

South Warnborough Parish Council

PLANNING PROTOCOL September 2019

Introduction

The aim of this planning protocol is to:

- Confirm the Parish Council's role in the planning process
- Enable pre-planning meetings to be conducted without compromising the position of the Parish Council
- Enable the Parish Council to be lawful in its role in responding to planning applications, supporting the Planning Authority (primarily Hart District Council, but also others e.g. Hampshire County Council in the case of county matters) with local knowledge and representing the parish
- Confirm the Parish Council's role in agreements on any planning obligations entered into as part of a development

South Warnborough Parish Council's role in the planning process

The Parish Council is a statutory body which can only act with the powers invested in it by law, is democratically elected and the closest tier of local government to the community it serves. This status gives the Parish Council increased access to information and increases the influence of the Parish Council in the planning process, but this has limits.

The Parish Council is a statutory consultee in the planning application process. There is therefore a requirement in law that the Planning Authority must consult with the Parish Council on planning applications. The Parish Council can then comment on an application and must do this by the end of the consultation period, normally 21 days, **but the decision on the application rests solely with the Planning Authority, which is in most cases Hart District Council.**

Publicity to let the public know when a planning application has been submitted is also the responsibility of the Planning Authority.

The Parish Council routinely receives notification from Hart District Council of all planning applications in the parish for new development (and for the occasional "county matters" applications from Hampshire County Council). The Parish Council also monitors the Hart DC website online planning information for other applications (e.g. pre-app, condition, listed building and tree works applications).

The planning consultation letters received by the Parish Council are posted on the Parish Council notice-board outside the Village Shop and all planning applications to be considered are listed on the agenda of the Parish Council meeting.

Pre-planning meetings

The Parish Council welcomes the opportunity to raise issues which are important to the community with a developer at the early stages of a project to try and achieve the best option for the local community.

Such a “pre planning meeting” will be arranged and attended by the Clerk, will include at least two Councillors and will be entered into in a careful and considered manner.

The meeting will be to learn about a proposal and its implications and communicate local information which is of value to the project design but, importantly, such meetings are not to form or communicate the Parish Council opinion. The Parish Council decision to object, not object or support a proposal will not be made until an application has been submitted to the Planning Authority and the lawful response to the planning application made (see below).

Lawful Response to Planning Applications

The lawful process for the Parish Council to determine its comment on a planning application is that:

- the comment is decided at a Parish Council meeting with the application as a specified item of business on the agenda;
- Councillors will comply with the Code of Conduct and note the requirements regarding any prejudicial interest in the application (i.e. declaration of interest, request for dispensation or removal themselves from taking part in the discussion or decision on the response);
- Councillors will enter the discussion of the application with an open mind and there will be no Parish Council predetermination of the decision on the application;
- On those occasions when a meeting cannot be called in time for a comment to be submitted before the end of the consultation period, the Clerk as Proper Officer of the Council submits the planning comment following written comments received from individual Councillors. The Parish Council comment is then reported to the next meeting of the Parish Council.

South Warnborough Parish Council's role in planning obligations

The Parish Council will not discuss or enter into agreements with a developer independently of the Planning Authority regarding planning obligations, including financial or other benefits to the parish, prior to the granting of any planning permission.

The Parish Council will maintain an up to date list of parish projects with Hart District Council which complies with the regulatory and HDC policy limitations on the types of projects which can be supported by planning obligations. This list will be in the public domain and may be copied to a developer.

The Parish Council may request Hart District Council to consider planning obligations for specific developments and to include the Parish Council in its discussions on planning obligations prior to their agreement.