

PART 3 – RESPONSIBILITY AND FUNCTIONS
TERMS OF REFERENCE – DISTRICT PLANNING COMMITTEE

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COMMITTEE	DISTRICT PLANNING
MEMBERSHIP	All 31 Members of the Council
LEAD OFFICER	Director of Service Delivery
OFFICERS / UNITS PRIMARILY REPORTING	None

1. TERMS OF REFERENCE

The determination of the following planning applications and related matters:

- a) Referred by, or otherwise beyond the remit of the Area Planning Committees, including reference by the Director, under Provisos 1 - 3 of the terms of reference of the Area Planning Committees;
- b) Where the site area involves more than one Area Committee;
- c) Where the proposal involves development of strategic interest as follows:
 - Any development proposal which directly relates to one of the Garden Suburbs or Strategic Allocations (sites S2(a) – (k)) included within Policy S2 the Local Development Plan (LDP).
 - Any residential or mixed-use development proposal which includes provision for 75 dwellings or more.
 - Any large-scale renewable and low carbon energy projects, including:
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme of 1MW capacity or more.
 - Any development proposal which directly relates to identified *new* employment sites allocated by Policy E1 of the LDP.
 - Any retail development of 1,000 square meters or more which is proposed to be beyond existing town centres as defined by Policy E2 of the LDP.
 - Any proposals for a new Community Hospital or similar healthcare facility to serve the needs of the District as defined by Policy I2 of the LDP.

For this purpose “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Service Delivery. In all other respects, the existing provisions of the Scheme of Delegation will apply.

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- d) Where, at the discretion of the Director of Service Delivery in consultation with the Chairperson of this Committee and the relevant Area Planning Committee the proposal is considered to be of particular strategic importance and interest to the District.

2. OPERATING PROTOCOL

- 1 The Committee will meet in accordance with arrangements determined by the Council.
- 2 In all other respects and as appropriate, the Council and Committee Procedure Rules will apply, in particular Procedure Rule 13(1) which prevents a member of a Planning Committee from voting in connection with the determination of a planning application or related matter unless he / she has been present for the whole of the consideration at the meeting or has undergone fundamental induction training.
- 3 If, after debate, the Committee is minded to refuse an application contrary to the recommendation of Officers to approve and without having moved to a vote, then (unless it is agreed upon the advice of Officers that no useful purpose would be served) any further consideration **will** be deferred to enable Officers to consider all relevant implications of that proposed decision and report back to the Committee. This is known as the Constitutional Brake.
- 4 The Council has adopted the concept of members of Planning Committees being given information briefings / presentations by Officers on complex / technical issues arising from certain planning applications ahead of their formal consideration and determination. The guidelines set out **ANNEXE A** will be followed.

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ANNEXE A

INFORMAL TECHNICAL BRIEFINGS / PRESENTATIONS ON PLANNING APPLICATIONS

Operating Guidelines

For certain complex and/or major applications, where there are difficult or technical issues such as to consider, it may be appropriate to hold informal briefings for members before an application comes before a committee for formal consideration and determination.

Following publication of the agenda containing the report and Officer recommendation on the particular application, the Director of Service Delivery will decide whether an informal briefing is required to be held, provided the following guidelines are adhered to:-

- Members should understand that an informal briefing is distinct from the committee meeting and therefore no decisions will be taken at the briefing.
- The informal briefing is to provide an opportunity for Members to receive information and ask questions to help them understand more about the proposal before formal consideration of the applications at the Committee meeting.
- The informal briefing is not a forum for debate or for stating opinions about the development and certainly not for Members to indicate how they will vote at the Committee meeting.
- Whilst Members can begin to form views about the proposed, it is important that they seek to avoid reaching a firm view or decide how they will vote in advance of the Committee meeting since this will mean that they have pre-determined the application. In that event, they will have compromised their involvement in the subsequent Committee meeting. It is essential that an open mind is kept in order to hear all the information presented, and discussion held, at the Committee meeting itself.
- The informal briefing will not be held in public, and only those Members of the determining Committee and relevant Officers will be present. Although attendance by Members will be encouraged, non-attendance at informal briefings will not prevent their subsequent participation in deciding an application when it comes before the Committee. Nothing less than is presented to the briefing will be presented to the Committee meeting.
- A record will be kept of the fact that the meeting took place and who attended the meeting but formal minutes or notes of the meeting will not be made or published.