

Discharge of Requirement Process Guidance for Officers

Glossary of Acronyms

DCO	<i>Development Consent Order</i>
DOR	<i>Discharge of Requirements</i>
HRA	<i>Habitats Regulations Assessment</i>
LPA	<i>Local Planning Authority</i>
ODS	<i>Officer Delegated Summary</i>
RAMSAR	<i>[Environmental Designation] Ramsar Site</i>
SPA	<i>[Environmental Designation] Special Protected Area</i>
SSSI	<i>[Environmental Designation] Site of Special Scientific Interest</i>

“The Council” / “SCC” refers to Suffolk County Council

County Council as the Discharging Authority

For use when the Requirement states the “Relevant County (Planning) Authority”, “Relevant Local Highway Authority”, “Relevant Traffic Authority”, or “Relevant Street Authority” as the discharging authority.

- 1 SCC receives the Discharge of Requirement (“**DOR**”) application from the Applicant
- 2 Check the Development Consent Order (“**DCO**”)
 - 2a What are the details of the Requirement? What is the deadline date? Is there a deeming clause to be aware of? Who needs to be consulted?
 - 2b The DCO may have specified that named consultees are to receive consultation the DOR application (i.e. Natural England, Historic England).
- 3 Request for Planning Support Team to set up a new record on the Planning Portal
- 4 If the received DOR has undergone a “Draft/Pre-Application” consultation, it is good practice to check that comments from the draft stage have been addressed, so any outstanding issues can be identified quickly. Contact the Applicant, if they are not all included and addressed
- 5 Write Consultee Letter and Parish Council Notification Letter
 - 5a Provide minimum 21 days as standard, and add extra time where required for Bank Holidays etc.
 - 5b Ensure both letters include the Planning Reference number (SCC/xxxx/yy/DOR), and a link to the consultation webpage
- 6 Request for Planning Support Team to send out Consultation Letter to Consultees (from the Planning Mailbox email address), include the response opening date and the response closing date
 - 6a *Advice:* Always include the relevant District Council, whether set out in DCO requirement or not

- 7 Request for Planning Support Team to send out Notification Letter (from the Planning Mailbox email address) to relevant Parish Councils and SCC Councillors, including NSIP Cabinet Member
- 8 Planning Officer to share consultation with Ecology team, seeking advice on whether a Habitats Regulations Assessment (“HRA”) will be required to discharge the requirement
 - 8a *Experience:* Usually HRA will not be required, however, occasionally HRA will be required if the location is near SPA/RAMSAR/SSSI designations
- 9 Planning Officer to receive comments from Service Area consultees and consider whether any changes are required in order to discharge the requirement.
 - 9a If NO then, the Discharge of Requirement can be approved
 - 9b If YES then, the Planning Officer is to respond to applicant with Service Area/ Consultee feedback and seek further information/amendments. When further information and/or amendments are received, the Planning Officer is to send these to the relevant Service Area/Consultee for their approval. If amendments are approved, the Discharge of Requirement can be approved
 - 9c *Experience:* Subject to outcome, if the ongoing issue is significant enough to impact the approval of the Requirement, then consider alternative discharge options (i.e. a Refusal if amendments cannot be agreed)
- 10 If received comments from Parish Councils / members of the public / Councillors:
 - 10a Ensure comments are logged onto the Planning Portal and published to web (redacted of personal/sensitive information, where required)
 - 10b Planning Officer should review all comments submitted – and address relevant points made in the Officer Delegated Summary (“ODS”) report
- 11 Write up the Officer Delegated Summary report
 - 11a Include details of what was submitted, emails or comments received, correspondence sent, and calls or meetings held (including dates), and if time extensions were agreed
- 12 Write the Decision Letter
- 13 ODS and Decision Letter checked and signed by the Head of Planning, the NSIP Manager, or Development Management (“DM”) Manager
- 14 Return Signed Decision Letter sent to the Applicant (via email)
- 15 Upload the Signed Decision Letter (redacted) and the ODS to the Planning Portal and publish to the website

Resubmission for Refused or Withdrawn DORs

For use when the Planning Officer receives a re-submission, following a determination to refuse or the Promoter/Developer had withdrawn the application.

- 1 SCC has issued a Refusal / the applicant has withdrawn the Discharge of Requirement (“DOR”) application
- 2 SCC receives the updated DOR application
- 3 Create a new record on the Planning Portal
- 4 Add an explanatory statement into the Consultation / Parish Council notification letters to set out that this DOR was previously Refused/Withdrawn
- 5 Add in a similar statement into the Officer Delegated Summary (“ODS”), setting out the dates the previous DOR application was Refused/Withdrawn, and explain the reasons
- 6 Conduct the consultation as set out in the section above

District Council as the Discharging Authority

For use when the Requirement states the "Relevant Planning Authority" as the discharging authority.

- 1 District Council receives the Discharge of Requirement ("**DOR**") application from the Applicant
- 2 District Council consults the SCC Planning Team
- 3 Check the consultation for the deadline date (typically 21 days, may or may not account for Bank Holidays etc)
- 4 Check the Development Consent Order ("**DCO**") - What are the details of the Requirement? Which functions need to be consulted internally (i.e. Local Highway Authority, Lead Local Flood Authority, Archaeology etc)?
- 5 Send notice of consultation (via email) to the relevant Service Areas, ensuring comments are received within the deadline given to you by the Local Planning Authority ("**LPA**").
- 6 Receive comments from Service Area consultees
 - 6a If issues are raised by Service Areas, then discuss with the LPA and note their preferred approach (*Experience*: The LPA may request that you raise the issues with the Applicant directly or they may prefer to raise the issues themselves)
- 7 Write up Response Letter with Service Area comments
- 8 Send Response Letter to the District Council