

Part D - Area Based Planning Committee and Strategic Planning Committee Procedure Rules

Terms of Reference of Planning Committees

1. The Planning Committees

- 1.1 The Full Council will appoint one Strategic Planning Committee and four area-based Planning Committees¹ to exercise functions and responsibilities relating to:

Town and Country Planning and Development Control (excluding the preparation of plans and policies) as specified in Schedule 1 of the Local Authorities Functions and responsibilities (England) 2000 as amended by subsequent regulations.

The functions of the Planning Committees do not include:

- matters reserved to full Council
- matters where functions are exercised under delegated powers in the Officer Scheme of Delegation save where an Officer declines the delegation and the matter would otherwise fall within the terms of reference of the Planning Committees.

These functions will be exercised over the whole geographical area of the Somerset Council on the basis set out below.

2. The remit of the Strategic Planning Committee

- 2.1 The Strategic Planning Committee has the following additional functions:

1. The decision as to whether or not to make an order to modify the definitive map and statement pursuant to Section 53(3)(b) or (c) of the Wildlife & Countryside Act 1981, or to register a town or village green under Section 15 Commons Act

¹ In law these are Sub-Committees under the provision of Section 101 of the Local Government Act 1972.

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2006 where the Executive Director (Climate and Place) considers, in consultation with the Chair of the Strategic Planning Committee, and the Service Director: Governance, Democratic and Legal Services (Monitoring Officer), that there are exceptional circumstances taking into consideration the magnitude, nature, and impact of the decision and any requests from applicants for definitive map modification order applications to be taken out of turn from the adopted Statement of Priorities.

2. To achieve nutrient neutral development in the Somerset Levels and Moors catchment area in compliance with the Conservation of Habitats and Species Regulations 2017, the Strategic Planning Committee will have the following responsibilities:
 - a. To have oversight of the programme and delivery of nutrient mitigation projects to support a series of measures to offset additional phosphates resulting from affected new developments within the River catchment areas (i.e., Rivers Tone, Parrett, and Brue) affecting the Somerset Levels and Moors Ramsar site and River Axe Special Area of Conservation.
 - b. To have oversight of the monitoring of the performance of the above projects once delivered;
 - c. Agree the criteria and when necessary review the rollout of criteria to be used for the allocation of any phosphate credits generated from Council led projects and the creation of a legally robust and transparent process for such allocation (including the terms of any S106 obligations with developers/landowners);
 - d. To have oversight of the programme for the delivery of the phosphate mitigation measures funded by the Government's Local Nutrient Mitigation Fund;
 - e. To receive technical reports and updates on the strategic solution to the nutrient enrichment issue.

Note: for the avoidance of doubt the role of the Strategic Planning Committee does not include the determination of any planning applications that include

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Phosphate mitigation measures, that would ordinarily fall to one of the area-based Planning Committees.

3. The Strategic Planning Committee shall have oversight of the implementation of measures to deliver mandatory Biodiversity Net Gain (BNG) in accordance with Schedule 7A of the Town and County Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and associated secondary legislation and national guidance including:
 - a. the implementation of a pilot project to ensure that a limited supply off-site biodiversity units are progressed and available in the shorter term;
 - b. a formal 'call for sites' and subsequent assessment and prioritisation of BNG sites;
 - c. receiving technical updates and reports on the implementation of BNG measures in Somerset
4. Consideration of quarterly officer reports from area based Committees to monitor decision making and workload levels of the Committee.
5. All of the functions set out in Para 1.1 above, will be delegated to the relevant area based (these will be known as North, East, South and West) Planning Committees save for the following:
 - Waste and Minerals planning applications.
 - Applications and matters which fall within the area covered by more than one of the area-based Committees or cross the boundary of the authority.

