Authority meeting in March and after consideration at Planning Committee in March. The suggested amendments are reproduced for members at Appendix 1.

## **3 Review of Agenda Papers and Minutes**

### **Reducing and Streamlining Agenda Papers**

The following items were discussed:

- Reports to be shortened
  - Policies need not be reproduced in full but relevant policy numbers listed – all members will be given a folder in due course, which will contain all the Authority’s policies.
  - Consultation responses to be précised rather than reproduced in full. (All papers are available to view in the Public Access on the Authority’s website.)
  - Opportunities to reduce the description will be taken especially if this also appears within the Assessment. The assessments will still need to cover the salient points. As a general rule an attempt to shorten where at all possible should be taken.

- Minutes - The blue schedule is no longer required as the decision will refer to conditions in the report. Any additional conditions will of course be minuted.
- No reports will be required on Appeal Decisions – The Inspector’s letter will suffice. Alternatively, this can be emailed direct to members without the need for inclusion in the Agenda.
- Circular 28/83 - Planning Statistics - Appendices 1 and 2 no longer required.
- It will be taken that members have read their papers in full. If anyone wishes to have further information, this can be accessed through the Authority’s website or via officers.

#### 4 **Reviewing the Committee Procedures**

The following areas were discussed:

##### 4.1 **Presentations**

Where items are relatively straightforward there will not be the need for a full presentation. It will be taken that members have read their papers in full. The Chairman will make this clear at the beginning of the consideration of applications.

##### 4.2 **Public speaking** arrangements including the Public Speaking leaflet.

The following amendments are suggested:

- Insert “Questions for the Officer from Members” following Assessment.
- Changes to the order of speakers: Parish Council to speak first followed by Objector.
- Time extended to allow speaking to a maximum of five minutes for each category of speaker.
- Include Supporter alongside Applicant/or Agent.

##### 4.3 **Order of Agenda**

- Where applications provoke considerable public interest and this is known before the meeting, these will be placed on the agenda first. (This is normally the case.)
- If this was not apparent prior to the Agenda being published, the Chairman will consider varying the order at the meeting. This can be done under Agenda Item 7 and the wording of that item will be amended accordingly. **“Requests to Defer Applications included in this agenda and to vary the Order of the Agenda”** To consider any requests from Ward Members, officers or applicants to defer an application included in this agenda or vary the order in which applications are considered to save unnecessary waiting by members of the public attending.

4.4 The proposed amendments to the Code of Conduct for Members and Officers – Public Speaking at Planning Committee are attached at Appendix 2 for members' information.

## **5 Conclusion**

5.1 Members' views are requested on the above and the proposed amendments at Appendix 1 and 2.

Background papers: None

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Appendices: APPENDIX 1: Extract from the Scheme of Delegations to Officers  
APPENDIX 2: Planning Committee Code of Conduct for Members and Officers – Public Speaking at Planning Committee.

Extract from the Scheme of Delegations

Members please note – Section (34) below relates to Planning Committee Delegations and Sections 35 onwards relates to Officer Delegations

<b><u>E</u> Planning</b>	
(34)	<p>All planning applications<sup>1</sup> are considered to fall within the delegation scheme and will be determined by officers unless:</p> <ul style="list-style-type: none"> <li>(i) it constitutes a major application as defined in the Town and Country Planning (General Development Procedure) Order 2005;</li> <li>(ii) the application represents a departure from the development plan policies including the Broads Local Plan/Local Development Framework and any relevant policy adopted by the Authority and it is proposed to grant planning permission;</li> <li>(iii) objections are received from any statutory consultee (excluding parish councils) in respect of any proposed development within the 21 day period for consultation and it is proposed to grant planning permission;</li> <li>(iv) representations are received from parish councils in respect of any proposed development within the 21 day period for consultation where these raise substantial material planning considerations in writing;</li> <li>(v) representations are received from other persons in respect of any proposed development within the 21 day period for consultation where these raise <u>substantial</u> material planning considerations in writing;</li> <li>(vi) any member of the Authority requests within 21 days of receipt of the schedule of planning applications that the application is placed before the Planning Committee for a decision and provides a <u>substantial</u> material planning reason for that request in writing;</li> <li>(vii) the Ward member of the relevant District Council requests within 21 days of receipt of the schedule of planning applications that the application is placed before the Planning Committee for a decision and provides a <u>substantial</u> material planning reason for that request in writing;</li> <li>(viii) the Director of Planning and Strategy considers that the matter ought more appropriately be referred to the Committee for a decision;</li> <li>(ix) any member or member of staff of the Authority is involved in the application.</li> </ul>

<sup>1</sup> The applications and notification shall include planning permission, approval of reserved matters, advertisement consent, listed building consent, conservation area consent, prior approval applications submitted under the Town and Country Planning (General Permitted Development) Order 1995 and consent under the Hazardous Substances regulations.

