

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council

25th January 2017

Report of the Head of Planning

N. Pearce

Matter for Decision

Wards Affected: All

Delegated Powers to Change Decision Making Protocols

Purpose of Report

- 1 As part of the continuous review of service delivery, a number of areas for improvement have been identified in respect of the delivery of the planning service, which are set out in detail within the attached report.
- 2 The report also seeks to restore the delegation arrangements for the Planning function back to the Planning Committee.

Executive Summary

- 3 In order to address identified issues within the delegated arrangements relating to the determination of planning applications, a number of improvements are recommended within the report attached as Appendix A, including (but not limited to): -
 - Simplification of 'normal delegated matters' to cover all other matters which have not been identified as Committee or Delegated Panel matters (the "by exception" approach)
 - Need for three or more objections to be received for a matter to be reported to Delegated Panel (with subsequent Ward Member authorisation for decision)

- Introduction of a procedure which allows any Member to request an application to be called to Committee for determination, subject to a new 'panel' process
 - Provision for Members to nominate another Member to represent them if they are going to be unavailable due to holiday / sickness or other personal circumstances
- 4 In respect of public speaking at Planning Committee, the report proposes changes to the protocol to address existing issues including allowing applicants/ agents to address Members of the Planning Committee (irrespective of whether an objector speaks), and including specific provision for Community Councils to address Members.
 - 5 Changes are also proposed to Members' Site Visit procedures, to allow for all Members to make a request for an application reported to Committee to be the subject of a site visit, but at an earlier stage to maximise efficiencies (such requests being the subject of a new panel process).
 6. Changes are also proposed to harmonise the cut-off period for late submission of representations on items being presented to Planning Committee so that it coincides with the deadline for requests to address the Planning committee.
 - 7 The report also seeks to restore the delegation arrangements for the Planning function back to the Planning Committee.

Background

- 8 As part of the continuous review of service delivery, a number of areas for improvement have been identified in respect of the delivery of the planning service.
- 9 The attached report identifies the areas where improvements are deemed necessary to current processes and/or protocols to maximise efficiencies while maintaining or increasing the

democratic accountability of the planning service, focussed on the following areas: -

- Determination of Planning Applications (including Delegated Arrangements and Member Call-ins)
- Public Speaking at Planning Committee
- Planning Members' Site Visits
- Cut-off period for late submission of representations

Financial Impact

10 There are no financial impacts associated with this report.

Equality Impact Assessment

11 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impact

12 There are no workforce impacts associated with this report.

Legal Impact

13 There are no legal impacts associated with this report.

Risk Management

14 There are no significant risk management issues associated with this report.

Consultation

15 The recommendations within the report have been the subject of an All-Members Seminar on 8th December 2016.

There is no requirement under the Constitution for external consultation on this item.

Recommendation(s)

- 16 That Council approves the following:
1. The amended Delegated Arrangements
 2. The amended Procedure Note for Public Speaking at Planning Committee
 3. The amended Site Visit procedures
 4. The amended Cut-off Period for Late Submission of Representations
 5. That delegated authority is given by Council to the Planning Committee for the Planning function, including any further amendments as may be deemed necessary to the above arrangements / procedures in future

Reason for Proposed Decision(s)

- 17 In order to maximise efficiencies within the Planning Service while maintaining or increasing democratic accountability

Implementation of Decision

- 18 The decision is proposed for implementation after the three day call in period.

Appendices

- 19 Attached Report including :-
- Appendix A - Planning Service Delivery Review
 - Appendix B - Proposed New Delegated Arrangements
 - Appendix C - Procedure Note For Members Of The Public/ Applicants Right To Speak At Planning Committee

List of Background Papers

- 20 The Constitution - Neath Port Talbot County Borough Council
<https://www.npt.gov.uk/pdf/constitution.pdf>

Officer Contact

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PLANNING SERVICE DELIVERY REVIEW

Background

As part of the continuous review of service delivery, a number of areas for improvement have been identified in respect of the delivery of the planning service.

This report seeks to focus on the following areas which are considered to require amendments to current process or protocol, to maximise efficiencies while maintaining or increasing the democratic accountability of the planning service: -

- Determination of Planning Applications (including Delegated Arrangements and Member Call-ins)
- Public Speaking at Planning Committee
- Planning Members' Site Visits
- Cut-off period for late submission of representations

Each of these are considered in turn below

Determination of Planning Applications (including Delegated Arrangements and Member Call-ins)

This Authority continues to be pragmatic and forward thinking in terms of improving the efficiency of the Planning service whilst also safeguarding the democratic process and providing for the needs of all of our customers. As a consequence, our delegated levels currently result in approximately 97.5% of applications being determined under delegated powers.

