



Charter for Development Management

October 2008

Environment, Economy and Culture

D I R E C T O R A T E

Equal Access to Planning Services for all

Devon County Council is committed to ensuring that any member of the public has fair access to its services and publications. The Development Management service is provided to enable the sustainable development of the County having regard to the maintenance and enhancement of its special environment; to secure, where appropriate, infrastructure and community benefits; and to seek to protect the amenities of the residents of Devon, regardless of race, religion, gender, age, sexual orientation or disability.

If you would like this information in a different format such as large print, Braille or tape, or in a different language, please contact our Customer Service Centre on **0845 155 1015** or email customer@devon.gov.uk

E-government

Whilst it is recognised that not all members of the public have access to the internet, it is intended that all policy documentation produced by Devon County Council should be available on its website at www.devon.gov.uk. The availability of information in this format is intended to assist with the County Council's goals on sustainable development in reducing the need for as many paper copies of documents and in reducing the need to travel to County Hall for those users of our services who may not live in close proximity to a County Council Office.

Who are we?

The County Council's Development Management service is delivered as a part of the Environment, Economy and Culture Directorate.

What do we do?

The County Council is responsible for:

- determining planning applications for mineral extraction/tipping and associated development; waste management and disposal - such as transfer stations, recycling centres, waste processing sites, sewage treatment and landfills. These are generally referred to as "County Matter" applications
- determining its own planning applications which include development at schools and recycling centres, also some schemes carried out in our capacity as Highway Authority such as footways, cycle routes, new roads and bridges
- periodically reviewing the conditions attached to old mineral permissions
- monitoring the conditions attached to active minerals and landfill permissions
- providing advice to the eight District Councils and two National Parks on the highways and transport aspects of planning applications being dealt with by these authorities. On smaller application this will be achieved through the provision of 'Standing Advice' from autumn 2007
- giving "strategic" guidance on applications received by other Authorities such as District Councils when they need strategic planning and/or strategic highways advice on the wider ranging implications of large development proposals
- giving advice to District Councils on applications for non-mineral development within Mineral Consultation Areas where the development may conflict with mining interests
- commenting on emerging policy, including District Local Development Documents and appropriate Government Consultation papers, to seek to ensure that it does not damage the environment or the economy of Devon and that it will enable the achievement of sustainable development.

We do not deal with planning applications for domestic or commercial development - for advice on this you should contact your District Council or, if in Dartmoor or Exmoor, the relevant National Park Authority.

How we deal with general queries and telephone calls

This may depend on the complexity of your query, but in general we aim to deal with your queries within the following timescales:

- **Telephone Queries:** - 48 hours if we cannot deal with it immediately (If a query is particularly complex we may ask to receive it in writing to ensure that all the points are responded to fully).

The County Council has recently opened a Customer Service Centre in Tiverton for members of the public to contact us to gain access to information and services. The opening hours are 8am to 8pm from Monday to Friday, and 9am to 1pm on Saturdays. The telephone number is **0845 155 1015**.

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- **Written enquiries** - 10 working days
Complex queries may require us to consult with other bodies or to visit the site before we can give you an answer. In such cases we will endeavour to acknowledge your letter in 5 working days and respond in full to your query once we have the information we require. A mail monitoring system is in place within the Environment, Economy and Culture Directorate to ensure that performance is kept under review, and performance will be monitored annually.
- **E-mail communications** - 3 working days (unless additional information or time is requested - see for written enquiries above).
All email enquiries sent to our mailbox planning@devon.gov.uk will receive an automated acknowledgement and will then be passed on to the relevant Development Management Officer(s) who will respond in full as soon as they have the information you require.

When are Officers available?

We aim to ensure that our staff are available during office hours to respond to your queries, but as we are a small team this may not always be possible.

If you wish to speak to a member of staff about a specific site or application we would ask that you ring in advance to ensure that the Officer has the opportunity to make the file or any planning history available and in order for you to be confident that you will receive the information you require. Alternatively you may wish to submit a query by e-mail to: planning@devon.gov.uk

The names and direct telephone numbers of our Development Management Officers are listed at the back of this document.

