



*St Edmundsbury*  
BOROUGH COUNCIL

# Development Control Committee

## 3 December 2015

### Committee Update Report

#### **Item 9 – Avenue Farm, Icklingham to West Farm, Barnham, Suffolk – DC/15/1557/FUL**

1. Officers, in discussion with the Legal Department, have given further consideration to this recommendation since the report was published. Central Government's Planning Practice Guidance advises that Local Planning Authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.
2. Given that SEBC are being asked to delegate powers here it would seem logical that SEBC should be able to caveat any such delegation in order to ensure that SEBC are not exposed to unnecessary risk. In theory at least FHDC could issue a refusal of the proposal leaving SEBC thereafter vulnerable to costs against it on the basis of the decision taken by FHDC on SEBC's behalf. Obviously this is hypothetical and Officers consider that the risk is almost non-existent.
3. Nonetheless, Officers consider there is merit in caveating any grant of delegation, such that it only applies in the event that FHDC are in a position to approve, and that a further consideration of such delegation would be necessary if FHDC consider, in the course of assessing on behalf of SEBC, that the scheme merits refusal.
4. Accordingly, the recommendation on this item is accordingly amended, as follows:

It is **RECOMMENDED** that St. Edmundsbury Borough Council gives delegated authority to Forest Heath District Council to enable Forest Heath District Council to formally determine all planning matters within both Council areas in relation to the proposed underground electricity cable between Avenue Farm, Icklingham and West Farm, Barnham, presently submitted for consideration under planning application reference DC/15/1557/FUL. This delegation, which only applies in the event that FHDC are to approve the application (whether subject to conditions or not), shall extend to any potential discharge of condition applications plus consideration of any potential variation of condition or

non material amendment applications thereafter relating to the same development.