3. Area-Based Planning Committees

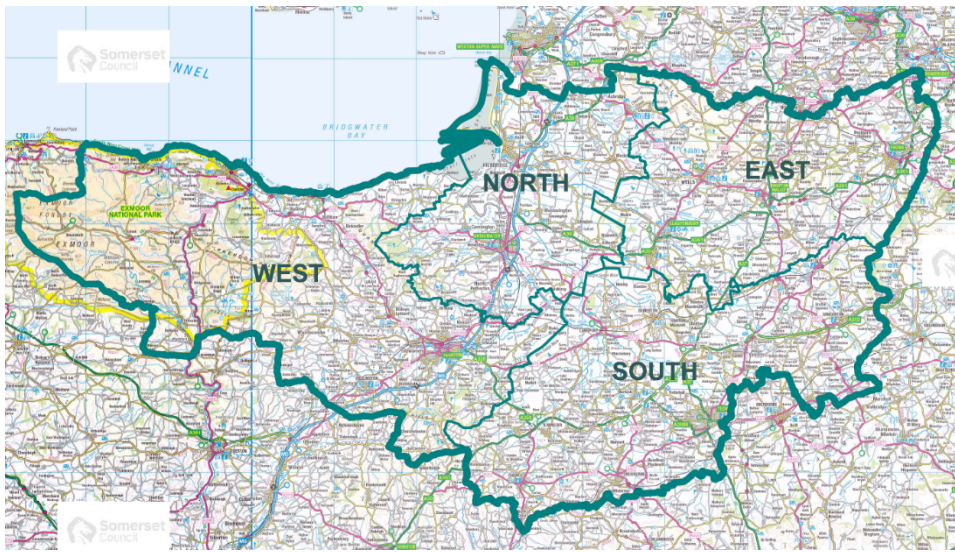
3.1 The Full Council will appoint 4 area-based Planning Committees:

- Planning North (covering the former Sedgemoor District Council area)

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- Planning East (covering the former Mendip District Council area),
- Planning South (covering the former South Somerset District Council area)
- Planning West (covering the former Somerset West & Taunton District Council area.)

3.2 The applications or matters referred to the area-based Planning Committees for determination relate to application sites and functions that arise within the former District Council geographical areas covered by the respective Planning Committees.



3.3 The area-based Planning Committees will generally be held in a location within their geographical area and the Strategic Planning Committee will generally be held in a central location but may be held in other areas relevant to the applications being considered where there is considerable local interest and it is practical to do so.

Procedures

The procedures at the Strategic Planning Committee meetings and area-based Planning Committee meetings will be as follows.

4. Membership and Meeting arrangements

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- 4.1 The Strategic Planning Committee will be comprised of 13 members.
- 4.2 The four area-based Planning Committees will be comprised of 11 to 13 members (to be determined by Full Council).
- 4.3 The membership of the Strategic Planning Committee shall be drawn from across the Council’s administrative area and will be politically balanced. The membership for the area-based Planning Committees will be drawn from the area which that area-based Planning Committee covers, where possible. All the area-based Planning Committee shall be politically balanced in compliance with the statutory scheme in the Local Government and Housing Act 1989 and any subsequent legislation.
- 4.4 The relevant Planning Committees will meet at times and places appointed and published in accordance with the requirements of the Access to Information Procedure Rules. The maximum length of a Committee meeting will be up to 4 hours duration (excluding any comfort breaks). The Committee may resolve to suspend Standing Orders and extend the meeting beyond 4 hours if necessary to ensure that consideration of an item under discussion is concluded in an orderly fashion. All meetings will be webcast and employ the use of hybrid participation technology, but committee members and lead officers must be present in the room.

Number of members of Strategic Planning Committee	13
Numbers of members of area-based Planning Committees	11 to 13 (to be determined by Full Council)
Substitute Members Permitted	Yes. As far as possible from the same geographical area subject to the agreed political balance of the committee.
Political Balance Rules apply	Yes
Appointments/Removals from	By resolution of Full Council, Political

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Committee	balance review or notification by Political Group Leader.
Restrictions on Membership	<p>Lead Executive Members are not barred from membership of the Planning Committees, but membership should generally be avoided due to bias or predetermination issues (see paragraph 4.5 below).</p> <p>The undertaking of such training as determined by the Executive Director (Climate & Place) on planning and other functions falling within the remit of the area-based Planning Committees and Strategic Planning Committee, probity in decision making, is a pre-requisite to membership of, and substitutes for this Committee</p>
Quorum of Strategic Planning Committee	5
Quorum of area-based Planning Committee	4
Number of ordinary meetings per Council year	At least 4 per year for each committee

Substitution and Membership

4.5 Executive Lead Members are not barred from membership of the Planning Committees but membership should generally be avoided due to potential bias or

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predetermination issues. Associate Lead Members may be members of the Planning Committee(s). Executive Lead Members may not be Chair or Vice-Chair of the Planning Committee(s).

