

Annex 1: Changes to Local Scheme of Delegation in relation to Executive Director of Place and Director of Environment and Neighbourhood Services

In respect of section 3 of the current Local Schemes of Delegation for the Delegation of Powers from Executive Director of Place and Director of Environment and Neighbourhood Services it is proposed that the following is added to the 'Area of responsibility' column of the table:

- **HS2 Schedule 17 Applications**

Annex 2: Cheshire East Council Constitution

In respect of the current Cheshire East Council Constitution Edition: 16 June 2020, Chapter 2 part 6 Delegations to the Executive Director (Place) it is proposed that the following is added into the list on paragraph 52 under 'Environment and Neighbourhood Services':

- **HS2 Schedule 17 Applications**

Additionally, with respect to the current Cheshire East Council Constitution Edition: 16 June 2020, Chapter 2 part 5 'Functions of Committees paragraph 22 the following amendments are proposed (shown in bold, italics and underlined)

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 division of functions and delegations between the Board, the Planning Committees and the Head of Planning;

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, Referral procedure and others.

2. To exercise the Council's functions relating to town & country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, and any **relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Bill" (Act following its assent)**. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning, but the following are reserved to the Board:

(a) Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;
- 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

(b) Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.

(c) Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is recommended to approve.

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

(e) Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in (a) above which have wider strategic implications.

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.

4. To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

5. To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning in liaison with a Principal Planning Officer

Northern and Southern Planning Committees

Terms of Reference

To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of

trees, the regulation of high hedges and any **relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Bill**” (Act following **its assent**). Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Planning: the following are retained for the Planning Committees:

1) Applications for Small Scale Major Development for:

- residential developments of 20 to 199 dwellings or between 1 and 4ha
- retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4ha.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

To determine any other planning and development control matters:

- advertised as a departure from policy, which the Head of Planning is minded to approve
- submitted by a Councillor, senior Council officer (Grade 12 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 where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers
- significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made
- referred up to them by a Councillor in accordance with the Committees` Referral procedure. However:
 - any request must be received within 15 working days of the issue of the electronic notification of the application and set out the material planning consideration(s) which warrant the application going before committee. **Except for a request to review the Schedule 17 Application where a 7 day time frame will apply.**

- applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers
- applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call in and will be dealt with under delegated powers
- there will be a presumption that a call-in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
- any other matters referred up to them at the discretion of the Head of Planning.
- **To determine any relevant Schedule 17 Applications as deemed appropriate by the Head of Planning in liaison with a Principal Planning Officer**

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve contrary to recommendation by the Head of Planning.