

North York Moors National Park Authority

23 March 2015

Scheme of Delegation for Determination of Planning Applications

1. Purpose of the Report

- 1.1 To seek Members' agreement to amend the existing scheme of delegation in relation to the determination of planning applications in order to increase the efficiency and reduce the costs of the Authority's development management service.

2. Background

- 2.1 The Authority's Standing Orders and Financial Regulations allow for powers to be delegated to Committees and Sub-Committees of the Authority in order to expedite the business of the Authority in a timely and cost effective manner. Some powers of the Planning Committee are further delegated to officers through delegation to the Chief Executive and in terms of development management this allows for the majority of planning determinations to be made by the Director of Planning subject to compliance with the adopted scheme of delegation. This is set out below:

a) *The Chief Executive(NPO) is authorised to act on behalf of the National Park Authority in taking decisions conferred on the Authority by the Town and Country Planning legislation provided that:*

1. *No objections on planning grounds have been received in writing to any proposal that the NPO intends to approve, unless that objection can be overcome by the imposition of conditions on that approval. Any objections received confidentially will not constitute a valid objection for the purpose of this delegation scheme.*
2. *No positive support on planning grounds has been received in writing to any proposal that the National Park Officer intends to refuse. Any support received confidentially will not constitute valid support for the purpose of this delegation scheme.*
3. *There are no material circumstances which in the opinion of the National Park Officer/Director of Planning and in the best interests of the National Park, warrant referral to Committee.*

- 2.2 Under the existing scheme, the Business Plan sets a target that 82% of planning application decisions should be delegated to officers. This is generally achieved, though it is a lower rate than most planning authorities and impacts invariably on the ability to achieve national targets set for timely decision making (80% of decisions to be reached within 8 weeks of submission). As almost all decisions referred to Committee are unlikely to be determined within the 8 week period, this means that only 82% of the applications received by the Authority are available to be determined within the statutory 8 week period.

3. The Need to Extend the Scheme of Delegation

- 3.1 As already set out, an important reason for reducing the number of applications that have to be referred to Committee is to improve the Authority's performance in relation to the 8 week determination figure. This has been demonstrated recently during the

determination of applications which were delegated to officers relating to the pilot broad band scheme in the Esk Valley and the Mobile Phone Infrastructure Project which are both time dependent projects linked to additional public funding and where decisions were required within an 8 week period. This is not only important for providing a good quality service but also reduces the risk to the Authority of failing to meet government targets and becoming a 'standards authority'. In such cases, developers are able to submit applications directly to the Planning Inspectorate for decision, though the administration and cost is still met by the local planning authority. The government's 'planning guarantee' also allows an applicant to reclaim the application fee if a decision is not made within six months and therefore timeliness in decision making is also important for financial reasons.

- 3.2 As members will be aware, the need to increase income and reduce costs is vital to enable the Authority to continue to carry out its functions effectively as both a National Park Authority and Local Planning Authority. Significant increases have been made to income targets in the forthcoming financial year, primarily from extending pre-application advice charges and staff costs have been reduced across the Planning Team, particularly in the Policy Section which has been reduced to 1.8fte following the loss of a senior planning officer post and the Forward Planning Manager towards the end of last year. In development management, one of the Team Leader posts is now vacant, pending a review of workloads and greater certainty on the longer term financial position following the General Election. An interim arrangement has been put in place with the remaining team leader covering both areas and working an additional day a week. .
- 3.3 The cost analysis work undertaken during 2011/12 revealed that the cost of determining an application which was referred to Committee for decision was on average four times greater than a delegated decision. This is primarily because of the increased officer time spent on the determination which involves preparing committee reports, possible Member site visits, additional administrative costs and potential further committee referral following deferment. Although Committee Decisions are important in providing a wider 'Member' view on development proposals, it is considered that this 'added value' is best applied to more strategic and complex proposals rather than developments where the impact of the development is limited to immediate neighbours. A simple change to the existing scheme of delegation could achieve this objective.

4 Proposed Change to Scheme of Delegation

- 4.1 The aim of the change is to reduce the number of cases being referred to Committee which have an impact limited to immediate neighbouring properties. This is in line with the government's changes to the planning system which have increased permitted development rights, enabling householders to undertake a wider range of developments within a residential curtilage and to reduce the 'micro-management' of development which is unlikely to impact on the wider public interest. It is therefore proposed that the existing scheme which requires proposals to be referred to Committee if only a single representation is received contrary to the officer recommendation is changed so that referral is required if more than three representations from separate and independent households or organisations are received. This threshold reflects a development impact that is likely have a wider effect on the streetscape or landscape rather than impacting only immediate neighbours. Such an amendment however, must also ensure that a single representation from a statutory consultee which differs from the proposed decision must also be referred to Committee. It must also ensure that it is still open to officers to refer a planning application to Members for committee determination if the circumstances make this

appropriate, even if there are too few representations to make this automatic. The suggested amended scheme of delegation is therefore:

- a) *The Chief Executive(NPO) is authorised to act on behalf of the National Park Authority in taking decisions conferred on the Authority by the Town and Country Planning legislation unless one or more of the following apply:*
1. *More than three non-confidential written representations, which are based on planning grounds and which are contrary to the proposed decision (which in the case of an approval cannot be addressed by the imposition of conditions), have been received from separate and independent households/organisations (excluding the applicant or applicant's agent) before the close of the relevant consultation period.*
 2. *A written representation, based on planning grounds, is received from a statutory consultee, a parish/town council or parish meeting which is contrary to the proposed decision and which cannot be addressed by the imposition of conditions.*
 3. *There are material circumstances which in the opinion of the National Park Officer or Director of Planning and in the best interests of the National Park, warrant referral to Committee.*

5. **Financial and Staffing Implications**

- 5.1 The change is likely to result in greater efficiencies in the planning and administrative functions of the Planning Directorate and sustain cost savings by reducing average staff time spent on the determination process.

6. **Contribution to National Park Management Plan**

- 6.1 There are no direct impacts on the aims or policies of the Management Plan, though greater efficiencies in the Authority's planning service will help deliver more effectively some of the management plan's sustainable development aims, particularly in relation to communities.

7. **Legal Implications**

- 7.1 The wording of the delegation scheme needs to be sufficiently clear and precise to ensure decisions made under the scheme are not vulnerable to legal challenge.

8. **Recommendation**

- 8.1 That Members agree to adopt the revised scheme of delegation in relation to the determination of applications under the planning acts as set out in paragraph 4.1 of this report.

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Background papers to this Report

File ref

- 1) North York Moors National Park Authority Scheme of Delegation – Revised March 2012