

## **Ebbsfleet Development Corporation**

### **Planning Committee**

#### **Terms of Reference and Procedures**

#### **1 TERMS OF REFERENCE**

- 1.1 To carry out the functions of the Ebbsfleet Development Corporation conferred upon the Development Corporation under The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (SI 2015 No. 748) as provided for within the Scheme of Planning Delegations below.
- 1.2 The Ebbsfleet Development Corporation Planning Committee constitutes a subcommittee of the Ebbsfleet Development Corporation Board as provided for in Section 13 of the 'Terms of Reference: Ebbsfleet Development Corporation Board' (approved on 21 April 2015).
- 1.3 The Standing Orders to apply to sub-committees as set out in Section 14 of the 'Terms of Reference: Ebbsfleet Development Corporation Board' shall apply to the Planning Committee with the exception of (as allowed for in paragraph 14.1):
- (a) 10.1 resolution in writing
- (b) 13.4 quorum of committees.

#### **2 PLANNING COMMITTEE DETAILS**

- 2.1 The frequency, composition and operation of the Planning Committee shall be as follows:

<b>Ebbsfleet Development Corporation Planning Committee</b>		
<b>Aspect of the Committee</b>	<b>Number/Frequency</b>	<b>Information</b>
Number of Committees	1	To reflect the objective of creating a unified Garden City, the EDC has a single planning committee.
Number of Members	8	Provides for a reasonable balance of membership between EDC Board members, local authority members and 'other' members as well as reflecting the current local planning authority roles and responsibilities within the EDC area, and the size of the EDC Board, whilst not including any person who is a member of staff of EDC.
Chairman/ Vice- Chairman	Each position	Presence of one of these two Members is necessary to reach quorum. The Chairman and Vice Chairman of the Committee should be a Board member.

Board Members	Up to 3 (Not Local Authority representatives)	If a local authority Board Member wishes to sit on the Planning Committee, this would then contribute to the local authority allocation of seats.
Other Members	2	The appointment of 2 'Other Members' to the EDC Planning Committee allows for representation of wider interests, particularly in fields that are relevant and applicable to the creation of the Garden City. These members offer the Committee as wide a range of knowledge and experience as possible.
Local Authority Members	Up to 1 Dartford Borough Council. Up to 1 Gravesham Borough Council. Up to 1 Kent County Council. (1 named substitute for each authority)	This approach reflects the current different roles and responsibilities for the existing authorities and would provide assurance that local views will be represented. The local authority composition is 1 member for each of the Borough Councils, and 1 for Kent County Council. Each authority will be able to nominate a named substitute.
Cycle	Monthly	In general, meetings are scheduled every 6 weeks over a 12 month period but with the flexibility for any meeting to be cancelled if there is no relevant business to consider or additional ones to be added if there is urgent business. As the items for consideration will be of public interest the meetings normally start at 6pm. EDC seeks to set dates which avoid the days on which the local authorities hold their own Planning Committees.
Quorum	4 voting members (1 Chair or Vice Chair, 1 other Board Members, 2 any other Members)	The Quorum of the Planning Committee is 4. The make-up should minimise the likelihood of a cancellation of the Committee to avoid delays in decision-making. In the case of an equality of votes, the Chairman of the Meeting shall have a second or casting vote (paragraph 8.2 'Terms of Reference: Ebbsfleet Development Corporation').
Public involvement	5 minutes for supporters; 5 minutes for objectors.  Members will also be provided with the opportunity to ask questions of speakers as points of clarification in relation to matters raised.	Both supporters and objectors are each given five minutes in total to present to the Committee in order to take account of local interests and views, with the option to extend at the Chair's discretion. Members of the public selected to speak will need to agree to work with the others who may wish to make similar representations. It will be for these individuals to agree their approach, not the EDC. The EDC does not practice a first come first served policy so that opportunity is given for as many people as possible to express their interest. Representatives have the right to speak in support of or against any application in the

	This would not be included within the 5 minute speaking slot. Please refer to the Protocol for Public Speaking below.	absence of representatives of the opposing viewpoint. Follow-up questions as points of clarification from the Committee would not contribute towards the five minutes.
Committee Site Visits	At the discretion of the Planning Committee / Chair.	Site visits may aid the understanding of Planning Committee Members in respect of an application and may be undertaken at the recommendation of EDC officers (subject to the Chair's approval) prior to the relevant Committee meeting, or pursuant to a decision of the Planning Committee to defer a decision pending a site visit to clarify a particular matter or matters. See further below.

