

NORTH DEVON DISTRICT COUNCIL - PLANNING UNIT

BEST PRACTICE NOTE 1 (Ver 1.1)

Treatment of Town and Parish Council Responses on Planning Applications

Schedule 1 (paragraph 8) of the Town and Country Planning Act 1990 (as amended) states that Parish Councils (or Town Councils) may request District Councils to send them details of planning applications for their areas. North Devon District Council aim to work closely with the community and will formally consult the appropriate Town / Parish Council (in future referred to as TPC's) on all applications.

This Unit will use its best efforts to ensure that consultations are carried out within three working days of registration of the application.

The Planning Unit is continually trying to develop the delivery of its service. To this end, we will consider ways of improving electronic access to information by TPC's through e-mail and its web site, in addition to officers attending council meetings (if requested) to advise on procedures and developments, etc.

Article 21 of the Town and Country Planning Act – General Development Procedure Order 1995 states that District Councils do not make a decision on a planning application until after fourteen days have elapsed from the date of notification to TPC's. This Unit has extended the consultation period to twenty-one days from the date of notification in order to provide TPC's an opportunity to consider planning applications for a time greater than the statutory minimum period.

The twenty-one day period starts from the date of consultation with TPC's as recorded on the application file and electronic planning application database.

Progress in the determination of all applications is recorded on the Planning Application Tracker System available on the relevant Planning pages of the web site:
www.northdevon.gov.uk/services/planning/tracker/parish_list.pdf .

TPC's are encouraged to discuss applications with the Case Officer who will be pleased to clarify any details necessary.

The Planning Unit will consider any reasonable requests for additional information for TPC's whilst having regard to the statutory fifty-six day period for determining planning applications.

The twenty-one day period ends on receipt of post on Day twenty-two (to enable any last minute responses to be cleared).

A written response / telephone message / fax / e-mail / verbal communication will all be considered as a valid consultation response. In the case of verbal and e-mail responses, the officer in receipt of the message will note the respondent, date, time and the response and place this information on the application file.

If the application is not a delegated item (one which can be processed without the need for Committee approval), all TPC's responses are to be noted on the application file and reported to the Councils Planning Committee.

We will consult with TPC's as set out in the adopted Planning Delegation Procedures.

In summary these state:

- If planning considerations are such that the Planning Officer feels Members should be made aware of them, the application will not be delegated but reported to Planning Committee;
- The application need not be reported to Planning Committee if the consultation response raises issues which the Case Officer has already taken into account;
- The application need not be reported to Planning Committee if the consultation response is not supported by material planning reasons.

Consultation responses received outside the twenty-one day period and before the application is determined (i.e. before the Decision Notice has been issued) will be considered on a discretionary basis by the Planning Manager depending on the circumstances of the particular application. However, such a condition should be the exception.

The date for the receipt of late representations, including TPC's responses, will be notified to Member Services as noon the day before the relevant Planning Committee.

Notes

The above procedure should be read alongside the 'Town and Parish Councils Charter' which is available from the Planning Unit.

Training workshops in the operation of the Planning Delegation Procedures will continue to be offered in accordance with Best Practice advice.

Feedback or comment on any aspects of this Procedure should be sent to:
Customer Care Officer, Planning Unit, NDDC, Civic Office, Barnstaple EX31 1EA
(External) 01271 388329 (Internal) x8329

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