(35)	To approve details submitted in accordance with a condition of a planning consent.
(36)	To serve Breach of Condition Notices and Planning Contravention Notices.
(37)	In cases of urgency and (subject to consultation (if possible) with the Chair, or in the absence of the Chair the Vice-Chair, of the Planning Committee): <ul style="list-style-type: none"> <li>(i) to serve Building Preservation Notices;</li> <li>(ii) to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices;</li> <li>(iii) to issue Enforcement Notices, Stop Notices and Article 4 Directions;</li> <li>(iv) to take enforcement action in respect of unauthorised advertisements.</li> </ul>
(38)	(i) To make and serve Tree Preservation Orders. (ii) <u>To confirm non-controversial Tree Preservation Orders</u>
(39)	(i) To comment on non-controversial felling licence applications and broadleaved woodland grant schemes;
	(ii) to make observations to the Forestry Commission on applications for grants and Forestry Grant Schemes and consultations over dedication schemes and the Commission's own new planting proposals in relation to areas up to 10 hectares.
(40)	To deal with notices to lop, top and fell trees in conservation areas. Applications to lop, top or fell trees within Tree Preservation Orders or Groups.
(41)	To submit observations on environmental issues and to lodge holding objections in respect of applications for Goods Vehicle Operators licences.
(42)	To reply to consultation on certified sites for camping and caravanning and for caravan and tent rally sites.
(43)	In respect of planning applications: <ul style="list-style-type: none"> <li>(i) to sign and issue the formal decision notices on planning matters which have been before the Planning Committee or determined under delegated powers;</li> <li>(ii) to impose detailed conditions on planning permissions granted by the Authority (including deemed permissions);</li> <li>(iii) to determine the appropriate grounds where permission is either refused or approved;</li> <li>(iv) to refuse a planning application, if within six months of any decision to enter into a Section 106 Agreement by Committee, that Agreement has not been signed.</li> </ul>
(44)	To decide those cases where an environmental impact assessment should be submitted and to agree the scope of the environmental impact assessment. (The Chair of the Authority and Local District Member(s) to be informed).
(45)	To determine whether to exercise the discretionary power available to the Authority with regard to the siting, design and external appearance of agricultural and forestry buildings and the siting and means of construction of private roads for agricultural and forestry purposes.
(46)	To notify developers that their operations are not likely to have a significant effect on a European Site, following consultation with Natural England, under the terms of the Conservation (Natural Habitats Etc) Regulations 1994.
(47)	To implement the Hedgerow Regulations 1997 in authorising rights of entry, administrative consultation arrangements and the use of outside assistance.
(48)	To give observations in respect of development by other authorities, government departments and statutory undertakers where there are no outstanding objections which cannot be met within the terms of the observations.

(49)	To determine Forestry Grant applications up to £2,500.
(50)	To respond to consultations on planning applications in respect of land outside the Authority's Executive Area, subject to consideration by the Planning Committee of those applications which have serious implications for the Broads, either in landscape or environmental terms.
(51)	To serve Breach of Condition Notices and Planning Contravention Notices.
(52)	To fulfil the Authority's role as a Competent Authority with regard to consideration of development proposals affecting Special Protection Areas and Special Areas of Conservation in the Broads, including the determination of Appropriate Assessments.
(53)	In respect of non-material amendments to planning applications: <ul style="list-style-type: none"> <li>(i) to define in individual cases that constitutes a non-material amendments; and</li> <li>(ii) to determine applications for non-material amendments except in cases that fall within paragraph 34(ix) of this scheme.</li> </ul>
(54)	<u>To determine applications that require a Section 106 Agreement or an amendment to an existing Section 106 ,that do not fall under the provisions of Section 34.</u>

**Extract from Planning Committee Code of Conduct for Members and Officers**

**Proposed amendments**

**The Broads Authority  
Public Speaking at Planning Committee**

**The Public Speaking Scheme**

**1 Introduction**

The scheme relates to matters where the Broads Authority is the decision maker and not where it is asked to respond as a consultee to a proposal.

