

Constitution and Governance Committee

Tuesday 14 February 2023

10.00 am Luttrell Room - County Hall,
Taunton



SUPPLEMENT TO THE AGENDA

To: The Members of the Constitution and Governance Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 5	Planning Functions and Arrangements for new Somerset Council Presentation given at the meeting (Pages 3 - 12)
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Democratic Service Team, County Hall, Taunton, TA1 4DY

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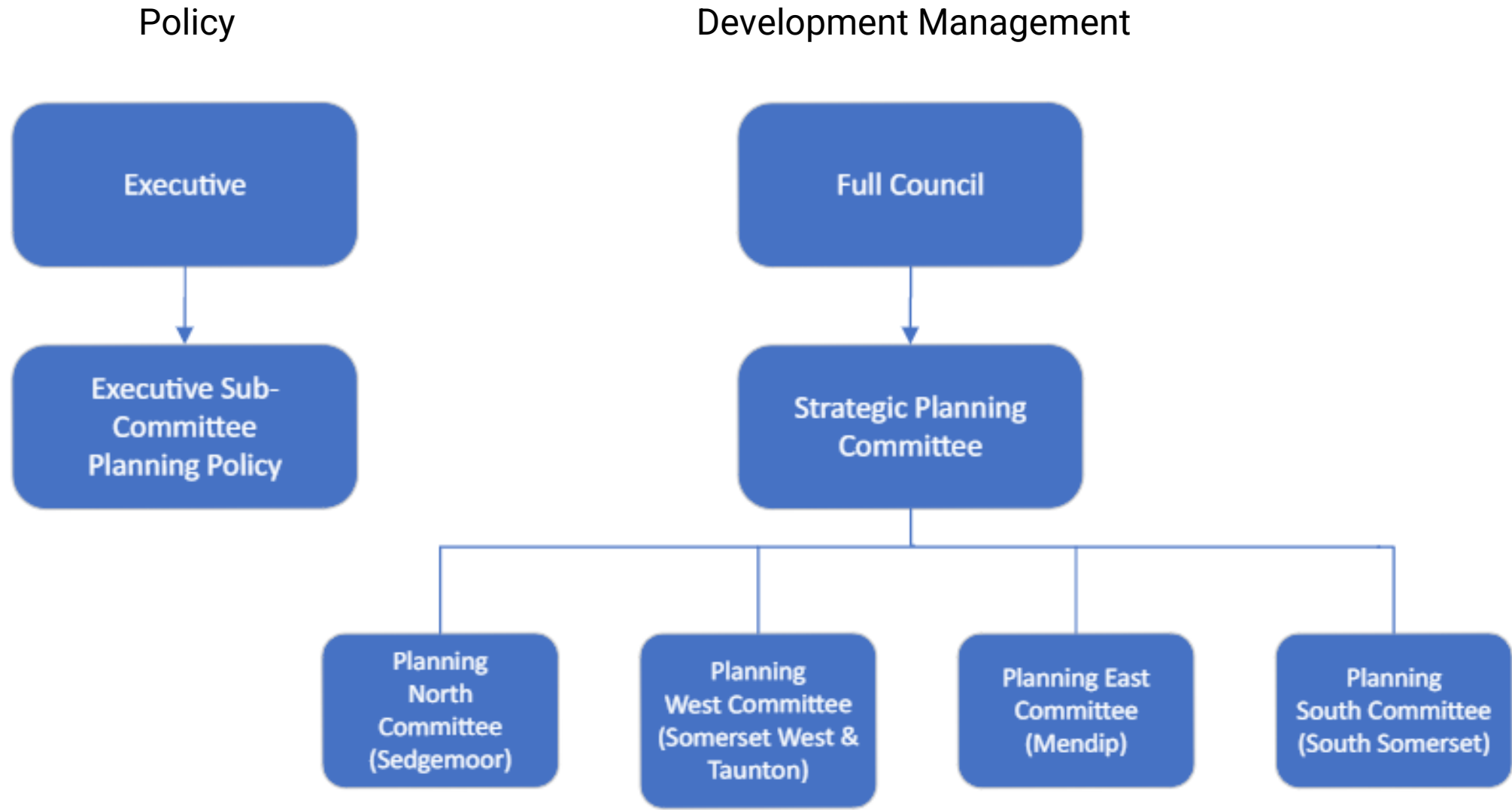
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New Somerset Council

