

## County Council

17 December 2008



### Planning System Governance/Committee Arrangements

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#### **Report of John Richardson, Corporate Director Environment Cabinet Portfolio Member for Economic Regeneration - Councillor Neil Foster and Cabinet Portfolio Member for Environment - Councillor Bob Young**

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#### **Purpose of the Report**

1. To consider proposals for committee/decision making structures for the new Planning Service.

#### **Background**

2. The Planning Workstream have presented a high level option report to help guide future service design for the new Planning Service.
3. The Workstream have explored options for governance in relation to the high level option. This report identifies the preferred option for a new committee structure for planning:

#### **The Role of Planning in Place**

4. The Planning Workstream welcomes the inclusion of an integrated planning service at the centre of the Development, 'place-shaping', service grouping, which would operate at both the strategic and local level, to directly deliver the statutory planning functions of the new council. The service would integrate the formal planning processes of plan making with delivery through the proactive management of development (through the exercise of determining both planning and building control applications).
5. In accordance with the **Government White Paper "Planning for a Sustainable Future"** the proposal is to ensure the new planning arrangements positively contribute to the achievement of sustainable communities, providing a vision for a planning system which supports vibrant, healthy sustainable communities, promotes competitiveness and development, in a way that is integrated with the delivery of other sustainable development objectives and ensures that local communities and members of the public can make their views heard.

6. Planning embraces both plan making and implementation through development management. The White Paper emphasises the need to consider “**planning and development holistically if we are to ensure that it delivers the best outcomes for us as a nation and for local communities**”. The exercise of development management needs to be undertaken within a clearly defined and publicly adopted and endorsed policy framework, which reflects national, regional and local planning priorities. The exercise of development management cannot operate without strong and consistent policy input. The integration of policy and control is essential if we are to change the perception of planning as a form of constraint or regulation to a key delivery vehicle of change and development required to help shape the places and communities of County Durham and help meet a key LGR objective of revitalising its economy and communities. The co-ordination of these functions is considered essential and wholly in accordance with Government intention.
7. The Planning Workstream proposes that the ‘new planning service’ should embrace the concept of development management as opposed to development control. This includes a wide range of activities such as designing, analysing, influencing, promoting, engaging, negotiating, decision-making, co-ordinating, implementation, compliance and enforcement. This more holistic and pro-active approach is considered important to establishing a much more ‘can-do’ as opposed to regulatory service, and much more conducive to facilitating change and economic development. As a consequence planning can more positively contribute to the revitalisation of County Durham. This approach requires effective interaction between planning policy and planning implementation and the other strategic services identified in the ‘development’ service grouping.
8. The inclusion of a Planning Head of Service, to sit alongside other service heads under the Corporate Director in the Development Directorate is therefore fully supported. In accordance with RTP1 guidance this position should be filled by a suitably qualified chartered town planner.

### **Proposed Delivery of the Planning Service**

9. The Planning Workstream’s proposal would create:
  - At the **strategic level** a service with specific responsibility related to both strategic planning policy formulation and strategic development management. This would provide strategic input into place shaping at county level; regional and county level statutory planning policy; and the management of major or strategic (including mineral and waste developments) development proposals. The specific definition of development applications to be determined at this level would be essentially defined by CLG definitions to include major housing, industrial and retail/commercial developments which have significantly more than a local impact, and comprise approximately 5% of all development applications in the county. The service would need to be supported by a clear defined role for Cabinet for plan making and constituted planning committee system for determining major development proposals.

- At the **locality level** a service comprising a fully integrated development team approach to customers/service delivery, to provide a more pro-active and co-ordinated approach to help facilitate development within the county. This would involve the co-ordinated delivery of policy and development management (both development control and building control), highways, design, conservation and environmental input at a single point of contact with the service. Both pre-application and development negotiation would embrace this concept. The service would need to be supported by a clearly defined and constituted area planning sub-committee system for determining development proposals at locality level and for engagement in plan making.
10. The activities to be undertaken at each strategic level are described in Table 1 (see Appendix 2). These functions help determine the governance and staffing/structural options.

