

# CYNGOR SIR POWYS COUNTY COUNCIL

## Planning, Taxi Licensing and Rights of Way Committee

6th June 2024

**REPORT AUTHOR:** Peter Morris, Professional Lead - Planning

**REPORT TITLE:** Powys Planning Protocol

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**REPORT FOR:** Decision

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### 1. Purpose

1.1 To consider proposed amendments to the County Councillor Call-in Procedure set out in the Planning Protocol (paragraphs 19.54 – 19.61) and Public Speaking Procedures (paragraph 19.117.5). The proposed changes are shown below: – green = additions [including changes in numbering] and red = deletions.

### 2. Proposal

2.1 The Planning Protocol is kept under review by the Planning, Taxi Licensing and Rights of Way Committee and the latest version can be viewed here:

[PLANNING MATTERS – PROCEDURE RULES \(modern.gov.co.uk\)](https://modern.gov.co.uk)

2.2 The County Councillor call-in procedure is set out in paragraphs 19.54 to 19.61 of the Protocol and it is proposed to amend the procedure as shown below. The proposed amendment would enable a County Councillor to call-in a re-submitted planning application for determination by the Committee.

**“Call-in Procedure relating to a Councillor making a request for a planning application to be determined by the Planning Committee and not by the Professional Lead - Planning.**

19.54. ~~Subject to Rule 19.56 below, a~~ **A** Councillor (whether a member of the Planning Committee or not) may, in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request in writing (by letter **or** email ~~or fax~~), in accordance with Rule 19.55 below, that such Planning Application which ordinarily would be determined by the Professional Lead - Planning be determined by the Planning Committee;

19.55 A written request (by letter **or** email ~~or fax~~) by a County Councillor for a Planning Application within their **e**lectoral **d**ivision or which affects their electoral division to be

considered by the Planning Committee shall be sent or forwarded to the Professional Lead - Planning so as to be received by them within the period of 21 consecutive days from the County Councillor receiving notification of the Planning Application and such request must set out the specific planning grounds justifying the request;

~~19.56 A Councillor shall not be entitled to make a request under Rule 19.54 above in relation to re-submitted applications where no substantial change has been made to an original application which has been refused.~~

19.56 A Councillor who has exercised the Call-in of a Planning Application may request that the Call-in be withdrawn by written notification to the Professional Lead - Planning at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution.

19.57 The decision of the Chair of the Planning Committee as to whether a request complies with the procedure in Rules 19.51 to 19.61 shall be final.

19.58 A Councillor exercising the power of Call-in who has an automatic right to speak shall comply with the provisions of this Protocol relating to Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and with the Members' Code of Conduct generally.

19.59 Members of the Planning Committee are cautioned that if, in exercising the power of Call-in:

19.59.1 they express an opinion for or against the Planning Application, they will only be able to undertake the role of Local Representative; and

19.59.2 if they have previously discussed the application with Applicant and / or Agent and / or Objector and / or third party they will only be able to undertake the role of Local Representative.

In these situations, the advice of the Monitoring Officer should be sought.

19.60 Where a Councillor requests determination by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Councillor relating to the Planning Application will be allowed as an alternative to an oral ~~presentation~~ **representation** made by that Councillor. Alternatively, a Councillor acting as Local Representative, where they are unable to attend the meeting of the Committee when the application is considered, may hand over their Local Representative role to another County Councillor.

~~19.61 Where a Councillor requests determination by the Planning Committee and at an election is not re-elected, the new councillor for that ward shall be advised by the Professional Lead – Planning of the call-in and can either~~

~~19.61.1 confirm the call-in or~~

~~19.61.2 withdraw the call-in.”~~

2.4 In addition, it is proposed that the wording of Paragraph 19.117.5, Public Speaking Procedures is amended to clarify that verbal descriptions only may be used by public speakers at a Committee meeting:

**“PUBLIC SPEAKING PROCEDURES**

19.117.5 Those individuals making representations under these provisions must avoid making personal or derogatory remarks, confine their presentation to relevant planning issues and shall not use plans, photographs or other display material (but may verbally refer to plans, documents etc included in the formal application material to be considered by the Committee).”

### **3. Recommendation**

That the Planning, Taxi Licensing and Rights of Way Committee approves the amendments to the Planning Protocol set out in this report.