

## APPENDIX A

### 3. PLANNING COMMITTEE - Terms of Reference

#### Introduction

- 3.1 There are two area Planning Committees known as the Planning Committee North and the Planning Committee South.
- 3.2 There is also a Strategic Planning Committee which covers the whole of the district.

#### General delegations

- 3.1 There will be a pool of at least 25 of its Members nominated by the political groups, according to the political balance of the Council, to be available to serve on the area Planning Committees, from which 9 Members will be drawn, also according to the political balance of the Council, to serve on each of the area Planning Committees.
- 3.2 The Terms of Reference for the area Planning Committees shall be subject to any restrictions set out in this Constitution including matters reserved for Council or for Officers of the Council.
- 3.3 Each Planning Committee has responsibility for the delegated functions set out in these Terms of Reference within its designated area, provided that the Planning Referral Panel can decide that a specific Planning Committee can determine an application or matter which is outside of its designated area, because of the location or impact of that application or matter, including those that may be referred to the Strategic Planning Committee due to their impact on a wider area.
- 3.4 The Strategic Planning Committee may at any time review and make changes to the allocation of parishes within the North and South Planning Committee areas.

#### Strategic Planning Committee

- 3.5 The Strategic Planning Committee will be made up from the two area Planning Committees and should also include the Cabinet Member who is the holder of the Portfolio for Planning.
- 3.6 The quorum will be seven.
- 3.7 Strategic Planning Meetings will be held quarterly or as necessary.
- 3.8 The functions of the Strategic Planning Committee are:
  - a) To consider and advise the Council and Cabinet where appropriate on planning matters impacting the whole of the district, including NSIP applications.
  - b) (Where an application has been referred to the Strategic Planning Committee by the Planning Referral Panel due to its impact on a wider area) to determine and advise the Council on planning and development management applications and any local development proposals and other applications under the [Town & County Planning Act 1990](#), Town & Country Planning Development Orders and all subordinate legislation (including the [Town & Country Planning Act \(Public Path Orders\) Regulations 1993](#)) and other associated legislation relating to planning, development and building control, including local plans and the [National Planning Policy Framework](#), and including applications in relation to advertisements, listed buildings and

any other notices, orders, certificates demands, permissions, consents and grants under any such legislation.

- c) To review the performance of the Council's planning and rights of way services.
- d) To carry out an annual monitoring role in relation to the work of the Planning Committees.
- e) To consider the annual report by Officers of the Council on any planning obligations or conditions which are required by the Council, including a summary of progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.
- f) To consider and advise the Council on responses to Central Government consultations.
- g) To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the [Planning and Rights of Way Code of Practice](#), within its terms of reference and to make the same publicly available.
- h) To guide the Council in setting its planning policy objectives and priorities.
- i) To determine fees and charges which are relevant to planning and related matters.
- j) To review and monitor the operational impact of planning and development control and other policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance and initiatives.
- k) To consider any recommendations made by reports from the [Local Government and Social Care Ombudsman](#).
- l) To consider and advise on Planning Appeals.
- m) To review the training in planning matters undertaken by Members and the provision of information to Members who are appointed to the Planning Committees.

#### **Planning Committee North and Planning Committee South**

- 3.9 The quorum for each area Planning Committee will be five.
- 3.10 Details of the parishes which fall into each area Planning Committee can be found on the [Council's website](#).
- 3.11 Each area Planning Committee shall meet at least monthly; Planning Committee North shall meet on the second Tuesday of each month and Planning Committee South shall meet on the fourth Tuesday of each month, with additional meetings being called as necessary.
- 3.12 The functions of the two area Planning Committees are:
  - a) To determine and advise the Council on all planning and development management applications and any local development proposals and other applications under the [Town & Country Planning Act 1990](#), Town & Country Planning Development Orders and all subordinate legislation (including the [Town & Country Planning Act \(Public Path Orders\) Regulations 1993](#)) and other associated legislation relating to planning, development and building control, including local plans and the [National Planning Policy Framework](#), and including applications in relation to advertisements, listed buildings and any other notices,

orders, certificates demands, permissions, consents and grants under any such legislation.

- b) To carry out the duties and powers of the Council as the local planning authority under the [Town and Country Planning Act 1990](#), and its duties and powers under the [Listed Buildings and Conservation Areas Act 1990](#), the [Building Act 1984](#), Building Regulations and other subordinate legislation.
- c) To exercise the powers and duties of the local planning authority in relation to the planning of sustainable development within the policies of the local development documents; local development monitoring reports and neighbourhood planning.
- d) To deal with matters relating to the designation and management of conservation areas and building conservation.
- e) To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.
- f) To deal with matters relating to tree preservation orders and consents to all work affecting protected trees, statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the [Health & Safety at Work Act 1974](#), [Building Act 1984](#) and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A of the [Local Authorities \(Functions & Responsibilities\) \(England\) Regulations 2000](#) relating to town and country planning and development control functions.
- g) To represent the Council in any appeal against determination of a planning application or matter.
- h) To delegate these functions, where appropriate, to employees of the Council or any sub committee.

3.13 Each Planning Committee has:

- a) The power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.
- b) The power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- c) The power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration

- 3.14 Each of the area Planning Committees shall have the power to decide to take enforcement action and to institute, defend, and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it except where specific functions have been delegated to an employee of the Council.

**Special Provisions as to Membership**

- 3.15 Only Members who have undertaken the appropriate training in accordance with the [Planning and Rights of Way Code of Practice](#) may be appointed to any of the Planning committees.

**Substitutes**

- 3.16 Substitutions are allowed to any of the Planning Committees, subject to being in receipt of appropriate training in accordance with the [Planning and Rights of Way Code of Practice](#).