### **Context**

11. At present Planning operates through Policy Committees or Cabinets, for policy formulation, implementation and monitoring/evaluation of delivery. Councils also operate sub-committees or regulatory committees for making decisions on planning applications. **About 10% of all planning applications are determined through committees**, the remainder, including any subsequent appeal or enforcement issues are progressed by officers under delegation schemes agreed by Council. All building control work is undertaken through officer delegation.
12. Planning committees range in size from 13 to 49 members, they meet every 3 to 4 weeks, dealing with 550-600 applications per year and on average 6-10 applications per meeting. Existing arrangements include both daytime and evening sittings.
13. Councils are required to process applications speedily. NI's (and previously BVPI's) monitor the speed of processing in accordance with the following CLG targets:
- 60% of major residential, commercial and industrial applications to be determined within 13 weeks:
  - 65% of minor residential, commercial and industrial applications to be determined within 8 weeks
  - 80% of all other applications to be determined within 8 weeks

14. Current performance achievement is as follows:

Table 2 Planning Performance to year ending March 2008.

<b>Council</b>	<b>National Ranking (out of 360)</b>	<b>Major Decisions (% within 13 weeks)</b>	<b>Minor Decisions (% within 8 weeks)</b>	<b>Other Decisions (% within 8 weeks)</b>
<b>Derwentside</b>	294	33 (60.6)	211 (64.0)	599 (83.5)
<b>Chester le Street</b>	229	9 (66.7)	76 (75.0)	343 (85.7)
<b>Durham City</b>	262	30 (63.3)	171 (70.8)	787 (75.0)
<b>Easington</b>	191	36 (69.4)	219 (78.1)	508 (90.7)
<b>Sedgefield</b>	277	24 (62.5)	151 (78.1)	425 (89.6)
<b>Teesdale</b>	114	13 (76.9)	136 (66.2)	362 (78.5)
<b>Wear Valley</b>	190	36 (69.4)	292 (82.5)	429 (89.7)

Notes:

Source CLG: Planning Statistical Returns September 2008 – definitions according to PS Codes April 2008

Figures exclude 'county matter' applications determined by the County Council. On average 90% of applications are determined through delegation to officers.

15. Planning performance is greatly influenced by the level of delegation of decision making to officers. The majority of planning decisions are not controversial or complicated nor invoke substantial public response. The majority are consistent with existing planning policy and therefore, the vast majority are approved. Most schemes of delegation enable such applications to be dealt with by officers, whilst enabling reference to Members for major developments, those not consistent with policy and those attracting significant objection. The level of delegation achieved by County Durham authorities is consistent with CLG guidance for efficient decision making and reflects the national average.
16. Whilst speed of decision making is not always the key requirement of the process, it does lead to higher levels of customer satisfaction and helps facilitate the development industry. Facilitating each committee can add on average two weeks to the time required to process applications and therefore significantly impacts on target achievement.
17. As can be seen from Table 2 above, County Durham planning authorities meet most nationally set planning targets, with only three narrow failures to meet identified targets. New arrangements for the planning service should seek to enhance performance and achieve top quartile delivery.
18. Table 3 (see Appendix 3) shows existing planning caseload and Committee arrangements and in comparison the number of wards/members within the new council available for the establishment of new committees.

## Sub Area Service Delivery Options

19. The Workstream have considered options put forward for sub-area committees based on Sub County planning committees based on 3, 4 and 5 county sub-divisions as follows:

Table 4 Options for Geographical Service Areas

Existing Districts	Option 1	Option 2	Option 3	Option 4 (PCT)
Derwentside	North-West Durham	North-West Durham	North Durham	North Durham
Chester-le-Street	Central and North Durham	Central and North Durham	Central and East Durham	East Durham
Durham City				
Easington	East Durham	East Durham	South and West Durham	South Durham
Sedgefield	South Durham	South and West Durham	South and West Durham	South Durham
Teesdale	South West Durham			
Wear Valley				

20. From a Planning perspective any sub-county service geography needs to be based on amalgamation of existing districts because:
- for the next 2/3 years decisions on planning applications will be based on existing district based local plan policies; and
  - such planning decisions will need to take account of 'past' planning history which is organised and accessed on district based systems.
21. Any alternative approach would prove difficult for data retrieval and processing. Bearing in mind that the process of merging different planning systems, which are based on separate ICT platforms, by April 1<sup>st</sup> will be difficult to achieve, the new system will inevitably be based, in the interim, on the continuation of existing systems.
22. Based on the above, the following gives details of the potential caseload, in relation to planning applications, enforcement and building control, for options 1 (five sub-areas) and 3 (three sub areas) and for a county-wide committee. The number of applications to be decided at a county level reflects the current number of major or strategically significant applications, constituting approximately 5% of the total planning caseload.

