

**THE COVID-19 TEMPORARY PROTOCOL FOR DELEGATING PLANNING
DECISIONS TO OFFICERS
APPROVED BY THE PLANNING AND REGULATORY COMMITTEE ON 20
MAY, 14 OCTOBER 2020 AND 17 MARCH 2021**

All applications made under the Town and Country Planning Act (as amended) including applications for planning permission, listed building consent, consent to display an advertisement and Hazardous Substances Consent are delegated to the Director of Development and Environment to decide with the following exceptions which will be determined by the relevant Planning and Regulatory Committee.

- Any application within a Councillor's ward which that Ward Councillor requests be decided by Committee in accordance with the code of practice
- Any application which may have significant impact within a Ward, other than the Ward in which the application is sited, if the Ward councillor for the ward significantly impacted by the development refers the application to the committee in accordance with the code of practice.
- Applications (other than applications for Lawful Development Certificates) submitted by or on behalf of North Somerset Council or on land owned or part owned by the Council where 50 or more letters* raising material planning comments have been received where those comments are contrary to the officer's recommendation; or where a single letter signed by 50 or more signatories from different addresses in North Somerset raising material planning comments has been received and those comments are contrary to the officer's recommendation.
- Any application which the Director of Development and Environment or the Chairman and Vice Chairman of the Committee consider should be decided by Committee.
- Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where the required obligation is not completed either:
 - a) within 24 weeks (168 days) of the date when the application was first received as a valid application; or
 - b) before ten working days prior to any extended target date previously agreed in writing by the applicant

may be delegated to the Director of Development and Environment to determine in consultation with the Chairman, Vice-Chairman and Ward Member(s) without further reference to the Committee on the basis of there being no planning obligation.

Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where subsequent amendments to draft heads of terms of legal agreements previously agreed by the Committee are needed, these are delegated to the Director of Development and Environment subject to agreement

by the Chairman, Vice-Chairman and Ward Member(s) without further reference to the Committee

* for the purpose of this protocol a “letter” includes an email or comment made on the application via the Council’s online system for commenting on planning applications.

- 1 Applications submitted by the spouse or partner of a Councillor or staff member to whom the protocol applies will be treated as if they had been made by the Councillor or staff member personally.
- 2 Should there, in any individual case, be a doubt over the interpretation or transparency of these arrangements, the Head of Planning or the relevant Service Manager in the Development Management Group (in consultation with the Chairman of the Planning and Regulatory Committee if appropriate) will decide whether the application ought to be referred to the Committee for decision.
- 3 In the event that a Ward Member is unavailable due to long term illness or the seat on the Council becomes vacant the relevant Party Group Leader may authorise another Councillor to exercise the absent Ward Member’s powers to request applications be decided by Committee as set out in the Protocol for the period of their absence.
- 4 Applications where the decision would conflict with an objection received from Historic England, Natural England, the Environment Agency or Highways England will normally be notified by the case officer to the relevant Ward Member before a decision is made to enable the member to decide whether to refer the application to the Committee for decision.
- 5 The powers delegated to the Director are exercised on a day to day basis by the front line managers responsible for the running of the service. These are the Head of Development Management, the Service Managers in the Development Management Group and their nominated deputies.

THE CODE OF PRACTICE FOR REFERRAL OF PLANNING APPLICATIONS AND ENFORCEMENT CASES BY COUNCILLORS TO COMMITTEE

- Ward Members are notified weekly in writing by e-mail of all planning applications received in their ward.
- The relevant planning officer will update Ward Members on any individual application as requested.
- All letters of support and objection are displayed on the Council’s website until the application has been determined.
- The Case Officer will, by appointment, be available to discuss any current planning application with the relevant Ward Member(s). Members are encouraged to discuss applications with the Case Officer or Service Manager before requesting that an application be referred to the Planning and Regulatory Committee.
- Members may request that any application is referred to the Planning and Regulatory Committee so long as the application site is within the Ward they represent, or the application is in an adjoining Ward and significantly affects the

Ward they represent. The request must be made in writing providing reasons for requesting the referral and be received before the Director of Development and Environment's authorised representative has countersigned the case officer's written recommendation.

- Members are requested to limit the call in of minor applications to committee only to cases where they consider it is absolutely essential in the public interest for the decision to be made in public
- The Member's request must be made in writing by letter or e-mail and sent to the case officer, Service Manager and team email address dmadminrequest@n-somerset.gov.uk
- Members may qualify their request so that the application need only be referred to the Planning and Regulatory Committee if the officer's recommendation is contrary to the Member's view.
- If the application involves an enforcement issue, it will be treated no differently from other planning applications.
- Enforcement cases may only be referred to a Committee by the Chairman of the Planning and Regulatory Committee, the Head of Development Management or the Delivery and Enforcement Service Manager.
- All decisions made under delegated powers are circulated monthly to councillors.