

POSSIBLE SOLUTION FOR PLANNING APPLICATIONS TO REPLACE THE PLANNING AND DEVELOPMENT COMMITTEE

I. Background

- a) Town Council's act as a statutory consultee on planning applications and have 21 days to respond to the Planning Authority (Rother District Council)

Legislations reference:

- b) ***The Town and Country Planning (Development Management Procedure) (England) Order 2015***

Section 25.

(1) Where the council of a parish are given information in relation to an application pursuant to paragraph 8(1) of Schedule 1 to the 1990 Act (local planning authorities: distribution of functions) they must, as soon as practicable, notify the local planning authority who are determining the application whether they propose to make any representations about the manner in which the application should be determined, and must make any representations to that authority within 21 days of the notification to them of the application.

(2) A local planning authority must not determine any application in respect of which a parish are required to be given information before—

(a) the council of the parish inform them that they do not propose to make any representations;

(b) representations are made by that council; or

(c) the period of 21 days mentioned in paragraph (1) has elapsed,

whichever occurs first; and in determining the application the authority must take into account any representations received from the council of the parish.

- c) Local Government Act 1972 s101 states that statutory functions of a Town Council can be delegated to an officer of a committee, it is unlawful for an individual councillor to carry out a function of the Town Council.

2. Why is the Town Council investigating alternative ways to respond to Planning Applications?

- a) The Town Council delegates the decision-making process for planning applications to the Planning and Development Committee.

b) This committee has failed to meet on many occasions, due to the lack of member attendance. This results in unnecessary costs incurred for the arrangement of the meeting, including officer time preparing agendas, minutes, and reports, hire of a meeting venue and costs of arranging the video recording of meetings.

- c) A motion was made at the Full Council meeting in December 2024 as follows:

*It was **RESOLVED** to ask that The Town Clerk prepares a document for full council to consider implementing a call in process relating to planning applications as opposed for a review of all planning applications. This will enable ward councillors to take responsibility*

for planning applications within their own ward and permit all councillors to debate call ins at full council.

3. What is a “call in” process?

- a) A “call in” process could be that Councillors would have an opportunity to request that a planning application be considered by the Full Council for comment.
- b) The following could be a solution:
- i The Full Council retain responsibility for deciding comments on Planning Applications.
 - ii The weekly planning application list is sent to all Councillors.
 - iii Councillors review the applications within their ward boundary to identify which applications they wish the council to comment on.
 - iv Councillors contact the Town Clerk to request that the planning application be added to the next Full Council agenda.
 - v This should be done within five days of receipt of the list, to ensure that deadlines can be met.
 - vi If the 21-day deadline for comments on an application is outside of the usual Full Council meeting schedule, the Clerk will seek an extension to comments from the Planning Authority. If this is not granted, the Clerk will consult with the Chair of the Full Council with a view to calling an extra-ordinary meeting.
 - vii If the deadline for comments is within the usual Full Council schedule the application will be added to the next Full Council agenda for consideration.
 - viii The Planning and Development Committee would no longer exist.
 - ix The Neighbourhood Plan Steering Committee would report directly to Full Council.
 - x Planning consultations, such as the Local Plan and any other planning matters would be considered by the Full Council.