### 3 ROLES AND RESPONSIBILITIES

- 3.1 All members of Planning Committee are required to undertake specific training before sitting on the Committee. The Committee members shall be mindful of the guidance set out in the Planning Advisory Service publication "Probity In Planning – Advice for councillors and officers making planning decisions" and "Openness and transparency on personal interests" published by the Ministry for Housing, Communities and Local Government.
- 3.2 All members of the Planning Committee are expected to attend informal briefings and developer presentations where possible along with annual refresher training.
- 3.3 The appointment of the independent members to the Planning Committee shall be through an accountable recruitment process which shall, on each occasion, be for up to 3 x 3-year terms.

### 4 SCHEME OF PLANNING DELEGATIONS

- 4.1 The Board of the Ebbsfleet Development Corporation (the "Corporation") has delegated the functions conveyed on the Development Corporation under The Ebbsfleet Development Corporation (Planning Functions) Order 2015 (SI 2015 No. 748) to the Planning Committee and Chief Planning Officer as follows:
- (a) delegations to the Planning Committee – relating to town and country planning development management as set out at 4.2 below;
  - (b) delegations to the Chief Planning Officer – relating to town and country planning development management as set out at 4.3 below; and
  - (c) such other delegations as set out at 4.4 below.

#### 4.2 Delegations to the Planning Committee - relating to Town and Country Planning matters

- (a) The Board of the Ebbsfleet Development Corporation has delegated to the Planning Committee of the Corporation:
  - (i) the functions and responsibilities of the Corporation relating to town and country planning matters as set out in the Ebbsfleet Development Corporation (Planning Functions) Order 2015 (SI 2015 No. 748) (and any legislation amending or replacing the same); and
  - (ii) giving responses concerning or of interest to the Corporation as local planning authority (as statutory or other consultee or otherwise) to any other authority, other body or person on applications, notifications and certificates for which the Corporation is not the decision making authority or which fall outside of the development area as defined in The Ebbsfleet Development Corporation (Establishment) Order 2015 (SI 2015 NO. 747) (and any legislation amending or replacing the same) save in respect of responses on any such matter under this sub-paragraph 4.2(a)(ii) as the Board of Ebbsfleet Development Corporation shall have decided to give in place of the Planning Committee

**4.3 Delegations to the Chief Planning Officer relating to Town and Country Planning matters**

- (a) Except in relation to the functions and responsibilities specified in paragraph 4.3(b) below, the Board of the Corporation has delegated the town and country planning functions and responsibilities of the Corporation to the Chief Planning Officer as set out in parts i), ii) and iii) of this paragraph below. The Chief Planning Officer may authorise any other officer of the Corporation with appropriate planning qualifications and experience to act on his/her behalf in carrying out the functions hereby delegated to him/her, but shall remain fully accountable to the Corporation for the discharge of such functions.
  - (i) town and country planning decisions on any town and country planning matter within the powers of the Corporation as set out in the Ebbsfleet Development Corporation (Planning Functions) Order 2015 (SI 2015 No.748); and
  - (ii) giving responses concerning or of interest to the Corporation as local planning authority (as statutory or other consultee or otherwise) to any other authority, other body or person on applications, notifications and certificates for which the Corporation is not the decision making authority or which fall outside of the development area as defined in The Ebbsfleet Development Corporation (Establishment) Order 2015 (SI 2015 No. 747) (and any legislation amending or replacing the same) save in respect of responses on any such matter under this sub-paragraph 4.3(a)(ii) as the Board of Ebbsfleet Development Corporation shall have resolved to give in place of the Planning Committee

**(b) Exceptions to the Chief Planning Officers' delegations**

The following matters are excepted from the delegation of functions and responsibilities to the Chief Planning Officer set out in paragraph 4.3(a) above:

- (i) application(s) for planning permission including planning applications submitted under Articles 5 or 6 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended) for major development (as defined therein) made by or on behalf of the Corporation; and

