

Planning Charter for Town & Parish Councils

June 2024 (V3)

PLANNING CHARTER FOR TOWN and PARISH COUNCILS

1. The Planning Team of Mid Devon District Council will consult with its constituent Town and Parish Councils on all applications for planning permission, Advertisement Consent, Listed Building Consent, applications within Conservation Areas, deemed applications from Devon County Council and Government Departments, and some notifications (for example, telecommunications masts and infrastructure).
2. In order to aid the decision making process, we will make every effort to forward full and adequate details of applications to Town and Parish Clerks within **three working days** of their validation, together with a link to application drawings and other relevant information. All information will be provided in electronic format. Weekly email alerts of new applications can be sent to Town and Parish Clerks if an email address is provided.
3. Planning will consider any reasonable requests for additional information from Town and Parish Councils whilst having regard to the statutory, fifty-six day period (8 weeks) for determining most planning applications, ninety-one days (13 weeks) for Major applications and one hundred and twelve days (16 weeks) for applications accompanied by an Environmental Impact Assessment (EIA).
4. The Planning Team will wait **twenty-one days** for receipt of Town and Parish Councils views on the above noted applications (a week in excess of the fourteen day period provided by statute) before determining applications and issuing the relevant Decision Notice.
5. Any reasonable requests to delay consideration of applications so as to allow full comment to be made by Town and Parish Councils will be at the discretion of the Development Management Manager or relevant case officer. In the majority of cases, Town and Parish Councils will be expected to respond to notification on planning applications within twenty-one days of receipt of an application.
6. Representations received from Town and Parish Councils will be considered in accordance with the Council's Planning Scheme of Delegation.
7. An electronic alert of your Planning Application(s) on Weekly List will automatically be sent every Friday (if an email address is provided) with web links to associated documents.
8. The Planning Team will continue to advertise details of applications in accordance with the Statement of Community Involvement (SCI). It should be noted that further neighbour notifications may be sent according to the case officer's assessment of who may be affected materially and directly by the development following a site visit.
9. Town and Parish Councils will be notified of planning application revisions to major applications and those known to be of significant local interest, and copies of revised plans will be forwarded.

10. We will ensure that the opportunity is given for Town and Parish Councils to attend and speak at Planning Committee. A representative of the Town or Parish Council may also attend and speak at meetings of the Planning Working Group on site.
11. We will report, in full, representations received from Town and Parish Councils on applications that are presented to Planning Committee. The views will be included on the agenda report, but if received after printing, views will either be tabled or verbally reported.
12. The Planning Team will advise Town and Parish Councils of the relevant date it is anticipated a deferred application will be presented back to Planning Committee.
13. The Planning Team will provide full, unrestricted access to all public information held on planning application files and on the Council website www.middevon.gov.uk/index.aspx?articleid=113 via the <https://planning.middevon.gov.uk/online-applications/> link for Planning, an on-line service that allows you to view Mid Devon applications. You can also search and view property details, submit comments (within 21 days) on individual applications, view weekly lists of applications, the decision, reasons for the decision and a copy of the officer report.
14. Within **five working days** of issuing the decision to the applicant, we will notify Town and Parish Councils of that decision and by email alert on a weekly basis if subscribing to the service.
15. The Planning Team will undertake full consultation where appeals are lodged in order to provide Town and Parish Councils with an opportunity to make their views known or to be taken into account by the Planning Inspectorate. (Please note this does not apply to Householder Appeals where only the comments made at application stage can be taken into account).
16. The Planning Team will respond to all reasonable requests for appropriate officers to attend Town and Parish Council meetings to discuss planning matters or development proposals where resources allow.
17. We will act promptly on high priority breaches of unauthorised development, submitted via the online 'alleged planning breach' form, and will, as appropriate, keep key parties informed of the progress and outcome of subsequent enquiries and action proposed. The alleged planning breach form can be found on the Council's website at <https://www.middevon.gov.uk/residents/planning/planning-enforcement/>
18. The Planning Team will consult with Town and Parish Councils regarding matters which could have implications on land use, community development and environmental / enhancement initiatives, etc. This will include the preparation of Supplementary Planning Documents and Conservation Area Appraisals.

