

Together we are delivering your

# New Somerset Council

---

**Proposals for the constitutional arrangements for Planning**

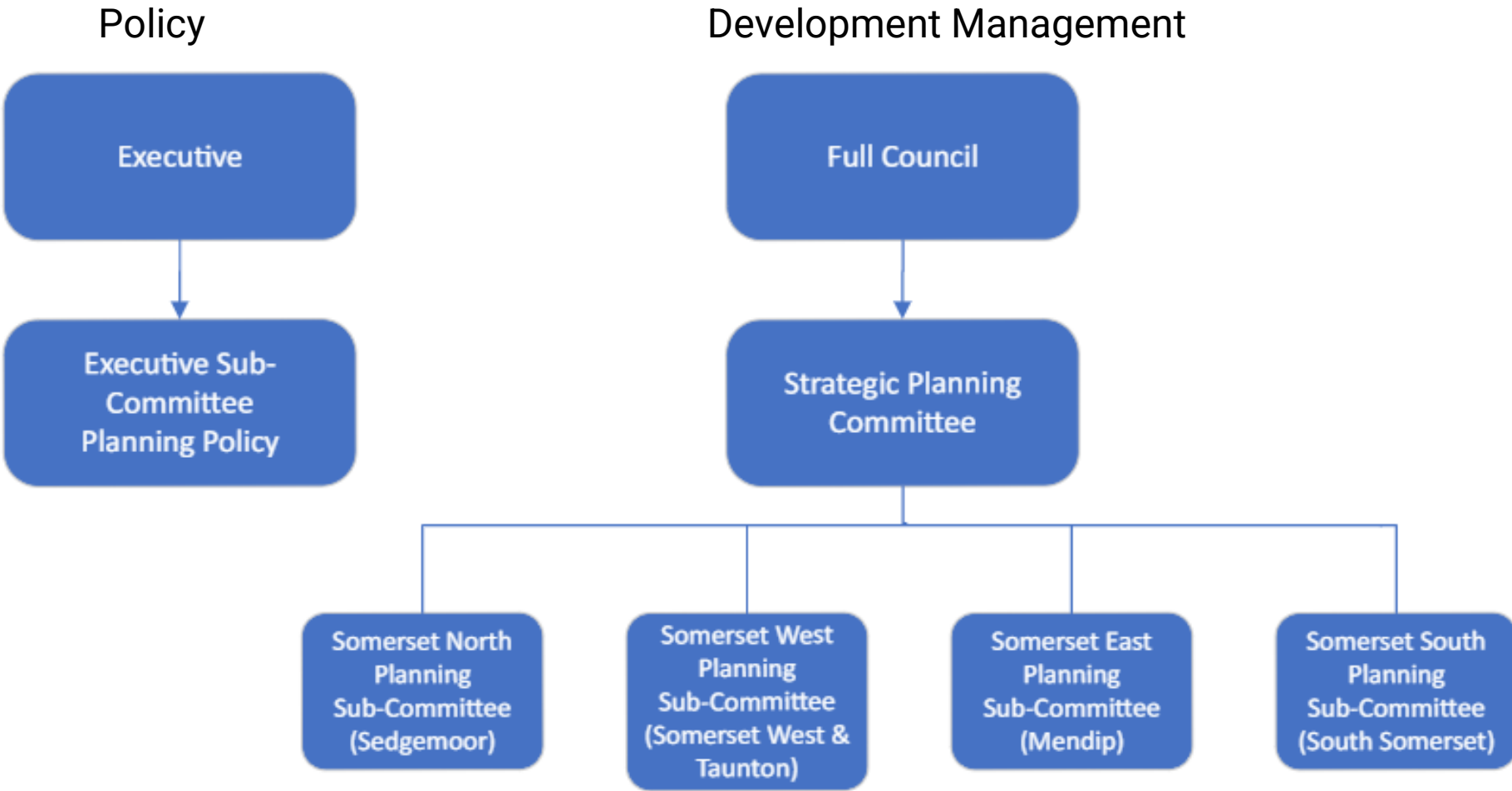


# Timeline

In preparation over the last 9 months with planning and legal officers from all LAs involved in drawing together the County and District Planning functions in a single Committee process