- 4.6 Any member of a Planning Committees can sit on Strategic and/or area-based Planning Committees.
- 4.7 Substitutes may attend meetings in that capacity only to take the place of the member for whom they are the designated substitute where the ordinary member will be absent for the whole of the meeting and where the member has notified the Democratic Services Manager or the Monitoring Officer of the intended substitution by no later than 24 hours before the start of the relevant meeting, or in exceptional circumstances and with the consent of the Chair, no later than one hour before the start of the relevant meeting.

Chair Responsibilities

- 4.8 The Chair will preside over meetings of the Planning Committee and, where the Chair is absent for the whole or part of the meeting, the Vice-Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Vice-Chair for either the whole of or part of a meeting, the Planning Committee will appoint from those Councillors then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).
- 4.9 The Chair of the Planning Committee meeting will be responsible for:
- a. calling items for consideration as they appear on the Agenda subject to the Chair's discretion to change the order in which items are considered where it is in their view appropriate to do so,
 - b. calling and allowing persons to speak at the Planning Committee meeting,
 - c. maintaining good order at the Planning Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a member of the

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Committee), or to suspend the Planning Committee meeting, in cases of disorder, until good order has been restored.

4.10 In all matters of procedure and interpretation of these rules, the Chair's decision will be final.

4.11 Decisions of the area-based Planning Committees and Strategic Planning Committee are not subject to scrutiny arrangements/call in.

4.12 The order of business for each meeting of the Planning Committees:

- a. Opening matters;
- b. Apologies for absence;
- c. Substitutes
- d. Minutes of the previous meeting;
- e. Declarations of interest;
- f. Public participation
- g. Planning Applications / Public Rights of Way and Town and Village Green applications.
 - i) The Chair will announce the agenda item number.
 - ii) The Case Officer will introduce the application with any relevant updates and provide a visual presentation to aid Members' understanding of the context of the application/decision.
 - iii) The Chair will call on public speakers to present in accordance with the Public Speaking Arrangements.
 - iv) The Chair will then ask Members/Officers if they have any points of clarification on points raised by public speakers.
 - v) The Chair will then ask Members if they have technical questions of Officers.
 - vi) The entire committee will then discuss/debate the application/decision.
 - vii) Members may seek further clarification of:
 - a) particular points from Officers, regarding the application/decision, or
 - b) on points raised by speakers, in the main debate, through the Chair.Officers will respond to issues and questions raised by Members.
 - viii) The Committee will then make a decision by vote.

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- h. Other matters requiring consideration by the committee

4.13 Where there is no provision made in these Planning Committee Procedure Rules the requirements of the Committee Procedure Rules will be followed at the discretion of the Chair.

Minutes

4.14 Minutes will contain all motions confirming the members that propose and second the recommendations/decisions and amendments in the form and order they were put.

Approval of Minutes

4.15 At every meeting of the Planning Committee(s) the Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Declarations of Interests

4.16 Declarations will be made in accordance with the Code of Conduct and/or the rules on predetermination and bias in the Code of Good Practice for Planning. These declarations will be made at the outset of the meeting under the item listed as 'declarations of interests' on that Planning Committee's agenda or as soon as the interest comes to light.

Public Speaking Arrangements

4.17 If matters are referred to Committee the following will be invited to speak in order at the Planning Committee meeting at which a matter is considered:

- a. Members of the public, or their representatives, who have previously made written representations objecting to or in support of the application;

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- b. Parish, Town or City Councils who have previously made written representations objecting to or in support of the application;
- c. Members of the Council who are not members of the Planning Committee; and
- d. The applicant or agent.