Members will be aware that there are two forms of delegated powers which have been in operation in this format since 2008: -

- 'Normal Delegated Powers'

These authorise the Head of Planning, the Development Manager and the existing two Development Management Team Leaders to determine applications without seeking authorisation from Elected Members. They relate only to minor non-controversial

developments, for example an extension to a domestic property which accords with guidance, has not been the subject of any objections and is acceptable hence is recommended for Approval.

- ‘Delegated Panel Powers’

These relate to more complex applications or applications which have received objections, and are reported to a panel of no less than three senior officers (the panel must include the Head of Planning and/or the Development Manager, with the remainder being either team leaders and/or senior planning officers).

If the recommendation is accepted by the panel, the case officer contacts each of the relevant Elected Ward Members and advises them of the development and associated recommendation. Authorisation is then sought to issue the decision. It is only when that authorisation is given that the Officer can issue the planning permission.

A review in 2014 sought to implement minor changes to the delegated arrangements to reflect changes to the legislation and guidance since 2008, including but not limited to procedures associated with National Strategic Infrastructure Projects (NSIP’s) which require information from LPA’s at various different stages before the Planning Inspectorate (PINs) will register an application.

This also transferred some matters that were previously determined under delegated panel powers to delegated powers, in order to make the system more efficient without undermining the democratic process or customer care.

Since the 2014 review there have been extensive additional legislative changes, including Non-Material Amendments, changes to the Fee Regulations (with the need to return fees if we fail to determine applications in an agreed period), additional Enforcement powers, and the introduction of Developments of National Significance (DNS).

In addition, other issues have been identified with the current delegated arrangements including: -

- It is not currently possible for *any* local Member (as opposed to the ward Member) to request that an application is called to Committee for determination;

- There remain a number of areas where panel approval is required, for example reserved matters and discharge of conditions on applications, where the principle of development has already been agreed. This has led to inefficiencies and requirement for Member authorisation on relatively minor or non-controversial matters.
- Due to their work or other commitments it is sometimes difficult to contact some Members to obtain their authorisation to issue delegated panel decisions. The current '7 day' period for the Ward Members to respond to a delegated panel recommendation is therefore, on occasion, creating delays in the determination of applications, and in deadlines not being achieved; a further refinement is therefore necessary to balance the efficiency of the decision making process against the role of democracy.
- When Members are absent on holiday or for other personal reasons, there is no protocol in place to allow a nominated representative to authorise panel decisions, again leading to inefficiencies and potential lack of democratic involvement.
- The need for 'Non-Material Amendments' or 'approval of conditions' to permissions granted to a Member of the Council, close relative of a Member, or an employee directly involved in the Development Management process, to still be reported to Committee (the original application having previously been reported to Committee for authorisation).
- Applications made by the Council (under Regulation 3 or Regulation 4 of the Town & Country Planning General Regulations 1992) are currently not referred to explicitly in the delegated arrangements.

Proposed Changes to Protocol

In order to address the above, the following changes are recommended to the current delegated arrangements: -

- Updating identified posts to those directly under the expanded 'Planning and Public Protection' service who are involved in the decision-making process
- Amended Delegated Arrangements (within the Constitution) including (but not limited to): -
 - Need for three or more objections to be received for the matter to be reported to Delegated Panel.

- Need for objections to be made on ‘valid planning grounds’ (thus avoiding the need for a panel decision when an objection is, for example, only objecting on non-material grounds such as impact on property value).
 - Deleting the requirement for approval of reserved matters or Discharge of Condition applications to be considered under delegated panel procedures.
 - Excluding Non-Material or Minor Material Amendments, and approval of details pursuant to conditions, to permissions granted to a Member of the Council, close relative of a Member, or an employee directly involved in the Development Management process, from the requirement to be reported to Committee (such matters to be dealt with as ‘normal delegated matters’ subject to receipt of objections).
 - Authorisation for Planning Enforcement action (for example service of a Planning Contravention Notice; (new) Enforcement Warning Notice; prosecution action etc.) to become a ‘normal delegated matter’ except for an Enforcement Notice (unless such Notice is urgently required in connection with a Stop Notice) which would remain as a Panel decision.
 - Developments of National Significance (DNS) – Submission of all responses or determination of post-approval conditions/requirements in respect of DNS to be normal delegated matters, with the exception of the Local Impact Report (LIR) which will be brought before Committee
 - Applications made by the Council (under Regulation 3 or Regulation 4 of the Town & Country Planning General Regulations 1992) to be identified as matters for the Delegated Panel.
 - Simplification of ‘normal delegated matters’ to cover all other matters which have not been identified as Committee or Delegated Panel matters (the “by exception” approach).
- Amendments to ‘delegation process’ (“Appendix A” of attached new delegated arrangements at Appendix 1 to this report) as follows: -
 - Introduction of a procedure which allows any Member to request an application to be called to Committee for determination, provided such request is: -

