

# ***FIRLE PARISH COUNCIL***

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## **Planning Protocol**

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This protocol should be used in conjunction with the current Code of Conduct and the Standing Orders of Firle Parish Council.

### **The role of Parish Councils as a Statutory Consultee for Planning Applications**

Firle Parish Council is a statutory consultee of Lewes District Council and as such is asked to comment on planning applications during the consultation period. Firle Parish Council cannot determine applications, but any views expressed by the Parish Council will be taken into account by the Planning Authority (Lewes District Council), before a decision is made, providing the points are relevant to the determination of the planning application.

The final decision is made by the Planning Authority and **NOT** the Parish Council.

Firle Parish Council will only comment on what are known as 'material planning considerations'

Firle Parish Council will provide comments on all applications it is consulted on (including those submitted by current parish councillors) which are relevant and appropriate with a clear recommendation whether it supports, objects or remains neutral.

### **Receipt of a Planning Application**

Planning application notices are received electronically from Lewes District Council by the Clerk and contain hyperlinks to full documentation held on the District Authority website.

The Clerk is responsible for requesting extensions to deadlines where appropriate.

Notices are emailed to all Firle Parish Council Members as soon as possible after receipt.

Extra-ordinary meetings of the Parish Council will be scheduled, as and when required, to discuss applications where deadlines for comments fall outside of ordinary Parish Council meetings timetable

### **Site Visits**

If Members of Firle Parish Council wish to make a site visit, they can do so, but only using public vantage points (land with public access, public highways, or rights of way).

Members of the Parish Council have no special rights of entry to private land without the owner's consent.

All Councillors must keep an open mind when considering applications.

Those making a site visit should endeavour to limit its duration to no more than 20 minutes.

### **Communication with the Applicant**

Site visits will be co-ordinated by one councillor.

Applicants must be advised that site visits are optional for the Parish Councillors.

Applicants must be advised that Members attending a site visit are not able to make any decisions and that Firle Parish Council is only a consultee in the planning process.

Applicants must be advised of the date and time of the Parish Council meeting at which their planning application will be discussed. Applicants and agents are welcome to attend meetings.

If an applicant refuses to allow a site visit, Members may view the site from the public highway or other public land but must not trespass on private land. The application will still be discussed and voted upon at a Parish Council meeting.

### **Attending a Site Visit**

A minimum of 2 Members must attend a site meeting

Up to a maximum of 4 Members may attend a site visit, although more Members may attend if a major application.

Members must ensure they are familiar with the relevant planning application before attending a site visit.

All Members should attend a site visit at the same time except in exceptional circumstances and not cause the applicant inconvenience.

Members deemed to have a personal or pecuniary interest in the application should not attend a site visit.

Members should not attend a site visit with a pre-determined view of the application.

Members are permitted to ask questions about the planning application in question but cannot discuss any other matters or ask to view any other part of the property which is not in the application site.

Members should make no comments to indicate support or otherwise for the application.

### **Commenting on Applications**

Members of Firle Parish Council will prepare their recommended comments in advance of the Parish Council meeting. These will be sent to the Clerk in writing in advance of the meeting for circulation to the full council.

The comments of the full council will be discussed at ordinary meetings of Firle Parish Council. The final comments and observations may be agreed at the closed session of the meeting by vote, should the Members of the Council resolve to do so.

If the deadline for comments prevents comments from being agreed at an ordinary meeting, an extra-ordinary meeting may be called.

Comments should be recorded and submitted using one of the following formats:

- No objection or support or no comments (neutral)
- Support with reasons set out as clearly as possible (positive)
- Object with reasons set out as clearly as possible (negative)

The Parish Council is under obligation to give reasons for its decisions. Comments will reference the South Downs National Park Authority planning policy and those of the Local Neighbourhood Plan.

## **Declarations of Interest**

A Register of Interests is held by Lewes District Council, where disclosable pecuniary interests are recorded, following election or appointment.

Where a planning matter occurs, which is related to previously registered, or other personal, prejudicial or disclosable pecuniary interest, it should be declared by the councillor at the meeting where it is being discussed.

Following such declaration, the councillor should play no part in the discussion, debate or vote unless it is not considered to be prejudicial by the councillor and full council. The councillor may leave the meeting whilst the matter is being discussed or if the code of conduct permits, remain in the room.

If the interest is minor or has only a tenuous link to the matter under discussion, the councillor should raise the matter with the Clerk and seek guidance on whether it is sufficient to be declared and affect participation.

## **Planning Enforcement**

Parish Councils do not have any formal statutory role in planning enforcement.

However, members of Firle Parish Council can report information if they feel there has been development without the necessary permissions.

If a councillor feels there is a matter to be reported to Lewes District Council Planning Enforcement, this should be brought to the attention of the full council at an ordinary meeting.

In the event that the full council decides that the matter should be referred to LDC then reasonable measures will be taken to notify the land-owner that the matter has been so referred.

If the matter is considered urgent, it should be reported to the Clerk with a request to call for an extra-ordinary meeting made in accordance with the Firle Parish Council Standing Orders.

Councillors should not enter a site under investigation nor confront persons alleged to be in breach of planning control, or their contractors.

## **Request for comments or a site visit prior to an application being submitted to Lewes District Council**

Councillors will not visit a site or make any comments about a proposed application site until a formal application has been received by the Planning Authority and the Parish Council has been consulted officially.

Applicants are advised to contact Lewes District Council, as the Planning Authority, for pre-application advice if they want information before submitting an application.