

**Clarification of Scheme of Delegation
Development Control Committee, item 9**

Committee:	Development Control	Agenda Item
Date:	5 April 2006	9
Title:	Clarification of Scheme of Delegation – Recreational Uses	
Author:	Hilary Lock; Planning Control Manager North; Extn. 486	Item for decision

Summary This item seeks Members approval to amend the text of the Scheme of Delegation to Officers approved by the Development Control Committee on 21 September 2005, in order to clarify the delegation of applications for recreational uses and development.

Recommendations

1. That Members agree to clarify the written terms of the delegation agreement approved by the Development Control Committee, to include all changes of use of agricultural or other land to recreational/garden uses, regardless of the size of the application site.
2. That paragraph 3.5.21 of the Scheme of Delegation to Officers (Development Services) be modified to include the underlined text: “new community and recreation facilities e.g. village halls, play areas, extension to schools, and changes of use of agricultural and other land for recreational purposes, regardless of the site area”.

Background Papers

Report to Development Control Committee dated 21 September 2005 which sets out the Scheme of Delegation to Officers.

Impact

Communication/Consultation	None. Affected parties will continue to be consulted on relevant planning applications whether determined by the Development Control Committee or by delegated authority.
Community Safety	None
Equalities	None
Finance	Determination by delegated powers is a more cost-efficient means of determination.
Human Rights	None. The call-in powers of Members would be unaffected.

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Legal implications	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 1 At the Development Control Committee meeting on 21 September 2005, Members agreed an enhanced scheme of officer delegation to assist in improving speed of decision-making and achievement of Best Value targets.
- 2 Paragraph 3.5.21 of that document includes delegation of all applications relating to “new community and recreation facilities e.g. village halls, play areas and extension to schools”. In practice, “recreation” has also included matters such as extensions to domestic garden areas, changes of use of land for the keeping of horses, and the construction of fishing lakes.
- 3 The areas of land involved in applications of this nature can often be large, and if the application site is in excess of 1 hectare it would be classed as a “major” planning application. However, the delegation agreement excludes major developments unless related to agriculture, and as a result in theory recreational developments of this type would fall within the remit of the Development Control Committee to determine.
- 4 In practice, a number of applications have related to the change of use of agricultural land to recreational uses, and as such have been determined under delegated authority. However, it is considered that this aspect of the delegation agreement is ambiguous, and requires clarification.
- 5 As with other agricultural development, it is recommended that recreational and community development on sites in excess of 1 hectare be excluded from the requirement for Committee determination as “major” developments. If any scheme however was of a nature to generate wider local interest, the Executive Manager would still have the discretion to refer applications to the Committee, and indeed the call-in powers of Members would be unchanged.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
None	None	None	None