- within 14 calendar days of the application appearing on the 'weekly list' which is circulated electronically every Monday; and
- made in writing with a valid planning reason.

NOTE: This does not undermine the ability of a local Member to call in an application after a delegated panel has made a recommendation

- The request will be considered by a Panel comprising the Chairperson of Planning and either the Head of Planning or Development Manager – Planning, having regard to the need to ensure that the Planning Committee is restricted to dealing with those applications which, by reason of their complexity or local sensitivity, require detailed scrutiny by Committee, and the need for making expeditious decisions, such approval not to be withheld by the panel unreasonably.
- Reduction in the Delegated Panel Ward Member Notification period from 7 calendar days to 3 working days.
- Provision for Members (or the Chair of Planning in their absence) to nominate, in consultation with the Leader of their political group, another Member to represent them if they are going to be unavailable due to holiday / sickness or other personal circumstances. In extreme circumstances where the Local Member is unavailable and has not made prior arrangements their political Leader will act on their behalf.

These changes are identified in detail within Appendix 1 and will need to be incorporated into the Constitution.

Public Speaking at Committee

Since November 2014 the Council has operated a Public Speaking protocol at Planning Committee, which has generally been well received, albeit not extensively used to date.

In response to an earlier review, we have already implemented the following changes to ensure that the publicity associated with the public

speaking protocol and cut off period for the submission of consultation responses was improved: -

- Amended our consultation letters and site notices to advise all interested parties of the public speaking protocol.
- Inserted additional information at the beginning of each Planning Committee agenda in respect of the protocol and cut off periods for representations.

The Royal Town Planning Institute in its “*Study into the Operation of Planning Committees in Wales*” concluded that there is a wide variety of practices in the operation of Planning Committees across Wales and recommended that a national planning committee protocol be prepared.

In April 2016, the WLGA issued a Consultation document relating to a (voluntary) ‘Draft Planning Committee Protocol’ which covers a number of matters relating to the operation of Planning Committees. The primary aim of the protocol is to improve consistency across the 25 Local Planning Authorities (LPAs), whilst ensuring a level of local flexibility through discretion of the Chair and locally determined procedures such as the committee meeting running order. The Council’s response to this consultation was sent in May 2016.

Part of this relates to a protocol for public speaking, although from subsequent discussions at the Planning Officers Society for Wales (POSW) meeting, it is understood that it is not intended for that part of the protocol to be adopted *carte blanche* by all LPAs, but instead allow local flexibility.

At the same time, it has become clear through discussions with local Members, applicants and agents that there is an opportunity to address some existing issues with our protocol to ensure that it allows all persons involved in the process with the ability to engage with the decision making process and address Members of the Planning Committee when items are presented to it. In order to improve the decision-making process it is considered that these further refinements should be implemented as a matter of urgency, and in advance of any WLGA-recommended Committee protocol.

Recent issues arising have included: -

- Applicants seeking to address the Committee but unable to do without an objector (or supporter) registering to speak, because there is currently only a 'right of reply'.
- No Town or Community Councils have sought to engage in the Committee process despite being able to do so as an objector/supporter.

Proposed Changes to Protocol

In response to the WLGA consultation paper and the above issues, the following changes are recommended to the current protocol in order to improve the openness and transparency of the Planning Committee process, and give the public the greatest opportunity to engage in the process: -

- Allow the Chair of Planning to agree to late requests to speak, such agreement to be on a case by case basis.
- Introduce specific reference to Town and Community Councils ability to address Members.
- Refer to the stage when Ward Members can address the Committee (immediately after officer presentation and before public speakers).
- Allow applicants or their agents the right to address Committee, irrespective of whether there are any other speakers (no longer just a 'right of reply').
- State that persons wishing to speak can only do so if they have submitted written observations to the Planning Authority on the application in question within the prescribed period of time.
- Explicitly state that the Objector/Supporter, Applicant/Agent or Community / Town Council representative may not take part in the Members consideration of the application and may not ask or answer questions unless invited to by the Chair.
- While public speaking would remain restricted to one person for each 'category' (objector; supporter; applicant/agent; Town/Community Council), the Chair of Planning will have discretion (for example where there are divergent views within one 'side' of an argument) to permit a second speaker to address the Committee on a case by case basis.

