

# FLETCHING PARISH COUNCIL

Clerk: Gabriella Paterson-Griggs

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Website [www.fletching-pc.org](http://www.fletching-pc.org)



## PLANNING PROTOCOL

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

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

Fletching Parish Council is a statutory consultee of Wealden District Council and as such is asked to comment on planning applications during the consultation period. Fletching Parish Council cannot determine applications, but any views expressed by the Parish Council will be taken into account by the Planning Authority (Wealden 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.

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

Fletching 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.

### **Fletching Parish Council Planning Working Group**

A Planning Working Group has been established for the review of planning applications and for agreeing comments on behalf of the Council when a deadline for comments falls outside of the date for the ordinary meeting of the Parish Council and when an extension of time cannot be agreed with Wealden District Council.

The membership of the Planning Working Group can consist of up to two non-councillors who must also be existing members of the Neighbourhood Plan Steering Group.

Members of the Planning Working Group are listed on the Fletching Parish Council website and membership is reviewed yearly at the Annual Meeting of the Parish Council.

Where appropriate, the Planning Working Group may obtain advice on particular planning applications from an independent planning consultant.

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

Planning application notices are received electronically from Wealden 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 Fletching 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 and comments cannot be delegated to Councillors on the Planning Working Group.

### **Site Visits**

If Members of Fletching 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).

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

If members of the Fletching Parish Council Planning Working Group agree that access to the site is beneficial to the consideration of the application, this must be done with the owner's consent and the Clerk informed.

Such arranged site visits should be for the sole purpose of understanding the application proposals and their relationship to the wider environment.

Site visits should only be arranged when the Planning Working Group considers it appropriate or necessary for the understanding of the application proposals.

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 from the Planning Working Group.

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 Fletching 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 of the Working Group must attend a site meeting, at least one to be a councillor.

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 of the Working Group should attend a site visit at the same time except in exceptional circumstances and not cause the applicant inconvenience.

Members of the Working Group deemed to have a personal or pecuniary interest in the application should not attend a site visit. Other Members of the Parish Council can be appointed to attend a site visit in their place, if appropriate.

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.

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

## Commenting on Applications

The Planning Working Group will prepare its 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 and decision of the full council will be agreed at ordinary meetings of Fletching Parish Council by vote.

If the deadline for comments prevents comments from being agreed at an ordinary meeting, an extra-ordinary meeting may be called, or comments can be delegated to a minimum of two councillors who are members of the Planning Working Group.

Where comments and decisions are delegated, they should be agreed by a majority of the members of the Planning Working Group and sent to the Clerk in writing in advance of the Parish Council meeting and the due date for submission to Wealden.

In the event that the Planning Working Group is not able to agree comments and a decision, the Clerk will be so advised. The Planning Working Group with either call an extra-ordinary meeting to agree comments or a neutral response will be submitted to Wealden DC.

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.

## Declarations of Interest

A Register of Interests is held by Wealden 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.

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However, members of Fletching 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 Wealden 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 Wealden DC 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 Fletching 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 Wealden 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 Wealden District Council, as the Planning Authority, for pre-application advice if they want information before submitting an application.