

14 November 2013

Agenda Item: 8

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

PROTOCOL FOR PLANNING APPLICATIONS TO BE TAKEN TO ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Purpose of the Report

1. To seek Committee approval for an agreed protocol on when to seek Member approval for comments to be sent to:
 - Nottinghamshire District and Borough Councils following requests for strategic planning comments on planning applications;
 - Neighbouring Local Authorities following requests for comments on Local plans and Strategies;
 - The Government as a response to consultations.

Information and Advice

2. The Planning Policy Team currently prepare committee reports on planning applications and other strategic matters, such as emerging Local Plans within Nottinghamshire neighbouring authorities local plans and central government guidance on strategic planning issues. These reports, once approved, or ratified by Committee, are sent to the relevant body as the County Council's response to these consultations.
3. This protocol has been formulated to ensure that the County Council provide a consistent approach to commenting on planning applications, local plans and government publications within the County.
4. All responses to planning consultations need to be made within varying statutory timeframes, for example the County Council needs to respond to a planning application within 21 days in order for comments to be considered. It is often not possible to meet committee lead in times and as we aim to provide a coordinated response, as such officer comments are often sent to the relevant body, with ratification of such comments being sought at the next scheduled committee meeting. Approval of consultation responses which meet the criteria (set out in Appendix A) but are required prior to the next scheduled Environment & Sustainability Committee, except for responses to day-to-day technical consultations, will be agreed with the chairman and/or vice-chairman and reported to the earliest available Committee following their submission.

5. All consultation responses as operational decisions will be reported back to E & S Committee (in summary form) as part of the existing Strategic Planning Observations Report (SPO).
6. Appendix A sets out the proposed protocol.

Other Options Considered

7. To not have an agreed approach on sending strategic planning comments to the relevant Local Authorities and statutory bodies and to continue with the current approach.

Reason for Recommendation

8. To ensure that the County Council has a consistent approach to commenting on planning applications, local plans and other planning publications.

Statutory and Policy Implications

9. 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

- 1) That Committee approve the agreed the protocol for dealing with strategic planning comments on planning applications and other strategic matters with effect from 1 December 2013 as set out in Appendix A.

Jayne Francis-Ward

Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 0115 97 73793

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 (SHB.15.10.13)

10. Committee have power to decide the Recommendation.

Financial Comments (SEM 17/10/13)

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

Electoral Division(s) and Member(s) Affected

All.

Appendix A – Proposed 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
Planning Applications	
Renewable energy	<ul style="list-style-type: none"> • Single or multiple wind turbines above 15m high (including blade length); • All Solar Farms; • All Biomass Plants
Retail development	<ul style="list-style-type: none"> • Applications over 2500m² floorspace; • Other retail applications where the proposal is outside a defined town centre
Residential Development	<ul style="list-style-type: none"> • 0-50 dwellings: if strategic planning issues are apparent; • 51-200 dwellings: Applications which are contrary to local or national planning policy; • 201+ dwellings: All applications
Commercial Development	<ul style="list-style-type: none"> • Applications over 2500m² floorspace; • All applications outside a defined urban boundary
Other development	<ul style="list-style-type: none"> • To be decided on a case by case basis
Local and National Strategies/Guidance	
Local Plans/Core Strategies	<ul style="list-style-type: none"> • All plans within the County • Neighbouring Borough/District Plans/strategies
Other Plans/Strategies/Publications	

	<ul style="list-style-type: none"> • To be decided on a case by case basis
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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.