A copy of the amended Protocol is attached at Appendix 2.

Members' Site Visits

Following an earlier Review, since November 2014 the Committee Site Visits procedure has allowed for whole Committee Site Visits to be conducted, normally on the morning of the Planning Committee, with the debate and decision being undertaken / made within the Planning Committee meeting in the afternoon. This has been functioning well, and there is considered to be no reason for change.

At present, however, the only way a Members' Site Visit can be agreed is through the Planning Committee meeting, usually in advance of discussion on any application (under agenda item 3) and exceptionally following debate. This leads to situations where it is known that a Site Visit will be requested, and such a visit would be supported (or requested) by Officers/ the Chair of Planning, but must still be reported to Members for a decision. This leads to delays in the determination of applications, and therefore inefficiencies, as well as the potential for refund of application fees if deadlines are not met.

In addition, the protocol does not currently allow for any Member to request such a site visit, but instead that this come through a Member of the Planning Committee.

Proposed Changes to Protocol

In order to address the above, the following changes are recommended:-

- Any elected County Borough Council Member can request a site visit¹.
- Such request should be made within 14 calendar days of the application appearing on the 'weekly list' which is circulated electronically every Monday, and in writing to the Head of Planning & Public Protection / Development Manager - Planning, and should specify:

¹ This will be treated as a request for the matter to be heard at Planning Committee, in accordance with the amendments to 'delegation process' referred to earlier in this report (and at 'Appendix A' of the new delegated arrangements at Appendix 1 to this report)

- the relevant planning grounds to indicate why a visit by the Planning Committee is essential to allow Members to reach a decision; and
- why visual aids in an Officer presentation would not be sufficient to address such a request.

NOTE: This does not undermine the ability of a local Member to request a site visit after a delegated panel has made a recommendation

- All such requests will need to be agreed by a Panel comprising the Chair of Planning (or in their absence an appointed deputy) in consultation with the Head of Planning & Public Protection / Development Manager – Planning.
- In accordance with the call-in arrangements, the Panel will first consider whether the application requires detailed scrutiny by Committee, including consideration of the reasons for a site visit (such approval not to be withheld by the panel unreasonably). A Panel decision not to report to Planning Committee will mean that the request for a site visit is not agreed.
- If the matter is to be reported to Committee, the Panel will then consider whether or not the request for a site visit is reasonable and whether it will indeed add value to the decision making process.
- If the Panel agree that a Site Visit should be held, arrangements will be made for this to take place (unless circumstances do not allow), normally on the morning of the Planning Committee.
- If the Panel does not agree that a site visit should be held, the Member who made the request (regardless of whether or not they are a Member of the Planning Committee) will have the opportunity to make a further request under Agenda Item 3 directly to the Committee. The Committee will vote on that request and if the vote is in favour of a site visit, the application to which the request applies will be considered as being deferred for a Committee Site Visit. If the vote is against a site visit, the application will be presented and debated as originally proposed when that item on the agenda is reached.
- While Members are encouraged to request site visits in advance of the meeting as detailed above (in order to improve the efficiency of the decision making process), it will still be possible for elected County Borough Council Members to request a site visit at Planning Committee (although it is intended that the above protocol will be adopted)

- Where it is felt by Officers that a site visit would be beneficial for Members, the Head of Planning and Public Protection or Development Manager – Planning may also refer such a request to the Chair of Planning (or in their absence an appointed deputy) for a decision

Cut-off Period for Late Submission of Representations

When applications are reported to Planning Committee, the current procedures allow for 'late' representations to be submitted to the Council by no later than 4.30p.m. on the Friday before Committee (based on the usual Tuesday meeting). If the meeting is not on a Tuesday, these should be received no later than 4.30pm on the penultimate working day immediately preceding the Planning Committee.

Requests to address the Planning Committee, however, must be received no later than two working days prior to the meeting date (by 2 pm on the preceding Friday based on a usual Tuesday meeting).

It is also considered appropriate, both for Officers and the public, for these deadlines to be harmonised in order to avoid confusion. Bringing forward the deadline to 2pm will also allow Officers the opportunity to review these submissions and, in the event they raise new issues, have additional time to address such matters in advance of the amendment sheet being prepared.