Table 5 - Estimated Caseload for Geographical Service Areas

<b>Option 1</b>						
<b>Caseload</b>						
Proposed Committee	North West Durham	Centre and North Durham	East Durham	South Durham	South West Durham	County
Average Annual DC Caseload	830	1500	790	720	1450	250
Average Annual pre-app Caseload	900	550	1100	970	1150	
Average Annual Enforcement Caseload		1400	250	140	560	
Average Annual BC Caseload	Full 390 Other 450	Full 860 Other 1200	Full 560 Other 270	Full 440 Other 240	Full 1300 Other 700	

<b>Option 3</b>				
<b>Caseload</b>				
Proposed Committee	North Durham	Central and East Durham	South and West Durham	County
Estimated Average Annual DC Caseload	1350	1800	2200	250
Estimated Average Annual pre-app Caseload	1100	1400	2120	
Average Annual Enforcement Caseload	200 +	1450	706	
Average Annual BC Caseload	Full 689 Other 814	Full 1120 Other 1035	Full 1183 Other 950	

23. The Planning Workstream support, as a preferred option, Option 3 for the following reason:
- It provides a best fit of population totals for each sub-area.
  - It conforms to the geography of City Regions as presented in the RSS, with Sedgefield, Wear Valley and Teesdale relating to the Tees Valley City Region and the four northern authorities relating to Tyne Wear.
  - It relates to existing Travel to Work areas.
  - It relates to Housing Market Areas as defined by North East Assembly research for the RSS Housing Review (RSS may in future need to allocate housing totals on housing market areas instead of local authority boundaries).
  - It provides a geography of service delivery consistent with other county-wide arrangements and some existing district based joint working arrangements.

- It allows a balance between local and strategic influences.
- It provides the best fit for member representation – with the three areas having 36, 46 and 44 elected members.
- It provides a strategic fit with existing development demands and resources. Other options would create great variations in caseload, some areas dealing with double the caseload of others.
- The resource required in relation to both cost and staffing, of both direct service delivery and committee support, is inevitably higher with more sub-area arrangements.
- The planning system depends upon timely and consistent specialist advice, particularly on design, conservation and landscape services. The ability and resource to provide this service will be greater with fewer sub-area arrangements.

### **A New Committee Structure for Planning**

24. In order to facilitate the proposed principles of the new planning service, as described above, a committee structure should be based on:
- Cabinet – to be responsible for planning policy development;
  - County Planning Committee – to be responsible for determining major/strategic planning applications, including major housing, industrial, retail/commercial, waste and mineral developments;
  - Area Based Committees - to be responsible for determining all other planning applications.
25. The principles proposed for developing the new arrangements include:
- Balance between local elected member representation and adequate strategic representation from the whole of the new council;
  - Governance preference for smaller committees to aid discussion and accountability;
  - Levels of delegation to officers equivalent to existing to enable effective decision making and manageable committee/workload;
  - A continuation of current arrangements to allow public speaking at planning committees;
  - Meetings should be held reasonably frequently to enable planning decisions to be made quickly and meet current Government targets – reporting to committee can take up on average two weeks of the eight and thirteen week targets of an application.
26. At present decisions on about 90% of planning applications are considered by officers. Schemes of delegation, however, do include protocols and provisions to allow applications to be referred to members for decision as required, and members receive notification of all planning applications submitted. In addition, schemes of delegation referred all enforcement/compliance matters and the implementation of building regulations to officers. The Planning Workstream are preparing a draft scheme of delegation for planning for consideration as an LGR 'must-have'.

27. The two options identified above are developed below in relation to possible governance arrangements.

Table 6. **Proposed Committee Structure**

<b>Option 1</b>						
Proposed Committee	North West Durham	Central and North Durham	East Durham	South Durham	South West Durham	County
Total Members per sub-area	22	36	24	22	22	126
Proposed Committee Size	16	16	16	16	16	16
Members representing locality	8	8	8	8	8	
Members representing the rest of the County	8	8	8	8	8	16
<b>Estimated annual caseload</b>						
	83	150	80	72	150	50
<b>Estimated Committee caseload</b>						
Every 2 weeks	3	6	3	3	6	2
Every 3 weeks	5	9	5	4	9	3
Every 4 weeks	6	12	6	6	12	4

<b>Option 3</b>				
Proposed Committee	North Durham	Central and East Durham	South and West Durham	County
Total Members per sub-area	36	46	44	126
Proposed Committee Size	16	16	16	16
Members representing locality	8	8	8	
Members representing the rest of the County	8	8	8	16
<b>Estimated annual caseload</b>				
	135	180	220	50



Estimated Committee caseload				
Every 2 weeks	5	7	8	2
Every 3 weeks	8	10	13	3
Every 4 weeks	10	14	17	4

Notes:

- Caseload based on 90% delegation.
- 5% of all applications to constitute major/strategic applications.
- Sub-area workload commensurate with existing ratio.
- Caseload is expressed as an average. There will inevitably be peaks and troughs, which could be managed by calling special meetings if required.