Proposals for the constitutional arrangements for Planning

Introduction and Background

- Following the comments of the Constitution and Governance Committee on 30 January 2023 the constitutional arrangements for planning have been revised as follows:
 - Committees have been re-named
 - Only Waste and Minerals applications will automatically be referred to Strategic Committee where the area-based Planning Committee's decision is to overturn an Officer recommendation rather than all major applications as previously proposed
 - The public speaking arrangements have been revised
 - All Major applications, where the Officer recommendation is contrary to that of the Member or Parish Council, will automatically be referred to the area-based Planning Committee
 - All other applications, where the Officer recommendation is contrary to that of the Member or Parish Council, will be referred to Chair/Vice Chair who will make the final decision as to whether an application goes to Committee or the decision is delegated Officers.



Executive Sub Committee 'Planning Policy'

- Executive decision making powers on policy matters relating to Development Plan Documents such as the approval of Local Plan/SPD Documents for consultation (Full Council would still be responsible for the adoption of the Local Plan, Minerals and Waste Plans and Neighbourhood Plans)
- Approve the Local Development Scheme and Statement of Community Involvement
- Oversee Community Infrastructure Levy (CIL) and S106 spending priorities

No proposed changes

Strategic Planning Committee

Scope for the Strategic Planning Committee

- Waste and Minerals applications referred from the area-based Planning Committees where the proposed decision is to overturn the Officer recommendation - such applications would automatically be referred up.
- Waste and Minerals applications that are a departure from adopted Waste and Minerals development plans and recommended for approval by officers (excluding S.73 applications)
- Cross boundary applications – area-based Planning Committee or Authority boundaries
- PROW and Village Green applications (when referred by Officers)
- Oversight of Council programme and delivery of phosphate mitigation schemes
- Receive quarterly reports from area-based Planning Committees to ensure a balance across Somerset

Scope for the area-based Planning Committees:

- Planning - development management, including Waste and Minerals

Matters automatically referred to Committee

Where:

- a. The applicant is a Member of the Council or is directly related to a Member of the Council:
- b. The applicant is one of the following Council officers:
 - i. members of the Council's Senior Leadership Team,
 - ii. where the applicant is a member of staff or is directly related to a member of staff in the Economy, Employment and Planning service,
 - iii. any employee who has direct involvement with the planning process in the course of their duties
- c. The Executive Director (Climate and Place) considers they should be determined by the Planning Committee due to their size, nature, or impact, or any other reason
- d. The Council's own development (excluding minor alterations to Council owned assets)
- e. 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).
- f. Applications referred by any Member or the Town or Parish Council for the relevant division or adjoining area Town/Parish Council where their view is contrary to the officer's recommendation in accordance with the Planning Committee Procedure Rules and Planning Protocol – explained further in a later slide

Public Speaking Arrangements:

Order of Speaking:

- **Members of the public, or their representatives, objecting to or in support of the application;**
- **Town or Parish Councils;**
- **Members of the Council** (non-Planning Committee members);
- **The applicant or agent**
- **Members need to be aware of the impact of additional speaking on the timings for Planning Committees**