Proposed Changes to Protocol

In order to address the above, the following changes are recommended:-

- That the time limit for accepting receipt of 'late' representations on items being presented to Planning Committee is amended to a deadline no later than two working days prior to the meeting date (by 2 pm on the preceding Friday based on a usual Tuesday 2pm meeting) to match the deadline for requests to speak at Planning Committee.

Delegated Authority for Planning Functions

While compiling this report, legal advice has been obtained which indicates that, when the October 2014 amendments to delegated arrangements were reported to Council, this report had the unintended consequence of removing the delegation arrangements which were then in force (which effectively had previously delegated all matters to the Planning Committee) and replaced them with new delegation arrangements for planning.

As a result, because the delegations (to Officers) were made directly by the full Council itself, by-passing the Planning Committee, it was Council which was the delegating body in this instance, not the Planning Committee. Accordingly, it is a matter for Council to determine whether it now wishes to revoke, replace or amend those delegations. In other words, as Planning Committee was not specifically delegated certain of the powers within the delegation arrangements, it is not now in the position of being able to amend those delegations of functions: as they had not been delegated to them by Council in October 2014.

To address this matter, an additional recommendation is included within this report which seeks to clarify that authority for the Planning function, including any further amendments as may be deemed necessary to the above arrangements / procedures in future, are delegated to the Planning Committee.

Summary of proposed changes

1. New Delegated Arrangements (Detailed within Appendix B)
2. New Procedure Note for Public Speaking at Planning Committee (Appendix C)
3. Amended Site Visit procedures identified within this report
4. Amended Cut-off Period for Late Submission of Representations identified within this report
5. That delegated authority is given by Council to the Planning Committee for the Planning function, including any further amendments as may be deemed necessary to the above arrangements / procedures in future

NEW DELEGATED ARRANGEMENTS

The previous delegated arrangements were approved by Council on 15th October 2014 and amended (in respect of NSIPs only) by Planning Committee 21st October 2014.

Proposed New Delegated Arrangements

Part 3 of the CONSTITUTION - Annex J – Delegation No. 17 of the DIRECTOR OF ENVIRONMENT Delegation Arrangements {see page 3.151 of constitution version 14/01/2017}.

17. Planning

17.1 General Planning Delegation

A. Determination of Applications / matters by the Planning Committee

The Planning Committee will determine all applications / matters which fall within the following criteria: -

1. Where an application is considered to be of strategic importance, or where it is considered by Officers to be appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee (*note: the Member process is set out in the Appendix*).
2. Where an application is to be recommended for approval, and where it is considered by Officers that the proposals would materially depart from Policies within the Development Plan.
3. Where an application has been submitted relating to a Nationally Significant Infrastructure Project (NSIP), approval of the Authority's Local Impact Report and initial Written Representations.
4. Where an application has been submitted relating to a Development of National Significance (DNS), approval of the Authority's Local Impact Report.

5. Where an application (with the exception of Non-Material or Minor Material Amendments or the approval of conditions pursuant to permissions previously granted) has been submitted by a Member of the Council or close relative of a Member.
6. Where an application (with the exception of Non-Material or Minor Material Amendments or the approval of conditions pursuant to permissions previously granted) has been submitted by an employee of the Council who is directly involved in the Development Management process or in a post identified below: -
 - Director of Environment
 - Head of Planning and Public Protection
 - All posts under the direct responsibility of the Head of Planning and Public Protection
 - Head of Engineering and Transportation
 - Highways Development Control Officers
 - Drainage Officers
 - Head of Regeneration
 - Head of Streetcare
 - Head of Legal and Democratic Services
 - Committee Clerk (Planning)
 - Principal Solicitor (Planning)

Except as listed above, the Director of Environment, the Head of Planning and Public Protection, and Development Manager - Planning are granted Delegated Powers for the determination of all planning and other related matters / applications in accordance with the following procedures: -

B. 'Delegated Panel' Procedure

To determine applications / reports relating to the following matters and following agreement with local Ward Members and subject to the provisions of the Planning Code of Conduct: -

