

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
Council	1 October 2014



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<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
Amendment to Scheme of Delegation to Officers	Strategic Planning and Housing	Helen Hockenull	12

## SUMMARY AND LINK TO CORPORATE PRIORITIES

This report concerns an amendment to the Scheme of Delegation to Officers to include the consideration of Prior Notifications of Development proposed within an area where a Local Development Order is in place.

## RECOMMENDATIONS

That the Council agree to an amendment to Part 3E of the Constitution, the Scheme of Delegation to Officers to include the determination of Prior Notification of Development subject to a Local Development Order.

## DETAILS AND REASONING

Members will recall from the Council meeting in January 2014 that endorsement was given to a Local Development Order (LDO) to simplify the planning regime at the Samlesbury Enterprise Zone (EZ). This was subsequently confirmed by the Secretary of State.

The LDO sets out that the Lancashire Enterprise Partnership (LEP) will manage and coordinate activities related to the EZ through an EZ Governance Committee in association with the landowner. It would be active for a period of 10 years from the date of adoption. Activity would focus on inward investment for the purposes of advanced engineering and manufacturing building upon BAE Systems significant operations in Lancashire as well as the aerospace capabilities in the north-west and UK.

The LDO provides a comprehensive outline of all development that is permitted in the EZ **without the need for planning permission.**

The four main purposes of the LDO are to;

- Authorise development within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended in so far as it is for advanced engineering and manufacturing
- Authorise development that is ancillary, complementary or supporting such purposes
- Authorise development within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended for a development of a non-residential education and training centre to be used as a Regional Skills Facility; and
- Authorise the development of associated infrastructure eg.  temporary development associated with construction works, fences, gates, lighting, car parking, drainage works, landscaping.

A condition of the LDO is that any development must also be in line with the Masterplan approved in January 2014.

The process is that at each stage of any proposed development, a notification form will be submitted to the relevant local authority - either Ribble Valley or this Council depending on where the development falls. The local authority must then confirm in writing within 28 days of receipt of the completed form that:

1. the proposed development is permitted and can proceed without the requirement for a planning application, or
2. whether a separate planning application is required as the proposed development is beyond the scope of the LDO, or
3. whether further information is required, specifying the required details and reasons for them.

Having looked at the Scheme of Delegation to Officers it has become apparent that the determination of such notifications is not included in the Scheme. Such determinations are essentially a simple technical exercise, assessing whether or not the development proposed is within the scope of the LDO. It would be appropriate for such an assessment to be dealt with by Officers under delegated powers as are other similar prior approval applications. Practical difficulties would be caused if officers could not make such decisions as there are extremely tight time scales associated with this process – i.e. we only have 28 days in which to respond. This approach, giving delegated powers to officers to deal with Notifications, is in operation at Ribble Valley Borough Council.

Agreement to amend the Scheme of Delegation to Officers is therefore sought.

### WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

<b>FINANCIAL</b>	There are no financial implications
<b>LEGAL</b>	It is considered that this amendment to the Scheme of Delegation to Officers is both appropriate and necessary in order to ensure that we can deal with Prior Notifications of development in a timely fashion.  If agreed the Constitution will be amended accordingly.
<b>RISK</b>	The full risk assessment forms part of the background papers to this report. The main points for consideration are summarised here:-  The Council has to respond to a Prior Notification of Development in a very tight timeframe, 28 days, otherwise the development may proceed without any consideration by the LPA. Without delegated powers, there is a risk that development outside the scope of the LDO could take place outside the control of the local planning authority.
<b>THE IMPACT ON EQUALITY</b>	There are no adverse implications for Equality issues

<b>OTHER (see below)</b>			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

### BACKGROUND DOCUMENTS

Risk Assessment