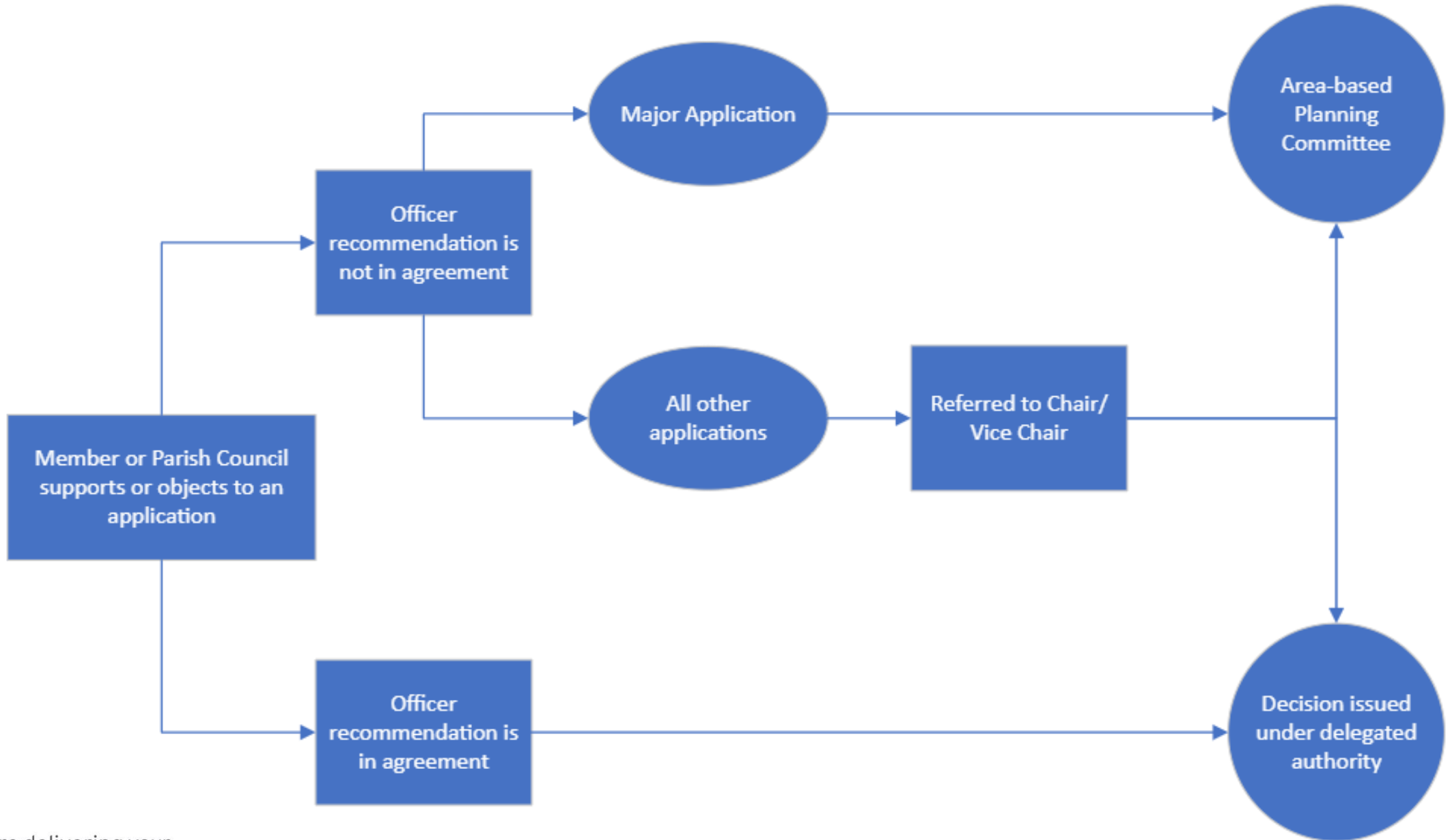
Time limits:

Members of the public in Opposition	Members of the public in Support	Parish or Town Council	Applicant / Agent	Member(s) (non Planning Committee Members)
3 mins shared	3 mins shared	3 mins each	3 mins shared	3 mins each

Previously proposed:

Members of the public in Opposition	Members of the public in Support	Parish or Town Council	Applicant / Agent	Member(s)
3 mins shared	3 mins shared	3 mins shared	3 mins shared	3 mins each

The Chair will however have authority to extend speaking times where necessary.



Referral - within 21 days of original notification or 14 days after notification of revisions (for Members only):

- A member or Parish/Town Council can request that an application is referred to the relevant area-based Planning Committee. The request shall be in writing, clearly stating whether they support or object and provide material planning reasons.

Then: If the application is a major application AND the Officer recommendation is contrary to that of the Member and/or the Parish/Town Council view, the application will automatically be referred to the relevant area-based Planning Committee.

- For all other applications, if the Officer recommendation is contrary to that of the Member and/or the Parish/Town Council view, the application will be referred to the Chair and Vice Chair of the relevant area-based Planning Committee. They will then consult with the Divisional Members (where possible), and confirm that the matter should either be referred to Planning Committee or delegated to Officers, providing material planning reasons for this decision.
 - The Divisional Member will be copied into the referral with the Officer report attached
 - The Divisional Member will be advised of the decision of the Chair and Vice Chair afterwards
- **The process as discussed will be reviewed after 6 months and if agreed, changes can be made to the Constitution**

Thank you

Your Questions?