- Applications / matters where three or more objections are received on valid planning grounds
- Refusal of Applications
- Developments in excess of 5 dwellings (either in full or outline) which do not already have the benefit of a live planning permission
- Developments (either in full or outline) creating new floorspace in excess of 1000 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings which do not already have the benefit of a live planning permission
- Applications made under section 73 (to develop land without compliance with conditions previously attached to a consent) where development comprises more than 5 dwellings or more than 1000 sq.m. of new floorspace.
- Changes of use where the floorspace is in excess of 1000 sq.m.
- Approval of applications where proposals materially depart from approved Supplementary Planning Guidance
- Deeds of Variation or applications seeking to vary the terms of an existing Section 106 legal agreement
- Authorisation to serve an Enforcement Notice (unless urgently required in connection with a Stop Notice)
- Applications made by the Council (under Regulation 3 or Regulation 4 of the Town & Country Planning General Regulations 1992)
- Felling of trees covered by Tree Preservation Order
- Authorisation to confirm a Tree Preservation Order where objections are received to its issue
- Approval of Hedgerow Removal Notice under the Hedgerow Regulations 1997 where a hedgerow is "important"

C. 'Normal' Delegated Matters

All other applications or matters not referred to under 'A' - Determination of Applications / matters by the Planning Committee; or B - 'Delegated Panel' Procedure in addition to but not limited to the following: -

- (i) Nationally Significant Infrastructure Projects (NSIPs):
Submission of consultation responses; discharge of requirements following grant of a Development Consent Order

(DCO), and responses to applications to vary such Consent (including consents previously granted under section 36 of the Electricity Act 1989).

- (ii) Developments of National Significance (DNS): Submission of consultation responses etc.; Discharge of Conditions / Requirements on DNS applications.
- (iii) Planning Enforcement Procedures, including service and withdrawal of Notices and to institute legal proceedings for non-compliance with notices, or injunction proceedings, in conjunction with the Head of Legal Services.
- (iv) Section 106 Agreements: To authorise the entering into of Section 106 Agreements under the Town and Country Planning Act 1990

17.2 Building Regulations Delegations

The Director of Environment, the Head of Planning and Public Protection, and Building Control & Business Support Manager are granted Delegated Powers for the determination of all Building Regulations and other related matters / applications: -

- (i) To determine all applications in respect of the Building Regulations.
- (ii) To authorise the issue of infringement notices and any enforcement action with respect to Building Regulations.
- (iii) Building Act 1984
 - (a) Delegated powers for the elements of the Planning Service covered by legislation under the Building Act 1984.
 - (b) To authorise individual Officers to act as Inspectors/Authorised Officers/Enforcement Officers under legislation contained in the Building Act 1984.
 - (c) In consultation with the Head of Legal Services / solicitor to the Council, to institute legal proceedings on behalf of the Council in

respect of any offence under the above Act. (This delegation also applicable to the Principal Officer (Building Control)).

- (iv) Safety at Sports Ground Act 1975: To issue and sign the relevant Safety Certificates under the Safety at Sports Ground Act 1975 (as amended) and to take any enforcement action (the latter to be reported to the Planning Committee for information)
- (v) Safety of Stands for Spectators – Section 42 West Glamorgan Act 1987
- (vi) Retaining Walls – Section 26 West Glamorgan Act 1987

17.3 Other Delegation

The Director of Environment and the Head of Planning and Public Protection are granted Delegated Powers for the following matters: -

- (i) Natural Resources Wales (Forestry) - Consultations on Felling Proposals
 - (a) Where there are no objections, the response to Natural Resources Wales is delegated to the Director;
 - (b) Where objections are raised by local Members, relevant Community Councils, or by Officers, that the Director be delegated the power to request that this Authority be granted an extension of time, or to submit an objection to Natural Resources Wales. The matter would then be reported to the next available Planning Committee for consideration and that Committee be given plenary powers to resolve the Authority's formal decision. Relevant local Members would be invited to attend the Committee and any site visits, but would not be entitled to vote, in the same manner as in the determination of planning applications;

(ii) Neath and Port Talbot Local Access Forum

To determine future changes to the membership of the forum in consultation with either the Leader or Deputy Leader.

(iii) Rights of Entry

To authorise rights of entry to relevant Officers in respect of the following legislation:-

- (a) Town and Country Planning Act 1990 (as amended) – Section 324;
- (b) Wildlife and Countryside Act 1981 (as amended) – Section 51;
- (c) Planning (Listed Building and Conservation Areas) Act 1990 (as amended) – Sections 88 – 88B;
- (d) Planning (Hazardous Substances) Act 1990 (as amended) – Sections 36-36B;
- (e) Highways Act 1980 – Section 293;
- (f) Road Traffic Regulation Act 1984 – Section 71.
- (g) Anti Social Behaviour Act 2003 (High Hedges) – Section 74

(iv) Affordable Housing Contributions

The Head of Planning and Public Protection is granted delegated authority to review and make any necessary amendments to the charge levied for the negotiation of the Affordable Housing Contribution