Planning Applications for "County Matters" and County Council Development

Submitting a planning application

If you make a planning application to the County Council you should be confident to expect that we will deal with it as efficiently as possible and notify you if any additional information is needed or if we or our consultees have any concerns about your proposal.

Using an Agent

If you use an Agent to submit your planning application, all correspondence will be sent to your Agent and normally we will not contact you directly, unless you specifically request us to do so.

How can we help to speed up a decision?

Pre application discussions and advice

We will be happy to talk to you before you submit your planning application. This may help to speed up the way in which your application is dealt with as it will ensure that the application is complete, that the application fee (currently set to a national scale of prescribed charges) is correct and that no other legislative requirements have been overlooked (such as the need for an Environmental Impact Assessment, Transport Assessment or licences/permits/consents relating to waste management or protection of the environment).

If we are not sure whether your proposal requires additional consents other than planning permission (e.g. Waste Management Licence or Discharge Consent), or if we think it may raise issues that will be of concern to any of our consultees, we can put you in touch with the people you need to speak to such as the Environment Agency or Natural England.

We welcome questions and discussions about the legal framework within which we make decisions and the policies and proposals which apply to new mineral and waste proposals and County Council development in the County.

The guidance you may receive at the early stage of an application is given as an opinion of the individual Development Management Officer. It does not bind the County Council to any decision it may subsequently make on a planning application - the whole picture cannot be established until full consultation has been carried out and a wide range of interested parties have given their views on a proposal. However, it can reduce unnecessary additional work if there is a fundamental problem with the proposal. The process is intended to give more certainty in a complex process.

How can you help to speed up your decision?

Making sure your application is complete

Since April 2008, a national planning application form must be used for all planning applications, apart from minerals applications. Alongside this, the information that must be submitted with a planning application is listed in the document 'Validation

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Requirements for Planning Applications to Devon County Council' The information required depends on the nature, location and scale of each application.

The planning application forms, validation requirements and additional guidance notes can be viewed and downloaded from the County Council's website at www.devon.gov.uk/planning-system

We can provide paper copies of application forms and guidance notes if requested.

In general, the clearer and more complete the information you provide about the nature of your proposal, your reasons for applying, the likely impacts it may have and how you intend to overcome them, the more quickly your application will be decided.

If you are in any doubt about the nature of the information you should provide, it may be helpful for you to talk to a Development Management Officer who will be happy to assist.

Talk to your neighbours

Decisions may be delayed considerably by valid objections raised by neighbours of a proposed development. If development is proposed, it may help to speak to your neighbours to find out if there is anything that concerns them. If likely problems are identified at an early stage, it may be possible to amend a proposal to overcome such concerns before an application is submitted.

Information for the applicant/agent

When we acknowledge your planning application, you or your agent will also be told the contact details of the Development Management Case Officer who will deal with it. If there are issues that need to be discussed then the Case Officer will normally contact you or your agent (if applicable). If there are any questions about progress then the Case Officer will be happy to answer them.

How quickly will your application be dealt with?

The Government has given guidance to Planning Authorities about how long they should take to deal with planning applications. Mineral and waste applications can often be more complex and more controversial than general domestic and commercial development, particularly where they are formally required to be accompanied by an Environmental Statement as prescribed in the Town and Country Planning [Environmental Impact Assessment] [England and Wales] Regulations 1999. It is a National Government target that applications should be determined within the following periods:

Minor Applications for Mineral and Waste Development

not accompanied by an Environmental Statement
8 weeks (56 days)

Major Applications for Mineral and Waste Development

not accompanied by an Environmental Statement
13 weeks (91 days)

Applications for County Council Development

8 weeks (56 days)

All Applications accompanied by an Environmental Statement

16 weeks (112 days)

Why do decisions sometimes take so long?

