

4 July 2022**Agenda item: 1****REPORT OF SERVICE DIRECTOR, INVESTMENT & GROWTH****PROTOCOL ON RESPONDING TO PLANNING CONSULTATIONS****Purpose of the Report**

1. Following the Council's change in governance arrangements, approval is sought from the Cabinet Member for Economic Development & Asset Management to update the protocol for determining when planning consultation responses need Councillor approval and where responses are issued at officer level

Information

2. The Planning Policy Team co-ordinate the Council's response to planning applications, emerging Local Plans, Neighbourhood Plans and Government consultations on planning and related matters. This involves collating comments on proposals and plans from the following County Council service areas:
 - a. Adult Social Care and Supported Housing
 - b. Early Years
 - c. Economic development
 - d. Education
 - e. Historic environment.
 - f. Landscape & reclamation (dependant on scheme).
 - g. Libraries (Inspire)
 - h. Minerals and Waste Planning.
 - i. Nature conservation.
 - j. Property
 - k. Public health.
 - l. Public transport
 - m. Rights of way.
 - n. Strategic Transport.
 - o. Energy Management and Sustainability
 - p. Waste management

The Developer Contributions Officer supports County Council service areas in providing detail on what planning obligations are required to make development acceptable.

The comments of the Council on planning proposals as Highway Authority and Lead Local Flood Authority are made separately.

3. A Protocol has existed since 2013 to set out thresholds for responses to proposals which should be subject to Councillor approval, based on the strategic significance or concern raised by the proposal or plan. This area of work now falls into the remit of the Cabinet Member for Economic Development and Asset Management.
4. For the proposals meeting the thresholds in the appendix:
 - a) The Cabinet Member and Divisional Councillors for the site will be notified of the proposals sent for consultation and be asked for any comment.
 - b) Copies of the Draft response will be circulated to the Cabinet Member and Divisional Councillors for the site.
 - c) The final response will be approved by the Cabinet Member before being submitted.

Other Options Considered

5. To not have an agreed protocol on Councillor involvement in developing and submitting comments to the relevant Local Authorities and statutory bodies. This would result in an arbitrary approach to how Councillors are involved in consultation responses, resulting in difficulties in operational work and potential delays in responding to consultations, which would be unsatisfactory.

Reason for Recommendation

6. To ensure that the County Council has an agreed approach to securing agreement on responses made on planning applications, local plans, and other planning publications.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability, and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. The responses to planning consultations include requests for planning obligations which support financially the cost of infrastructure provided by the County Council in response to new development. The delegation process outlined in the report improves the efficiency of processing planning consultations but beyond this, there are no direct financial implications from the proposal.

Implications for Service Users

9. In responding to planning consultations, all relevant services are consulted to enable the effects of planning proposals to be considered.

RECOMMENDATION

- 1) That the Cabinet Member approves the Protocol as appended to this report for dealing with responses to planning consultations.

Matthew Neal
Service Director, Growth & Investment

For any enquiries about this report please contact: Kathryn Haley 0115 9774255

Constitutional Comments [RHC 06/06/2022]

10. The content of this report falls within the remit of the terms of reference of the Cabinet Member for Economic Development and Asset Management.

Financial Comments [RWK 01/06/2022]

11. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

- None

Electoral Division(s) and Member(s) Affected

- All

APPENDIX A

PROTOCOL FOR AGREEMENT OF STRATEGIC PLANNING OBSERVATIONS

The Cabinet Member for Economic Development and Asset Management will agree the County Council's comments (other than those made as the Highway Authority or Lead Local Flood Authority) on certain types of planning applications and Local Plans and other planning documents as set out below.

Cabinet Member agreement will be sought through either formal or informal means, depending on the deadlines which determine the timescale for responses.

- Informal agreement : Consultations such as planning application responses which have short term deadlines will be emailed to the Cabinet member for him/her to confirm agreement.
- Formal agreement: Formal arrangements through Cabinet Member briefing reports will be sought for more significant planning consultations such as final Local Plans, Nationally Significant Infrastructure Projects, or national planning consultations where the timescales for responses allow.

Where the Cabinet Member is unavailable for any reason and cannot respond, the response will be submitted at officer level to meet consultation deadlines and revised if needed following consideration by the Cabinet Member. Where a formal briefing meeting schedule does not allow responses to be developed and approved to meet consultation deadlines, informal agreement will be sought and a briefing report taken to the next available meeting.

Those planning applications and documents which are not listed as requiring the Portfolio Holder's agreement (or Cabinet approval) and pre-application enquiries are delegated to officers in the Planning Policy Team to issue under the direction of the Team Manager Planning Policy, or Group Manager Planning in his/her absence.

Consultation Type	Cabinet Member Agreement	Agreement Type
<i>Planning Applications</i>		
Residential Development (Use Class C3)	10*- 50 dwellings: which raise strategic planning concerns** 51-200 dwellings: which are contrary to national or local planning policy** 201+ dwellings: all applications. * Comments are not provided on applications for less than 10 dwellings. ** The decisions about whether strategic planning concerns exist and the relationship with national or local planning policy will be made by the case officer in consultation with the Team Manager Planning Policy or Group Manager Planning in his/her absence.	Informal Informal
Commercial, Business and Service Development	Applications over 2500m ² floorspace*	Informal

(including General Industrial and Storage or Distribution) (Use Classes B2, B8 and E)	All applications outside a defined urban boundary. *Except for proposals on an established retail park or industrial estate, or within an allocated employment site.	
Other development (e.g., renewable energy developments)	To be decided by officers on a case-by-case basis.	Informal
<i>Nationally Significant Infrastructure Projects</i>		
Pre examination consultation response	Where the project falls within Nottinghamshire	Formal
<i>Local Development Orders</i>		
Final consultation stage	Where the area proposed by the LDO falls within Nottinghamshire	Formal
<i>Development Plans and other Planning Documents</i>		
Local Plans	All Local Plans within the County (at pre-submission stage) All Mineral and Waste Local Plans prepared by neighbouring authorities (pre-submission).	Formal
Neighbourhood Plans	To be decided by officers on a case-by-case basis.	Informal or Formal
Other consultations on planning and related matters (including on national planning legislation, policy, and practice)	To be decided by officers on a case-by-case basis.	Informal or Formal

Where consultations require Cabinet Member agreement, a consultation email will be sent to the Cabinet Member and Councillor(s) for the relevant Electoral Division(s), to make them aware of the proposal/document and seek any views they may have on the planning issues.

Subsequently, the officer's draft response will be circulated to the Cabinet Member and the same Councillors giving them the opportunity to comment before the final response is sent to the Cabinet Member for agreement.

Responses on planning applications will not include comments on highway or flood management matters which are made separately by those respective teams. Any Councillor wishing to discuss responses from a highway or flood management perspective should contact the relevant team.

Any request by an elected Councillor for a specific planning consultation response to be considered by Cabinet Member Briefing/Decision or Cabinet, should be made to the Planning Group Manager and /or Planning Policy Team Manager, who will discuss it with the Cabinet Member, considering the significance of the proposal, the deadline for the response and corporate guidance on the roles of Cabinet and Cabinet Member responsibilities.

Similarly, should officers consider that a planning consultation response ought to be agreed more formally, it will be discussed with the Cabinet Member in the same manner.