

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

FULL COUNCIL

20 November 2019

1. **Report Title** **Delegations to Planning Committee High Speed Rail (West Midlands- Crewe) Act**

Submitted by: **Interim Head of Legal & Monitoring Officer**

Portfolio **Planning and Growth**

Ward(s) affected: **All**

Purpose of the Report

This report advises Council of two recent decisions of the Planning Committee in relation to new delegations to the Committee to deal with future applications once the High Speed Rail (West Midlands- Crewe) Bill has been enacted.

Recommendations

That the Terms of Reference for the Planning Committee be amended to include the following additional delegations:

- a. To determine all applications pursuant to Schedule 17 of the High Speed Rail (West Midlands- Crewe) Act (once the Act comes into force)**
- b. To determine all applications pursuant to Clause 21 Schedule 18 of the High Speed Rail (West Midlands- Crewe) Act (once the Act comes into force)**

Reasons

Delegations to the Planning Committee form part of the Council's Constitution and so require full Council approval.

1. **Background**

- 1.1 The High Speed Rail (West Midlands – Crewe) Bill will grant planning permission for the construction of a high speed railway between West Midlands to Crewe as the second phase of the proposal. Once enacted the Act will require the nominated undertaker (ie the party who will construct the railway) to obtain further approvals from the Local Planning Authorities along the route for certain matters which relate to the design and construction of the railway.

2. **Issues**

- 2.1 The Council resolved to become a Qualifying Authority at its meeting on 24 July 2019 and has now signed the necessary Planning Memorandum. As a result it needs to agree a process to deal with any relevant applications.

3. **Proposal**

3.1 At its meeting on the 5 November 2019 the Planning Committee considered two separate reports which dealt with any applications pursuant to Schedule 17 of the Act and those under clause 21 of Schedule 18 of the Act (once in force).

3.2 Both reports are appended as Appendices to this report and set out the background in detail.

3.3 In both instances Members resolved that the Committee would deal with any relevant applications rather than delegate the power to the Executive Director (Commercial Development and Economic Growth)

4. **Reasons for Proposed Solution**

4.1 It is essential that the Council has an appropriate process in place to ensure applications can be dealt with in a timely manner before any applications are received.

5. **Options Considered**

5.1 A number of alternative options were identified and rejected for the reasons set out in both reports.

6. **Legal and Statutory Implications**

6.1 The proposed amendment to the scheme of delegation requires the approval of full Council.

7. **Equality Impact Assessment**

7.1 Where any equality impact has been identified it has been addressed.

8. **Financial and Resource Implications**

8.1 HS2 will impose a new burden on the Council however the Council will be fully reimbursed under a SLA with HS2 Limited..

9. **Major Risks**

9.1 If a Qualifying Authority repeatedly fails to expedite requests for approval or seriously fails to act in accordance with the Planning memorandum the Secretary of State may remove the status of QA.

10 **Sustainability and Climate Change Implications**

10.1 There are no direct implications.

11. **Key Decision Information**

11.1 This is not a key decision which requires inclusion on the Cabinet Notice of Decisions/ Forward Plan.

12. **Earlier Cabinet/Committee Resolutions**

The previous meeting of the Working Group requested a review Access to Information Procedure Rules.

13. **List of Appendices**

- 13.1 Appendix A – Delegated Authority to Determine Applications Pursuant to Schedule 17 of the High Speed Rail (West Midlands- Crewe) Bill - Planning Committee 5 November 2019

Appendix B – Delegated Authority to Determine Applications Pursuant to Schedule 18 of the High Speed Rail (West Midlands- Crewe) Bill - Planning Committee 5 November 2019

- 14. **Background Papers**

- 14.1 Report to Council dated 24 July 2019 – Qualifying Authority