- Two meetings have been held with Lead Executive Members where these documents were further shaped by lead members and then agreed
- The proposed Committee structure was presented to the Informal Executive on 21 November in order to seek their views
- Current Planning Chairs and PH's have been invited to two briefing sessions
- Presented to Constitution Committee on 30 January and then onto full council on 22<sup>nd</sup> February
- It is crucial that a constitution is agreed and that the Council is safe and legal from 1/4/23, further changes can be made as the new Council comes into operation

# Committee Structure



# 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

# Strategic Planning Committee

## Scope of the Strategic Planning Committee

- Planning - development management, including Waste and Minerals, referred from the Planning Sub-Committees where the proposed decision is to overturn the Officer recommendation on Major applications
- Major applications that are recommended for approval **by officers** and would be departures from the development plan (excluding S73s).
- Cross boundary applications
- PROW and Village Green applications (when referred)
- Oversight of Council programme and delivery of phosphate mitigation schemes
- Receive quarterly reports from area sub-committees to ensure a balance across Somerset
- Phosphates – Oversight of Programme and delivery of phosphate mitigation schemes

# Membership of the Strategic Planning Committee and Planning Sub Committees

- 13 Members per Committee (substitute arrangements will apply initially from the same geographic area if possible and other areas if needed).
- Lead Executive Members – should generally avoid being members due to risk of conflict of interest, but not ruled out in law or in the constitution (with some flexibility)
- Chair/Vice Chair of Strategic Committee would not sit on any of the Planning sub-committees
- Strategic Planning Committee do not need to be made up of members from Planning Sub-Committees
- All 110 members to be Planning Trained

# Matters automatically referred to Committee

Where:

- i. The applicant is a Member of the Council or a direct relative of a Member of the Council
- ii. The applicant is one of the Council Officers listed below:
  - Senior Officers of the Council's Corporate Management Team;
  - Where the applicant is directly related to a member of staff in the Planning Service;
  - Any other employee who has direct involvement with the planning process in the course of their duties.
- iii. Matters which the relevant Senior Officer considers to be controversial due to their size, nature or impact, or for any other reason;
- iv. Council's own development (with a threshold – excluding minor alterations to Council owned assets)
- v. Where the proposal is contrary to the development plan and the Officer recommendation is to approve (exc. S73 applications)

# Applications Delegated to Officers

Subject to the exceptions to delegated powers (previous slide) the following matters are proposed to be delegated to Officers and exempt from the referral process:

- Certificates of Lawfulness Existing or Proposed
- Prior Approval/Prior Notification – all types
- Approval of details reserved by condition
- Hazardous substance consents
- Any applications for works to trees, hedgerow removal or high hedges
- Permission in Principle (PIP)



# Referral Process

- A Divisional Member and Parish/Town Council will be notified of the following applications meaning that they will be able to request that these applications are referred to 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
- Ward Members 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 Planning Committee
- Any request for referral should be in writing, stating support or objection and the material planning reasons
- If officer recommendation is contrary to the Member or PC/TC the application will be referred to The Chair and/or Vice Chair to confirm whether the matter should go to committee or be delegated

# Public Speaking Arrangements

## Order of Speaking:

- Members of the public, or their representatives, who have previously made written representations objecting to or in support of the application;
- Town or Parish Councils who have previously made written representations objecting to or in support of the application;
- Members of the Council; and
- The applicant or agent

## Time limits:

Councillor/Local Member(s)	Parish/Town Council(s)	Objector(s)	Supporter(s)	Agent/Applicant
3 minutes each	3 minutes shared	3 minutes shared	3 minutes shared	3 minutes shared

# Other Matters

## Training –

- Members must have received additional appropriate training before they can sit on any Planning Committee, including any substitutes.
- Periodic training will be offered to Members, to address changes in policy/legislation and also expand knowledge on matters related to planning
- As stated earlier, all 110 members to receive Planning Training

## Site visits –

- Officers may organise a pre-committee site visit where they feel it would be a valuable part of the planning process in accordance with the Code of Good practice for Planning.
- Members can independently visit an application site prior to the date of the Planning Committee meeting. However only from a public vantage point.
- No provision to defer a Planning Committee decision to carry out a Committee site visit