

# Planning Committee

## 1) Membership and Meetings

### 1.1 The Full Committee

1.2 Fifteen Members (politically balanced) to be appointed by Full Council. Meetings to normally be held at intervals of 4 weeks or as required Members of the Executive will not be eligible to sit on the Planning Committee.

1.3 The Quorum for the Planning Committee shall be 4 voting members of the Committee.

### 1.4 The Phosphates Sub-Committee

1.5 No more than 5 Councillors to be appointed from the Planning Committee.

## 2) Scope

2.1 Neither the Planning Committee nor the Assistant Director, Strategic Place and Planning or Service Manager – Development Management or Service Manager Planning Policy and Implementation has delegated power to:

- a) approve or adopt Development Plan Documents or the Plans and alterations that comprise the Development Plan; or,
- b) approve or adopt Local Development Orders;

as these are Full Council functions as set out in Article 4 of this Constitution.

2.2 The Council has delegated its responsibility for the following functions:

- a) all functions relating to town and country planning and development control as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and,
- b) functions relating to the stopping up or diversion of footpaths; the extinguishing of rights of way over land held for planning purposes; the preservation of trees; and complaints about high hedges as specified at items 31, 32, 47 and 47a of Section I Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;

to the Planning Committee, the Assistant Director Strategic Place and Planning and Service Manager – Development Management and other officers as set out below.

### 3) Terms of Reference – Planning Committee

3.1 Where a proposal meets any of the following criteria, it shall be reserved to the Planning Committee for determination:

Criterion 1: In the opinion of the Service Manager - Development Management or the Chair of the Planning Committee, the application is considered to be of a significant, controversial or sensitive nature.

Criterion 2: The application is made by or on behalf of an elected Councillor (or partner thereof) or member of Council staff (or partner thereof) and is recommended for approval.

Criterion 3: The application is accompanied by an Environmental Impact Statement (EIA).

Criterion 4: The application proposes a development which if permitted would represent a significant departure from the Council's statutory Development Plan and is recommended for approval.

Criterion 5: The application is the subject of representations contrary to the officer recommendation (with planning reasons) submitted to the Council by

- (a) not less than four individuals; and
- (b) at least one of the following:
  - i) a Town/Parish Council;
  - ii) a Parish Meeting;
  - iii) a Ward Member

3.2 Any application which is not referred to Committee by virtue of paragraph 3.1 above, but where representations which are contrary to the officer recommendation have been received (including from statutory consultees), is referred to the Chair or Vice Chair of the Planning Committee before a decision is made, following which the Chair or Vice Chair may decide to refer the application to the Planning Committee for determination.

3.3 The arrangements set out in paragraphs 3.1 and 3.2 above for the referral of applications to the Planning Committee for determination do not apply to

- a) applications which seek prior approval which will receive deemed consent after 28 or 56 days; and
- b) applications for certificates of lawful development made under Section 191 or 192

of the Town and Country Planning Act 1990 (as amended) as the determination of such applications is based on the assessment and evaluation of facts as opposed to planning policies and material planning considerations.

3.4 In addition, the Planning Committee shall authorise all criminal proceedings in relation to alleged offences under planning legislation including but not limited to offences under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Community Infrastructure Levy pursuant to the Community Infrastructure Levy Regulations 2010 and 2019 except in cases of expediency where authority is delegated to the Chair of Planning Committee, and either the Assistant Director Strategic Place and Planning or the Service Manager - Development Management.

3.5 In addition to the delegation arrangements referred to in paragraphs 2 and 3 above, the Assistant Director – Strategic Place and Planning and the Service Manager – Development Management or Service Manager Planning Policy and Implementation may authorise the Council's entry into agreements with

- Town/Parish Councils ,
- Parish Meetings or
- any other third party

where the effect of such an agreement is the allocation to such a party for the purposes of expenditure of financial contributions or other sums received by the Council as local planning authority pursuant to planning obligations under the Town and Country Planning Act 1990 Section 106, PROVIDED THAT:

3.6 (a) such agreement shall ensure that any funds so allocated are only to be expended in accordance with the purpose of such contributions or funds as identified in the relevant Section 106 Agreement/s ; and (b) the agreement shall include arrangements for the reimbursement to the Council of any funds which are unspent or uncommitted so that the Council may meet its own obligations for reimbursement of unspent or uncommitted contributions as contained in the relevant Section 106 Agreement/s.

3.7 AND PROVIDED FURTHER THAT notwithstanding any other arrangements set out in this Constitution for the signing of documents on behalf of the Council, such

agreements may be signed by the Director of Development and— Place.

## **4) Delegation to Officers**

4.1 The Assistant Director Strategic Place and Planning is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to Full Council or Planning Committee. This includes matters relating to Local Development Orders.

4.2 The Assistant Director Strategic Place and Planning is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers. However, the Assistant Director Strategic Place and Planning must keep a register of any such delegations.

- In consultation with the relevant portfolio holder to respond to consultations and processes under the Planning Act 2008 concerning nationally significant infrastructure projects, including draft statements of community consultation, draft scoping reports, draft development consent orders and draft s106 planning obligations received from developers and promoters, other local authorities and other statutory and public bodies.
- Respond to proposed non-material and material changes to Development Consent Orders including the discharge of requirements and obligations as appropriate
- To approve the terms of any proposed Planning Performance Agreement (including those for Nationally Significant Infrastructure projects) which include the provision of financial resources by the Developer to this Council.

## **5) Delegation to Parish Council**

5.1 Where the Council has delegated its powers to determine planning matters to a Town Council or Parish Council, those matters so delegated shall not be dealt with by the Planning Committee whilst such arrangements remain in place.

## **6) Terms of Reference – Phosphates Planning Sub-Committee**

6.1 This will be a Phosphates Sub Committee which will be a sub-committee of the Planning Committee.

6.2 The Sub Committee will consist of no more than 5 councillors from the Planning Committee.

6.3 The subcommittee may, by majority vote, co-opt up to 2 further Councillors to be Members of the subcommittee provided that they are suitably qualified substitutes for the purpose of Planning Committee. Co-opted Members are not entitled to vote.

6.4 The Phosphates Planning Sub Committee will have the following responsibilities on behalf of the Local Planning Authority:

- a. To have oversight of the programme and delivery of projects to support a series of interim measures to offset additional phosphates resulting from affected new developments within the River Tone catchment area affecting the Somerset Levels and Moors Ramsar site (as approved by Full Council on 5 October 2021);
- b. To have oversight of the monitoring of the performance of the above interim projects once delivered;
- c. To provide performance reports on (a) and (b) to Planning Committee on a quarterly basis;
- d. To agree the criteria to be used for the allocation of any phosphate credits generated from the above interim projects and the creation of a legally robust and transparent process for such allocation (including the terms of any S106 obligations with developers/landowners);
- e. To review the terms of the draft Supplemental Planning Document (SPD) on the strategic solution to the nutrient enrichment issue (to be reported to Full Council for prior to consultation and for adoption).

**Note:** for the avoidance of doubt the role of the Phosphates Planning Sub Committee does not include the determination of any planning applications.

6.5 These terms of reference fall within the Planning Committee's delegated powers i.e. functions relating to town and country planning and development control as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000