Delegation Process (Development Management Matters / Applications)

1. If any Member of the Council considers that it would be more appropriate to report an application to Committee for decision, Officers will put the matter before Committee provided: -
 - a. a valid planning reason has been given by the Member (such reason to be clearly indicated within the subsequent report to Committee), and
 - b. such request has been made in writing to the Head of Planning and Public Protection or Development Manager – Planning within 14 days of the application being circulated on the ‘weekly list’ of applications²; and
 - c. subject to the Members request having been approved by a Panel comprising the Chairperson of Planning and either the Head of Planning and Public Protection or Development Manager – Planning, having regard to the need to ensure that the Planning Committee is restricted to dealing with those applications which, by reason of their complexity or local sensitivity, require detailed scrutiny by Committee, and the need for making expeditious decisions, such approval not to be withheld by the panel unreasonably. In the event of the Panel being unable to agree, the Chairperson of Planning has the casting vote.
2. To maintain accountability and transparency, reports will be prepared for all delegated matters / applications outlining the material issues for consideration together with a recommendation.
3. In the case of ‘Normal’ Delegated Matters (para 17 (i) C of Annex J), each report is to be signed by the Case Officer and Team Leader or in their absence the Development Manager – Planning or Head of Planning and Public Protection, prior to issuing the decision notice.

² This does not undermine the ability of a local Member to call in an application after a delegated panel has made a recommendation

4. Where applications are being dealt with under the 'Delegated Panel' procedure (para. 17 (i) B. of Annex J), a panel of Officers (comprising a minimum of three at Senior Planning Officer grade or above, including the Head of Planning and Public Protection and/or the Development Manager - Planning) will consider and sign off the report and its recommendation, in addition to which the following additional process will apply:-
- (a) Where following consultation with officers the relevant Ward Member(s) have agreed that the application can be determined the delegated decision can be made.
 - (b) if any Ward Member (or such Member nominated to deal with matters in the event of their absence) considers that it would be more appropriate to report the application to Committee for decision, Officers will put the matter before Committee provided a valid planning reason has been given by the Ward Member (such reason to be clearly indicated within the subsequent report to Committee) and subject to agreement of the panel procedure in 1(c) above
 - (c) In the absence of any agreement under 4(a) or representation under 4(b) that the relevant Ward Member(s) (or such Member nominated to deal with matters in the event of their absence) be advised of the proposed decision via e-mail, giving 3 working days to respond to a named officer(s) within the Department. Responses will be dealt with in accordance with (a) or (b), but if no response is received, it will be assumed that the relevant Members are satisfied that the application can be continued to be dealt with under delegated powers and the decision notice will be issued.



***Having your say at Neath Port Talbot
County Borough Council's Planning Committee***

**PROCEDURE NOTE FOR MEMBERS OF THE PUBLIC/ APPLICANTS
RIGHT TO SPEAK AT PLANNING COMMITTEE**

The Planning Committee decide the larger, complex or more controversial planning applications in the County Borough.

The Committee meetings usually take place on Tuesday at 2pm in Committee Rooms 1/2, in the Civic Centre, Port Talbot, SA13 1PJ (although this is subject to change), and are open to the public.

The public have a right to attend the meeting and address the Committee in accordance with the Council's approved protocol.

Who can speak at Committee?

A person wishing to speak at a Planning Committee, should be:

- An objector or spokesperson³ on behalf of a group of objectors who has a genuine interest in expressing a view on the planning merits of a proposal⁴
- A supporter of an application¹, or spokesperson on behalf of a group of supporters²
- An applicant (or the applicant's nominated agent) for the planning application
- A representative of a Town or Community Council²

³ Including any person appointed to act on behalf of a person or group

⁴ With the exception of the applicant/agent, any person wishing to speak can only do so if they (or the person they are representing) have submitted written observations to the Planning Authority on the application in question within the accepted Council deadlines.

³ The Chair of the Committee, however, has the discretion to permit a second speaker to address the Committee on a case by case basis.

Please note that: -

- Speaking is limited to one person for each of the above categories³.
- In the event of more than one person wishing to speak either for or against an application a spokesperson should be nominated. If agreement cannot be reached on nominating a spokesperson then the right to speak shall fall to the first person(s) to register a request to speak for and/or against the proposal.
- In addition, Elected Members who do not sit on the Planning Committee may attend the meeting and exercise their right to speak in accordance with current procedures as specified within the Constitution

Registering your request to speak?

