

## **REPORT OF THE CORPORATE DIRECTOR, PLACE**

### **RESPONSES TO PLANNING CONSULTATIONS**

#### **Purpose of the Report**

1. To seek approval for a revised protocol on approval of comments issued on behalf of the County Council on:
  - Planning applications;
  - Local plans, Neighbourhood Plans and other related strategies;
  - Consultations on other planning matters.

#### **Information**

2. The Planning Policy Team co-ordinate the County Council's response to planning applications, emerging Local and Neighbourhood Plans and government consultations on planning and related matters. This involves collating comments on proposals and plans from the County Council in terms of:
  - a. minerals and waste planning;
  - b. landscape & reclamation issues where needed;
  - c. public health;
  - d. waste management;
  - e. nature conservation;
  - f. historic environment;
  - g. strategic transport;
  - h. rights of way;
  - i. public transport provision.
  - j. planning obligations (in conjunction with relevant service areas such education, libraries, waste management and transport)
3. It is important that the views of the County Council are considered and assembled on planning proposals as the County Council is a significant provider / enabler of infrastructure and has formal a duty to co-operate in terms of Local Plans across Nottinghamshire and its neighbouring authorities.
4. The comments of the County Council on planning proposals as Highway Authority and Lead Local Flood Authority are made separately.

5. A Protocol was updated and last agreed by the Communities and Place Committee in 2017 to set out thresholds for proposals which should be subject to Committee approval. In all other cases responses are agreed at officer level. Because of the need to meet consultation deadlines, the protocol enables these in practice to be agreed in consultation with the Vice-Chair of the Committee, with subsequent reporting to Committee.
6. The current types of planning proposal requiring agreement in consultation with the Chair/Vice Chair is as follows:

| <b>Planning Applications</b>                          |  |
|---|--|
| Renewable energy                                      | <ul style="list-style-type: none"> <li>• Single or multiple wind turbines above 15m high (including blade length);</li> <li>• All Solar Farms;</li> <li>• All Biomass Plants</li> </ul>  |
| Retail development                                    | <ul style="list-style-type: none"> <li>• Applications over 2500m<sup>2</sup> floorspace;</li> <li>• Other retail applications where the proposal is outside a defined town centre.</li> </ul>  |
| Residential Development                               | <ul style="list-style-type: none"> <li>• 0-50 dwellings: - only if strategic planning issues are apparent;</li> <li>• 51-200 dwellings: Applications which are contrary to local or national planning policy;</li> <li>• 201+ dwellings: All applications</li> </ul> |
| Commercial Development                                | <ul style="list-style-type: none"> <li>• Applications over 2500m<sup>2</sup> floorspace;</li> <li>• All applications outside a defined urban boundary</li> </ul>   |
| Other development                                     | <ul style="list-style-type: none"> <li>• To be decided by officers on a case by case basis</li> </ul>  |
| <b>Development Plan and other Strategies/Guidance</b> |  |
| Local Plans   | <ul style="list-style-type: none"> <li>• All Local Plans within the County (pre submission)</li> <li>• All Local Plans prepared by neighbouring authorities (pre submission)</li> </ul>  |
| Neighbourhood Plans                                   | <ul style="list-style-type: none"> <li>• To be decided by officers on a case by case basis</li> </ul>  |
| Other Plans/Strategies/Publications                   | <ul style="list-style-type: none"> <li>• To be decided by officers on a case by case basis</li> </ul>  |

7. There are two areas which indicate that the Protocol should be updated:
  - a. The Committee has not wanted reports for information on its Agenda and therefore reporting to Committee on responses made no longer occurs.
  - b. The range of proposals for which Chair/Vice Chair agreement is needed should be amended to streamline the work of responding to planning proposals and focus on the key developments related to the roles and responsibilities of the County Council.
8. It is therefore proposed to amend the Protocol to address these issues. An amended Protocol is set out in Appendix 1. It is proposed to raise the development size threshold in light of experience and focus on major housing and business development, but retain an ability for officers to agree other responses as needed. These proposals will help streamline the process whilst retaining Councillor involvement and oversight of the most significant responses.

9. A summary list of those consultation responses issued in consultation with the Chair/Vice Chair will be prepared on a quarterly basis and will be sent to all Members' groups for information.
10. When a response requires agreement in consultation with the Chair/Vice Chair, County Councillors for the relevant Division will continue to be notified, invited to make comment and sent a copy of the Draft response.
11. It should be emphasised that the County Council is not the decision making body in respect of these applications, simply a consultee, providing comment from its role as mineral and waste planning authority and provider of infrastructure such as schools, transport and recycling facilities. The County Council's comments on local plans and planning applications is published on the website of the authority to whom the consultation is sent and therefore all its responses are open to public view and scrutiny.

### **Other Options Considered**

12. To not have an agreed approach on sending comments to the relevant Local Authorities and statutory bodies. This would mean either reporting all consultations for Committee approval which would involve Councillors in technical and operational matters – or have an arbitrary approach to reporting consultations to Committee which is equally unsatisfactory.

### **Reason for Recommendation**

13. To ensure that the County Council has an agreed approach to member involvement in agreeing responses made on planning applications, local plans and other planning publications.

### **Statutory and Policy Implications**

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **RECOMMENDATION**

- 1) That Committee approve the Protocol as set out in Appendix 1 for dealing with comments on planning applications and other planning proposals.

**Adrian Smith**  
**Corporate Director, Place**

**For any enquiries about this report please contact:** Stephen Pointer, Team Manager, Planning Policy, Tel: 0115 9939388

**Constitutional Comments [SG 31/01/2019]**

15. I confirm the recommendation falls within the remit of the Communities and Place Committee by virtue of its terms of reference.

**Financial Comments [RWK 31/01/2019]**

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

**Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

**Electoral Division(s) and Member(s) Affected**

All.

## **Appendix 1: Proposed Protocol**

Responses issued by Nottinghamshire County Council as Planning Authority will be agreed in consultation with the Chair / Vice Chair of the Communities and Place Committee where they meet the following criteria:.

| <b>Type</b>   | <b>Responses issued in consultation with Chair/Vice Chair</b>   |
|---|---|
| <b>Planning Applications</b>                          |   |
| Residential Development                               | <ul style="list-style-type: none"><li>• 300 + dwellings</li></ul>   |
| Business Development (B1,B2, B8)                      | <ul style="list-style-type: none"><li>• Applications over 2500m<sup>2</sup> floor space</li></ul>   |
| Other development                                     | <ul style="list-style-type: none"><li>• To be decided by officers on a case by case basis</li></ul>   |
| <b>Development Plan and other Strategies/Guidance</b> |   |
| Local Plans   | <ul style="list-style-type: none"><li>• All Local Plans within the County at Publication Draft stage (pre submission).</li><li>• All Local Plans prepared by neighbouring authorities at Publication Draft stage (pre submission)</li></ul> |
| Neighbourhood Plans                                   | <ul style="list-style-type: none"><li>• Decided by officers on a case by case basis</li></ul>   |
| Other Plans & Publications                            | <ul style="list-style-type: none"><li>• Decided by officers on a case by case basis</li></ul>   |

Where consultations require agreement in consultation with the Chair/Vice Chair, a consultation email will be sent to the Chair, Vice Chair, opposition spokespersons and Councillors for the relevant Division(s). The draft response will be circulated to these members also for comment.

A summary of those consultation responses issued in consultation with the Chair/Vice Chair will be prepared on a quarterly basis and will be sent to Members' Groups for information..