

CABINET



URN: 23-144

Report Title : Supplementary Planning Documents – Initial Consultation Delegation

Report to: Cabinet

Date of meeting : 9 October 2023

Responsible Cabinet Member: Cllr Daniel Candon

Responsible Director / Officer : Sam Hubbard – Strategic Planning Manager

Is this a Key decision ? No

EXECUTIVE SUMMARY / INTRODUCTION FROM CABINET MEMBER

This report requests delegated authority to the Head of Planning to approve the first stages of consultation on Supplementary Planning Documents.

RECOMMENDATION

That Cabinet: delegate authority to the Head of Planning, in consultation with the Cabinet Member with responsibility for Strategic Planning, to approve the first stages of public consultation on future emerging Supplementary Planning Documents as and when they are prepared.

1. Introduction

- 1.1. Supplementary Planning Documents (SPD) build upon and provide more detailed advice or guidance on policies in an adopted local plan. They do not form part of the 'development plan' but are a material consideration in the determination of planning applications. The Council currently have four adopted Supplementary Planning Documents (SPD) for Hall Quay, North Quay, Open Space provision and a design guide for Shopfronts.
- 1.2. The Town and Country Planning (Local Planning) Regulations 2012 require at least two stages of consultation during the preparation of an SPD. Firstly, consultation is required during the initial preparation of the document to inform a draft SPD. This consultation is typically more informal and could be in a questionnaire format (such as the initial consultation on the North Quay SPD) or in the form of a first draft of the SPD. More than one consultation could be undertaken if necessary and some consultations could be more tailored to be focussed on certain interest groups. The point of consultation at this stage is to give people an early say on the content of the SPDs before the Council has formalised a final position on the matter.
- 1.3. Once a final draft of the Supplementary Planning Document has been prepared it must then be subject to a more formal public consultation prior to adoption.

- 1.4. In order to support the timely production of these documents, the Policy and Resources Committee in September 2021 gave delegated authority to the then Director of Planning and Growth, in consultation with the Local Plan Working Party and the Chairman of Policy and Resources Committee, to approve public consultation at the initial stages of preparation as detailed above. Given the new constitution and new executive structure of the Council it is considered necessary to renew this delegation. As such this report now requests this delegation is given to the Head of Planning in consultation with the Cabinet Member with responsibility for Strategic Planning.
- 1.5. The formal stage of consultation on the final draft of the SPD will still be subject to approval by Cabinet. Cabinet also has the responsibility for adoption of SPDs on behalf of the Council.

2. Financial Implications

- 2.1. No direct implications. Some staff resource will be saved during the preparation of SPDs.

3. Legal and Risk Implications

- 3.1. The risks are considered minimal. Delegation is only being requested for the informal consultation stages during the preparation of the SPD. Approval for consultation on a final draft SPD will still be overseen by Cabinet. The powers to prepare an SPD are outlined within the Planning and Compulsory Purchase Act 2004 and the Town and County Planning (Local Planning) Regulations 2012. Consultation is a necessity in the preparation of a Supplementary Planning Document and if not done correctly could lead to future scope for challenge.

4. Conclusion

- 4.1. Supplementary Planning Documents require at least two stages of consultation. To ensure the timely production of future Supplementary Planning Documents as and when they are prepared it is requested that delegated authority is given to approve the first, informal, stages of consultation. This delegated authority is proposed to be given to the Head of Planning in consultation with the Cabinet Member with responsibility for Strategic Planning.

Areas of consideration: e.g. does this report raise any of the following issues and if so, how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Yes
Section 151 Officer Consultation:	Through ELT
Existing Council Policies:	n/a
Financial Implications (including VAT and tax):	n/a – covered by usual staff operating costs.
Legal Implications (including human rights):	n/a
Risk Implications:	n/a
Equality Issues/EQIA assessment:	n/a

Crime & Disorder:	n/a
Every Child Matters:	n/a