The Government guidelines are clear and we try to make decisions within the timescale, but mineral and waste applications can be complex and if necessary we would rather negotiate and take longer to get a better end result, which sometimes means that decisions can be delayed. The main reasons for delay in decisions can be:

- because the application is not complete
- if new information comes to light as a result of consultation responses, leading to a need to ask for changes to the proposal
- if we have to re-consult on amended plans
- having to wait for some of our consultees to come back to us with their views (e.g. some Parish Councils meet less than once a month)
- having to wait for the next available committee date
- if the decision needs to be accompanied by a legal agreement to secure off site works or other developer contributions (Planning Obligations).

How to avoid delays

Some of the delays listed above can be overcome or reduced by talking to us before you submit a planning application. We will be happy to help.

Keeping people informed

Consultation is seen as essential to good local government. It strengthens the County Council's commitment to improving quality of life in Devon by finding out the needs and views of local people.

Devon County Council is committed to giving the widest possible publicity to planning applications within the framework of ensuring "value for money" in the methods of publicity we use.

How do we let people know about planning applications?

For **every** planning application where the County Council is the determining authority, we **always** do the following:

- put a **site notice** on the application site (more than one if it is a very large site or it has more than one entrance).
- publish details of the application with copies of supporting documentation on the County Council's **website** as part of the monthly list of planning applications received and indicate which Case Officer is dealing with the proposal.
- notify affected **neighbours** by letter. A neighbouring property is considered to be any property which shares a common boundary or lies opposite or close to the

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application site, where in the opinion of the Case Officer, the enjoyment of the property could be materially affected by the proposal.

- consult the relevant District Council, Parish Council, the Environment Agency¹, the County Council's own Highways Development Management Officers, and other "**Statutory**" **Consultees**.

For **complex and major** applications which the County Council is responsible for determining we also:

- **advertise** details of the application in the Thursday edition of the Western Morning News² (some District Councils advertise County Council applications in their own weekly lists).
- **consult** other Agencies and organisations where their response would be relevant to the proposal – for example Natural England if there are nature conservation issues, or English Heritage if the application affects a listed building or Scheduled Ancient Monument.

Complex or major applications are considered to be:

- where the application is accompanied by an Environmental Statement
- departures from the Development Plan
- development affecting a Public Right of Way
- development within a Conservation Area
- Development affecting the setting of a Listed Building
- Listed Building Consent applications and accompanying planning applications
- Major applications:
 - the winning and working of minerals or the use of land for mineral working deposits
 - all waste developments - including treating, storing, processing or disposing of refuse or waste materials
 - the provision of buildings where the floor space exceeds 1,000 sq. metres
 - development carried out on a site exceeding 1ha.

We ask for responses to our publicity and consultations within **21 days** to enable us to deal with the application promptly.

Where can you see planning applications?

Planning applications can be seen at County Hall, Topsham Road, Exeter from 9.30am to 4.00pm (Monday to Friday) but it is advisable to telephone in advance for an appointment, or at the offices of the District Council within which the application falls, during their opening hours. If you are unable to view the application in either of these locations, you can contact the Case Officer to see if alternative viewing arrangements can be made. Sometimes it may be possible to look at copies at the County Council's Area Offices or copies held by the Parish or Town Council.

¹ For minor applications this may in future be covered by Standing Advice.

² As required by Government Regulations.

How we deal with planning applications

Timetable for processing planning applications

The County Council aims to deal with the administrative parts of the application process within the following timescales:

	Working days from receipt of application
Registration, application and fee checking	3 days
Acknowledgement & forwarding to the Case Officer	7 days
Consultations sent out	7 days
Site Notice displayed	10 days
Neighbour notifications sent out (if required)	10 days
Requests for further information	15 days³

What happens if you object to or support a planning application?

Letters of representation (may also include FAX or e-mail communications)

We will acknowledge representations made on planning applications **within 5 working days** of receipt. Any representation you make will be placed on a public file and will be available for public inspection. The representations will also be available to the applicant and may be used as the basis for negotiations if they raise issues that could be resolved by amending the proposal.

The County Council will not consider anonymous, libellous or offensive communications. If you wish to send your communication by e-mail it should be sent to planning@devon.gov.uk and must contain your name and address in the same way that would be required of a normal letter.

