



Parish and Town Council's involvement in Planning Applications

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Introduction

This guidance note tries to answer some of the questions the parish and town councils may have about the scheme of delegation relating to planning applications in your area and how you can get involved.

The Council notifies you of planning applications received in your area, and you can make representations raising whatever matters you feel are important. These are very important in highlighting issues, particularly local issues that you have knowledge of, called material planning considerations, which need to be taken into account when applications are decided.

There will be separate advice on our web site giving guidance on what matters can be taken into account and what are not material planning considerations when we are determining an application.

Much of the content of this note was intended to be covered in workshops prior to the Covid-19 pandemic, therefore has not been possible. There will however be further training for parish councils offered in due course.

What Can a Parish and Town Council Comment On?

This will vary according to the different type of application.

You don't have to comment on every application. Where you do comment you should try to focus on the issues you feel are important (focus on material planning considerations) and explain why.

You don't need to quote specific policies, just explain why you think it's acceptable or unacceptable and provide any evidence you have to support your view.

How Do I Comment on Planning Applications?

If you feel it appropriate to comment on a specific application, you should do so using the Public Access section of the relevant part of the website (or Consultee Access where available).

This ensures that your comments are automatically and immediately published on the website.

How are planning applications determined?

The power to determine “Planning Applications” rests with either a Committee (one of the Area Planning Committees, or the Strategic Sites Committee), or more usually is delegated to Senior Planning Officers.

In accordance with national best practice over 96% of applications are usually determined under delegated authority. This allows our Planning Committees to focus their resources more effectively on cases of local or strategic significance which would benefit from scrutiny.

Details of the committee structure and the committee process can be found on our web site. <https://buckinghamshire.moderngov.co.uk/mgListCommittees.aspx?bcr=1>

What applications can be considered by committee?

The new scheme of delegated powers are different to those operated in the previous legacy authorities until 31 March 2020 and therefore may be unfamiliar in some cases.

The Buckinghamshire Council’s Constitution (the rule book) sets out the scheme of delegation which gives powers to officers to determine planning applications and which applications are to be referred to committee, known as exceptions.

The relevant Planning Committees can determine an application for full, outline or reserved matters in the following circumstances:

- a) **Member call in:** This allows a Buckinghamshire Council member to request scrutiny (call-in) of any “outline”, “full” or “reserved matters” planning application.

In such cases the Service Director for Planning & Environment would consider these requests, in consultation with the appropriate Planning Committee Chairman, and on the basis of the material planning considerations put forward they would decide whether the application would benefit from Planning Committee scrutiny.

- b) **Certain specified applications:** where these are applications submitted by the

- Buckinghamshire Council,
- a councillor,
- a Chief Officer,
- a Corporate Director,
- a Service Director, or,
- a planning officer.

Other types of applications, consents, and notifications are not the subject of these exceptions and can proceed to be determined under delegated powers.

The full constitution can be viewed on the council's web site setting out the full details of the scheme of delegation. <https://www.buckinghamshire.gov.uk/your-council/council-and-democracy/our-constitution/>

How does this apply to parish and town council comments submitted before 1 April 2020?

The previous triggers for applications to be reported to committee do not apply as the previous Councils and their scheme of delegations no longer exist. This means that in areas where the parish council comments may have meant there was an automatic referral for consideration at a committee, this no longer applies.

This includes in the Aylesbury Vale Area where the parish/ town council had made comments which were contrary to the officer recommendation and had ticked the box to say they wish to speak at committee.

Details on how the parish and town council can now ask for these to be considered by committee are set out below.

How can the parish council ask for an application to be considered by committee?

If you feel that the issues raised are of such local or strategic significance which would benefit from scrutiny, you can contact your local councillor and ask them to consider calling in the application to committee. The member call in arrangements and procedure are set out above.

Where an application is reported to committee there will be an opportunity for the parish or town council to speak at the committee.

What is regarded as a full, outline or reserved matters application?

This includes anything which is submitted under the relevant applications seeking full planning permission, outline planning permission or a reserved matters approval. This also includes variation or removal of a condition on an existing planning permission under S73 of the Planning Act. It also does not include any applications that fall outside this bracket which we can refer to as

- Related Matters and
- Follow On Decisions

as set out below:

Related matters:

There are many types of planning decisions in addition to actual planning applications, notifications and consents which are defined above we are calling these Related Matters and they include, but are not limited to:

- Permitted Development,
- Prior Approvals,
- Advertisement Consent,
- Tree Preservation Orders,
- High Hedges
- Listed Building Consent.

This also includes Permissions in Principle for minor housing-led development

Follow On Decisions: Once a decision to approve has been issued there are often consequent matters that need resolution. We are referring to these as Follow On Decisions and they include, but are not limited to Discharges of Conditions, Legal Agreements and Non-material Amendments.

Version	Date	Comment	Author
1	13.05.2020	Draft for review	SK
2	20.05.2020	Revisions made to deal with SB comments	SK