- (ii) planning applications, applications for approval of details submitted pursuant to a condition (including reserved matters applications), and any other application made to the Corporation as local planning authority, which a Planning Committee Member has requested in writing, with planning reasons, to the Chief Planning Officer (within 21 days of the notification of receipt of the application by the Corporation as local planning authority) should be determined by the Corporation's Planning Committee; and
- (iii) applications for planning permission and applications for approval of details submitted pursuant to a condition (including reserved matters applications), made by officers of the Corporation, EDC Board Members or members of the EDC Planning Committee or any close relation thereof (as defined in section 28(10) Localism Act 2011); and
- (iv) planning application(s), and application(s) for approval of details submitted pursuant to a condition (including reserved matters applications) and any other application(s) made to the Corporation as local planning authority which in the opinion of the Chief Planning Officer:
  - (A) is/are of a significant or potentially contentious nature;
  - (B) has/have received significant objections and the application is recommended for approval or have received significant support and the application is recommended for refusal; or
  - (C) propose development which involves a significant departure from the adopted Development Plan (which would be required to be subject to notification to the Secretary of State) where it is proposed to approve the application;
- (v) any matter, which, in the opinion of the Chief Planning Officer in terms of its impact on the purposes, functions or responsibilities of the Corporation should be referred to the Corporation's Planning Committee for consideration;
- (vi) the signing of planning obligations on behalf of the Ebbsfleet Development Corporation (the same falling to the Chief Executive or in his/her absence the Director of Corporate Services).

#### 4.4 **Other delegated matters**

- (a) Subject to consideration of financial delegations and the exceptions set out in subparagraph (b) below, the Board of the Corporation has delegated to the Chief Planning Officer, the authority to give responses concerning or of interest to the Corporation as local planning authority (as statutory or other consultee or otherwise) to any other authority, other body or person on:

- (i) new or amended town and country planning legislation, policies, guidance, plans, frameworks or strategies, and consultations or proposals in respect of the same; and
  - (ii) local plan and supplementary planning consultation documents for the Boroughs of Gravesham and Dartford and Kent County Council and/or neighbouring authorities.
- (b) The delegation in sub-paragraph (a) above shall not apply in relation to:
- (i) responses to consultations which a Corporation Board Member considers should be agreed by the Corporation's Board; and
  - (ii) consultations on matters which in the opinion of the Chief Planning Officer:
    - (A) are of a significant or potentially contentious nature;
    - (B) impact on the purposes, functions or responsibilities of the Corporation that they should be referred to the Corporation's Board for consideration.

## **5 PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE**

- 5.1 Public representations can be made to the Ebbsfleet Development Corporation (EDC) Planning Committee in relation to those planning matters that it determines. The EDC Planning Committee is a meeting to which the public have access. The purpose of the committee is for the committee members to debate and decide the matters on the agenda. The EDC invitation to speak at its Planning Committee provides an opportunity for members of the public, organisations and landowners/developers to directly address the committee on planning related matters of interest/concern to them.
- 5.2 All aspects of public speaking at the EDC Planning Committee meetings are subject to the discretion of the Planning Committee Chair. Normally, a maximum of ten minutes in total is allocated for those wishing to speak on each planning application or related matter on the agenda (with a maximum of five minutes for those in support and five minutes for those against). This time includes speaking by an applicant and/or their agent. Multiple agenda items related to a single site may be considered as a single matter, and in such cases public speakers may only address the committee once, regardless of how many agenda items the matter comprises.
- 5.3 Public speaking only applies to items that are on the agenda of the meeting for which a request to speak has been made. The Planning Committee will only hear oral submissions and no new information, photographs or additional written material will be accepted as part of any public speaking.
- 5.4 To speak at an EDC Planning Committee the speaker should normally have made written representations on the planning matter in question. Notification of a wish to speak must be

made no later than 12 noon on the date falling two working days before the date of the planning committee. A speaker may nominate a representative to speak on their behalf.

