

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 4th March 2009
Report of: Borough Solicitor
Title: Planning Committee Membership and Arrangements

1.0 Purpose of Report

To explain the constitutional arrangements for Planning Governance approved by Council,

To appoint members to Northern and Southern Planning Committees,

To discuss various practical working arrangements and Member training.

2.0 Decisions Required

- Appointment of members [to be nominated on 4th March] to a Planning Committee (the Northern Committee), meeting for the first time on Wednesday 8th April at [a time to be fixed] in Macclesfield and thereafter every 3 weeks.
- Appointment of members [to be nominated on 4th March] to a Planning Committee (the Southern Committee), meeting for the first time on Wednesday 22nd April at [a time to be fixed] in Crewe and thereafter every 3 weeks.

3.0 Legal Implications

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 reserve planning and development control to the Council, as opposed to the Executive. The Council is under a statutory duty to determine planning applications within 8 and 13 week deadlines. Applications not determined in time are deemed refused and may be appealed. Further, they reflect poorly on the Council's national performance indicators. The Council must have a decision-making structure in place and working from 1st April 2009. This will need to incorporate a chain of delegation through Committees and officers, in order to meet the statutory deadlines.

4.0 Proposed Structure: Background

In November 2008, Advisory Panel – Places set up a Development Management Task Group to develop a proposal for Planning Governance. The Group comprised experienced Planning Councillors and Development Managers. It met three times, considered various options and reported back to the Panel on 27th January 2009. The Panel agreed with the Group's recommendation that the Development Management function should be discharged by one Strategic Planning Board, supported by two Planning Committees and a full scheme of officer delegation. This structure

- maintains performance targets of 60%, 65% and 80% for Major, Minor and Other applications within 8 and 13 week deadlines
- maintains at least 90% delegation to Officers, with an appropriate division of responsibility above that level and with a set of checks and balances between the three tiers
- ensures a smooth transition over Day One with flexibility to respond quickly to issues arising in practice over the forthcoming months
- implements good practice guidance published by the government.

On 9th February 2009 the Governance & Constitution Committee recommended the structure to Full Council. If Council adopts it on 24th February 2009, it will also appoint Members to the Strategic Planning Board.

5.0 Strategic Planning Board

The Board's Terms of Reference are at Appendix A. They encompass three roles:

- The determination of major applications
- Overview and control of the workload and working practices of all three tiers (i.e.: the Board, the Committees, the scheme of Officer Delegation)
- Consultation and feedback regarding Planning Policy

In its overview role, the Board will monitor consistency between the tiers and identify training needs. It will monitor performance in order to respond quickly and flexibly to the actual workloads which emerge over the next twelve months. For example, should it turn out that a three-weekly cycle of meetings is overstressing resources or that performance is slipping for some other reason, the Board has power to vary arrangements. It may re-direct more work to one tier in order to ease the burden on another. It may adjust the size, number or frequency of the Committees.

Its overview role includes the adoption of working protocols. These documents are important to maintain quality and performance and to explain to the public how the Service works. The Board can adapt them quickly and flexibly as issues arise in practice e.g. protocols regarding Members call-in procedure, public speaking rights, the conduct of site visits.

By including the two Portfolio Holders among its membership and by performing a consultation and feedback role, the Board will maintain links with the Planning Policy function, again in line with DCLG advice.

6.0 The Planning Committees

Terms of Reference are set out at Appendix B. The Committees will deal with medium scale applications and those which merit public consideration for some other reason e.g. the applicant has a close Council connection.

Cheshire East will generate around 5,000 applications per year. Delegating small-scale applications to Officers and reserving large-scale applications to the Strategic Planning Board, will leave around 400-500 applications for determination by Committee. With agendas of around 12 applications, it should take two Planning Committees, meeting every three weeks, to discharge this workload.

Currently, about 2,500 applications arise in the north of the new Borough and 2,500 in the south. There is sense in directing northern applications predominantly but not exclusively towards one Committee and southern applications predominantly but not exclusively towards the other. A northern/southern direction of applications will build up each Committee's local knowledge quickly. This will reduce the number of deferrals for site visits and help to maintain performance during this period of transition. It will be more convenient for the public and will promote local attendance and involvement.

