



Borough of Telford and Wrekin

Planning Committee

22nd November 2023

Planning Scheme of Delegation

Cabinet Member: Cllr Richard Overton – Cabinet Member: for Homes and Enforcement

Lead Director: James Dunn – Director: Prosperity and Investment

Service Area: Development Management

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Wards Affected: All Wards

Key Decision: Not Key Decision

Forward Plan: Not Applicable

Report considered by: SMT 26th September 2023

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1.0 Recommendations for decision/noting:

Planning Committee is recommended to:

- 1.1 Review and agree the Scheme of Delegation as set out below in section 4.5.
- 1.2 Review and agree the procedures for call in as set out in Appendix 1.

2.0 Purpose of Report

- 2.1 To set out the Scheme of Delegation for the Planning Committee.

3.0 Background

3.1 In accordance with the Councils Constitution, Planning Committee has the responsibility and delegated powers to act on behalf of the Council in respect of the Town and Country Planning matters and other associated functions in the Borough. It is for this Committee to determine the basis on which delegated powers may be given to the Development Management Service Delivery Manager, Area Team Leaders and Principal Officers.

3.2 The planning scheme of delegation was last updated in July 2013. The current scheme of delegation requires applications to be brought to Planning Committee in the following circumstances:

- A proposal that involves the Council as either applicant or landowner (or has a financial interest) and the proposal is a Major application (i.e., residential – 10 or more units / development over 0.5 ha and non-residential - creation of 1,000m² gross floor area/ development over 1ha excluding reserved matters applications)
- If submitted by or on behalf of Assistant Director or above or an Elected member
- If formally requested by the relevant Ward Member or relevant Parish Council
- If a departure from policy and officers are recommending approval
- If a S106 relating to new financial contributions/ affordable housing provision
- The number and nature of representations from the public against officer recommendation is, in the opinion of the Service Delivery Manager: Development Management and/or Area Planning Officer, sufficient to require that the application should be determined by Board

3.3 National guidance advises that such schemes should be reviewed and updated to take account of any changes to legislation, national and/or local planning policies and to allow for the delivery of decisions as efficiently as possible, particularly having regard to performance improvement and best value. It is also considered best practice to do so.

4.0 Summary of main proposals

4.1 The Government is committed to delivering an effective planning system, and has announced a number of reforms and funding to support the planning system. In addition, Government is committed to expediting the decision process, to comply with statutory determination periods (Major applications should be determined in 13 weeks / EIA development within 16 weeks / all other applications determined in 8 weeks); and the emerging fee regulations reduces the period in which a refund for the application fee can be sought if a decision has not been determined within the statutory determination period.

4.2 The Environment Act 2021, places new burdens on the LPA to consider Biodiversity Net Gain (BNG) on most developments and/or land management, which aims to leave the natural environment in a measurably better state than it was before. BNG delivers measurable improvements for biodiversity by

creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. BNG requires most non-householder planning applications which have more than a small impact to provide a legal minimum of 10% net gain in biodiversity; this is parallel to protected species and Local Plan requirements. In January 2024 this will become a statutory requirement, that all new planning applications of large developments, with non-exempt smaller ones from April 2024. In meeting these requirements planning applications will be required to demonstrate 10% Biodiversity Net Gain on site, and how any shortfalls will be offset either by buying units from landowners/suppliers or via a central Government Conservation Credit scheme. These units will also require maintenance for a 30 year period.

