

Broadclyst Parish Council

PLANNING PROTOCOL

1. Introduction

This procedure sets out how Broadclyst Parish Council considers planning matters on which it is consulted by a Planning Authority. It considers that:

- 1.1. the consultation period for planning applications is 21 days, which means that not all planning applications can be considered by Broadclyst Parish Council at its scheduled meetings,
- 1.2. Broadclyst Parish Council believes parishioners are best served by the Parish Council responding to applications in a timely fashion.

2. Delegation

- 2.1. By adoption of this policy, Broadclyst Parish Council resolves that any actions in respect of planning matters shall be discharged by:
 - 2.1.1. the Parish Council as a body corporate¹,
 - 2.1.2. its appointed² Planning Committee,
 - 2.1.3. by the Clerk acting on the outcome of an email consultation with Parish Councillors sitting on the Planning Committee,
 - 2.1.4. by the Clerk in conjunction with the Planning Committee Chairman.
- 2.2. To ensure all consultations on planning applications are processed in a timely manner, the Parish Council has delegated³ the option of responding to planning applications to its Clerk⁴ with consideration of responses to the application by the Council or its Planning Committee.

3. Planning and parish councils

- 3.1. In England, parish councils have the right to be consulted on planning applications within their parish under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990
- 3.2. Broadclyst Parish Council is consulted by the Local Planning Authority (which is usually East Devon District Council, though for some applications it may be Devon County Council) on all planning applications that fall in or partly within the parish boundary. It is also consulted as a neighbouring parish for some applications (especially where proposals are likely to impact the parish).
- 3.3. Any views expressed by the Parish Council are considered by the Planning Authority as part of its decision-making process, providing the points made are relevant to the determination of a planning application.
- 3.4. The parish council has *influence* on planning applications in its area but does not have any decision-making *power*; its role is consultative. The final decision is made by the Planning Authority.
- 3.5. Broadclyst Parish Council will only comment on what are known as “material considerations” – non-material consideration, such as boundary disputes between neighbours or loss of views will not be considered. Appendix A has a (not exhaustive) list of material and non-material consideration.

4. Options for councillors to respond to Planning Applications

- 4.1. The Council aims to consider all applications in a meeting, however there are occasions where this is not always possible (i.e. holiday periods).
- 4.2. The flow chart in Appendix B shows when planning committee meetings must be convened.
- 4.3. The chart in Appendix C shows which type of applications may be delegated to officers.
- 4.4. One of the following options shall apply when notice of a planning application on which the Parish Council is consulted is received: either

¹ Local Government Act 1974, (14)(2)

² Local Government Act 1974, s101(1)(a)

³ Local Government Act 1974, s101(1)(a)

⁴ Or any Officer of the Council under the Clerk's direction

- 4.4.1. If there is a scheduled Council meeting or Planning Committee meeting before the end of the consultation period, then Officers will place the matter on the agenda for that meeting, and any decision will be taken at that meeting, or
- 4.4.2. If there is no scheduled Council meeting before the end of the consultation period, Officers will alert members of the Parish Council's Planning Committee to the application via email. Committee members will be asked to consider and respond to the application.
- 4.5. Councillors will be requested to respond to the Officer's email within the deadline given. The deadline will be five days from when the email was sent.
- 4.6. Councillors shall respond in one of three ways: 'no objection', 'objection' or 'Planning Committee meeting requested'.
- 4.7. If the response is 'objection', the reasons for objection must be clearly stated, including any relevant reference to the adopted development plans for the parish.
- 4.8. If the response is 'no objection', councillors may choose to include comments with their response.
- 4.9. If at least two members of the Planning Committee (or the Chairman of the Council) request a committee meeting to further discuss the planning application, one will be convened within the consultation period and any decision will be taken at that meeting.
- 4.10. In accordance with 2.1.3 above, if a committee meeting is not requested, then the response to the application by the Council shall be deemed to have been delegated to the Clerk.
- 4.11. The Clerk will consider all responses received from councillors when compiling the response. In addition to 4.7, a meeting will be called where there is not majority agreement from members of the committee.
- 4.12. NB: the parish council is not obliged to submit a representation. Should it not wish to do so, it should notify the Planning Authority to that effect.

5. Council's comment.

- 5.1. No objection: where there is a majority 'no objection' response, the Clerk will respond 'no objection' to the planning consultation. Further comments may be included at the Clerk's discretion. Such comment should be based on any comments made by councillors and / or policies within the Broadclyst Neighbourhood Plan or any other adopted planning policy document.
- 5.2. Objection: where there is a majority 'objection' response, the Clerk will submit this objection to the Planning Authority alongside the reasons for the Council's objection, to be compiled at the Clerk's discretion. Such comment should be based on any reasons for objection stated by councillors and / or policies within the Broadclyst Neighbourhood Plan or any other adopted planning policy document.
- 5.3. The Clerk's written response to the planning application consultation will be duly noted at the next scheduled Parish Council meeting.

6. Public participation

- 6.1. In those cases where a planning application comes before a full meeting of Broadclyst Parish Council or its Planning Committee, then any residents will be able to speak at the meeting during public participation.
- 6.2. Requests from the applicant to speak to the Parish Council will be encouraged.
- 6.3. As per ROI / Code of Conduct, any councillor with a pecuniary interest in an application to be considered will take no part in the debate (unless invited to speak by the Chairman), must leave the room during the debate, and will not be entitled to vote on any relevant motion.