The Committees will have in-built flexibility rather than a strict geographical remit. Able to consider applications from the whole Borough, each committee can assist meeting critical deadlines, smooth out variations in workloads and avoid parochialism.

Mindful of government advice regarding consistency of approach between separate Committees, all Committee Members will undertake the same training and the Board will maintain oversight of the Committees' work. The Committees also reflect government advice by being

- a reasonable size: 15 Members each,
- politically proportionate rather than Ward based
- few in number
- supported by a scheme of officer delegation

and by convening often enough to meet performance targets

Complying with government advice regarding performance indicators and responsible ownership of decisions, referral up to the Strategic Planning Board is limited to circumstances where Committees are minded to approve applications involving a significant departure from policy.

7.0 Delegation Scheme

The Scheme is set out at Appendix C. It complies with government advice by directing a large number (90%) of smaller, routine applications towards Officers. The Scheme incorporates common checks and balances e.g. the Head of Planning and Policy cannot approve applications which would be a departure from policy. He has discretion to refer delegated items up to Committee if particular circumstances warrant. Members have the right to call applications in to Committee. Like other practical, working arrangements, the detail of the call-in procedure will be set out in a protocol to be approved by the Strategic Planning Board.

8.0 Dates

The Strategic Planning Board will meet in Shadow form on 4th and 25th March in order to

- elect its Chair and Vice Chair
- appoint members to the two Planning Committees and settle practical arrangements regarding their meetings.
- adopt a series of Day 1 working protocols governing the Development Management function e.g. speaking rights at Committee, northern/southern direction of applications between the two Committees, call-in procedure.

Appendix D is a calendar of 3-weekly meetings. For the public's convenience, it is suggested that

- the Strategic Planning Board generally meets at Sandbach at 2pm on Wednesdays
- the Northern Planning Committee generally meets at Macclesfield [at a time to be fixed] on Wednesdays
- the Southern Planning Committee generally meets at Crewe [at a time to be fixed] on Wednesdays.

Members are asked to set the meeting times of the two Committees.

Planning training is mandatory. A full days training for Planning Members has been organised at Congleton Town Hall 9.15am – 4.30pm with a choice of either 17th or 19th March. Draft programmes will be available by 4th March 2009.

For further information:

Portfolio Holder: Councillor Jamie Macrae

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Background Documents:

Borough Solicitor`s Report to Governance & Constitution Committee 9th February 2009: Planning & Development Control: Committee Structure and Delegations.

Documents are available for inspection at: Westfields, Sandbach

**Strategic Planning Board
Terms of Reference**

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level: and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) to vary the number, size and working arrangements of the Planning Committees, to appoint their membership, to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy

(c) to adopt working protocols and procedures: e.g.: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning & Policy but the following are reserved to the Board

(a) applications for Large Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;

- 10,000 square metres or more, or 2ha. or more of retail, commercial or industrial or other floorspace.

(b) applications for major minerals or waste development

(c) applications requiring Environmental Impact Assessments

(d) applications involving a significant departure from policy which a Planning Committee is minded to approve.

(e) any other matters which have strategic implications by reason of their scale, nature or location.

(f) any other matters referred up to it at the discretion of the Head of Planning & Policy

(g) applications involving a significant departure from policy which a Committee is minded to approve

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions

Planning Committees

Terms of Reference

1. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Policy & Planning: the following are retained for the Planning Committees,

applications for Small Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 10-199 dwellings or between 0.5 and 4ha
- retail or commercial/industrial or other floorspace of between 1,000 -9,999 square metres. or between 1ha – 2 ha.

2. To determine any other planning & development control matters

- (a) advertised as a departure from policy, which the Head of Planning & Policy is minded to approve.
- (b) submitted by a councillor, senior Council officer (tier 2 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.
- (c) involving the Council either as applicant or land owner. Unless the Head of Planning & Policy identifies some significant factor, this category will not normally include minor developments which accord with planning policy and to which no objection has been made.
- (d) referred up to them by a councillor in accordance with the Committees' call-in procedure.
- (e) referred up to them at the discretion of the Head of Planning & Policy.

