

# *Planning Protocol*

11 July 2022

---

## **1.0 Background**

Cornwall Council is the LPA (Local Planning Authority) for planning in Cornwall.

The LPA is required to consult parish councils about ordinary planning applications and the parish council will submit '**consultee comments**'. For some applications such as Pre-apps or 'Prior approval' applications, consultation with parishes is not required, but the parish council may submit comments if it wishes.

## **2.0 General Principles**

### **2.1 Advising councillors**

Councillors are advised as early as possible by the clerk so that they can look at the documents ahead of the meeting and make a site visit if necessary.

### **2.2 Advising the applicant**

If possible, the clerk should advise the applicant – via their agent or via the case officer – of 1) the opportunity to speak about the application during the public session of the parish council meeting, and 2) the date at which the council is considering its consultee comments.

### **2.3 Advising the public**

The public may see on the Agenda what application(s) will be considered at the next council meeting. Also, the website has an historic list of applications available for consultation by all.

### **2.4 Submission of Consultee Comments.**

The main points for consultee comments are decided by the Parish Council and formal submission is delegated to the Clerk. Consultee

comments are copied into the minutes of the meeting at which they were agreed in principle.

## 2.5 Pre-Planning Applications

The Parish Council has an 'open door' policy for anyone wishing to discuss their Pre-application. It would be helpful if pre-applicants could bring maps or diagrams to the meeting and/or email the Clerk with any information they would like the councillors to have.

## 2.6 Material considerations

The local planning authority may only weigh material considerations when deciding whether to approve or refuse a planning application. The parish council must focus its comments on material considerations. An explanation of material (relevant) and non-material (not relevant) considerations is available on the Cornwall Council (CC) website.

## 2.7 National Planning Policy Framework (NPPF) [NPPF link here](#).

The NPPF had a direct influence on planning in Cornwall when the Local Plan was not yet adopted. The Cornwall Local Plan incorporates NPPF policies. The Local Plan is now the most immediate document for planning in Cornwall.

## 2.8 Cornwall Local Plan 2010-2030. [PDF link here](#).

It is important for parish councils to use the Local Plan and refer to its policies when submitting consultee comments.

When analysing a particular planning application, relevant policies may conflict. The weight given to each policy with regard to a particular application could be affected by the parish's comments, but only if the PC ties its comments to the Local Plan policies and focuses on the material considerations within those policies.

## 2.9 Training

Training in Planning is recommended for all councillors and the clerk. Each year Cornwall Council usually offers planning training.

### 3.0 Clerk's procedure

#### 3.1 Applications requiring consultee comments:

An email is received from CC advising about each new application for consultee comments. The clerk will:

1. Email the members with:
  - Planning Reference Number and official description
  - Case Officer's name
  - Standard Consultation Expiry Date
  - Determination Deadline
2. If the *Standard Consultation Expiry Date* is before the next ordinary meeting, email the case officer to request an extension for the consultee comments. An extension is usually granted as long as the meeting date is not too close to the Determination Deadline.
3. If the *Determination Deadline* is before – or too close to – the date of the next ordinary meeting, the case officer cannot grant an extension.
  - a. Ask the councillors if they wish to hold an extraordinary meeting to determine consultee comments. If one or more councillors want to send consultee comments, ask the Chairman to call an extraordinary meeting.
  - b. If an extraordinary meeting is not called, the clerk will send a statement, such as: "St Ewe Parish Council offers no comment on this application."

#### 3.2 Consultation with the case officer

If there is an issue that would be clarified by further information or by the case officer's opinion, the clerk may email.

#### 3.3 Agenda

The agenda has a list of the planning applications for consultee comments.

Other applications that affect St Ewe residents, either inside or outside the parish may also be placed on the agenda and the parish council may resolve to respond.

### 3.4 Clerk's Notes

*Clerk's Notes* is compiled for each ordinary meeting. In it, the clerk will list the following:

- Applications from surrounding parishes of significant interest.
- Decisions of all planning applications.

### 3.5 Website

The clerk posts a list of planning applications affecting St Ewe Parish on the webpage *Planning St Ewe Parish*. The decision for each of the applications is also listed.

