

## **PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: 13 DECEMBER**

**Agenda item 6:** Give consideration to the updated Padstow Town Council Planning procedure.

The Padstow Town Council Planning Procedure has been reviewed, as per appendix 1. The updates relate as outlined below:

- Point 3.3 - Updated to include the option to use the Emergency Scheme of Delegation. Appendix 1 to the Procedure offers great details on this process.
- Point 3.4 – Updated to reflect the process currently used, i.e. hyperlink to Cornwall Council Planning Register instead.
- Point 3.5 – In light of feedback earlier this year, felt best to be clear on a deadline time, liaised with the Committee Chairman on a time of 3 pm, as he considered this would give Councillors more time to read them and this advice can be communicated to members of the public. Obviously, members are still encouraged to view Cornwall Council planning register after the deadline.
- Point 4.2 reworded to better reflect the delegation.
- Point 5.1 c) updated as per Cornwall Council's change to their 5 day protocols.
- Point 5.5 - We have also included that Committee members will be updated following a decision on a 5-day protocol being made and submitted to Cornwall Council.

The Procedure has also be updated into the new document template, with version control.



# PADSTOW TOWN COUNCIL

## Planning Procedure

### POLICY/PROTOCOL/PROCEDURE

<b>Version</b>	1.1	<b>Comments</b>	
<b>Approval Date</b>	TBC	<b>Responsible Officer</b>	Town Clerk
<b>Committee</b>	Planning	<b>Approval by</b>	Full Council

### VERSION HISTORY

Date	Version	Comments
Feb 2017	1.0	Drafted Planning Procedure drafted and adopted by Council Feb 2017
13 December 2022	1.1	Planning Procedure reviewed for consideration by Planning Committee

### REVIEW RECORD

Date Review initiated	Review undertaken by i.e. officer/ Cttee/Council	Summary of any recommended updates/changes to be made
6 December 2022	Draft document pulled together by Support Officer (TT) with comments from Town Clerk.	Draft to be taken to <a href="#">13.12.22</a> Planning Committee for consideration/approval.

## PLANNING PROCEDURE

### 1. PLANNING ROLE

- 1.1 Like all Town and Parish Councils, Padstow Town Council is NOT a planning authority.
- 1.2 Padstow Town Council is a statutory consultee in the planning process and has a right to be informed of planning applications within its parish by the Planning Authority, Cornwall Council.
- 1.3 Padstow Town Council has delegated authority to its Planning Committee to consider planning applications. It can only comment on a planning application in the same way as individual can.
- 1.4 The length of time to determine an application is governed by Cornwall Council. Padstow Town Council can request an extension to this time however, the decision for this rest solely with the Planning Authority, Cornwall Council.

### 2. PLANNING COMMITTEE MEETINGS

- 2.1 Meetings of the Planning Committee follow Padstow Town Council's Standing Orders and its own Terms of Reference. Padstow Town Council has also adopted the Code of Conduct for Members to support its duty to promote and maintain high standard of conduct by members of the Council.
- 2.2 Future meeting dates of the Planning Committee (held on 2nd Tuesday of each month at 7.00 pm) are advertised in advance on Council noticeboards and its website.

### 3. PLANNING APPLICATION NOTIFICATIONS AND PLANNING AGENDAS

- 3.1 On receipt of a planning application notification from Cornwall Council (sent by email to [enquiries@padstow-tc.gov.uk](mailto:enquiries@padstow-tc.gov.uk)) the application be placed on the next available Planning Committee agenda.
- 3.2 If the application has arrived too late to add to the next available Planning Committee agenda; if time permits the application be taken to the following meeting of the Planning Committee. If not possible, due to timings, in the first instance the Council Support Officer or Town Clerk to seek extension of time to deadline for a response in order that it may be discussed by the Planning Committee. If the request is not extended by Cornwall Council – only in exceptional circumstances the application be placed on the next available meeting of Full Council (if before the Planning Committee and the Chairman of Council agrees. The Chairman of Planning *[or in his/her absence the Vice-Chairman, if one is elected]* to be advised.
- 3.3 If, in the unlikely event that due to timings, the above [number 3.2] is not possible or the Chairman of the Council does not wish it to be placed on the Full Council agenda, the [Town Clerk](#) in consultation with the [Chairman of Planning](#) can consider the following options to consider the application/s:
  - 1) An Extra-Ordinary Meeting of the Planning Committee, [if time allows](#).

[2\) The Emergency Scheme of Delegation \(ESD\)](#). NB: An ESD is for consideration by all Councillors, not just Planning Committee members. Appendix 1 outlines the [planning process](#) in this regard.

