



Gloucestershire
COUNTY COUNCIL

Planning Protocol

Determination of Planning Applications

Adopted July 2013



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Criteria for referring Planning Applications to the Planning Committee

1. All decisions relating to the determination of applications for planning permission by the County Council will be decided by the Commissioning Director: Communities and Infrastructure ('the Director') ¹ in accordance with Gloucestershire County Council's Constitution except in the following circumstances when the application will be referred to the Planning Committee for determination where:
 - 1.1 The applicant, developer or site owner is a County Councillor or a close associate or former County Councillor.
 - 1.2 Acting purely in their private capacity, the applicant/agent or site owner is an officer ² or a person appointed by the County Council with the role and responsibilities of an Officer or their close associates.
 - 1.3 County Councillor makes a written request to the Director or the Case Officer for an application to be considered by the Planning Committee, stating valid planning reasons.
 - 1.4 The recommendation would be to grant permission for a proposal that would be a departure from the development plan, and / or would, in the opinion of the Director, on balance conflict rather than conform to the development plan.
 - 1.5 The recommendation would be to grant permission for a proposal which has been objected to in writing by a statutory consultee ³ and the objection ⁴ has not been withdrawn or has been unable to be resolved by negotiation or by imposing a planning condition on any permission.
 - 1.6 The recommendation would be to grant permission for a proposal which has, before the end statutory consultation period, been objected to in writing by the parish or town council in which the site is located and the objection has not been withdrawn or is unable to be resolved by negotiation or imposition of a planning condition. Where the parish or town council is the only outstanding objection to a proposal, the Director will consider whether the matter should be determined by the Planning Committee, following consultation with the Planning Committee Chairman and the Party Group Spokespersons appointed by the political groups represented on the Planning Committee.
 - 1.7 The development proposed by the County Council is to be determined by the County Planning Authority under Regulation 3 of the Town and Country Planning General Regulations 1992 has been the subject of an objection from a local resident whose property adjoins the application site or there is widespread local controversy over a material consideration that is unable to be resolved by the imposition of a planning condition. Where there is such objection to a proposal, the Director will consider whether the matter should be determined by the Planning Committee, following consultation with the Planning Committee Chairman and Party Group Spokespersons.

¹ For the purposes of this Protocol, the term 'Director' shall include an Officer whom he authorises

² Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.

³ As defined in Article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

⁴ Refers to a written representation containing an objection to a current planning application for which the County Council is the determining authority. The objection must be on relevant planning grounds.

- 1.8 The application raises material issues of significant policy concern or widespread local controversy the Director will consider whether the matter should be determined by the Planning Committee, following consultation with the Planning Committee Chairman and Party Group Spokespersons.

Criterion for the Director referring a planning application to another Senior Officer for determination

2. Where the Director is an officer whose responsibilities include any aspect of the management of land or building to which an application made by the Council relates, or is responsible for a function (other than as planning authority) materially affected by any planning matter, the power to consider the planning application is delegated to the appropriate senior officer. The Senior Officer shall determine the application unless any of the exceptions set out in 1 of this Protocol apply.

Notification Procedure

County Councillors will within **21 days** of being notified of a planning application:

1. Inform the Case Officer identified in the consultation letter **in writing**⁵ that they are the applicant, developer, site owner or where the applicant is a close associate or have already disclosed an interest to the Monitoring Officer. **Note:** this will affect the councillor's right to appear as the local member at any Planning Committee.
2. Inform the Case Officer or the Director **in writing** that they wish the application to be considered by the Planning Committee, giving their reasons for this request.

Case Officers will:

3. Notify the Monitoring Officer when the Case Officer is informed that the Member is the applicant, developer, site owner or a close associate of any of these parties. **Note:** A copy of the Member's letter giving notification under Paragraph 1 will be placed on the planning file and made available to view on Public Access. The Case Officer will arrange for the councillor's contact details regarding the application to be replaced by a councillor from an adjacent division for the purposes of public representation at Planning Committee.
4. Within **5 working days** of the receipt of a request for an application to be considered by Committee, acknowledge that request and advise the Member of what is considered the most appropriate decision level by the Director.
5. Consult the Chairman of the Planning Committee and Party Group Leaders appointed by the political groups represented on Planning Committee ('Group Spokespersons'⁶) when there has been an objection from the parish council in which the application site is located. A copy of the objection and draft report or background information about the application, results of the publicity will be provided to assist Members in giving their views about whether the application should be determined by the Planning Committee. **Five working days** will be given to respond to the consultation. These views will be reported to the Director before deciding whether to refer the planning application to the Planning Committee for determination.
6. Consult the Group Spokespersons when there has been an objection from a resident whose property adjoins a County Council owned site or there has been considerable local opposition to a Regulation 3 application. A copy of the objection and draft report or background information about the application, results of the publicity will be provided to assist Members in giving their views about whether the application should be determined by the Planning Committee. **Five working days** will be given to respond to the consultation. These views will be reported to the Director before deciding whether to refer the planning application to the Planning Committee for determination.

⁵ For clarification: email correspondence is acceptable for record purposes.

⁶ This term includes any deputy appointed in their absence.

The Group Spokespersons will:

7. Respond to the Case Officer's consultation **in writing** within the 5 working day target including advising of the name of a deputy during periods of absence⁷.

The Director will:

8. Consider any representations made by the Group Spokespersons before deciding whether to refer the planning application to the Planning Committee for determination, particularly where the views expressed by the Group Spokespersons are evenly balanced, in which case the Director's decision will be final.

⁷ This can be by setting up an email alert.