Petitions and standard letter/postcard campaigns

The County Council does not have the resources to acknowledge individually large numbers of communications sent in this way. When petitions are received we will address subsequent correspondence normally only to the organiser or to the first name on the list. Certain issues have led to the receipt of thousands of identical postcards or replicated letters sent to the County Council. In such circumstances we will endeavour to contact the representatives of any groups or organisations associated with such campaigns or, if this is not clear, by issuing a press release.

Which applications are decided by the Development Control Committee?

Some planning applications are straightforward and where no objections are received, the recommended decision accords with development plan policy, and the local County Councillor, for the particular area where the proposal is located agrees, the decision can be made by the Executive Director of Environment, Economy and Culture or County Solicitor on behalf of the Committee. This delegated procedure is set out in more detail in the Committee's Scheme of Delegation which now forms

³ may be later if requested by Statutory Consultees in their own response to us

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part of the Committee's adopted Protocol document and which may be found on the County Council website at:

www.devon.gov.uk/protocol_for_dc_committee-2.pdf

In the following circumstances, applications will normally be referred to the Development Control Committee for its decision:

- where the application is considered to be a “departure” from the adopted Development Plan; or
- where there are significant objections from the appropriate District or Parish/Town Council or other parties.

Where representations of objection have been received which could be addressed by the imposition of appropriate planning conditions, or which relate to non material planning considerations, or standard in principle objections, the Executive Director of Environment, Economy and Culture is empowered to determine the application following the approval of the Chairman or Vice Chairman of the Development Control Committee and the Local Member.

Development Control Committee

This Committee ordinarily meets approximately 8 times a year to consider planning applications and other matters relating to planning policy. The dates for these meetings may be found on the County Council website at:

www.devon.gov.uk/meetings_calendar.htm or by contacting Democratic Support on 01392 382289.

The Agenda containing reports to the Development Control Committee may be found on the County Council website 5 days before the Committee meeting:

http://www.devon.gov.uk/index_dvc.htm. Proceedings of the Committee are now also regularly broadcast via a webcam, and details of this can also be accessed through the County Council's website at:

<http://www.devoncc.ukcouncil.net/site/webcasts.php>.

The elected members of the Development Control Committee have adopted a Protocol for decision making to ensure that the democratic process is transparent and decisions are taken in a fair and rational manner. This Protocol, which also applies to Officers of the Council, may be found at the County Council's website:

www.devon.gov.uk/part10.htm or is available as a paper copy on request from Democratic Support.

Can interested parties speak at the Committee?

Unless particular confidential matters are to be considered, meetings of the Committee are open to the public and facilities provided for attendance to hear the proceedings. Devon County Council encourages public participation at its Development Control Committee. Full details can be found in the leaflet “Having Your Say – Public Participation at Committee Meetings” which may also be found on the County Council website: www.devon.gov.uk/part4/info_access.htm.

Members of the public may address the Committee with their concerns in line with this protocol but only on those applications where the County Council is the deciding authority. It does not normally apply to those cases where the County Council is

being consulted by the District Council or others, where they or others will be making the final decision.

When will I know the outcome?

You can find out the decision on an application by contacting the Case Officer the day after Committee. The minutes of the meeting will be published by the County Council within 7 days of the Committee and will also then be available on the County Council website: http://www.devon.gov.uk/index_dvc.htm

When will the decision be issued?

We aim to issue decision notices within **7 working days**⁴ from the meeting and to notify interested parties within **10 days**.

Transparency in decision making

In order to make it quite clear why a particular decision has been issued, decision notices will contain the following information:

- where permission has been granted, the conditions relating to the implementation of the proposal with clear reasons for their application.
- a statement setting out the reasons why planning permission has been granted.
- where permission has been refused, clear reasons for refusal
- a list of up to date development plan policies relevant to and taken into consideration in the determination of the application.

What happens if the Committee does not make a decision?

If the Committee does not feel that it has sufficient information to make an informed decision, it may defer the application to a following meeting to allow more time for questions to be answered or to await any consultation responses still to be received. If they feel that an application can be granted subject to an awaited response, they may **delegate** the decision to the Executive Director of Environment, Economy and Culture or County Solicitor, subject to no objection being raised in the awaited response.