- 4.3 The requirement for BNG will be provided through S106 agreements associated with any planning decision and will include financial obligations to monitor on site delivery, or purchase and maintain off site delivery. Consequently, the number of S106 agreements will significantly increase and under the current regime would need to be considered by Planning Committee, increasing the size of Committee agendas and the length of meetings when these simple applications can be determined by officers, within the statutory 8/13/16 week period. Furthermore, combined with the current timings of committee every 4-6 weeks, decisions are likely to be delayed, and increase the risks of applications being determined after the statutory determination period affecting the LPA's performance which is reported to central government, and risks returning planning application fees. It is therefore recommended that the scheme of delegation is amended to ensure the Planning Committee's focus is directed to schemes that are important/have the greatest impact on our communities.
- 4.4 Elected Members and Town and Parish Councils play a vital role in voicing local feelings and addressing community needs. The established call-in process remains in place, enabling these stakeholders to request that planning applications are individually assessed by the Planning Committee. This approach guarantees that contentious matters receive the attention of the Planning Committee, allowing for public oversight of planning decisions. Simultaneously, it allows for the review of other matters, particularly non-contentious ones, including those initiated by the Council. Importantly, the call-in procedures have been updated as set out in Appendix 1 and are designed to adhere to statutory timeframes.
- 4.5 It is therefore proposed that the following applications will be considered by Planning Committee:
- A proposal that involves the Council as either applicant or landowner (or has a financial interest) and the proposal is a Strategic Major application defined as a residential scheme of 300 or more units, and non-residential –creating more than 10,000m² gross floor area/ development over 5ha excluding reserved matters applications
 - If submitted by or on behalf of a Director or above or an Elected member
 - If formally requested by the relevant Ward Member or relevant Parish Council within the consultation period.

- The number and nature of representations from the public against officer recommendation is, in the opinion of the Service Delivery Manager: Development Management and/or Area Planning Officer, sufficient to require that the application should be determined by Committee.

And all other applications are delegated to the Service Delivery Manager, Area Planning Managers and Principal Planning Officers.

- 4.6 Alongside the review of the Scheme of Delegation, the procedures for the 'Call In request' have been revised, and a copy is attached.

5.0 Alternative Options

- 5.1 The existing Scheme of Delegation may remain unchanged, however the number of applications determined by committee will increase. Consequently additional committees may need to be established to ensure the quality of decisions are made in a timely manner.

- 5.2 Alternatively, the scheme of delegation could undergo further modifications; for example excluding the applications which are submitted by the Council, and personnel of the Council; these applications could still be determined by Planning Committee if requested by the Ward Member, Town and Parish Council, or if the public volume and nature of feedback is significant enough for the SMD/ Area Planning Managers with delegated authority consider that the application should be determined by Committee.

6.0 Key Risks

- 6.1 Maintaining a balance between the necessity for prompt decision making and the requirement for a robust process is crucial. The recommendations outlined in this report aim to optimise the efficient use of both member and officers' time. This approach directs attention towards important planning applications. The suggestions presented in this report contribute to achieving this equilibrium, empowering the Council to fully comply with its duty to follow good governance procedures.

7.0 Council Priorities

- 7.1 A community-focussed, innovative council providing efficient, effective and quality services

8.0 Financial Implications

- 8.1 There are no financial implications arising directly from this report.

9.0 Legal and HR Implications

- 9.1 The legal basis for delegation is Section 101 of the Local Government Act 1972, as amended. Elected Members determine the basis on which a delegated function operates, the level of Member involvement and the circumstances in which an officer's delegated powers to make a decision may not be exercised.

9.2 The proposals contained in this report can be delivered using existing resources.

10.0 Ward Implications

10.1 There are no ward implications arising from this report.

11.0 Health, Social and Economic Implications

11.1 There are no health, social and economic implications arising from this report.

12.0 Equality and Diversity Implications

12.1 There are no equality and diversity implications arising from this report.

13.0 Climate Change and Environmental Implications

13.1 There are no climate change and environmental implications arising from this report.

14.0 Background Papers

- 1 Invest in Telford – Planning Update (latest scheme of delegation)
24/07/2013

15.0 Appendices

- 1 Planning Application: Call In Request

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Finance	15/09/2023	21/09/2023	AEM
Legal	15/09/2023	22/09/2023	RP
Director	15/09/2023	09/10/2023	JD