4.18 Anyone wishing to speak at Planning Committee as above on a matter must register their request with Democratic Services at least two working days in advance of the relevant Committee meeting. Anyone wishing to speak at Strategic Planning Committee on a Rights of Way or Town and Village Green matter will be required to provide a written summary of the points they wish to make no later than two working days before the committee meeting in order to allow the Members and Officers sufficient time to consider such points. Requests will normally be dealt with on a first come first served basis. Details on how to register will be provided in the invitation to speak.

4.19 The circulation of documentation and other matters including photographs or presentation materials to the Committee by registered speakers will be permitted if submitted to the Planning Service and Democratic Services two working days prior to the Planning Committee meeting. Submissions that contain anything Officers (in consultation with the Chair) deem offensive, discriminatory or libellous will not be published and will not be considered during the decision process.

4.20 Anyone wishing to raise a question(s) at Public Participation at Planning Committee must register such question(s) two working days in advance in writing, (refer to Part B of the Council's Constitution) with Democratic Services. Details on how to register will be provided in the invitation to speak. The circulation of documentation including photographs or presentation materials will not be permitted at the Planning Committee meeting.

4.21 The order of speaking and time limits for Planning Committee meetings for each application will be as follows:

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Members of the Public or their representatives objecting	Members of the Public or their representatives in support of the application	Parish/Town/City Council(s)	Members of the Council (non planning committee members)	Applicant or Agent
15 mins shared between maximum 5 speakers of 3 mins each	15 mins shared between maximum 5 speakers of 3 mins each	3 minutes each	3 minutes each	3 minutes

4.22 Where speaking times are shared, there is an overall time limit of fifteen minutes in total, with no one person being allowed to speak for more than three minutes.

Speakers in the above categories will be encouraged to coordinate with each other so that repetition can be avoided. Speaking slots shall be allocated in the order that they registered to speak.

4.23 At the Chair’s discretion in consultation with the legal advisor the time allowed may be increased. A speaker may nominate a single spokesperson to speak on their behalf.

Voting

4.24 When a Planning Committee is considering any item, a member of the Committee must be present throughout the entire presentation and subsequent debate on the item, in order to vote on that item.

4.25 All members of the Committee will have one vote. The Chair will have a second or casting vote in the event of the votes cast being tied. Matters subject to a vote will be decided by a simple majority of the votes cast.

4.26 Voting will be either for the recommendation as it appears in the written report, including any update report, (or as amended by the Case Officer verbally at the meeting) or subject to a. and b. below for the amendment to the recommendation (as

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proposed by a member of the Committee) or an alternative proposal. Where there is more than one amendment proposed, they will be voted on in the order in which they are proposed.

- a. Before voting on a resolution, the effect of which is to refuse permission contrary to the Officer recommendation, the Committee must identify the planning or other relevant reasons behind the decision before the vote is taken, which may need to be justified in the event of an appeal or other challenge.
- b. Before voting on a resolution, the effect of which is to approve the application contrary to the Officer recommendation, the Committee must approve relevant conditions and reasons for the departure from the Officer recommendation which may need to be justified in the event of a judicial challenge. The detailed compilation and attachment of relevant conditions and reasons can be delegated to Officers.
- c. Once the Committee has before it the full resolution and the reasons for such, the Chair can invite the case and legal Officers to advise on the clarity and validity of the reasons, including any associated risks. If there is any concern about the reasons, the Committee may consider deferring the item to another meeting for the reasons to be tested and discussed at the next convened meeting.

4.27 Any Councillor of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

4.28 Where there is ambiguity in the way votes are cast, the Chair may request Committee members to confirm their votes before the Committee's decision is recorded.

Site Visits

4.29 In consultation with the Chair or Vice Chair, Officers may organise a pre-Committee site visit where they feel it would be a valuable part of the decision-making process.

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However, they can cause additional costs and should only be used where the expected benefit is significant. A decision to carry out a pre-Committee site inspection should normally only take place:

- a) If the impact of the proposal is particularly difficult to visualise from the plans and any supporting material; or
- b) There is considerable local concern about a proposal, allied to planning reasons (or relevant reasons for Public Rights of Way and Town or Village Green matters) for carrying out the visit.