28. At Appendix 4 a review of committee and sub area arrangements in other local authorities is presented. Although this analysis is limited, it does give a flavour of caseload demands on committees. The most direct comparison to County Durham from a geographical point of view and from an overall caseload is East Riding of Yorkshire. The existing sub area arrangement in East Yorkshire appears similar to Option 3 with a three weekly committee cycle.

## Conclusion

29. The establishment of a new committee structure is a fundamental aspect of the new Planning Service. It is essential also that the structure is established in advance of vesting day in order for Members to participate in training prior to taking on the duties of the local planning authority on 1 April 2009.
30. The work undertaken by the Planning Workstream suggests that the most appropriate and preferred system would comprise:
- A **central committee** dealing with major/strategic planning decisions, and comprising 16 Members;
  - **Three geographically defined sub areas** based on the existing districts of Derwentside/Chester le Street, Durham City/Easington, and Sedgefield/Teesdale/Wear Valley:
    - Committees in these location would consider the bulk of planning decisions;
    - Meetings would take place on a three weekly cycle, with between 8-13 planning applications per meeting (current estimate);
    - Composition of sub-area committees to be of 16 Members represented equally from the locality and from the rest of the county.
31. This is presented in diagrammatic form in Appendix 5.

## **Recommendation**

32. Council is recommended to agree the proposed Planning Committee structure outlined in paragraph 30 above and in Appendix 5 and receives a further report on a new proposed scheme of delegation to underpin the Committee structure.

## **Background Papers**

Cabinet report dated 4 December 2008

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## **Appendix 1: Implications**

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### **Local Government Reorganisation**

#### **(Does the decision impact upon a future Unitary Council?)**

The Planning system is a statutory duty to be undertaken by the new Council.

### **Finance**

Financial considerations of the preferred option will be undertaken in LGR service design. The preferred option, which identifies the smaller number of committees, is considered the most economic option.

### **Staffing**

Staffing implications of the preferred option will be further considered in LGR service design.

### **Equality and Diversity**

None

### **Accommodation**

Further consideration needs to be given to the location of area committee meetings.

### **Crime and Disorder**

None

### **Sustainability**

None

### **Human Rights**

None

### **Localities and Rurality**

Further consideration needs to be given to the location of area committee meetings.

### **Young People**

None

### **Consultation**

The Planning process operates within procedures of open and transparent consultation and engagement. Public access to the service is available through stakeholder and neighbour consultation on applications and on representation at committee.