Version control:

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Appendix A

Material considerations.

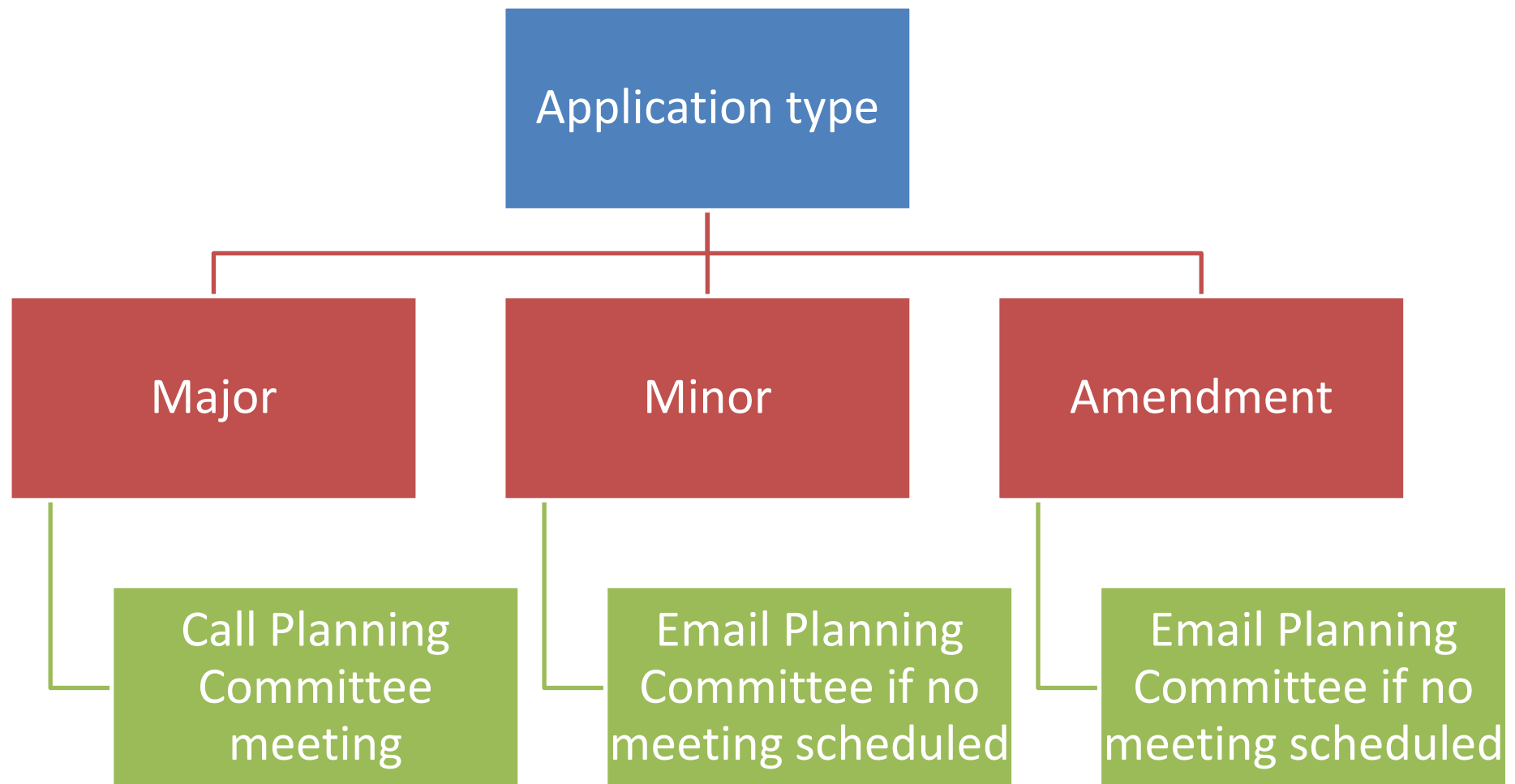
Comments should be clear, concise, and accurate, supported by / linked to planning policy where appropriate. When planning applications are considered, the following matters can all be relevant. These are referred to as ‘material planning considerations’:

- Central government policy and guidance i.e., National Planning Policy Framework, Acts, Planning Policy Guidance Notes (PPGs) etc.
- The adopted Development Plan (i.e., the East Devon Local Plan) - and any review of the Development Plan, with weight afforded according to how close it is to adoption.
- The adopted Broadclyst Neighbourhood Plan and any review of it, with weight afforded according to how close it is to adoption.
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals.
- Replies from statutory agencies (e.g., Environment Agency, Highways Authority).
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply.
- Public proposals for using the same land.
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance, and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments, and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way.
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- Prevention of crime and disorder.
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

Non-material considerations

There are certain matters which do not amount to ‘material planning considerations’ under current legislation and guidance. These matters should not be included in objections:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes
- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates.
- The fact that an objector is a tenant of land where the development is proposed.
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation.
- The developer’s motives, record, or reputation.



Major applications include the type codes: MOUT (Major Outline), MFUL (Major full), MRES (Major Reserved), VAR (variation). Minor applications include OUT (outline), FUL (full), LBC (Listed Building), TCA (trees), TRE (trees), AGR (agricultural), CPE (prior use), VAR (variation), HRN (hedgerows), and ADV (advisory only, no requirement to respond)

