

Horseheath Parish Council – Process for reviewing Planning Applications

September 2019 – Version 4

Introduction

This policy is intended to provide a framework for all eventualities. Some applications may not require the use of all clauses although the general principles contained in this document should be applied in all cases

In considering planning applications we have a duty to make an impartial decision in the best interests of all parishioners. This means making a judgement in public on potentially locally divisive applications about which both valid and invalid comment will be made. The Parish Council needs to be able to demonstrate it has heard all points of view in a non-partisan, non-judgemental manner prior to the planning committee's decision in order to maintain credibility and support from parishioners. To ensure neutrality the Parish Council assigns a councillor from a different neighbourhood to lead on seeking and representing adjacent parishioners' views at planning meetings and if needed to chair the Planning Committee meeting.

Councillors may not sit on an HPC Planning Committee if they have an interest in the matter and should consider their individual positions carefully when approached in the first instance to sit on a planning committee. Should there be any possible doubt about their impartiality it is recommended that the individual councillor should declare their concerns and in all probability not subsequently take part in that committee.

There are therefore three parties in each parish council decision:

1 The **neighbourhood Parish Councillor** who usually represents the locality. This councillor may have tacit knowledge or have received local intelligence about the application and may have particular views themselves. The neighbourhood parish council member is in a difficult position; it may be difficult to remain impartial particularly if involved in the application itself.

2 The **Parish Councillor assigned to lead on the application**, whose role is to collect, collate and provide succinct information for the planning committee. This councillor will come from a different locality in the Parish and can therefore approach local neighbours and the applicant with a neutral agenda. In certain complex applications the neighbourhood and assigned Councillors should consider together with the Chair the use of an external consultants

3 The **Parish Council planning committee**, comprising the assigned Parish Councillor, the Clerk and at least two other members of the Parish Council. It will not include the neighbourhood Parish Councillor. The planning committee may be chaired by the Chair or Vice-Chair of the Parish Council or by the assigned Parish Councillor.

In general, there are two main duties for members of the HPC Planning Committee when expressing views and voting at a HPC Planning meeting:

- to consider any 'Material Considerations' as defined by SCDC.
- to consider the overall views of parishioners, usually acting according to majority views of neighbours

Process

1 The Clerk receives a planning notice and notifies the Parish Council. The assigned Councillor will receive the planning notice letters and plans.

2 The neighbourhood parish councillor should submit information from the neighbourhood in advance of the planning meeting to the assigned Councillor.

3 The assigned Councillor will read and ensure they understand the application.

4 In general, contact with the applicant should be made by the assigned Councillor. This is good practice to ensure the assigned Councillor has a clear understanding of the reasons for and nature of the application. The applicant should be aware that comments from the local neighbourhood will be received but that the

Commented [T1]: Fine

Commented [JH2]: I agree neighbourhood councillor is the better term but have used locality subsequently in the sentence partly for clarity and partly style I suppose!

Commented [T3]: Does impartiality matter. The NC is allowed to send objections to SCDC, organise surveys, gather support, etc. Suggest we delete last sentence

Commented [T4]: All fine

Commented [T5]: Fine

Commented [T6]: Fine

Parish Council's planning committee will make a recommendation based on the views available by the date of the committee.

5 The applicant should be informed that anonymised comments from the local neighbourhood will appear on the planning portal and that it is not for the assigned Parish Councillor to provide those comments to the applicant or to intercede in any way between the applicant and local neighbours. However, the applicant should be aware that the information they provide will be combined with comments from neighbours in consideration of the application.

6 Should the applicant wish to reply to submitted comments from local neighbours such comments should be to the District Council and not the Parish Council who are making an advisory decision.

7 The assigned Councillor will deliver planning notices to near neighbours and make personal contact with immediate neighbours, seeking comments on the application and informing neighbours about the mechanisms by which they can leave comments for the District Council Planning Officer. Although the assigned councillor will attempt to interview immediate neighbours, such interviews will only occur where the individual neighbour seeks to provide their views.

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8 The applicant and neighbours should understand that comments made to the Parish Council are not required to be named and that such comments will not necessarily be transferred to the District Council Planning Officer. The only complete public record of documents and comments is the South Cambridgeshire Planning Portal.

9 The assigned Councillor will collate the views of the neighbourhood, including if deemed relevant, additional information from the applicant, and complete a written proforma briefing the members of the Planning Committee. This information will not include a recommendation although the assigned councillor should be prepared to verbally provide a recommendation to the planning committee members.

10 The written proforma will be sent by email to the planning committee members, the Clerk and the Parish Council Chair in advance of the planning committee.

11 The planning committee will not include the neighbourhood Parish Councillor who will have no part in the process beyond sending relevant local information to the assigned Councillor.

12 The planning committee will make a recommendation to South Cambridgeshire Council's planning department in the form of a written notice after the planning meeting. This will include:

- the title and reference number of the planning application
- the date and membership of the planning committee
- the Parish Council's recommendation which may be approval, objection or abstaining
- a brief summary of the key relevant points in the debate
- any further comments

13 The recommendation should be made within 5 days of the planning committee meeting but in any event at least 24 hours before the deadline for comments set by the District Council. The recommendation should also be sent through the South Cambridgeshire Planning Portal.

14 All parties are at any stage able to have informal discussions with the South Cambridgeshire Planning Officer.

The **Planning Committee Chair** has the following responsibilities:

- to read and ensure the application is understood.
- to open the meeting; to introduce members of the Planning committee, professional advisers and the public intending to comment on the application
- to guide discussion by ensuring views expressed generally but not exclusively from material considerations such as impacts on the area or a historic asset such as a listed building, environmental concerns, noise, smells and fumes, overshadowing, loss of privacy and highway safety.

Commented [T8]: It isn't only public. A.Crossley brought 2 advisors

If there is any concern that the SCDC Officer will disagree with HPC’s recommendation the Parish Council should ask for a decision to be made by the SCDC Planning Committee and not by the Officer ‘under delegated powers’.

The County Councillor should also be informed as an appearance in front of the Planning Committee may be needed. In certain rare cases and with the advice of an external planning consultant non-material considerations may be included.

Planning Consultants

The Clerk maintains a list of consultants and their areas of interest for HPC; councillors are requested to add to this list wherever possible.

Appeals

In rare cases HPC or the applicant may wish to appeal a decision of SCDC. Objectors should be informed that new letters will be needed as the whole process starts again.

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Commented [T10]: It has happened

Commented [T11]: New para

Commented [T12]: Probably should be included .