

## **CHANGES TO THE PLANNING SYSTEM COMING INTO OPERATION FROM 1<sup>ST</sup> NOVEMBER 2018.**

### **What's changing?**

Most users of the planning system will not notice any big changes, but we hope there will be noticeable improvements in the speediness and consistency of the decisions made which will improve the service we provide.

The changes being made will affect the types of planning decision made directly by councillors, and those made by officers under what are known as delegated powers.

For applications going to a planning committee, we are also going to separate out the larger applications from the smaller ones: these will now go to different committees to improve the way these decisions are made

The purpose and focus of sites inspections by committee members has also been clarified through these changes. Members of the public will now be able to draw councillors' attention to any relevant issues concerning the site or its surroundings at the public committee meeting, putting councillors in an informed position, ahead of their decision on whether or not to visit the site. The visit itself will be for members, with representative of the parish and applicant present, and the application will come back to the next committee meeting, giving a further opportunity for stakeholders' views to be expressed and heard before the final decision is taken, by committee members.

### **Why are we changing things?**

The changes agreed by the meeting of Council on 18 July, are designed to make the system more transparent; to encourage residents, Town and Parish Councils and other stakeholders to engage early in the process; and to better show what decisions are made, by who and why.

The review of the current system found many aspects of the South Gloucestershire system worked well and these will be retained. The new approach also reflects best practice from other council areas, which have been developed since South Gloucestershire Council last updated its planning procedures in the 1990's.

Cabinet Member for Planning, Transportation and the Strategic Environment, Councillor Colin Hunt, said: "These changes simplify the system. Development proposals will be published, and everyone will be able to see the process they will follow.

"By making the process more visible and transparent, applicants, residents, Town and Parish Councils and other stakeholders will be able to make better submissions – in favour of, or against a proposal – earlier in the process. That means, at whichever level decisions are made, all the of relevant information and the 'local knowledge', which is often so critical to informed decision making, but which under current procedures often only emerges late in the day, can be taken into account."

### **What are main details?**

Key features of the new system include:

- All planning applications received by the council will be streamed, with the most straightforward, such as an extension or redevelopment of a single dwelling for example, being delegated to Officers, who will be able to make a decision based on existing planning rules. This means that simple, non-controversial applications will be dealt with more quickly for residents.
- More impactful proposals will either be considered by the Strategic Sites Delivery Committee (SSDC), which will have responsibility to determine larger applications, or by the Development Management Committee (DMC), which will consider applications of a locally significant, but non-strategic nature, up to around 10 new homes, for example.
- A Spatial Planning Committee (SPC) will oversee planning decision-making and advise on planning policy formulation for the council.
- The SPC will also build-in an opportunity for councillors to re-evaluate any decision taken by the SSDC or DMC if they resolve to 'overturn' recommendations by officers. This will ensure that decisions taken are in the best interests of the public and don't expose the council (and council taxpayers) to unnecessary risks and costs which can come if a developer appeals a council decision. This referral system is established practice in many local authorities
- Membership of each of the committees will be made up of councillors from all parties.
- Elected Members and parish and town councils will be able to escalate 'smaller' applications and refer them for consideration by members via the Circulated Schedule instead of by officers, if they believe a development would have a significant local impact, where their views differ from officers.
- The old Development Control East and West Committees will cease, being replaced by the above committees.

Full details of the new procedures can be found in the Council's Constitution, from 1<sup>st</sup> November.

### **What do the changes mean for me?**

**If you are a planning applicant or planning agent**, you don't need to change the way you make an application or engage with the council. You shouldn't notice any changes to our procedures except that hopefully the decision will be made more quickly, and the process will be clearer. More, smaller 'technical' applications (such as applications to discharge planning conditions) will be considered under delegated arrangements. If your application does need to go to committee it will be streamed to go to either the regular Development Management Committee, or if it is a large-scale application, the Strategic Sites Delivery committee. Which will meet as and when needed.

**If you are a member of the public** wanting to comment and engage in the way the application is decided, you will see no changes to the way applications are publicised or the opportunities you are given to comment at the early stages of the application's determination. You will also still be able to attend and speak at the planning committees in the same way as now. The only change you may notice is that if the planning committee members decide to visit the application site before they make their

final decision members of the public will not be invited to attend. Instead, as the decision to visit the site will be made by the committee, there will be an opportunity to speak publicly to the committee, so members make a better-informed decision about whether to visit the site. Following the visit by committee members, the application will come back to committee, giving another opportunity for public views to be heard, before the decision is finally made on the application. This change brings the council's practice more into line with the approach of most authorities and it is hoped that it will encourage those commenting on applications to do so earlier in the process, to ensure all issues are considered as part of the initial application assessment, rather than new issues emerging late in the process, which can be a cause of delay.