### **Health**

None

**Appendix 2: Table 1 - Levels of Functional Service Delivery**

	<b>Policy</b>	<b>Development Management</b>
<b>County/ Strategic</b>	Regional Spatial Strategy Integrated Regional Strategy LDF Preparation <ul style="list-style-type: none"> <li>• Core strategies</li> <li>• DPDs</li> <li>• Supplementary Planning Documents</li> <li>• Monitoring and evaluation</li> <li>• AMRs</li> </ul> Minerals and Waste <ul style="list-style-type: none"> <li>• Core strategies</li> <li>• DPDs</li> <li>• Supplementary Planning Guidance</li> </ul> Research and information Sustainability Appraisal Consultations on <ul style="list-style-type: none"> <li>• national policy,</li> <li>• plans of neighbouring authorities,</li> <li>• planning applications and appeals</li> </ul>	Strategically significant planning applications (major housing, industrial, retail/commercial, minerals and waste developments) <ul style="list-style-type: none"> <li>• Pre-application</li> <li>• Receipt</li> <li>• Validation and administration</li> <li>• Consultation</li> <li>• Determination</li> <li>• Planning appeals</li> </ul> Minerals and waste planning applications <ul style="list-style-type: none"> <li>• Pre-application</li> <li>• Receipt</li> <li>• Validation and administration</li> <li>• Consultation</li> <li>• Determination</li> <li>• Planning appeals</li> <li>• Enforcement/condition compliance</li> </ul> Major Council development Monitoring/statistical gathering CPO/PROW inquiries
<b>Sub- County</b>	Regional Spatial Strategy Integrated Regional Strategy LDF Preparation <ul style="list-style-type: none"> <li>• DPDs, including land allocations/deallocation</li> <li>• Supplementary Planning Documents</li> <li>• Action Area Planning</li> <li>• Monitoring and evaluation</li> <li>• research and information</li> </ul> Sustainability Appraisal Consultations on planning applications and appeals Site development brief Design statements Master planning Growth Point Housing market renewal Conservation area appraisal	Planning applications <ul style="list-style-type: none"> <li>• Pre-application advice and guidance</li> <li>• Receipt</li> <li>• Validation and administration</li> <li>• Consultation</li> <li>• Determination</li> <li>• Planning appeals</li> <li>• Enforcement/condition compliance/215 notices</li> </ul> PD enquiries Listed building and conservation area applications Agricultural/hedgerow notifications Advertisement applications Council development Land searches Building control <ul style="list-style-type: none"> <li>• Pre-application</li> <li>• Application vetting</li> <li>• Site control</li> <li>• NHBC consultations/partner schemes</li> <li>• Dangerous structures</li> <li>• Enforcement</li> <li>• Competent persons register</li> <li>• DDA activity</li> <li>• Demolitions</li> <li>• Other duties</li> </ul>

**Appendix 3: Table 3 - Existing Caseload and Member Structures**

	<b>Derwentside</b>	<b>Chester-le-Street</b>	<b>Durham City</b>	<b>Easington</b>	<b>Sedgefield</b>	<b>Teesdale</b>	<b>Wear Valley</b>	<b>County</b>	<b>Total</b>
<b>Existing Caseload</b>									
Existing DC caseload (total applications)	870	500	1020	830	750	570	960	105	5605
Major   Others	35   835	20   480	40   980	35   795	35   715	10   560	60   900	25   80	260   5345
Listed Blg/Con Area Consents	12	10	80	0	10	75	35	0	222
	<b>Derwentside</b>	<b>Chester-le-Street</b>	<b>Durham City</b>	<b>Easington</b>	<b>Sedgefield</b>	<b>Teesdale</b>	<b>Wear Valley</b>	<b>County</b>	<b>Total</b>
Pre-app. Inquiries.	900	250	300	1100	970	450	700		4680
Enforcement caseload		200	1200	250	140	150	416		2356
Building Control Full Plans	389	300	560	560	440	243	500		2992
Building Control Other apps.	444	370	765	270	240	170	540		2799

Existing Member Structures								
<b>Committee Size in existing councils</b>	21	34	22	13	49	15	20	40
<b>Cycle of meetings (weeks)</b>	3	4/5	3/4	3	4	4	4	4
<b>Average number of cases per year</b>	125	70	100	95	70	25	133	
<b>Average number of cases per meeting</b>		5	6.5	6			11	
New Council								
<b>Wards in new council</b>	11	7	11	12	11	3	8	63
<b>Members on new council</b>	22	14	22	24	22	6	16	126

Notes:

Based on an analysis of 2006/7 and 2007/8

County applications relate to minerals and waste and County Council developments.

**Appendix 4 - Committee Arrangement Comparisons.**

AUTHORITY	No. of Committees	Members (No's)	Cycle of Meetings	Start Time	Area Based	Strategic Committee	Average number of cases per committee.	Total number of decision to year march 2008
East Riding of Yorkshire	Full Planning Committee plus	15	All 3 weekly	All 2.00 p.m.	No	Yes	13	4479
	Eastern Planning Committee	12			Yes	No		
	Western Planning Committee	12			Yes	No		
Gateshead MBC	1 Planning Committee	23	Monthly	10.00 a.m.	No	Yes	12	1552
Newcastle City	D.C. plus	17	3 Weekly Has not met	9.30 a.m.	No	Yes	6	2120
	D.C. Enforcement Sub Cttee	3		N/A	N/A	N/A		
Sunderland City	Full Planning and Highways Cttee Plus	25	All Monthly	5.00 p.m.	No	Yes	4/5	2004
	D.C. North Sunderland Sub	10		3.30 p.m.	Yes	No		
	D.C. South Sunderland Sub	17		4.15 p.m.	Yes	No		
	D.C.Hetton, Houghton and Washington Sub	14		5.00 p.m.	Yes	No		