

*Does my right hon. Friend agree that a local education authority should not be allowed to give itself planning permission to build a school on green-belt land, in breach of the local core strategy? That is exactly what Dorset County Council is proposing to do in Marsh Lane, Christchurch. If the Secretary of State cannot answer today, will she have a meeting with me to discuss this important matter?*

Typical pointers in defence of judge and jury accusations against the County Council for dealing with Reg 3 applications

- The County Council is the statutory body for determining applications for its own development. This is set out in Schedule 1 of the Town and Country Planning General Regulations 1992, under Regulation 3.
- The County Council as the Planning Authority is a separate legally defined regulatory body. Both officers and members acting as the Planning Authority are not bound by County Council policy or the decisions of the County Council on matters relating to property.
- Members who sit on the Committee are not able to do so until they have received training which spells out to them that they must remain independent and that the basis of making their decision must be an assessment of policy against the Development Plan. The Committee are supported by a solicitor who reminds that at any point should their conversation move away from proper planning matters.
- Clear 'Chinese walls' operate within the Authority to ensure separation between Planning Officers dealing with planning applications and officers in Property who act as the applicant. This means that officers cannot work to the same Head of Service and any planning powers invested in officers are not made to an officer who has responsibility for both planning and property matters. ie powers are invested to the effective Head of Planning (Economy) rather than the director.
- A scheme of delegation is in operation which sets out which applications are dealt with by officers and which by Committee. This is defined at a level which means any new school or substantive extension is automatically determined by the Regulatory Committee. It also provides that any proposal with a substantive number of objections or where the local member wishes it to be 'called in' is also determined by the Committee. This provides a high level of transparency to the process.
- Planning procedures covering the handling of Regulation 3 applications are identical to any other planning application to ensure probity is maintained throughout the process. The only difference is that the County Council cannot appeal a refusal of permission.
- There are strict laws over what are the matters that are relevant to the consideration of a planning application. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan is the Christchurch and East Dorset Local Plan Part 1 – Core Strategy adopted by Christchurch Borough Council in April 2014 and the saved policies of the Borough of Christchurch Local Plan originally adopted in March 2001. The term 'material considerations' is wide ranging but includes national and emerging policy documents. Material to all applications is the National Planning Policy Framework. Clearly should an authority make a decision on the basis of matters that are not material planning considerations then it could be challenged and would be expected to be found guilty of maladministration. No Authority would wish to take the inherent risks of costs associated with such action.
- DCC as the Planning authority will need to have regard to the NPPF which confirms that '*inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*'. Should DCC determine that there are very special circumstances then as final arbiter the County Council will have to refer the application to the Secretary of State as part of the Green Belt departure procedure.