

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

CALL IN APPLICATION

**PROPOSED 25 TURBINE WINDFARM AT TIR MOSTYN -
FOEL GOCH, NANTGLYN, DENBIGHSHIRE**

**PLANNING APPLICATION CODE NO. 25/710/99/PF
INFORMATION
REPORT BY THE HEAD OF PLANNING SERVICES**

1. PURPOSE OF REPORT

- 1.1 To advise members on recent developments in relation to the application, including the "Call In" Inquiry held in Denbigh in December, 2001.

2. BACKGROUND

- 2.1 The planning application for the Windfarm was "called in" for determination by the National Assembly for Wales on 1st November 2000, immediately following the resolution of the County Planning Committee to grant permission.

3. THE PUBLIC INQUIRY

- 3.1 The Public Inquiry into the proposals was held in the Town Hall, Denbigh. It opened on the 4th December 2001 and lasted a total of 8 days. The final summing up was on the 18th December, when the Inquiry was formally closed by the Inspector, Mr. Stuart Wilde.
- 3.2 Proofs of Evidence were presented to the Inquiry by the Chairman of the Planning Committee, Councillor D. Jones, and by the local member, Councillor P. O. Williams. Both members appeared on the opening day of the Inquiry, and were introduced by Jane Kennedy, the Legal services Manager. The Members were cross examined in some detail by the representatives of the Council for the Preservation of Rural Wales (CPRW)/local pressure group Denbighshire Against Rural Turbines (DART) and the Countryside Council for Wales (CCW).
- 3.3 Much of the Inquiry time was taken up by detailed examination of evidence on key issues such as impact on the landscape and on wildlife. The main witnesses appeared on behalf of Windjen (the applicant company), the CPRW/DART, CCW and Friends of the Earth Cymru. A number of private individuals offered evidence to the Inquiry.
- 3.4 The Inspector will be reporting to the National Assembly with his recommendation on the application. The final decision on the application will be made by the Assembly. No informal indication was given of the likely timescale for the final decision, but it seems unlikely that this will be before March 2002.
- 3.5 The Inquiry was completed comfortably within the timescale set out by the Inspector, assisted by the approach of the main parties and the administrative support of Mr. Wil Price.
- 3.6 A further report will be presented to members on receipt of the Assembly's decision.

REPORT BY HEAD OF PLANNING SERVICES

DELEGATION SCHEME

1. PURPOSE OF REPORT.

- 1.1 This report seeks Committee approval for a change to the delegation scheme for Planning Services and the Planning Committee relating to the definition of close relatives.

2. BACKGROUND

- 2.1 Members will recall that the delegation scheme was approved by this Committee 31st October 2001 and confirmed by the County Council on 27th November 2001. The revised delegation scheme came into operation on 1st January 2002.
- 2.2 In the approved delegation scheme applications by Councillors or Planning Services staff or their close relatives need to be referred to the Planning Committee for a decision. "Close relatives" was defined within the covering report but not within the scheme itself as spouses/partners, parents and children.

3. PROPOSAL

- 3.1 Following discussions with Ian Miller, the new Chief Executive and Ian Hearle, County Clerk, it is suggested that the definition of close relative be extended to include brothers and sisters of the Councillor or member of Planning Services staff. It is also suggested that the definition of close relative be included within the scheme of delegation itself. These changes are indicated in the **attached** scheme of delegation highlighted in bold.

4. RECOMMENDATION

- 4.1 **That the amendments to the delegation scheme set out in bold in the attached paper are approved by the Planning Committee.**

SCHEME OF DELEGATION

This scheme was first approved on 5 October 1999 and first came into effect on 1 February 2001. A revised version was approved on 27 November 2001 which came into effect on 1 January 2002.

The scheme is in three parts. Part 1 sets out what the Head of Planning Services can do subject to checks and balances in Parts 2 and 3. Part 2 sets out under what circumstances the Head of Planning Services cannot exercise decisions. Part 3 sets out decisions which must be taken by Full Council.

