

FOR PUBLICATION

COVID-19 - BUSINESS AND PLANNING ACT 2020

MEETING: (1) STANDARDS AND AUDIT COMMITTEE
(2) CABINET MEMBER FOR GOVERNANCE

DATE: (1) 23rd SEPTEMBER 2020
(2) Tbc

REPORT BY: MONITORING OFFICER

WARD: ALL

1.0 PURPOSE OF REPORT

1.1 For an appropriate additional delegation to be put in place to ensure proper governance under legislation made in response to the current Covid-19 pandemic.

2.0 RECOMMENDATION

2.1 That the officer delegation proposed in this report be agreed.

3.0 BACKGROUND

3.1 On 19th March this committee considered and approved a series of delegations to enable Council decision-making to continue during the national emergency resulting from the Covid-19 pandemic. A further (virtual) meeting of the committee on 5th May enabled the Council to effectively introduce remote meetings. On 2nd July members considered new delegations arising from the Business and Planning Bill (now enacted). A report was submitted to Standards and Audit Committee on 22nd July reviewing all these steps.

- 3.3 This report seeks an additional delegation for the planning decision process relating to some environmental approvals, not anticipated as necessary at the time of the 2nd July report.
- 3.6 The Chair of Planning Committee has been consulted on these proposed delegation and supported the proposal, which was also informally raised with Planning Committee without comment.

4.0 EXTENSION OF CERTAIN PLANNING PERMISSIONS

- 4.1 The Business and Planning Act 2020 temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which have lapsed or are due to lapse during 2020 to be extended. Government guidance¹ says

This is in recognition of the effect coronavirus has had on the planning system and the construction sector and in particular the delays it has caused to the commencement of new development. This extension will allow the commencement of the planning permissions and listed building consents without the need for a new application

- 4.2 Planning permissions have a condition which state that development must start before a certain date. Unimplemented planning permissions due to lapse between 19th August 2020 and 31st December 2020 are extended by the Act automatically to 1st May 2021 with no requirement for Additional Environmental Approval. All listed building consents with a time limit for implementation between 23rd March 2020 and 31st December 2020 are extended to 1st May 2021.
- 4.3 Unimplemented planning permissions with time limits for implementation between 23rd March 2020 and 19th August 2020 are restored with their time limit extended to 1st May 2021, subject to Additional Environmental Approval being granted.
- 4.4 Where Additional Environmental Approval is required an application must be submitted to the local planning authority with relevant supporting information. If the original planning permission did not require an Environmental Impact

¹ <https://www.gov.uk/government/publications/extension-of-certain-planning-permissions-draft-guidance/extension-of-certain-planning-permissions-draft-guidance>

Assessment or Habitats Regulations Assessment applicants should explain why they consider they are still not needed.

- 4.5 The purpose of the Additional Environmental Approval consent route is to ensure that there have not been any changes since the original consideration of Environmental Impact Assessment and Habitats Regulation Assessment. Once an application is sent it must be decided within 28 days (with a total extension to that, by agreement, of up to 21 days). If there is no decision in that time the application is deemed to be granted.
- 4.6 While it is anticipated that there are only ever likely to be a small handful of such applications in Chesterfield, a new officer delegation is sought for the Development Management and Conservation Manager to consider and decide such applications so that they can be decided. The above timescales would not permit a committee determination and in any case all other environmental impact matters are already delegated to the Development Management and Conservation Manager (Delegation reference P760D). To date one application has been received and is currently awaiting determination.

5.0 RECOMMENDATION

- 10.1 That the officer delegation proposed in this report be agreed.

10.0 REASON FOR RECOMMENDATION

- 10.1 To put in place an appropriate delegation to enable the provisions of the Business and Planning Act 2020 relating to determining Additional Environmental Approvals (which contains measures as the result of Covid-19) to be put into effect.

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