

Committee: Planning Committee Working Group

Date: 2 March 2022

Title: Changes to the Consideration of Major Planning Applications and Consultations on Major Applications submitted directly to the Planning Inspectorate.

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Summary

1. This item considers the Council's response to the de facto changes in the functioning of the Planning Committee following the formal Designation Notice dated 8 February 2022 from the Minister of State for Housing (Department of Levelling Up, Housing & Communities).
2. The impact of this Designation Notice offers the opportunity for an applicant to submit any Major Planning Application directly to the Planning Inspectorate for determination. In such circumstances the Local Planning Authority will merely be a consultee on these applications and the timescales, which will run parallel with other statutory consultations will be **twenty-one days**. Any consultation responses made by the Council in this way will have to be reported to Planning Committee, and the current arrangements (specifically the frequency) of Planning Committee (including its governance requirements for publicity), do require some changes.
3. In response to the Designation Notice, the Council has considered its approach to the determination of all Major Planning Applications, and it is considered sensible that all Major Applications **regardless of recommendation** be reported to Planning Committee. This by its nature will certainly increase the case load and will add to the already busy Committee meetings. For context Planning Committee see approximately 15 majors per year this could increase to in excess of 25 Majors.
4. These two significant changes do require the need to revisit the current arrangements for Planning Committee. The purpose of this report is to consider the various options. It will not be possible to retain the current arrangements of a single meeting on a four-weekly Committee cycle.
5. The first significant change that is required to be made is the creation of a **Sub-Committee of the Planning Committee**. Due to the size of Planning Committee (11 members), a Sub-Committee, if formed, can be a panel of four members of the Committee, which is sufficient to render the sub-Committee quorate.

6. Sections 9E & 18 of the Local Government Act 2000; does provide powers for a Committee to appoint a Sub-Committee. Should the decision be made to create a Planning Committee Sub-Committee then further consideration will be required in respect of the following
 - The membership of the Sub Committee – if members are minded to establish a sub-committee (Options 1 and 2), membership and composition of the sub-committee will be set in accordance with Section 102 of the Local Government Act 1972 and Section 15 of the Local Government and Housing Act 1989. In procedural terms, this means the sub-committee will be subject to the overall political balance calculation and seats will be allocated to Groups in proportion to the overall composition of Council. Currently, the next scheduled review of political balance will be considered by Annual Council in May.
 - Section 17 (1) (b) of the Local Government and Housing Act 1989 gives provision for alternative arrangements to be put in place “without any member of the authority or committee voting against them”. Therefore, unanimous approval is required if members are minded to propose a membership scheme for the sub-committee outside of the overall political balance calculation.
 - Members are asked to consider the composition of the sub-committee and provide an indication of their preferred option in order to provide a recommendation to the Planning Committee.
 - The Sub-Committee will be subject to the same meeting regulations as Planning Committee and therefore would have to meet in person and in public.
 - The frequency of the Sub-Committee’s meetings would have to be established.
7. The second required change would be for the changing of the frequency of Planning Committee from its current four weekly cycle to an increased frequency of fortnightly or three weekly. The changes in frequency would be required to respond to any consulted applications, and to the level of applications going to Planning Committee.
8. The options offered, include a combination of these important changes.

The Options to be considered

OPTION 1

The creation of a Sub-Committee of the Planning Committee and retain the current frequency of Planning Committee meetings

This will allow a more agile response to consideration of the consultation upon Major Applications submitted to the Planning Inspectorate. As the Council would not be the determining authority for these applications, and the Council’s consultation period would run parallel with those with statutory consultations, and the community, the consideration of these applications would not include any

public speaking. Therefore, consideration of these applications would ensure a timely submission of the Council's response.

Challenges from this option

- It would not address the likely increase in cases being reported to Planning Committee
- It will have to be noted that our response on Major Applications in this way would be different to those determined by the Full Committee.

OPTION 2

The creation of a Sub-Committee of the Planning Committee and to change the frequency of Planning Committee meetings to every THREE WEEKS.

This would retain the agile arrangements for the handling of Consultation Applications, whilst allowing a more frequent Planning Committee cycle being available for the increase in cases for full Committee.

Potential Variations to this Option (OPTION 2A)

One potential variant of this option is the consideration and determination by the Sub-Committee of the most minor of planning applications to allow more time for Planning Committee to consider the increase in major applications being reported to the main Planning Committee meeting.

OPTION 3

To change the frequency of Planning Committee to FORTNIGHTLY

This would keep the Committee agile and able to handle the consideration of Consultation Applications without the need for the creation of a Sub-Committee.

Challenges from this Option

It is questionable whether this is a sustainable option. The capacity of members and officers (including those in Democratic Services) would be seriously stretched with a fortnightly cycle. Within this cycle would have to be scheduled matters such as site visits and the availability of physical accommodation within the Chamber.

Recommendation

9. To recommend to Planning Committee the favoured option in terms of the frequency of full Planning Committee and the creation of Planning Committee Sub-Committee. Officers recommend Option 2, with the serious consideration of Option 2A.

Impact

1.

Communication/Consultation	This group is a working group and will make recommendations to Planning Committee
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
That a review does not take place in accordance with good governance and best practice as recommended by the East of	3	3	The recommended changes are intended to improve the efficiency of the Local Planning Authority and create space for major applications to

England Local Government Association (EELGA)			be determined by Planning Committee
The Local Planning Authority's Failure to respond to consultations within the strict deadlines stipulated by the Planning Inspectorate	3	3	Review of the frequency of Planning Committee and the maximising the agility of Planning Committee to respond in timely way.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.