

### **Section Three — Appeals against Adverse Determinations of Devon County Council Planning Applications**

**15.0** When the Development Management Committee resolves to refuse planning permission for an application in respect of the Council's own development proposals despite the fact that the Chief Officer or Head of Service (i.e. Head of Planning, Transportation & Environment) has recommended that approval should be given the following procedure shall apply.

**15.1** The relevant Cabinet Member and Chief Officer/Head of Service will consider the decision and indicate whether or not they intend to seek leave from the Cabinet to refer it to the Independent Panel;

- If the Cabinet approves such a reference the Chief Executive will arrange for the decision of the Committee to be reviewed as soon as possible by the Independent Panel;
- The Independent Panel shall be provided with the original papers submitted to and tabled at the meeting of the Development Management Committee, a full note of any representations made to and the minute of the Committee and an appeal statement by the promoting Directorate;
- The Independent Panel may inspect the site of the proposed development and, but only if the Development Management Committee so wishes, may meet the Committee to discuss the reasons for its refusal. It will not hold any form of public inquiry.
- The Panel will prepare a report for the Development Management Committee recommending that the original decision should be confirmed, or amended, or replaced by a decision to grant approval (either conditional or unconditional);
- Once it has been received by the Chief Executive the Panel's report will be published on the agenda for and considered at the next meeting of the Development Management Committee but the recommendation of the Panel shall not be binding on the Committee.

**15.2** No action to issue a Decision Notice in respect of the refusal shall be taken until, as the case may be, the Cabinet Member and Chief Officer/Head of Service have indicated that leave to appeal will not be sought, the Cabinet has declined to grant such leave or the Panel's report has been considered by the Development Management Committee

**15.3** The Procedures Committee shall approve a list compiled and maintained by the Chief Executive of at least five persons with suitable planning experience willing to serve on an Independent Panel for the purposes of this paragraph. For every reference approved by the Cabinet the Chief Executive shall arrange for the

appointment of a Panel of three persons on the list who live outside the immediate area of the site of the proposed development. The persons serving on this panel shall be remunerated at the same rates as are currently paid by the Planning Inspectorate.

**Section Four — Arrangements for responding to nationally significant infrastructure projects in the fields of energy, transport, water, waste water, and waste (commonly referred to as major infrastructure projects)**

- 16.0** In accordance with the Planning Act 2008 (as may be amended from time to time) a new development consent regime has been created for nationally significant infrastructure projects in the fields of energy, transport, water, waste water, and waste more commonly known as major infrastructure projects
- 16.1** Responsibility for determination of such applications is vested in the Secretary of State who, having first determined whether or not any such application complies with the acceptance criteria set out in the Act will then, if required, make arrangements for any such application for development consent to be undertaken by an Examining Authority, appointed by them.
- 16.2** The Development Management Committee will respond on behalf of the County Council in the normal way to any consultation on an application for development consent in its role as Strategic, Highways, Minerals and Waste Planning Authority.
- 16.3** The County Council may be also designated an 'interested party' by the Examining Authority and invited to submit a separate Local Impact Report outlining details of the likely impact of the proposed development on any part of the area of the administrative County of Devon, based on the Council's body of local knowledge and robust evidence of local issues.
- 16.4** Any such Local Impact Report shall be considered and approved by the Cabinet as it will necessarily represent the broader views of the community, covering a broad range of local interests and impacts, including economic and social ones; presented in terms of the positive, neutral and negative effects of the development application. Any such Local Impact Report is distinct from any representations the Council may make on the merits of an application or any subsequent approvals that should be delegated to a Council for determination (for example, on detailed design) which will be a matter for the Development Management Committee as outlined above.