PART 1

The scheme shall authorise the Head of Planning Services to:-

- (1) determine all types of applications and notifications under the Planning Acts and allied legislation, including in the case of notifications and determinations, where material planning objection(s) has/have been received.
- (2) determine building plans, certificates and notices, service notices under the Building Act and Regulations and allied legislation
- (3) submit observations on development proposals for example from neighbouring authorities, exempted organisations, etc.
- (4) resolve all planning and building regulation enforcement related cases by serving statutory notices as necessary or by taking no further action in accordance with the Committee approved, "Enforcement Policies and Procedures" document and instigate prosecution proceedings
- (5) to determine the name and numbering of streets subject to prior consultation with local ward member(s) and no adverse views expressed. [Note : naming delegated to Town and Community Councils in some instances]
- (6) instigate the Emergency Powers provisions in Enforcement related cases where extremely urgent formal action is deemed necessary. This will allow for the service of any Enforcement related statutory notice and seek an injunction subject to prior consultation with the local Ward Member(s) who agree on such action as recommended by Officers. The following signatures will be required in all cases - the Corporate Director of Environment or the Head of Planning Services, the County Clerk or the Legal Services Manager and Chair or Vice Chair of the Planning Committee
- (7) take all necessary ancillary decision/action in exercising statutory planning and building control functions including determining the need for Environmental Impact Assessments and acting on Committee or Full Council resolutions
- (8) determine applications for grant aid under approved schemes
- (9) decide the type of appeal subject to Members being consulted and defend the Council's position at appeal or court of law
- (10) submit observations on consultations on draft documents

PART 2

The Scheme shall not authorise the Head of Planning Services to:

A DETERMINE ALL TYPES OF PLANNING APPLICATIONS

- (i) on which a material planning objection(s) including those from Town/Community Councils and statutory consultees) has been received in the stipulated time span, which is recommended contrary to objections, other than were allowed for by Part 1 (1)
- (ii) contrary to the provisions of an adopted development plan, and which is recommended for approval;
- (iii) contrary to approved Council policies, standards or guidance, and which is recommended for approval;
- (iv) which any Member requests in writing or by e-mail to the Head of Planning Services, within 21 days of the circulation of details of the application, should be the subject to consideration by the relevant Committee (subject to planning reasons being given);
- (v) submitted by or on behalf of a Councillor of the authority (or their close relative) or by any member of the Planning Services' staff (or their close relative);*
- (vi) submitted by or on behalf of the Council for development except where on Council owned land related to the functions exercised by the Council.
- (vii) to refuse applications which are retrospective when enforcement action is also recommended;
- (viii) relating to land in the ownership of a Councillor or their close relative;
- (ix) where in the view of the Head of Planning Services material planning issues in support of the application has been raised by consultees or third parties which warrant consideration by the Planning Committee;
- (x) remove or vary a condition previously imposed through a resolution of the Planning Committee additional to those recommended by Officers;

*** Close relative is defined as spouses/partners, parents, children, and brothers and sisters**

B RESOLVE ENFORCEMENT RELATED CASES

- (i) by instigating prosecution proceedings for failure to comply with an order or notice except in those cases involving large fly posting campaigns
- (ii) by serving the following enforcement related statutory notices unless the Emergency Power provisions have been instigated
 - Enforcement Notice (other than enforcement notices related to breach of condition)
 - Special Enforcement Notice

- Stop Notice
- Section 215 (untidy land) Notice
- Listed Building Enforcement Notice
- Urgent Works Notice
- Repairs Notice
- Discontinuance Notice
- Legal Injunction

(iii) take no further action on enforcement related case that have generated 5 or more complaints from separate addresses in the locality

PART 3

DECISIONS RETAINED BY THE FULL COUNCIL

- (i) Planning applications or other applications which constitute significant departures from Adopted Development Plans where the Planning Committee have resolved to grant permission. Significant departures constitute:
 - (a) those proposals which have little or no justification under the terms of the adopted development plan e.g. new dwellings in the countryside unrelated to agricultural need, and
 - (b) other proposals which are clearly not allowed for by the adopted development plan but where other material considerations justify a departure e.g. economic benefits
- (ii) Final approval of policies and proposals to be included in the Unitary Development Plan or any modification thereof
- (ii) Applications which if refused or approved with conditions attached or a decision on an enforcement matter that would be likely to result in a successful award of costs against the Council at appeal