## 4.0 Weekly List and Decision List

Each week Cornwall Council send a *Weekly List* of new applications and a *Decision List*. These also list applications for which the LPA does not request consultee comments.

The clerk will look at applications for St Ewe parish and also the surrounding parishes: 1. Grampound with Creed, 2. Mevagissey, 3. Pentewan Valley, 4. St Goran, 5. St Mewan, 6. St Michael Caerhays, 7. Tregony with Cuby.

## 5.0 Enforcements

The parish council may submit an enforcement request and a decision to do so will be minuted.

The Parish Council is not advised about the progress of Enforcements. If the council has submitted an enforcement request, it will be advised by email of the decision, but no further details will be given.

No Enforcement information is put on the website under *Planning St Ewe Parish* because Enforcements are too sensitive to be so public.

## **6.0 Paperless Planning.**

The clerk is responsible for the planning documents being available at the meeting at which they are discussed. The clerk will bring to the meeting:

- Download documents for each application to be discussed.
- Equipment: Projector & laptop and planning application documents on the flashdrive. The internet at the Village Hall cannot be relied upon for access to the documents.
- Significant comments on the LPA website, printed out.

## **7.0 Councillor's role**

It is good practice for councillors to familiarise themselves with the planning application before the meeting. This might mean simply locating the property on a map, or it might mean looking at the planning documents in detail online and/or visiting the property.

Site Visits. A councillor may drive by to take a look, may knock on the door of a property and request the opportunity to visit the proposed development or may request an appointment through the planning agent. If a number of councillors wish to visit the site, the clerk can arrange a site visit for the parish council.

Ideally, the councillors will familiarise themselves with the policies in the Cornwall Local Plan and the National Planning Policy Framework so that the council's comments can be well supported.

## **8.0 The Parish Council decision**

### **8.1 Three options for consultee comments**

The council has the power to SUPPORT, OBJECT, or give NO OBJECTION to the planning application.

- A. No Objection. This comment allows the case officer to make their decision freely without considering comments from the parish council. The parish council may wish to add certain comments, which can be included in the council's submission.

- B. Support or Object. Either of these comments should be supported with valid planning reasons for that opinion.

IMPORTANT. If the case officer disagrees with the parish council, the case officer will email the following to the clerk so that the council will, within 5 working days:

*consider the following options as set out within the Protocol For Local Councils:*

- 1. Agree with my recommendation.*
- 2. Agree to disagree.*
- 3. Having made strong planning reasons maintain your support for the proposal against my recommendation and request that the application is determined by the Planning Committee. In this circumstance it will be important for a representative from your Council to attend and speak at the Planning Committee meeting to enable the Members to fully understand your Council's strong planning reasons for proposing a decision that is contrary to that of the case officer.*

## **8.2 5-day Protocol for Local Councils.**

- A. **Parish Council representative.** If the council feels strongly enough to choose SUPPORT or OBJECT, it must also – at the same meeting – appoint a councillor to represent the parish council at Planning Committee meeting and speak on behalf of the parish.
- B. **Council's Protocol decision.** When the case officer instigates the 5-day Protocol, the clerk will advise all councillors via email. The Clerk with the Chairman and the appointed councillor (8.2.A) will consult with the Cornwall Councillor to consider how to implement the parish council's decision.
- C. **Cornwall Councillor's role.** Only the parish's Cornwall Councillor may call a planning application to Planning Committee. In order to do this, the Cornwall Councillor will have a conversation with the case officer

to confirm that the parish's reasons for disagreement have support in planning policy. If they do, it is likely the Cornwall Councillor will call the application to committee.

- D. **Attendance at the committee.** Once the date is set for the Planning Committee, the clerk must formally advise the committee ('book in') who will speak at the Planning Committee meeting. If the appointed councillor cannot attend, they must notify the clerk immediately so that a replacement can be found. The clerk must ensure that the council's representative has all the necessary paperwork to support the council's position.

ADOPTED BY THE PARISH COUNCIL: 11 July 2022

SIGNED Cllr Will Richards  
Chair to St Ewe Parish Council