If you would like to speak at Planning Committee on a specific planning application you must contact Democratic Services in writing or via email and:

- request to speak by no later than two working days prior to the meeting date, clearly indicating the item number or application number on which you wish to speak and confirming whether you are supporting or objecting to the application.
- give your name and address which will be publicly available unless there are particular reasons for confidentiality

The Chair of Planning has the discretion on a case by case basis to agree to late requests to speak.

Should an objector register to speak the Applicant/Agent will be notified by the Council of their ability to address committee . Should the applicant/agent wish to exercise that right, it will be necessary to confirm this to the Democratic Services section before 12pm on the day before the meeting.

Contact details can be found at the end of this leaflet.

What can I say to the Committee?

Under planning law, we can only take into account comments on planning issues. For example, these include loss of light or privacy, highway safety, traffic and parking issues, noise, amenity, pollution, conservation, wildlife and the design and appearance of the development (This is not an exhaustive list).

Issues which cannot be taken into account include loss of view, effect on property values, private rights, covenants and boundary disputes.

In addition to its own Planning Policies, Neath Port Talbot County Borough has to take into account Welsh Assembly Government Policies and guidance and you may wish to refer to these as well.

You must not make statements that are personal, slanderous or abusive.

Keep your address short, relevant and to the point.

The use of visual aids, circulation of plans, photographs, or other material at the Committee meeting will not be permitted.

What happens at the meeting?

1. Persons registered to speak should arrive **no later than fifteen minutes** before the meeting starts. A clerk will advise on seating arrangements and answer any queries.
2. The Chairman of the Committee will open the Meeting
3. Items where people have registered to speak, will normally be taken first on the agenda and will strictly follow the procedure set out below.
 - The item will be introduced by the Planning Officer who will give a formal presentation of the item, concluding with a formal recommendation;
 - The local Ward Member, if not on Planning Committee, will be invited to speak for a maximum of five minutes* by the Chair.
 - The representative of the Community or Town Council (if present) will then be invited to speak for a maximum of five minutes* by the Chair.
 - The Chairperson will then invite the Supporter (if present) to speak for a maximum of five minutes*;
 - The Chairperson will then invite the Objector (if present) to speak for a maximum of five minutes*;
 - The Chairperson will invite the Applicant/Agent (if present) to address Committee for a maximum of five minutes*;
 - Time limits will be strictly adhered to
 - Response by Officers if necessary to the points raised;
 - Consideration and discussion by Members before reaching a decision;
 - Immediately before the recommendation being put to a vote, the local Member (if present) will be invited to sum up, speaking for no more than 2 minutes.
 - The Objector/Supporter, Applicant/Agent or Community or Town Council representative may not take part in the Members consideration of the application and may not ask or answer questions unless specifically invited to by the Chair.

- Should any person registered to speak arrive after the fifteen minute cut off time, their opportunity to speak will be lost;
 - In the event of an application being deferred for the Planning Committee to visit the site, persons registered to speak will be allowed the opportunity to speak when the item is re-presented to Committee following the site visit.
 - At the meeting, you should not interrupt another speaker of the Committee debate.
4. Late requests to speak will not normally be accepted, although the Chair of Planning has the discretion on a case by case basis to agree to such requests.
 5. An application before committee will not be deferred if any person due to speak is unable to attend. Reserve speakers may be nominated in place of the person unable to attend. If no reserve is appointed then depending whether the person due to speak was for or against the application the opportunity to speak will fall to the next person in that category who has registered their request to speak

Please Note:

The Council Constitution provides for a maximum of 5 minutes for each speaker. The Chair always has discretion as to whether or not a person speaks and has discretion to allow longer speaking times if appropriate.

After you have exercised your right to speak

After your five minutes has expired, you will be asked to return to the public seating area where you will be able to listen to the debate within the Committee Meeting.

Following the cessation of the debate, Members will be presented with a recommendation and will vote on that recommendation.

The decision of the Committee will be clearly conveyed verbally to those in attendance at the Committee.

If you are not a Voting member of the Committee you may leave the Committee meeting at any time.

Contact Details

If you wish to address the Planning Committee, please put your request in writing to
Democratic Services:

By Post: Democratic Services
Civic Centre
Port Talbot
SA13 1PJ

By Email: democratic.services@npt.gov.uk

If you have any questions about the procedures above please contact the Democratic Services Team on 01639 763719

Website: www.npt.gov.uk

Translation/Special Requirements

If you would like this information in a different format, for example in large print, please contact Planning Services, Environment Directorate, The Quays, Brunel Way, Baglan Energy Park, SA11 2GG.

This document is also available in Welsh.

January 2017