

## **Report to Governance Committee**

**10 March 2025**

### **Proposed Changes to the Constitution: Section P (Planning) of Part 3 (Scheme of Delegation)**

#### **Report by Assistant Director (Highways, Transport and Planning)**

**Electoral divisions: N/A**

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### **Summary**

The Governance Committee is asked to approve changes to the Section P (Planning) of Part 3 (Scheme of Delegation) of the Constitution to take account of changes to legislation and other factual matters, and to better reflect current practice relating to the operation of statutory land-use planning functions.

### **Recommendation**

That the proposed changes to Section P (Planning) of Part 3 (Scheme of Delegation) of the Constitution, as set out in Appendix 1 to this report, be approved.

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### **Proposal**

#### **1 Background and context**

- 1.1 Part 3 (Scheme of Delegation: Responsibility for Functions) of the Constitution explains who within the Council has powers to exercise various powers and duties. Section P (Planning) of the Scheme of Delegation delegates functions to the Assistant Director (Highways, Transport and Planning), where appropriate in consultation with relevant members or officers.

#### **2 Proposal details**

- 2.1 Changes to Section P are required to take account of changes to legislation and other factual matters, and to better reflect current practice. The proposed changes, as set out in Appendix 1 to this report, include the following matters:
- (a) to take account of changes to legislation, including to the Town and Country Planning (Development Management Procedure) Order and Environmental Impact Regulations
  - (b) to remove references to specific sections in legislation to ensure that the Constitution does not become out-of-date;
  - (c) to take account of factual changes, that is, the creation of the South Downs National Park, and changes to terminology, that is, 'Areas of

Outstanding Natural Beauty' are now known as 'National Landscapes';

- (d) to refer, where appropriate, to consultations by the South Downs National Park Authority, neighbouring authorities, and parish councils (not just consultations by the district and borough councils); and
- (e) to reflect current practice, for example, officers representing the County Council at local plan and other examinations, not just at planning appeals.

2.2 The Committee is asked to approve the proposed changes.

### **3 Other options considered (and reasons for not proposing)**

3.1 If left unamended, the Constitution would be out-of-date and not reflect current practice.

### **4 Consultation, engagement and advice**

4.1 Consultation with officers in Legal Services.

### **5 Finance**

5.1 There are no revenue or capital finance implications.

### **6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
That the Constitution becomes out-of-date or inconsistent with practice	Regular review of this nature keeps the Constitution up-to-date and consistent with practice

### **7 Policy alignment and compliance**

7.1 Keeping the Constitution under regular review is aligned to the aim of the Local Government Act 2000 that Constitutions should evolve and be regularly reviewed to ensure that they are transparent and up-to-date documents that reflects current practice. Strengthening the provisions of the Constitution should serve to maintain high standards of decision-making.

Matt Davey

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### **Appendices**

Appendix 1 – Proposed Changes to Section P (Planning) of Part 3 (Scheme of Delegation) of the Constitution

**Background papers:** None