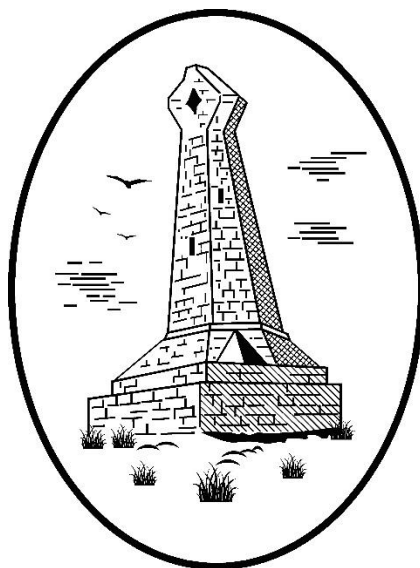


Approved on 16th September 2021 (Minute number: 21/09/11)



Carn Brea Parish Council

Planning 'Local Protocol' Policy

Approved on 16th September 2021 (Minute number: 21/09/11)

Introduction.

This Policy is designed to set out the actions to be taken when, within the Planning Process, a Planning Officer decides to invoke the Local Protocol.

The Local Protocol is an agreed process to deal with the situation when a town/parish council does not agree with the recommendation of a Planning Officer in respect of a Planning Application (PA) which the town/parish council has considered.

The circumstances could be that Carn Brea Parish Council supports the PA whilst the Planning Officer wishes to refuse Planning Permission, or vice versa.

In order to provide a resolution to the failure to agree Cornwall Council and Carn Brea Parish Council follow the process of the Local Protocol.

Invoking the Local Protocol is the responsibility of the Planning Officer, not the town/parish council.

Local Protocol process.

1. After Carn Brea Parish Council's Planning Committee has decided whether to support or oppose a PA, the decision of the Planning Committee, with any appropriate comments or recommendations, is sent to the Planning Service by the Clerk/Assistant Clerk usually within 24 hours of the Committee meeting.
2. The Planning Officer is then required to consider the views of Carn Brea Parish Council when coming to their decision as to Approve or Refuse Planning Permission.
The views of Carn Brea Parish Council are part of the responses received by the Case Officer and they are not to be regarded as having supremacy in the decision making process.
3. If the Case Officer's potential recommendation does not agree with the view of Carn Brea Parish Council, the Case Officer will email the Parish Clerk invoking the Local Protocol.
4. The email will set out the views of Carn Brea Parish Council as received by the Case Officer, the potential recommendation of the Case Officer, and also set out why the Case Officer does not agree with the views of Carn Brea Parish Council. The email will also be copied to the Cornwall Councillor for the site of the PA.

5. The email will advise that Carn Brea Parish Council has 5 business days in which to select one of three possible options set out below and to reply to the Case Officer advising them of the choice made by Carn Brea Parish Council:-
 1. Agree with my recommendation
 2. Agree to disagree
 3. Having made strong planning reasons to maintain your original position on the proposal against my recommendations, it is requested that the application is determined by the Planning Committee
6. If Carn Brea Parish Council select either 1 or 2 above, the Case Officer will decide the application by delegated powers, i.e. Approve or Refuse in line with their original recommendation.
7. If Carn Brea Parish Council select option 3 above the expectation is that the PA would be decided by the West Sub Area Planning Committee. This would normally require the support of the Cornwall Council Divisional member for the site address.
8. There are limited circumstances in which the Planning Head of Service can exercise their discretion and decide not to allow the matter to go to Committee, e.g. it would be unreasonable to make any other decision to the one being recommended.
9. If the PA is called to the Committee, Carn Brea Parish Council will be advised by email of the date, time, and place of the Committee Meeting. At the meeting the PA will be presented by the Case Officer in considerable detail. Committee members can ask the Case Officer questions. A spokesperson for Carn Brea Parish Council is allowed to address the meeting for 3 minutes. The meeting rules also allow for one speaker in favour of the PA to speak, and one speaker against the PA, each for 3 minutes. All speakers must register to speak, in advance, with Democratic Services.
10. A speaker on behalf of Carn Brea Parish Council may be asked questions by Committee members.
11. A decision to Approve or Refuse Planning Permission in such cases will be made by the West Sub Area Planning Committee.

Actions within CBPC in reaction to the Local Protocol.

- a. When the email from the Case Officer, invoking the Local Protocol, is received in the parish office it will be sent as a matter of urgency to the Chairman of the Planning Committee and to the Vice Chairman. Each of them will notify the Clerk/Assistant Clerk that they have received the email. The urgent nature is because we have 5 business days in which to respond to the Case Officer.
- b. The Chairman and Vice Chairman will liaise with each other, as a matter of urgency, to arrive at a consensus as to which option under the Local Protocol is appropriate. The facts of the PA, the nature of the discussion at the Planning Committee, any public interest, the degree of feeling within the community are matters to be considered, as well as the pure planning issues.
- c. Within 24 hours of the Chairman and Vice Chairman of Planning liaising on the matter, an email will be sent out by the Chairman (or Vice Chairman if not available) to all members of the Planning Committee, (and the appropriate Divisional Member for their information), and copied to the Clerk. The email will set out
 - i. the details of the PA,
 - ii. the decision of Carn Brea Parish Council Planning Committee,
 - iii. the details of the Case Officer's Recommendation,
 - iv. the options available under the Local Protocol,
 - v. the recommendation of the Chairman and Vice Chairman as to the preferred option, with reasons.
- d. On receipt of the email as per c. above, Planning Committee members should consider which option they wish Carn Brea Parish Council to request. Planning Committee members should then, within 48 hours of receipt of the message, email the Chairman / Vice Chairman of the Planning Committee, copying in the Clerk / Assistant Clerk, advising of their decision.
- e. When the 48 hour period has expired the Chairman and Vice Chairman of the Planning Committee will liaise and decide which option under the Local Protocol to request. The decision will be referred to the Clerk to be verified and recorded.
- f. The option decision will then be notified by email to the Case Officer.

- g. If the option decision is to request that the PA be decided by the West Sub Area Planning Committee the option decision notice as per f. above will be notified to the Divisional Member for their information.
- h. If g. above applies, the Agenda of the West Sub Area Planning Committee will be sent by email to the Clerk from Cornwall Council Democratic Services. The agenda will set out the date, time and place of meeting for the Committee and the running order of PAs for consideration. The Clerk will send the email to the Chairman/Vice Chairman of the Planning Committee within 24 hours of receipt.
- i. The Chairman/Vice Chairman will decide which of them will attend the West Sub Area Planning Committee and speak on behalf of Carn Brea Parish Council. That councillor will ensure that they are registered to speak at the meeting by contacting Democratic Services and formally registering themselves as a speaker.
- j. Any use of the above Policy, whichever option under the Local Protocol is requested, will be reported to the next available Planning Committee by the Chairman/Vice Chairman, and recorded in the Minutes.