**A REPORT BY THE HEAD OF PLANNING SERVICES
FOR INFORMATION**

**THE PLANNING GREEN PAPER
PLANNING : DELIVERING A FUNDAMENTAL
CHANGE**

1. On the 12 December 2001 the Government issued a Green Paper proposing changes to the Planning system. Comments are invited by the 18 March 2002.
2. The Green Paper applies only to England. In Wales, the National Assembly for Wales will be issuing a separate consultation document on the planning system in Wales.
3. The key changes proposed for England are listed below:

PROPOSALS

- Local, Structure and Unitary Development Plans to be replaced with new Local Development Framework which will contain a statement of core policies linking to the Council's Community Strategy
- Action Plans to be drawn up for town centres, neighbourhoods and villages
- Business planning zones to allow planning controls to be lifted
- New handling targets for dealing with applications by type
- Replacing Regional Planning Guidance with Regional Spatial Strategies
- National Planning Policy to concentrate on important policy issues that need to be resolved at national level, less perspective and allow for local circumstances
- Development Control to become more user-friendly using checklists
- Pre-application discussions encouraged and enabling powers to allow local authorities to charge for pre-application advice
- Nominated officers for applications and regular progress feedback to applicants
- Greater use of electronic technology e.g. to enable submission of applications on-line and allow people to track the progress of individual applications
- Multiple consents to be simplified

- For major applications a timetable for deciding the application to be agreed and set out in an undertaking or contract
- Reduce the number of statutory consultees
- Allow statutory consultees to charge a fee
- Impose requirement on statutory consultee to respond to consultations within a statutory deadline
- Stop repeat applications and twin tracking applications
- Current 5 years time limited consents to be reduced to 3 years
- Compulsory Purchase Powers to be simplified
- Period allowed to appeal against a decision to be reduced from 6 months to 3 months
- Possible introduction of Local Permitted Development rights
- National General Permitted Development Order to be made more comprehensible
- Possible deregulation of the Use Classes Order
- Possible requirement for developers of large and complex proposals to engage with local communities in advance of submitting a planning application
- Reasons to be given for approving a planning application
- Better access to planning papers and greater use of electronic technology to make information available free
- Information on planning agreements and undertakings to be entered on the planning register
- Simpler enforcement procedures to be introduced. Consideration to be given for punitive changes for retrospective applications and whether deliberate breach of planning control should constitute a criminal offence
- New Parliamentary procedures for planning of major infrastructure
- Developments undertaken by or on behalf of the Crown to be subject to control by local planning authorities subject to certain safeguards
- Possible enhanced role for mediation to resolve disputes
- Planning Inspectorate to improve performance
- Reasons to be given by Inspectorate for not calling-in an application
- Review the fee regime

- Establishment of a Local Planning Advisory Service to work in partnership with the Local Government Association and business organisations to help implement changes on the ground
 - Planning function to be properly resourced. Amount of money to be provided to local authorities to help support local services by way of revenue support to form part of the 2002 Spending Review
 - Increase in fee levels in April 2002
 - Greater transparency in accounting
 - New target for delegation to officers
 - Authorities to review their Committee cycles
 - To develop an action plan with the LGA and IDeA to deliver major improvements in the recruitment, retention and training of planners
 - Local authorities encouraged to consider scope of using private sector planners in the provision of planning services
 - Where local authority planning services are failing or consistently underperforming, Government will consider transferring responsibility for administration of planning applications to private sector contractors or another local authority
4. When the NAFW issue their consultation document, a report for consideration will be prepared. A copy of the NAFW consultation document will be placed in Group rooms.
 5. The full text of the Green Paper for England may be viewed on line at www.planning.dtlr.gov.uk/consult/greenpap.
 6. This report is for information.

A REPORT BY THE HEAD OF PLANNING SERVICES

DATE OF SITE VISITS

1. PURPOSE OF REPORT

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

2. DATE OF THE SITE VISITS

- 2.1 In consultation with Legal and Administration, it has been decided that the **Wednesday 6th February 2002** is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore that any site visits arranged today will take place **On Wednesday 6th February 2002 (times to be advised).**

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will depend on Political Balance and will include the Chair and Vice Chair of the Committee and the relevant Local Member(s)

4. RECOMMENDATION

- 4.1 **That Members agree to the Site Visits being held on Wednesday 6th February 2002**