Occasionally the Committee Members may feel that they need to view a site before they can make a decision on a planning application. If this happens, the applicant or agent will be notified of a date when either the full Committee or more commonly a smaller representative group of Members wish to visit the site.

Normally the result of this visit will be reported to the next Committee meeting with a recommendation from the visiting Members. A programme of provisional dates for **Committee Site Visits**⁵ is established at the beginning of each year, and these appear in the Committee calendar. These actual dates are confirmed at the Committee when it decides to carry out a Site Visit.

What are the rights of Appeal against decisions?

If a planning application is refused, or conditions are imposed on a grant of permission, the Council will give clear reasons for the decision which will be included

⁴ unless requiring the prior completion of a legal agreement.

⁵ For procedures relating to committee site visits, see the Development Control Protocol

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on the decision notice. If an applicant feels that these reasons are not justified, there is a right of appeal to the Secretary of State through the Planning Inspectorate.

The decision notice contains the information on how to appeal against the planning decision. Prior discussions with Case Officers can help to avoid refusals of planning permission, and for complex applications, the draft conditions are normally discussed by Case Officers with the applicant before the application is presented to the Committee.

In the circumstance of planning permission being refused for County Council development proposals contrary to Officer recommendation, there is now a procedure in place whereby the appropriate lead County Council Member on the Council's Executive, who is responsible for promoting the development can call for an independent review of the decision for referral back to the Committee for reconsideration.

What happens if we don't make a decision in the permitted time?

Appeals against non-determination

When we register your planning application, you will receive a letter stating the date by which it should be determined. If you have not had a decision by that date, and have not agreed an extension of time with the Case Officer (because of one of the factors referred to above) then you may appeal to the Planning Inspectorate for them to deal with your application instead. The address of the Planning Inspectorate is on the back of this document along with other useful addresses.

What happens if, after a decision is made, the applicant wants to change the development?

If the proposed change is a **minor** amendment the County Council may permit small changes to a planning permission in accordance with its adopted Protocol for dealing with such circumstances. This Protocol as adopted by the Development Control Committee defines a minor amendment as:

"A minor variation of an approved scheme which does not raise significant new issues [requiring the submission of a new planning application], provided that, cumulatively the changes would not result in a substantial departure from what was originally approved."

Any amendment which is not considered to fall within this definition will require the submission of a new planning application. The Protocol may be found on the County Council's website at:

www.devon.gov.uk/protocol_for_dc_committee-2.pdf

Paper copies of the document can also be provided on request.

Monitoring of Decisions

Devon County Council monitors conditions applied to mineral and waste sites and to the Council's own development to make sure that they are being complied with.

Since April 2007, the County Council has undertaken proactive monitoring of active minerals and landfill sites in accordance with the new 2006 Regulations, whereby chargeable visits are made to sites, the number of which are subject to the prior

agreement between the County Council and the operators. Reports of these visits will be produced and an overall Annual Report produced.

The policy and protocol for any formal action pursued is set out in the separate Policy Document - "The Monitoring and Enforcement of Planning Control by Devon County Council" which may be found on the County Council's website at: http://www.devon.gov.uk/plan_enforce_document.pdf

Other advice and consultations dealt with by the Development Management service

Highways Advice

Our Highways Development Management Officers give advice to the District Councils and the National Park Authorities on planning applications that they determine, in particular whether or not an application will need to be accompanied by a Transport Assessment. It is our target to give a response on these consultations within **21 days** in all cases.

Advice to the Regional Assembly on the General Conformity of Strategic Planning Applications (and pre application enquiries) with the Regional Spatial Strategy

The County Council has an annually reviewed agreement with the South West Regional Assembly to provide the Regional Planning Body (RPB) with draft responses to consultations made by District Councils on certain categories of strategic planning applications (and also emerging Local Development Framework Documents), advising on their conformity or otherwise with the Regional Spatial Strategy (RSS). In order to fulfil the statutory requirements of the 21 day consultation period, it is the target of the County Council to supply the RPB with draft responses within 14 days of receipt of the consultations accompanied by adequate application details from a District Council.

