

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING STRATEGY GROUP**

**DATE:** **THURSDAY, 2 JULY 2015**

**REPORT BY:** **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**SUBJECT:** **SUPPLEMENTARY REPORT ON PROPOSED CHANGES TO CHIEF OFFICER (PLANNING & ENVIRONMENT) DELEGATED POWERS**

**1.00 PURPOSE OF REPORT**

1.01 Members will recall that I brought a report to the 21<sup>st</sup> May meeting of the Group to advise of the intention to seek authority for the changes to the Chief Officer (Planning and Environment) delegated powers (pages 144 – 150 of the Council's constitution), in relation to the thresholds set in some of the criteria, the procedures for accepting money in lieu of community provisions under Section 106 obligations and other minor changes to update the scheme. This report seeks to widen the delegated powers in respect of other aspects which are normally but less frequently the subject of Section 106 Obligations.

**2.00 BACKGROUND**

2.02 My report to the group meeting in May is attached as Appendix 1 and the minutes reported above show that the recommendation was endorsed in respect of :

“(a) That the amendments to the Chief Officer (Planning & Environment) Scheme of Delegation be endorsed;

(b) That a report on the implications of the CIL regulations on Section 106 obligations be submitted to the next meeting of this Group; and

(c) That a report incorporating the proposed changes to the Chief Officer (Planning and Environment) delegated powers be submitted to the next available meeting of the Council's Constitution Committee.”

2.03 What is now sought is that additions are made to the topics subject to Section 106 Obligations covered in Para. 3.07 of my previous report (Appendix 1) to include reference to off-site highway improvements and the payment of commuted sums to cover such works, the payment of sums of money in lieu of on-site parking provision, etc.

### 3.00 CONSIDERATIONS

The purpose of the changes contained in my previous report was to update the delegated scheme and to seek to ensure that Planning and Development Control Committee could concentrate on those significant development proposals which warrant consideration by Members, avoiding those applications which are often not contentious and which are reported on a technicality, because they fall outside the existing delegation scheme.

- 3.01 Although they are less frequent than those categories covered by my earlier report it is now recommended that Section 106 Obligations covering Highway requirements are included in the Scheme of Delegation. These would normally involve work such as road marking which would be required as a result of a new development and would be covered by a Traffic Regulation Order, along with the receipt of commuted sums in lieu of such works where this is the chosen option. It would also allow the receipt of money in lieu of on-site parking provision.
- 3.02 From recent reports to Planning Committee, Members will be aware that there is often a request for payment in lieu of mitigation in respect of the wildlife and ecological impacts of a development and these are again the subject of Section 106 Obligations. It is proposed that the delegated scheme be amended to include such Obligations and the earlier payment of such sums where this is the developer's chosen option
- 3.03 Further to me earlier report I now propose the following further amendments to Clause 4 of the delegated scheme , as shown in bold print below:

“(i) To enter into Agreements and receive Unilateral Undertakings on behalf of the Council under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum by developers in lieu of on-site play/open space provision, educational provision, affordable housing provision, **off site highway or drainage works and ecological mitigation**, where the residential development concerned provides a maximum of 15 no. dwellings, **or in the case of non-residential development it would otherwise fall within the delegated scheme.**

(ii) On behalf of the Council to receive the earlier payment of the monies referred to above where the applicant requests this as an alternative to the Section 106 Obligation.

(iii) On behalf of the Council to amend existing Section 106 Obligations covering the above matters.

**4.00 RECOMMENDATIONS**

That the additional amendments to the Chief Officer (Planning and Environment) Scheme of Delegation outlined above be endorsed and that a report incorporating all the proposed changes be taken to the next meeting of the Council's Constitution Committee

**5.00 FINANCIAL IMPLICATIONS**

None

**6.00 ANTI POVERTY IMPACT**

None

**7.00 ENVIRONMENTAL IMPACT**

None

**8.00 EQUALITIES IMPACT**

None

**9.00 PERSONNEL IMPLICATIONS**

None

**10.00 CONSULTATION REQUIRED**

None

**11.00 CONSULTATION UNDERTAKEN**

None

**12.00 APPENDICES**

Chief Officer (Planning and Environment) Scheme of Delegation

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

Contact Officer: Glyn P. Jones  
Telephone: 01352 703248  
Email: glyn.p.jones@flintshire.gov.uk