- 3.4 On receipt of planning application notifications [due for consideration](#) the Council Support Officer will ~~inform forward these along with plans and relevant paperwork to~~ Planning Committee Members [\[or all Town Councillors if being considered via an ESD\]](#) and send them the [hyperlink to Cornwall Council's planning register, where they can view all the relevant paperwork and plans who have signed up to this service via email](#). Any Councillor of Padstow Town Council can be emailed this information upon request.
- 3.5 [After 3pm on the day prior to](#) the Planning Committee meeting [or Full Council meeting] the Council Support Officer will [pull together a report which includes: - i\) comments submitted to Cornwall Council's Planning Department's register; ii\) ~~comments submitted directly to Padstow Town Council \(no anonymous comments can be included\); and iii\) also~~ comments from the Planning Officer; and note down on each application— people in support, not support or undecided and print off all comments that are available;](#) along with details on time when this was checked. NB: *This information is a snapshot and taken at a moment in time – Planning Committee members [\[or all Council members\]](#) to still be proactive in this regard.*
- 3.6 All application details including notification, plans and relevant papers will be copied and available for the meeting.

#### 4. PLANNING DECISIONS

- 4.1 Only in exceptional circumstances will a planning application be re-considered if the Chairman of the Committee [or in his/her absence the Vice-Chairman, if one is elected] considers that new information has come to light after the original discussion which in his/her opinion is of material consideration. However, if the time for comment to Cornwall Council has lapsed and there is not enough time to hold a meeting on this matter before this time has lapsed, it cannot be re-discussed. If she or he so wishes, the Chairman of the Committee [or in his/her absence the Vice-Chairman, if one is elected] can request that this new information be sent to Cornwall Council Planning.
- 4.2 The Council is a consultee; any subsequent concerns or queries following a decision ~~by a member of the public or a fellow Councillor~~ will be [directed to contact advised to contact](#) Cornwall Council Planning Department and/or the Local Cornwall Councillor to raise their concern in this regard.
- 4.3 Should the issue arise, as outlined in number ~~104.2~~, the Council Support Officer or Town Clerk to advise the Chairman of Planning and the Local Cornwall Councillor and respond to the person who raised the matter appropriately in line with this Planning Protocol.
- 4.4 Following the meeting [usually the day after] decisions will be updated by the Council Support Officer on the Padstow Town Council's Planning Register and Cornwall Council duly notified, [either by submitting them directly onto Cornwall Council's planning register or by email](#).

## 5. CORNWALL COUNCIL PLANNING OFFICER DISAGREEMENT / 5 DAY PROTOCOL

5.1 If a Cornwall Council Planning Officer disagrees with the decision made by the Planning Committee [or Full Council] in accordance with the 'Protocol for Local Councils' ([appendix 2](#)), the Town Council has three options:

- a) Agree with the Planning Officer's recommendation;
- b) Agree to disagree; or
- c) [Having made strong planning reasons to maintain the original position on the proposal against Planning Officers recommendation and requested that the application is determined by the Planning Committee, Maintain the objection to the proposal against Planning Officers recommendation and request committee consideration by the planning committee](#) (which the Planning Officer will then discuss with the Divisional Member who may agree or disagree with our view).

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5.2 The Planning Officer requires that we inform him/her which option we would wish to choose within 5 working days from the date of the communication. If option 3 is selected, the 'Protocol' explains the importance of a representative from our council attending and speaking at the planning committee meeting so the committee can fully understand the Council's reasons for proposing a decision which is contrary to that of the case officer.

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5.3 If we do not respond within 5 working days, a delegated decision will be issued in accordance with the Planning Officer's recommendation. The Town Clerk, in consultation with the Planning Committee Chairman [or in his/her absence the Vice-Chairman, if one is elected] to have delegated authority to respond. If item c) above is decided, as per the Planning Committee Terms of Reference it will be required to appoint a member of the Committee to represent the Council at the Cornwall Council Planning Committee. This to be placed on the next available Planning Committee agenda for consideration.

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5.24 If the Planning Committee Chairman is not comfortable in making such a decision [as per 5.3 above](#). He/she can either consult fellow Planning Committee Members [either by phone or email] and based on their views respond appropriately via the Town Clerk. However, if he/she considers the matter to be particularly difficult to request an Extra-Ordinary meeting of the Planning Committee to consider the matter [NB: This is required within the timescale set by CC].

5.35 [The Councils Support Officer will record the 5-day protocol Planning Officer's comments and the delegated decision and notify all Planning Committee Members \[or all Councillors\], so they are aware.](#)

Emergency Scheme of Delegation-(ESD)

Due to the continued potential for disruption to Council business, and upon advice from the Cornwall Association of Local Council, the Council agreed to use the Emergency Scheme of Delegation, and this is review at each Annual Council meeting.

The Emergency Scheme of Delegation is:-

That the Council delegates authority to the Clerk in consultation with the Chairman and Vice-Chairman/Mayor and Deputy Mayor to take any actions necessary with associated expenditure to protect the interests of the community and ensure Council business continuity, informed by consultation with the members of the Council.

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Planning Process when considering an application under an ESD is outlined below, as per CALC's (Cornwall Association of Local Councils) advice:-

1. Applications are advertised on the Town Council's website (<https://padstow-tc.gov.uk/planning/>) offering the public the opportunity to submit their comments to the Town Council by the date stated on the website, which will be at least 5 working days.

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At the same time the Council's Support Officer will notify all Councillors that an application is being taken via the ESD planning process and provide them with the hyperlink to Cornwall Council's planning register to view the relevant documents and plans.

