

**22 June 2017**

**Agenda Item: 18**

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

### **RESPONSES TO PLANNING CONSULTATIONS**

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

1. To seek approval for an updated protocol on when Committee approval is required for comments issued on behalf of the County Council on:
  - Planning applications;
  - Local plans, Neighbourhood Plans and other related strategies;
  - Government consultations on planning matters.

#### **Information and Advice**

2. The Planning Policy Team co-ordinate the County Councils 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 following viewpoints:
  - a. strategic land use planning;
  - b. minerals and waste planning;
  - c. landscape & reclamation;
  - d. public health;
  - e. nature conservation;
  - f. historic environment;
  - g. strategic transport;
  - h. rights of way;
  - i. public transport provision.

The Planning Obligations Officer will also set out what planning obligations are required to make development acceptable in conjunction with relevant service areas such education, libraries and transport. The comments of the Council on planning proposals as Highway Authority and Lead Local Flood Authority are made separately.

3. A Protocol was agreed by the former Environment and Sustainability Committee in 2013 to set out thresholds for proposals which should be subject to Committee approval, based on the strategic significance or concern raised by the proposal or plan (Existing Protocol set out in Appendix A).

4. In light of the new Committee arrangements, the Protocol has been updated and revised where necessary. The Proposed Protocol does not change the thresholds where Committee approval is required but does add a new category of Neighbourhood Plan. Given the variable size and significance of such Plans, it is proposed to leave to officer decision which responses should be subject to Committee approval.
5. The approval of the Communities and Place Committee will be required for County Council comments on the types of planning applications and planning proposals set out in the Protocol, unless specifically requested by a Committee Member, with a valid planning reason. Where these instances are not met, comments will be agreed at officer level.
6. The proposed Protocol is set out in Appendix B.
7. In many cases, in order to meet deadlines for responses, approval of consultation responses meeting the criteria for Committee approval will need to be agreed with the Chair and/or Vice-chair and then reported to the earliest available Committee. In such cases draft responses will be circulated to the Chair, Vice Chair and opposition spokespersons for comment prior to being agreed and submitted.
8. All consultations received will be notified to Councillors through a weekly list which is circulated to all Groups.

### **Other Options Considered**

9. 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**

10. 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**

11. 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.

### **RECOMMENDATION**

That Committee approve the Protocol as set out in Appendix B 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 - 0115 993 9388**

### **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.

### **Constitutional Comments (SLB 06/06/17)**

12. Communities and Place Committee is the appropriate body to consider the content of this report.

### **Financial Comments (SES 06/06/17)**

13. There are no specific financial implications arising directly from this report.

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

## Appendix A – Existing Protocol

Committee Reports will be prepared for Environment and Sustainability Committee for the instances set out below, (unless specifically requested by an E & S Committee Member, with a valid planning reason). Where these instances are not met technical comments will be sent to the relevant body.

Type of Development	Committee Approval Required
<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: 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 on a case by case basis</li> </ul>
<b>Local and National Strategies/Guidance</b>	
Local Plans/Core Strategies	<ul style="list-style-type: none"> <li>• All plans within the County</li> <li>• Neighbouring Borough/District Plans/strategies</li> </ul>
Other Plans/Strategies/Publications	<ul style="list-style-type: none"> <li>• To be decided on a case by case basis</li> </ul>

Responses which meet the criteria, set out in the table above, but are required prior to the next scheduled Environment and Sustainability Committee will be agreed with the chairman and/or vice chairman and reported to the earliest available Committee.

Applications for any proposed development that is in accordance with an adopted Local Plan or Core Strategy is unlikely to be taken to E & S Committee, unless requested to do so by an Environment and Sustainability Committee Member, as the principle of development is established in planning policy terms.

Note:

All relevant planning applications requiring strategic planning comments are contained on the weekly list which is circulated to all members groups.

Any requests by and Environment and Sustainability Member for specific planning applications to be considered at earliest Environment and Sustainability Committee should be made to the Planning Group Manager and the Planning Policy Team Manager.

**Proposed Protocol (updated May 2017)**

The approval of the Communities and Place Committee will be required for County Council comments on the following types of planning applications and planning proposals as set out below, unless specifically requested by a member of the Council. Where these instances are not met, comments will be agreed at officer level.

<b>Type</b>	<b>Committee Approval Required</b>
<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>

Where consultations require Committee approval, 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.

Where responses need to be submitted prior to the next available Committee, these will be agreed with the Vice Chair or Chair and reported for information to the next Committee.

Applications for any proposed development that is generally in accordance with an adopted Local Plan or Core Strategy is unlikely to be taken to Committee, unless requested to do so by a Committee Member, as the principle of development is established in planning policy terms.

A weekly list of planning applications where the County Council have been invited to comment is circulated to all members to inform members about key applications.

Any requests by a Communities and Place Member for specific planning applications to be considered at a Committee should be made to the Planning Policy Team Manager or the Planning Group Manager.