4.30 When site inspections take place, careful arrangements must be made to ensure that all parties are treated fairly and equitably, and that the appropriate standards of propriety are seen to be upheld, particularly to avoid the visit being seen as part of a lobbying process. Accordingly, the following rules will apply:

- a) The visit will be led by an Officer of the relevant service.
- b) Members should not seek to have discussions either with the applicant, landowner(s) or with members of the public who may be present. The public should not be invited and have no right to enter a site without the consent of the occupier or landowner, unless the site has lawful access. However, attendance does occur from time to time and requires careful handling to ensure public confidence in subsequent decision making.
- c) If discussions do take place, no view on the merits or otherwise of the proposal should be given, as to do so may lead to suspicion that the individual Member had already made up his or her mind. Members should keep together, avoiding side discussions.
- d) Members should not engage individually in discussions with the applicant, Agent, objectors, third parties or members of the public who may be present as again suspicion may arise that this is part of the lobbying process rather than the information- gathering process.
- e) No hospitality should be accepted at site visits,
- f) Members may, at the site visit, ask Officers questions or seek clarification on matters relevant to the site inspection.
- g) A site visit is not a formal meeting of the Planning Committee and therefore a Member with a Disclosable Pecuniary Interest is not debarred from attending

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but they should not imply that they will be part of the decision making process at the Planning Committee.

- h) All Members must take care to ensure that nothing they do at the site visit breaches the Members Code of Conduct.

Site Inspections by Individual Members of the Committee

4.31 Members are able to look at an application site following the receipt of the agenda and prior to the date of the Planning Committee meeting. This will enable them to acquaint themselves with the nature of the proposal and will help avoid delay and unnecessary site visits. However, Members should only conduct such site inspections from a public vantage point and should not meet with or discuss the application with any applicant/agent or third party on site.

Other Matters

4.32 The undertaking of such training as determined by the Executive Director (Climate & Place) on planning and other functions falling within the remit of the area-based Planning Committees and Strategic Planning Committee, including probity in decision making, is a pre-requisite to membership of, and substitutes for this Committee.

4.33 From time to time the Planning Committee(s) may consider reports on other items falling within the Committees terms of reference, such as performance reports, appeals, or proposed changes to national or regional planning policy.

4.34 In those circumstances the procedure to be followed will be as described for public items above except that, there being no Planning Application or other matter for the Committee to determine, there will be a provision for public questions before the Committee and before the Committee proceeds to substantive business.

5. Delegation of functions

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5.1 The majority of the Committees functions will be performed by Officers as set out in Part I of the Constitution. These delegations are subject to:

- a) Any such delegation being consistent with the Development Plan, National Planning Policy Framework or any other applicable legislation and government guidance; and
- b) Statutory consultation being carried out.

Where functions are delegated to an Officer of the Local Authority, the Officer may decline such delegation and refer the application to Committee.

Exceptions to delegated powers

5.2 The following decisions are not within the scope of the powers delegated by this Scheme of Delegation and shall be taken by the relevant Planning Committee.

Where:

- i. The applicant is a Member of the Council or is directly related to a Member of the Council; and/or
- ii. The applicant is one of the following Council Officers:
 - members of the Council's Senior Leadership Team;
 - Where the applicant is a member of staff or is directly related to a member of staff in the Economy, Employment and Planning Service;
 - Any other employee who has direct involvement with the planning process in the course of their duties.
- iii. The Head of Planning/Chief Planning Officer considers they should be determined by the Planning Committee due to their size, nature or impact, or for any other reason.
- iv. The Council's own development (excluding minor alterations to Council owned assets)
- v. Waste and mineral applications that are a departure from adopted Waste and Minerals development plans and recommended for approval by officers (excluding S.73 applications)

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- vi. For major applications where the proposal is a departure from the development plan and the Officer recommendation is to approve
- vii. Applications referred by any Member or Town or Parish Council for the relevant division or adjoining area, Town/Parish Council area where their view is contrary to the Officer's recommendation in accordance with the Planning Committee Procedure Rules and Planning Protocol excluding applications for associated development or infrastructure in connection with or in relation to Local Development Orders.