**If you are a Parish or Town Council**, there are no changes to the way in which you will be notified and be asked to comment on planning applications. There will also be no changes in the rights to attend committee, or the sites inspections, where a representative of the council may attend to give the views of the Parish and Town Council. In addition, the views of the Parish and Town council, if different from the officer assessing the planning application, will trigger in most cases the referral of that application to the Circulated Schedule, which is sent out to all South Gloucestershire councillors before a decision is made on the listed applications. This enables the applications and officer assessment to be reviewed before a decision is taken, and these applications can be 'called in' to committee if two or more councillors (from different wards) and a Committee Spokesperson agree that it should be referred.

**If you are a South Gloucestershire councillor**, you will still be notified of applications and receive the Circulated Schedule in exactly the same way as you do now. You will also have the right to call any applications, (except those that are delegated decisions) onto the Circulated Schedule, if you express a view different to that of the officer assessing the application. In a change to current arrangements any application can then be called from the Circulated Schedule to committee if two or more councillors (from different wards) and a Committee Spokesperson agree that it should be referred. The Circulated Schedule will set out the details of the procedure.

There are also changes to the committee structure with a 'parent' Spatial Planning Committee needing to meet to establish the membership of the Development Management Committee and Strategic Sites Delivery Committee, and to consider any applications referred to it from these two committees.

The Development Management Committee will meet once a month to determine the smaller-scale applications referred to it, and members may decide to carry out a site inspection before making a decision on any application.

The Strategic Sites Delivery Committee will only meet when there are large-scale applications to decide, and the members will also be able to agree to visit the site of any such application before they make a decision on the proposal.

#### **FAQs:**

*Does this mean that fewer decisions will be made by Councillors? Isn't that anti-democratic?*

The membership of the new planning committee structure will continue to reflect the political makeup of the Council and contain members from each political party in a ratio to the number of councillors they have.

The new system will mean that Members will be able to focus on significant local and strategic development proposals, giving those decisions the time they deserve.

Planning officers will apply national and local planning guidance to the uncontroversial applications to make those more decisions quickly. This will make the system easier to use for the homeowner who wants to do a loft conversion, for example, but all applications and decisions will be published in the same way as they currently are, to enable neighbours, and others to comment before a decision is made.

*Who will decide what applications are decided by Officers and not elected Members?*

The new system updates and clarifies how decisions to be taken by officers (known as delegated authority) can be made, in line with changes to national planning laws. There are specific types of more minor applications which will be decided using these powers: -

- Those with default approvals e.g. most 'prior approval' applications
- Certificates of Lawfulness
- Non-Material amendments
- Discharge of Planning Conditions
- Applications only required because permitted development rights have been removed
- Footpath stopping up or diversion applications required to implement an approved scheme

Applications for small-scale development can also be decided under this route, provided there are no objections from councillors, the parish or town council, or three or more representations from members of the public.

*Do the changes to Site Visits effectively mean you are shutting down community voices?*

Quite the opposite. Site visits can often be very helpful for Members in understanding first-hand the physical setting of a piece of land. On such visits, Members will typically ask questions of Officers and require more information to be provided that will help them make decisions. Town and Parish Council representatives, where applicable, will also be able to use a site visit to illustrate points made in their submissions.

Site visits procedures will be brought into line with other councils' best practice. The committees themselves will determine which sites to visit and there will be an opportunity for residents speaking at committee to make the case for a visit as part of any representations they present, in addition to any representations made as part of the consultation stage of the application's determination.

*Can Councillors still demand that applications due for an officer decision be instead considered by a committee of elected Members?*

Yes. South Gloucestershire Council distributes a 'Circulated Schedule', which details the more complicated and controversial applications it receives each week. This will be retained, and most applications will be referred onto this in cases where Councillors express a view different to that of

the officer assessing the application. In addition, the power for a town and parish councils to do this as well, where a contrary view is expressed, is specifically retained.

Once an application is placed on the 'Circulated Schedule' it can be called to the Committee if at least three Councillors submit a request for this to happen (two Ward members, from different wards and a Development Committee Lead member).

*How will the proposals mean there will be fewer committee meetings?*

Although the new arrangements will introduce three committees in place of the two current Development Control Committees, only the new Development Management committee will meet regularly once a month. The Spatial Planning Committee and the Strategic Sites Delivery Committee will only meet when there is business for them to conduct. Overall it is likely there will be a reduction in the number of committee meetings over time. In addition, changes to the delegations to officers and the types of application going forward to the Circulated Schedule should mean that fewer routine small-scale applications will be placed on the agendas of the committees.

*What will happen to applications already in the system as the changes take effect?*

From the 1<sup>st</sup> November the decision on applications that have yet to be decided will be made under the new procedures. However, where requests have already been received from a South Gloucestershire Councillor for an application to be referred to committee of a sites inspection, this request will be honoured.