

## Section 8 - The planning rules

### **4.8.1 Councillor involvement in planning applications**

### **4.8.2 Initial submission of applications**

4.8.3 All members will be informed by email on the submission of a new planning application in their ward.

4.8.4 All applications will proceed and will be determined under delegated powers unless they fall within the category of applications automatically to be referred to committee or are redirected as provided for under the redirection arrangements in these rules.

4.8.5 In addition:

- (a) In the case of a major planning application the case officer will identify to the ward member whether an application triggers the need for a Section 106 agreement in accordance with the council's adopted Planning Obligations Supplementary Planning Document
- (b) in the case of major applications requiring a Section 106 agreement the case officer will have a subsequent conversation/meeting with the ward member to ensure that local mitigation measures are appropriately incorporated. As part of this process officers and members will be guided by the council's adopted Supplementary Planning Guidance and the evolving schedule of local needs co-ordinated by the planning obligations manager.

4.8.6 The ward member(s) for the purpose of this rule is/are the member or members in whose ward the application is located, or whose wards are materially affected by the application.

### **4.8.7 Determination of application at Committee**

4.8.8 Councillors at Planning and Regulatory Committee will determine those matters which under the functions scheme are to be determined by the Committee including those matters redirected under the redirection arrangements set out in these rules.

4.8.9 At Committee the ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6). In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item. [In the case of the ward member being a member of the appropriate Committee they will not vote on that item, and act as the ward member as set out above.] To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned. The ward member would initially address the Committee immediately after the public speaking.

#### **4.8.10 Post decision**

4.8.11 Ward members would be advised where appropriate by the case officer, the enforcement team, or the planning obligations manager of the following events:-

- (a) any evolving inconsistencies between a planning permission and development taking place
- (b) any appeal against the refusal of planning permission
- (c) the receipt/apportionment of Section 106 Agreement monies
- (d) any proposed variations to the Section 106 Agreement.

#### **4.8.12 Redirection of delegated planning decisions**

#### **4.8.13 The redirection arrangements**

4.8.14 Many planning applications are delegated to the chief executive and determined by planning officers acting under the chief executive's Scheme of Delegation in accordance with the Functions Scheme (Part 3).

4.8.15 Ward councillors may choose to ask that sensitive or controversial applications be redirected for a decision by the Planning and Regulatory Committee. A ward councillor for the purpose of this redirection procedure is the ward councillor and any councillor whose ward is materially affected by the application.

4.8.16 Redirection needs to be made as soon as possible after the date a valid application is submitted to avoid unnecessary delays in determining applications.

4.8.17 Redirections should normally be made by the relevant ward members before the expiry date of the consultation period, subject to 4.8.24 below.

4.8.18 A redirection will occur in the following circumstances:

- (a) the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee, or
- (b) the application has attracted an unusually high level of public interest in the relevant area. This might be reflected in the number of letters or e-mails or a petition received in connection with the application, or
- (c) there has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.

#### **4.8.19 Conditional redirection**

4.8.20 In some cases, Councillors may be content that the application be redirected only if planning officers are intending to grant or refuse planning permission. In that case a Councillor can ask that the matter only be redirected in accordance with this procedure if it is either the intention of the planning officer to grant or refuse the application.

#### **4.8.21 Other circumstances**

4.8.22 Any other reasons for requesting a redirection other than those set out above will be considered on their individual merits and circumstances.

**4.8.23 Referrals requested after the expiry date of the consultation period**

4.8.24 Any of the circumstances set out above could justify a late redirection provided the reasons for the lateness of the request are explained when the request is made. In these circumstances, the service director, regulatory will make a judgement based on the issues raised, and the stage reached in the processing of the application.

**4.8.25 Exceptions to redirection**

4.8.26 A redirection will occur unless the request is made:

- (a) in order to “resolve” a disagreement between an applicant and the objector(s) to an application.
- (b) where the applicant considers that there is more likelihood of a grant of planning permission if the application is referred to the Committee for a decision.
- (c) where the objectors to an application consider that there is more likelihood of a refusal of permission if the application is referred to Committee for a decision.

**4.8.27 Procedure**

4.8.28 A councillor requesting the redirection of an application should always provide sound planning reason(s) for doing so based on the circumstances and material planning considerations of the proposal.

4.8.29 Any such request should be made in writing to the case officer and the development control manager.

4.8.30 All requests for redirections will be discussed by the service director, regulatory (or their delegate) with the chairperson of planning and regulatory committee together with the member who has requested the redirection. A decision whether to accept the redirection will be made by the service director, regulatory (or their delegate) on the basis of guidance set out in these rules and the circumstances and material planning consideration of the case. The decision will be confirmed in writing. In the chairperson’s absence, the vice chairperson will be consulted.

4.8.31 There will be circumstances in which an application is amended in order to respond to issues raised in the normal processing of the application by the case officer, statutory consultees or local residents. In the event that the issue(s) which caused the application to be redirected to the Committee by the ward member (and supported by the appropriate officers and the chairperson of the Committee) is/are resolved the ward member will be at liberty to withdraw his or her request for a Committee determination. Thereafter the decision will revert to a delegated decision.

**4.8.32 Delegations to officers**

4.8.33 If the service director, regulatory, is unavailable or unable to fulfil any of their functions in these rules, they may nominate a substitute to exercise those functions on their behalf.

**4.8.34 Public speaking at planning and regulatory committee**

4.8.35 In the case of the planning and regulatory committee the public will be permitted to speak at meetings when the following criteria are met:

- (a) the application on which they wish to speak is for decision at the planning and regulatory committee
- (b) the person wishing to speak has already submitted written representations within the time allowed for comment
- (c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- (d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- (e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- (f) speakers may not distribute any written or other material of any kind at the meeting
- (g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- (h) on completion of public speaking, councillors will proceed to determine the application
- (i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.