



**Planning Charter for  
Parish & Town Councils**



# Planning Charter for Parish & Town Councils

Proposed January 2024

## PLANNING CHARTER FOR TOWN and PARISH COUNCILS (TPC's)

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, ~~Conservation Area Consent~~, deemed applications from Devon County Council and Government Departments, and some notifications (for example, telecommunications).
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 copies of accompanying~~ application drawings and other relevant information. All information will be provided in electronic format. Weekly email alerts of new applications can be sent to Parish and Town Clerks if an email address is provided.
- ~~3. The Planning Section Team is continually developing the electronic delivery side of its service. We will be considering ways of enhancing access to information, receipt of consultation responses from Town and Parish Councils, development of its web site, and e-mail communications. In addition, officers will attend local Council meetings if requested to advise on current procedures and working practices if staff resources allow.~~
- 4.3.** 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).
- 5.4.** 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.
- 6.5.** 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.
- 7.6.** Representations received from Town and Parish Councils will be considered in accordance with the Council's Planning Scheme of Delegation.
- ~~8. The 'Weekly List' advising all new planning applications will be sent to all Town and Parish Clerks. The list will give the case officer contact details for information and advice. It also identifies the expected decision level i.e. 'DEL' Delegated and 'COMM' Committee.~~

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.

- 9.7.** The Planning Team will continue to advertise details of applications in ~~the local press on a weekly basis. In addition, the Planning Section will continue to advertise every planning application on site (A3 size if Major application) and notify the occupiers of properties that share a boundary with the application site in accordance with the~~ Statement of Community Involvement (SCI). ~~It should be noted that f~~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~~(JMI)~~.
- 10.** At the discretion of the Development Management Manager or relevant case officer, Town and Parish Councils will be notified of planning application revisions (unless of a minor nature), and copies of revised plans will be forwarded.
- 11.** 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.
- 12.** 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.
- 13.** 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.
- 14.** 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](http://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. ~~We will provide photocopies of relevant documents (subject to copying charges applicable at the time).~~
- 15.** 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.
- 16.** 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).
- 17.** 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.
- 18.** We will act promptly on high priority breaches of unauthorised development receipt of information from Town and Parish Councils, submitted via the online 'alleged planning

~~breach' form, regarding alleged unauthorised development,~~ and will keep them 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/>

19. The Planning Team will seek to involve 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.
20. The Council will consult with and take into account all views received from Town & Parish Councils in the preparation and review of the ~~Local Development Scheme (LDS) and Local Development Documents (LDD)~~ 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 ~~for viewing at Reception, or on~~ the Councils web site, [www.middevon.gov.uk](http://www.middevon.gov.uk)
21. Copies of the ~~Local Development Framework~~ Mid Devon Local Plan 2013-2033 are available for purchase. Again, please see the web site noted above, ~~or visit the Reception for further details.~~
22. 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.
23. 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 Section.

### Contacting Us:

If visiting, the Reception is on the Ground Floor, and Development Control 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 Section 01884 234260 / 01884 234262**

**Generic email address: [devcon@middevon.gov.uk](mailto:devcon@middevon.gov.uk)**

## MID DEVON DISTRICT COUNCIL - PLANNING SECTION

### GUIDANCE NOTE 1 (Ver 1.1)

#### *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 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](http://www.middevon.gov.uk), in addition to officers attending council meetings (if necessary requested) to advise on procedures and developments, etc.

Article 21 of the Town and Country Planning Act – General Development Procedure Order 1995<sup>[AD2]</sup> states that District Councils do not make a decision on a planning application until after fourteen days have elapsed from the date of notification to Town and Parish Councils. The Planning Team has extended the consultation period to twenty-one days from the date of notification in order to provide Town and Parish Council's an opportunity to consider planning applications for a time greater than the statutory minimum period<sup>[AW3]</sup>.

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; ~~fax;~~ e-mail to [devcon@middevon.gov.uk](mailto:devcon@middevon.gov.uk) ~~or verbal communication~~ will all be considered as a valid consultation response. ~~In the case of verbal and e-mail responses, the officer in receipt of the message will note the respondent, date, time and the response and place this information on~~

~~the application file.~~ 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);**

1. 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
2. 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:**

1. ~~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; Formal enforcement action is proposed other than a Breach of Condition Notice or in the case where urgent action is required to commence enforcement proceedings, consisting of the service of a Temporary Stop Notice, Enforcement Notice, Stop Notice or commence Injunction proceedings. These proceedings to only be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.~~
2. ~~The action relates to land in which the Council, a Member or an Officer has an interest; Other than in consultation with the Legal Services Manager prosecution proceedings regarding any unauthorised advertising/fly posting.~~
3. ~~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 Head of Planning Economy and Regeneration or the Group Manager for Development.~~

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

~~**In the case of the Community Infrastructure Levy Regulations (CIL) and associated enforcement**~~

1. ~~Formal CIL enforcement action comprising CIL Stop Notice or in the case where urgent action is required to commence enforcement proceedings consisting of the service of a CIL Stop Notice or commence CIL Injunction proceedings. These proceedings only to be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.~~

**In the case of Conservation:**

1. It requires the issue of repair and urgent work notices
2. 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 Policy:**

- ~~Representations to~~ strategic development plans and policies at a larger than district scale ~~are to be made~~ 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).

~~(Not including updating contributions sought through S106 Agreements to reflect changes in the cost of provision of facilities).~~

#### ~~**BUILDING CONTROL AND SAFETY:**~~

~~To exercise all the Council's powers under the Building Act 1984 or regulations made there under except where:-~~

##### ~~In the case of charges~~

- ~~The annual review of charge results in increases greater than the rate of inflation.~~

#### ~~**OTHER PROVISIONS**~~

- ~~1. To authorise caravan rallies in accordance with the requirements of CS and C of DA 1960.~~
- ~~2. To place officers within the Building Control team at the disposal of North Devon Council in accordance with section 113 Local Government Act 1972.~~
- ~~3. To make representations where appropriate and with the agreement of the Chairman and/or Vice Chairman of the Committee and Ward Member's (as appropriate) in respect of new Applications for Goods Vehicles Operators' Licenses, or when a significant variation of an existing licence is proposed.~~
- ~~4. To caution offender where there was evidence of a criminal offence and the offender admitted the commission of the offence but the public interest did not require a prosecution.~~

#### **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.