2. Following the deadline for public comments, a summary of these will be sent to the Councillors including any comments submitted to Cornwall Council's planning register and any comments the Planning Officer has provided, giving members 5 working days to provide their comments to the Clerk (or delegated officer in her absence)

3. Under the Emergency Scheme of Delegation the Clerk (or RFO in her absence) and the Chairman (Or vice-Chairman in the Chairman's absence) will agree a draft response considering all comments they have received.

The draft response is then shared with all Councillors for 2 days for any comments before being sent to Cornwall Council with the following statement: *'The following responses which represent the opinion of members of Padstow Town Council identified through a consultation process and will be ratified at the next appropriate meeting of the Council.'*

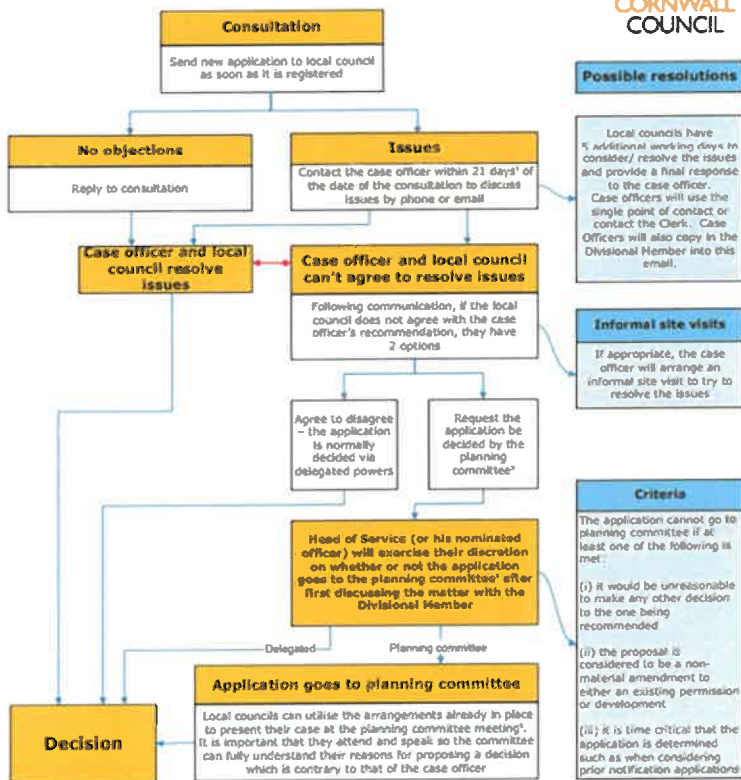
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4. After the 2 days the final comment will be finalised with the Town Clerk and Chairman or Vice Chairman and then submitted to Cornwall Council, either via submitting them directly onto Cornwall Council's planning register or by email.

5. The decision will then be updated on the Council's website (<https://padstow-tc.gov.uk/planning/>) and taken to the next Full Council meeting to be ratified and then included on the ESD register.

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# PROTOCOL FOR LOCAL COUNCILS



**Notes**

\*21 days is the statutory time period - if an extension of time is required, the request and response must be in writing (or email) and is likely to be acceptable unless a decision is imminent.

\*See page 2 for further information.

\*Any written supporting statements must be submitted at least 3 working days before the committee meeting.

If a case officer is on leave or sick, contact your area team Group Leader or Principal who will be able to find out who is dealing with the application in the case officer's absence.

Should a case officer decide to change their recommendation at any point in the determination process after having communicated a different view, the case officer must inform the local Divisional Member(s).



# PROTOCOL FOR LOCAL COUNCILS

**The objective of the Local Council and Member Protocols is to encourage dialogue and make sound planning decisions locally**

Large scale planning applications that exceed specified thresholds are automatically considered by the Strategic Planning Committee.

## **Constitution [Responsibility for Functions]**

This states that a Local Member can request any application falling under the 'Major' or 'Minor' category to be taken to a planning committee for consideration, so long as it is in writing/email and that sound planning, policy and other area reasons have been provided setting out why committee consideration is necessary.

### **Major and minor application types are:**

New dwellings  
Offices / research and development / light industry  
General industry / storage / warehousing  
Retail distribution and servicing  
Gypsy and Traveller pitches  
All other large scale major developments  
All other small scale major developments  
All other minor developments

### **Other application types are (and can be called to the planning committee by the Head of Service or his nominated officer):**

Minerals Processing (ie ancillary mineral operations defined under the GPDO)  
Change of use (no significant building or engineering work involved)  
Householder developments  
*Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses, including footway crossovers, porches and satellite dishes.*  
Advertisements  
Listed building consents to alter / extend  
Listed building consents to demolish  
Conservation area consents  
Certificates of lawful developments  
Notifications (where no planning application is required)  
Discharge of planning conditions  
Non-material amendments  
Works to trees in a conservation area  
Works to trees covered by a Tree Preservation Order  
Deed of modifications (Remove/Vary Section 106 Obligations)

If you would like this information in another format please contact:

**Cornwall Council  
County Hall  
Treyew Road  
Truro TR1 3AY**

Telephone: 0300 1234 100

Email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)

[www.cornwall.gov.uk](http://www.cornwall.gov.uk)