

Members' Referral Scheme for Planning Applications

Guidance Note **[insert date]**

The Terms of Reference of the Planning Committee as set out in the Constitution (Green Part 3.14) delegates all planning and conservation matters to the Head of Planning except in relation to certain planning applications, which are for determination by the Committee. One of the exceptions listed is where members request that an application should be referred to the Planning Committee. The wording (Part 3.15) is as follows:

- (vi) *Within 28 days of the commencement of formal consultation, a written request is received from a **Tending** District Councillor **[insert amendment if agreed by Council 'in accordance with the Member Referral Scheme']** requesting that the application should be brought before the Planning Committee for determination giving material planning reasons for that request.*

The MEMBER REFERRAL SCHEME is based on the following principles:

- Elected Members represent their communities and the interests of their ward or of individual residents (in accordance with Article 2 of the Constitution);
- ***Planning Committee Members are involved in decision-making for the people of the district as a whole (in accordance with Article 2 of the Constitution – 2.03 (a) (v));***
- The interests of a ward or individual residents can extend to consideration of planning applications submitted in adjacent wards and those where applications have been made which have a direct impact on other wards;
- A member of the Council's Cabinet may also be permitted to make representations and speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee and requesting the matter to be determined at Committee;
- If an elected Member requests an application to be referred to the Planning Committee for determination, they will be required to personally attend the meeting of the Committee to speak on the item. Planning Services will ensure that the Member is notified when the application is scheduled for determination;
- The Members Referral Scheme does not apply to a householder application, which is defined as follows:

"A 'householder' application is an application to enlarge, expand, improve or alter an existing dwelling, to put up a boundary wall of fence for an existing dwelling or carry out an operation in the curtilage of an existing dwelling that is ancillary to the dwelling-house".

- Members are requested to use the attached letter when referring an application to the Planning Committee to be determined, for ease of reference;

Date:

Chairman of the Planning Committee

LETTER TO THE HEAD OF PLANNING SERVICES

Date:

Dear Head of Planning Services,

MEMBER REFERRAL SCHEME: PLANNING APPLICATION REF:

(*) I am the Ward Councillor for **[insert the Ward]** and in representing the community*/the interests of the ward* or of individual residents* request the above-mentioned application is referred to the Planning Committee for determination. The planning application is located within:

- (a) the Ward to which I am elected to(*); or
- (b) is adjacent to the Ward to which I am elected to(*); or
- (c) directly impacts the Ward to which I am elected to because (*)

.....
in respect of (b) and (c), I can confirm that I have notified the relevant Ward Councillor(s) of my intention to refer this application to the Committee for determination.

(*) I am the Cabinet Member for [insert responsibility] and the proposed development has a direct impact on the portfolio for which I am responsible. The Leader of the Council has approved representations being made to the Planning Committee.

(*) I am a current serving member of the Planning Committee and the proposed development could be considered of significant importance to the wider district or policy because The Planning Committee Chairman has been consulted and approves this matter being determined by the Planning Committee. By making this request I confirm that I am not predetermined and will approach the decision making with an open mind and therefore have not highlighted any relevant material considerations below.

The referral is because of the following material planning considerations:-

In line with/potentially contrary to* the development plan (Local Plan/LDF) or Government Guidance (please state relevant policies if known)

Negative/Positive* impact on urban design/street scene

Highways impact and/or other traffic issues

Good/Poor* layout and/or density issues

Flood Risk

Positive/Negative* Impact on neighbours

Other material considerations as follows.....

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.....

If officers are minded to approve/refuse* then there is no need for this application to be referred.

Please ensure that I am notified of the date of the committee meeting at which this application will be considered so that I am able to attend and speak on the item.

Yours faithfully,

Councillor

* Delete as appropriate.