Performance Management

As a part of our commitment to continuous improvement, we regularly monitor our performance against a group of national and locally set indicators. Performance against these indicators is reported annually to the Development Control Committee and the details of these indicators and latest returns can be supplied on request by emailing us at planning@devon.gov.uk or by telephoning 01392 383195.

Freedom of Information

The Freedom of Information Act 2000 gives a general right of access by the public to all types of recorded information held by public authorities such as Devon County Council. Any person who makes a request to the County Council for information must be told whether or not the information is held at Devon County Council and subject to exemptions, be supplied with that information within 20 working days.

Requests for information should be made in writing stating your name, postal address and details of the information required.

For further information, please follow the link below:
http://www.devon.gov.uk/freedom_of_information

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If you are unhappy with our service

- If you feel we have not treated you fairly
- If we have done something badly
- If we have taken too long to respond to your complaints or queries with no good reason
- If we have not done something you think we should have done

The Environment, Economy and Culture Directorate will give priority to investigating letters of complaint and will always give a written response to such letters.

Additionally, the County Council has a formal complaints' procedure which may be found on the website at http://www.devon.gov.uk/compliments_and_complaints.htm or can be supplied by any of the staff in the Development Management service on request. Your complaint will be investigated and responded to in the timetable set out in the Complaints procedure.

If having gone through the Council's Complaints procedures you are still not happy with the response...

There is an independent Local Government Ombudsman to whom you may refer your complaint. The address is at the back of this document.

Conclusion

In dealing with applications for development and the concerns of members of the public we are committed to achieving Best Practice in our systems and continuing improvements in service.

It is therefore intended that this Charter should be kept under regular review and updated periodically as necessary.

Development Management Service Contacts

Telephone Numbers

County Development Manager	Stewart Redding	01392 382867
Development Manager (Planning)	Vacant as at 15/10/08	01392 383233
Development Manager (Highways & Transportation)	Brian Hensley	01392 383440
Planning Performance & Customer Services Officer	Pauline Lloyd	01392 383195

Case Officers (Planning)

Andy Bowman	01392 382967
Mike Deaton	01392 382130
Sue Penaluna	01392 382880
Nicola Wilson	01392 382113
Jackie Reffell	01392 382383
Kate Cantwell	01392 383894

The e-mail address for the Development Management service is:

planning@devon.gov.uk

Case Officers (Highways & Transportation)

Major Projects (based at County Hall)	Peter Martin	01392 383365
Exeter (based at Area Office East)	Ken Scowcroft	01392 382614
	Anthony Novis	01392 381316
East Devon (based at Area Office East)	Phil Townsend	01392 385268
	Jeremy Upfield	01392 385269
Mid Devon (based at Area Office East)	Malcolm James	01392 381301 or 01884 244660
Teignbridge (based at Area Office South)	Steve Harding	01392 380176
South Hams (based at Area Office South)	George Bryant	01752 898208
West Devon & Dartmoor National Park (based at Area Office South)	Chris Gubby	01392 380175
Torrige (based at Area Office North)	Ian Sorenson	01271 388613
North Devon & Exmoor National Park (based at Area Office North)	Richard Chaffe	01271 388510
	Paul Young	01271 388502

Area Office Addresses

Area Office East

Little Moor House
Falcon Road
Sowton Industrial Estate
Exeter EX2 7PL

Area Office North

Civic Centre
Barnstaple
North Devon
EX31 1 EG

Area Office South

Devon House
Brunel Road
Newton Abbot
TQ12 4PB

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OTHER USEFUL ADDRESSES

Local Government Ombudsman

Mr Jerry White
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

Tel: 024 7682 0000

www.lgo.org.uk

The Planning Inspectorate

Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel. 0117 372 8000

www.planning-inspectorate.gov.uk

South West Regional Assembly

Dennett House
11 Middle Street
Taunton
TA1 1SH

Tel: 01823 270101

www.southwest-ra.gov.uk

Environment Agency

Exminster House
Miller Way
Exminster
Devon
EX6 8AS

Tel: 08708 506506

www.environment-agency.gov.uk