The Committees will refer up to the Strategic Planning Board applications involving a significant departure from policy which they are minded to approve.

Delegation of Planning Functions to Officers

1. Apart from matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Head of Planning & Policy.

Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use & development, enforcement, listed buildings and conservation areas. The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme applies to those new provisions.

2. The Head of Planning & Policy will refer up to a Planning Committee or to the Strategic Planning Board any particular matter which they consider suitable for determination at that level.

	April 2009	May 2009	June 2009	July 2009	August 2009
Mon			1		
Tues			2		
Weds	1		3 Southern Planning Committee (C	1 Northern Planning Committee (M)	
Thurs	2		4	2	
Fri	3	1	5	3	
Sat	4	2	6	4	1
Sun	5	3	7	5	2
Mon	6	4	8	6	3
Tues	7	5	9	7	4
Weds	8 Northern Planning Committee (M)	6 Strategic Planning Board (S)	10 Northern Planning Committee (M)	8 Strategic Planning Board (S)	5 Southern Planning Committee (C
Thurs	9	7	11	9	6
Fri	10	8	12	10	7
Sat	11	9	13	11	8
Sun	12	10	14	12	9
Mon	13	11	15	13	10
Tues	14	12	16	14	11
Weds	15 Strategic Planning Board (S)	13 Southern Planning Committee (C	17 Strategic Planning Board (S)	15 Southern Planning Committee	12 Northern Planning Committee
Thurs	16	14	18	16	13
Fri	17	15	19	17	14
Sat	18	16	20	18	15
Sun	19	17	21	19	16
Mon	20	18	22	20	17
Tues	21	19	23	21	18
Weds	22 Southern Planning Committee (C)	20 Northern Planning Committee (M)	24 Southern Planning Committee (C	22 Northern Planning Committee	19 Strategic Planning Board (S)
Thurs	23	21	25	23	20
Fri	24	22	26	24	21
Sat	25	23	27	25	22
Sun	26	24	28	26	23
Mon	27	25	29	27	24
Tues	28	26	30	28	25
Weds	29 Northern Planning Committee (M)	27 Strategic Planning Board (S)		29 Strategic Planning Board (S)	26 Southern Planning Committee
Thurs	30	28		30	27
Fri		29		31	28
Sat		30			29
Sun		31			30
Mon					31

	<u>September 2009</u>	<u>October 2009</u>	<u>November 2009</u>	<u>December 2009</u>	<u>January 2010</u>
Mon					
Tues	1			1 Strategic Planning Board (S)	
Weds	2 Northern Planning Committee			2	
Thurs	3	1		3	
Fri	4	2		4	1
Sat	5	3		5	2
Sun	6	4	1	6	3
Mon	7	5	2	7	4
Tues	8	6	3	8	5
Weds	9 Strategic Planning Board (S)	7 Southern Planning Committee (C)	4 Northern Planning Committee	9 Southern Planning Committee (C)	6
Thurs	10	8	5	10	7
Fri	11	9	6	11	8
Sat	12	10	7	12	9
Sun	13	11	8	13	10
Mon	14	12	9	14	11
Tues	15	13	10	15	12
Weds	16 Southern Planning Committee (C)	14 Northern Planning Committee	11 Strategic Planning Board (S)	16 Northern Planning Committee	13
Thurs	17	15	12	17	14
Fri	18	16	13	18	15
Sat	19	17	14	19	16
Sun	20	18	15	20	17
Mon	21	19	16	21	18
Tues	22	20	17	22	19
Weds	23 Northern Planning Committee	21 Strategic Planning Board (S)	18 Southern Planning Committee (C)	23 Strategic Planning Board (S)	20
Thurs	24	22	19	24	21
Fri	25	23	20	25	22
Sat	26	24	21	26	23
Sun	27	25	22	27	24
Mon	28	26	23	28	25
Tues	29	27	24	29	26
Weds	30 Strategic Planning Board (S)	28 Southern Planning Committee (C)	25 Northern Planning Committee	30 Southern Planning Committee	27
Thurs		29	26	31	28
Fri		30	27		29
Sat		31	28		30
Sun			29		31
Mon			30		