

**FLINTSHIRE COUNTY COUNCIL**

<b>Date of Meeting</b>	Tuesday 25 <sup>th</sup> January 2022
<b>Report Subject</b>	Amendments to the Planning Code of Practice
<b>Report Author</b>	Chief Officer (Governance)

**EXECUTIVE SUMMARY**

In April 2021 Council updated the Protocol for Meeting Contractors (the Protocol) as part of the review of the Council's Constitution. The parts of the Protocol relating to dealings with contractors/developers and other third parties who might be bidding for, or seeking, a contract with the Council were amended. Council resolved that the parts of the Protocol dealing with contact with developers be moved to the Planning Code of Practice (PCoP) to avoid duplication.

The Committee resolved that the parts of the Protocol for Meetings with Contractors that provided advice in respect of Developers should be contained in the PCoP and that the PCoP be updated accordingly.

At the Council meeting in April 2021, which approved the updated Protocol, Members also requested that advice be added to the PCoP around the pre-application consultation process.

The Planning Strategy Group (PSG) considered the above proposed changes to the PCoP on the 13 May and again on the 10 June 2021. Members of the PSG meeting requested a number of additional alterations to the PCoP that they felt would be of assistance to Members involved in the planning process.

On the 5 of July 2021 the Standards Committee proposed some further additional amendments. The Constitution and Democratic Services Committee considered the proposed amended PCoP on the 30 September 2021 and approved the proposed amended PCoP subject to some further alterations.

**RECOMMENDATIONS**

1	That the Committee approve the alterations to the PCoP as identified in tracked changes in Appendix 1 of this report.
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## REPORT DETAILS

1.00	EXPLAINING THE AMENDMENTS TO THE PLANNING CODE OF PRACTICE
1.01	<p>Currently the PCoP requires members of the Planning Committee to declare, at the beginning of a Planning Committee meeting, if they have been contacted by applicants or developers on four or more occasions. However, there is no further advice within the PCoP in respect of such contact. It is therefore appropriate that the PCoP is updated to provide Members with advice about what to do in such circumstances and what the implications of such contact might mean in respect of their participation at the meeting. Paragraph 5.3 accordingly suggests amendments.</p>
1.02	<p>In April this year, when Council approved amendments to the Protocol, Members requested that further guidance and advice be specifically provided in the PCoP for members of the Planning Committee who are consulted pursuant to pre-application consultation requirements, under Section 61Z of the Town and Country Planning Act 1990 and Part 1A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Broadly speaking, these requirements are about consulting with landowners, and others who are likely to be directly impacted by a proposed development, and the provisions include a specific requirement to consult with local Councillors and Community Councils. Within the current PCoP there is no specific reference to this process and the proposed alterations at paragraph 8 of the PCoP are intended to provide that clarity.</p>
1.03	<p>At the meeting of PSG on 13<sup>th</sup> May last, Members considered proposed changes to the PCoP to deal with the matters referred to at paragraphs 1.01 to 1.02 above and also considered that further amendments were appropriate in order to provide additional clarity. Members resolved that a further report should be taken to the meeting of PSG on the 10 June to deal with these additional matters and the additional proposed alterations to the PCoP are identified in tracked changes in the appendix to this report.</p>
1.04	<p>On the 5<sup>th</sup> of July 2021 the Standards Committee considered and approved the proposed alterations and in addition proposed some additional amendments for consistency and accuracy (e.g. retaining a single reference to 'Chair' throughout the document (as opposed to interchanging between Chair and Chairperson) and those amendments are also shown in tracked changes in appendix 1 to this report.</p> <p>On the 30<sup>th</sup> of September 2021 the Constitution and Democratic Services Committee considered the proposed amended PCoP and approved the proposed amended PCoP subject to some further alterations which are shown in tracked changes at appendix 1 to this report. Those additional amendments are summarised below:</p> <ul style="list-style-type: none"><li>a) the Public Complaints Procedure be included in Section 15</li><li>b) a section be included to explain that written submissions from the applicant, the person for the application and the person against the</li></ul>

	<p>application are able to be provided in advance of Planning Committee in case the person cannot attend the meeting, has IT issues etc.</p> <p>c) some minor tweaks to wording.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Planning Strategy Group, the Standards Committee and the Constitution and Democratic Services Committee have been consulted and suggested amendments. The PCoP is part of the Council's Constitution and which therefore needs to be considered and approved by Council.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable.

<b>5.00</b>	<b>APPENDICES</b>
5.01	<p>Appendix 1 - The Planning Code of Practice with proposed alterations shown as tracked.</p> <p>Appendix 2 – A clean copy of the Planning Code of Practice.</p>

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>No relevant background documents other than the previous reports to the Committee, PSG and Standards Committee on PCoP and the Protocol and the report to Council on the Protocol.</p> <p><b>Contact Officer:</b> Matthew Georgiou, Deputy Monitoring Officer  <b>Telephone:</b> 01352 702330  <b>E-mail:</b> <a href="mailto:matthew.georgiou@flintshire.gov.uk">matthew.georgiou@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.