Applications delegated to Officers

5.3 Subject to the exceptions to delegated powers above the following matters are delegated to Officers and are exempt from the referral process to the relevant Planning Committee:

- Certificates of Lawfulness Existing or Proposed
- Prior Approval/Prior Notification – all types
- Approval of details reserved by condition / discharge of Development Consent Order (DCO) requirements and Transport and Works Act Order (TWAO) Conditions
- Compliance applications in connection with the Local Development Order (LDO)
- Hazardous substance consents
- Any applications for works to trees, hedgerow removal or high hedges
- Non Material Amendments
- Permission in Principle (PIP)
- Applications to modify/discharge planning obligations under S106A(b)
- Applications for associated development or infrastructure in connection with or in relation to Local Development Orders.

Referral Process for Planning Applications to relevant Planning Committee

5.4 Councillors from the relevant electoral division (referred to as Local Councillors hereafter) and Parish/Town/City Council will be notified of the following applications.

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They will be able to request that these applications are referred to the relevant Planning Committee:

- Planning permission (outline and full)
- Advertisement consent
- Listed building consent
- Application for planning permission for relevant demolition in a conservation area
- Reserved matters approval following outline permission
- Variation/removal of conditions – Section 73 applications

5.5 Local Councillors from the relevant electoral division will also be notified of applications for Permission in Principle but the decision would be delegated to Officers meaning they would not be referred to the relevant Planning Committee.

5.6 **Local Councillor referral of planning applications to Planning Committee:**

- a. Within 28 days of being notified of a Planning Application, the Local Councillor and/or a Local Councillor of an adjoining division can request referral of the application to the relevant Planning Committee by notifying the Planning Service, in writing, with material planning reasons.
- b. Where a referral to Committee has been requested these applications will be referred to the Chair or the Vice-Chair of the relevant area-based Planning Committee with a copy of the Officer report and recommendation and copied to the Local Councillor who requested the referral. That Local Councillor will be responsible within 2 working days of receipt of the report and recommendation of informing the Chair or Vice Chair with material planning reasons if they still wish the item to be referred to the relevant Committee.
- c. The Chair or the Vice Chair will then, within a further 3 working days (i.e. a maximum of 5 working days from the original referral) determine whether the application can be delegated or if it should go to the relevant Committee providing material planning reasons for the decision to refer to the Committee or stating that they consider the proposal to be controversial and/or of significant public interest such that it should be determined by the relevant Committee.

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5.7 Local Councillor referral following re-consultation:

As a direct result of substantial changes and re-consultation of an application to a Local Councillor, a further 14 days will be given to request a referral, otherwise the above process will apply.

5.8 Request or Referral by Parish, Town and City Councils or adjoining Parish, Town and City Councils:

- a. Within 21 days of being notified of a Planning Application, a Parish, Town or City Council should notify the Planning Service in writing, if they wish to make a request to refer a planning application to the relevant Planning Committee stating:
 - i whether they are supporting or objecting to the application and;
 - ii Provide material planning reasons for the referral
- b. If the Officer recommendation on the application is in agreement with the Parish, Town or City Council's view, the decision will be delegated to Officers. If the Officer recommendation on the application is not in agreement with the Parish, Town or City Council view AND the application is classified as a major application¹ it will automatically be referred to the relevant Planning Committee. For all other applications, if the Officer recommendation is not in agreement with the Parish, Town or City Council view then the application will be referred to the Chair or in their absence the Vice-Chair of the relevant Planning Committee with a copy of the Officer report and recommendation and copied to the relevant Local Councillors. The Local Councillor will be responsible within 2 working days of receipt of the report and recommendation of informing the Chair of any comments they may have on the application. The Chair or Vice Chair, will then determine within a further 3 working days (i.e. 5 working days from the original referral) whether the application should be referred to the relevant Planning Committee for a decision providing material planning reasons or stating that they consider the proposal to be controversial and/or of significant public

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interest for the decision to refer, or whether the exercise of delegated powers is appropriate.

5.9 Referral by Parish, Town and City Councils after re-consultation:

As a direct result of substantial changes and following any re-consultation of an application to the Parish, Town or City Council a further 14 days will be given to request a referral, and the above process will apply.