The public speaking scheme does not apply to enforcement matters (because these do not involve any public consultation as such) nor to applications where ~~there are no objections from third parties and~~ the proposal is dealt with under delegated powers, ~~or if the proposal is refused under delegated powers.~~ The scheme also does not apply to policy matters or consultations eg: Local Development Framework (LDF).

**2 Making an Objection**

Objectors to applications are encouraged to follow the procedure of making written submissions which can be referred to in reports submitted to the Planning Committee. In addition, the opportunity also to speak in front of the Committee is available if a formal objection has previously been made.

It is important to stress that there will be no disadvantage to objectors who prefer not to, or are unable to, present their objection in person. Planning officers will ensure that objections received are fairly reported and Members will take the matters raised fully into consideration when making a decision.

**3 Other Authorities**

The views of County and District Councils, Parish Councils and the Highway Authority will be reported to the Planning Committee when received in time for the agenda.

Objectors include individuals and interest groups and organizations. Parish Councils and Ward or Division members of District Councils and the County Council are also able to address the Planning Committee as part of the public speaking procedure.



#### 4 **Supporting an Application**

The applicant ~~/or agent (but not both),~~ and supporters will have the opportunity at the meeting to speak. Applicants are however encouraged to work with the Planning Officer to ensure sufficient information has been submitted in advance to enable Planning Committee to make a fully informed decision.

~~Given that the applicant will be invited to address the Committee, supporters of an application will not be allowed to address the Committee.~~

#### 5 **Making a Presentation**

It is the responsibility of objectors and the applicant to contact the Planning Case Officer to follow the progress of the application and arrange to attend the relevant meeting. [Progress on applications, together with the agendas and reports to the Authority's Committees can be viewed on the Authority's website at \[www.broads-authority.gov.uk\]\(http://www.broads-authority.gov.uk\).](#)

A request to speak shall be made to the Committee Secretary as soon as possible and no later than 30 minutes prior to commencement of the meeting in the Committee Room.

A table will be set aside within the room to enable third parties speakers to address the meeting. At the beginning of the consideration of the planning applications, the Chairman will ask members of the public who wish to speak to come up to the public speaking desk at the beginning of the presentation of the relevant application. Consideration can be given to changing the order of the agenda items if this is helpful in cases of exceptional public interest.

Any person exercising the right to speak under the scheme will have the opportunity to speak immediately **after** the full presentation of the relevant planning application by the Planning Officer. Representations will be heard in the following order:

##### **Planning officer provides description of application, responses received, full assessment with recommendation**

Councillor(s) Parish Council (5 mins)

Objectors (3-5 mins)

Applicant/agent/Supporter (3-5 mins)

Ward or Division Councillor(s) (3-5 mins)

##### **Discussion and Consideration of Decision**

Objectors and applicants addressing the Committee will be expected to make their presentations within a maximum of three-five minutes. Extensions of time will be agreed with the Chairman beforehand.

If there are several objectors they should agree beforehand on sharing or delegating their time. If agreement cannot be reached, it may be necessary for the Committee to decide that all/some parties will not be heard. The Chairman will have the ultimate decision to decide who will speak on behalf of

the objectors. If there are exceptional circumstances of public interest, the Chairman will have the discretion to increase the time allocated.

With the Chairman's permission, Members of the Committee or officers will be allowed to ask questions of the objector and/or applicant to seek clarification about the points raised. This will be additional time to that allocated for public speaking and should only be used to seek clarification on the point being made, not for the purpose of facilitating speaking.

Speakers will not be allowed to question other speakers, officers or members. The Planning Officer will respond to comments and answer questions where required.

~~The opportunity to speak will only be allowed on one occasion and usually at the meeting which decides whether or not permission should be granted.~~ If the Committee defers a decision an objector who has previously presented at a Committee will not normally be allowed to address the Committee at a subsequent meeting on the same application (unless new issues arise) but their views will be considered.

## **6 Deferral**

If new evidence is brought to the Committee it may be necessary to defer consideration of the application to a subsequent meeting.

~~If, as a result of representations made, the Committee is minded to approve an application recommended for refusal it will may be necessary to defer determination to a subsequent meeting.~~