- 19.** The Council will consult with and take into account all views received from Town & Parish Councils in the preparation and review of the Development Plan documents (e.g. Local Plan) in accordance with details set out in the Statement of Community Involvement (SCI). The current Local Plan and Local Development Scheme are available on the Council's web site, www.middevon.gov.uk or, if required, may be viewed by prior arrangement at the Council's offices.
- 20.** Copies of the Mid Devon Local Plan 2013-2033 are available for purchase. Again, please see the web site noted above.
- 21.** The Planning Team will continually review the information it holds on its web pages to improve access to information by all its customers including Town and Parish Councils. This includes its Planning Handbook, formal Supplementary Planning Documents, and informal advice leaflets. We are also looking to extend this to include other relevant information.
- 22.** Should Town and Parish Council's have any suggestions for items which could be introduced on to the web site or as new leaflets / information sheet then please do not hesitate to feed this back to the Planning department.

Contacting Us:

If visiting, the Reception is on the Ground Floor, and the Planning Department is on the First Floor of Phoenix House.

Our postal address is:

Mid Devon District Council, Development Control, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP ☎ 01884 255255

Direct Line(s) into Planning department 01884 234260 / 01884 234262

Email contact address: devcon@middevon.gov.uk

GUIDANCE NOTE 1 (Ver 3.2)

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. Mid Devon District Council aim to work closely with the community and will formally consult the appropriate Town and Parish Council and where relevant, neighbouring parishes, on all applications that require consultation as per the Act.

The Planning Team will use its best efforts to ensure that consultations are carried out within three working days of validation of the application.

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

Article 18 of the Town and Country Planning Act (Development Management Procedure) (England) Order 2015 states that District Councils do not make a decision on a planning application until after twenty-one days have elapsed from the date of notification to Town and Parish Councils.

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

Town and Parish Councils are encouraged to discuss applications with the Case Officer who will be pleased to clarify any details necessary.

The Planning Team will consider any reasonable requests for additional information for Town and Parish Council'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 via the Public Access system or by telephone message; e-mail to devcon@middevon.gov.uk will all be considered as a valid consultation response. All consultation responses are posted on our website (Public Access) in line with the Local Government (Access to Information) Act 1985 which requires that such correspondence be available for public inspection.

If the application is not a Delegated item (can be processed without the need for Committee approval), all Town and Parish Councils responses will be noted on the application file and

reported to the Councils Planning Committee

Scheme of Delegation to the Development Management Manager

To exercise all the powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, (unless expressly delegated to another officer) except where: **-In the case of all Applications:**

1. In the opinion of the Development Management Manager or the Area Planning Officer, the application is of a significant controversial or sensitive nature;
2. The application has been submitted by or on behalf of the Council;
3. The application is from an Elected Member or Officer
4. The application is accompanied by an Environment Impact Assessment (EIA);
5. The application is a significant or major departure and is recommended for approval;
6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
7. Applications will be delegated to the Development Management Manager to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.

In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);

8. The Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) requires that the Committee consider the proposed changes having given clear planning reasons
9. In the case of renegotiations on another planning obligation issue the Ward Member, Chair and Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons, otherwise they be delegated to the Development Management Manager

In the case of Formal Enforcement action

10. In the opinion of the Development Management Manager, the proposed enforcement action raises matters of significant public interest and /or significant cost to the Council for which there is no budget and/or would prevent a person from residing or continuing to reside on land within the district;
11. The action relates to land in which the Council, a Member or an Officer has an interest;
12. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the District

Solicitor (Monitoring Officer) or a solicitor employed by the Council, in consultation with the Development Management Manager and/or Director of Place and Economy.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information)

In the case of Conservation:

13. It requires the issue of repair and urgent work notices
14. It involves the submission of funding bids or schemes that have budgetary implications

In the case of the Local Plan:

Local Plan proposal's and policies with reasoned justification for publication and consultation or adoption at the following stages (other than where minor modifications and other minor changes are made).

- Local Plan options consultation
- Publication and consultation of the 'submission' Local Plan
- Local Plan adoption

(or the equivalent stages of processes of successors to Local Plans).

In the case of Planning Guidance or other strategic development plans:

- Strategic development plans and policies at a larger than district scale will be consulted on.
- Supplementary Planning Documents dealing with Mid Devon wide guidance and sites/areas for publication prior to consultation and for adoption (other than where minor modifications and other changes are made).

Notes

The above procedure should be read alongside the Town and Parish Council Charter which is available from the Planning Team.

Training workshops in the operation of the Planning System will continue to be offered to Town and Parish Councils.