- 5.5 The people who can speak at the Planning Committee, and the order in which they will be invited to speak, are:
- (a) those who are opposing the application; followed by
  - (b) those who are supporting the application. This includes the applicant or its agents, who have the right of reply to any points made.
- 5.6 If more than one individual or representative wishes to speak, they will be required to agree amongst themselves how the time will be allocated and/or who should speak on their behalf. The Chair may use his/her discretion to increase the amount of time people may speak.
- 5.7 Speakers have the right to speak in support of or against any application in the absence of representatives of the opposing viewpoint.
- 5.8 Upon making a request to speak, speakers must provide:
- (a) their name, and daytime telephone number (and email address, if available);
  - (b) the application number and details of the proposed development to which it refers or details of the other matters;
  - (c) confirmation of whether the speaker is in support of or against an application or other matter;
  - (d) confirmation of whether the speaker is representing themselves or anyone else; and
  - (e) confirmation that the EDC can provide the speakers details to other people also wishing to speak so that agreement can be made regarding the apportionment of the allocated time.
- 5.9 In the event that the speaker is unable to attend the planning committee meeting they may nominate a substitute. Notification should be no later than 4.00pm on the working day immediately before the day on which the Planning Committee meeting is due to be held.
- 5.10 At the Committee the Chair will ask the appropriate officer to introduce and, if necessary, update the report relating to the relevant agenda item. The speaker/s will then be asked to address the Committee about the proposal or matter in question.
- 5.11 The Committee will listen to what the speaker says, but will not debate the speaker/s opinions with them. The Committee may, however, at the end of each five minute speaking slot, ask questions of a speaker as matters of clarification in relation to comments they have made. For clarification, any questions asked will sit outside of the allocated speaking time. Questions from Committee Members will be addressed through the Chair of the Committee.

- 5.12 Speakers should not discuss matters relating to the applicant's past behaviour, nor speculate about what the speaker thinks their possible future intentions may be.
- 5.13 The speaker may not discuss boundary disputes, covenants, reduction in property values or matters dealt with by other law (e.g. licensing).
- 5.14 After public speaking is complete, the Planning Committee will consider the application or other matter. This will normally be debated in public but there will be no further opportunities for non-committee members to speak.

## **6 SITE VISITS**

- 6.1 Site visits may be undertaken by the Planning Committee for the sole purpose of better informing Committee Members of the application site, its context and surroundings, and the proposal and its potential effects. In general it is expected that sufficient information will be capable of being provided by Officers who have visited the application site and whose reporting would allow a detailed consideration of the proposal by Committee Members, and a determination of it by them in the formal Committee meeting.
- 6.2 Site visits however may be considered necessary where:
  - (a) applications propose development which may have a significant impact on their surroundings which would be important for Committee Members to understand in the proper context; or
  - (b) applications have, after debate at a formal Committee meeting, left members undecided on a particular issue or issues in respect of the proposal and where a greater understanding of those matters would assist in reaching a decision.
- 6.3 Any Member of the Planning Committee may make a request to the Chair of the Planning Committee that a site visit be held and Officers may recommend to the Chair that a site visit is necessary, particularly on larger-scale or complex developments where Committee Members would likely benefit from visiting the site.
- 6.4 The decision as to whether a site visit should or should not be held in a particular case is at the discretion of the Chair of the Planning Committee however the Planning Committee may decide when debating an application to defer its decision pending a site visit in order to clarify a particular issue or issues raised by the proposal.
- 6.5 Site visits undertaken in any situation are limited to Members of the Planning Committee only, along with EDC officers and advisors as required. Members of the public and applicants are not invited to Committee site visits, save to the extent as absolutely necessary in order to provide access to the site or premises. Applicants, agents, objectors or other parties (as relevant) will be contacted by EDC officers to arrange the necessary access at a convenient and agreed time but shall otherwise not be invited to take part in the site visit. EDC officers and advisors will attend the site visit along with Committee Members as required and will seek to ensure that uninvited parties do not accompany Members on the site visit and that such persons do not make representations to Members during the visit.



- 6.6 Planning Committee Members will not debate the merits of the proposal at the site visit and no decisions will be made or indicated in any way during the visit. Members may ask questions for the purposes of clarification in respect of the proposal, the application site or its surroundings. The non-attendance by any Committee Member at a site visit shall not prohibit or limit the ability of such a Member from fully participating in the formal Committee Meeting at which the application is considered.