

Planning Code of Practice

How we deal with planning applications and other planning issues

Introduction

The Planning system involves taking decisions about the use and development of land in the wider public interest having regard to the Development Plan, National Planning Guidance and other material considerations. Planning can be contentious because its decisions affect the daily lives of individuals, landowners and developers.

It is important therefore that the process is open and transparent. In other words the system should not only be fair but it should be seen to be fair. The Nolan Committee's report on Standards in Public Life gave close consideration to these issues and its recommendations feature significantly in the Local Government Association's revised 2002 guidance for Members and Officers in dealing with planning matters. Members are advised to read the LGA guidance as it provides useful background to the Code of Practice.

This Code of Practice provides guidance to elected Members, officers and developers on the planning process. It is supplementary to the Flintshire Member and Officer Codes of Conduct and the Protocol on Member/officer relations all of which are contained in the Council Constitution.

Whilst the principles set out in this document apply primarily to the manner in which individual planning applications should be dealt with, they also apply to the decision-making process relating to any aspect of the planning function.

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1. Role of Members and Officers

1.1 General

1.1.1 - Members and of

should not go directly to the planning office to discuss matters with officers. If a Member wishes to contact an officer for a meeting at short notice, whilst they are at County Hall, they should ask committee services to book one of the executive meeting rooms. The officer can then come down to meet the Member. If the case officer isn't available another officer will try their best endeavours to assist.

1.4.4 - It is acknowledged that Members and officers may well have differing views on a proposal but Members should on no account interfere with or put pressure on officers to make a particular recommendation.

2. Training

2.1 - All Members of the Council are required to have received core planning training covering planning policies, procedures, law and this Code.

3.2.1 - The principles about the disclosure of interests should be applied, not only to formal meetings, but also to any of a Member's dealings with Council officers, or with other Members. Where a Member has a personal interest, as defined by

Refer applicants / developers who approach them for planning or procedural advice to the appropriate Planning Officer.

Avoid making it known in advance whether they support or oppose the proposal.

Avoid campaigning actively in support of a particular outcome.

Direct lobbyists or objectors to the appropriate Planning Officer, who will include reference to their opinions where relevant in their report.

4.3 - Members should declare at the appropriate part of the committee meeting significant contact with applicants and objectors. Significant contact is where a Member has been contacted on four or more occasions by the applicant or the same objector (either orally or in writing).

4.4 - Members must advise the Ward Member as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside of their own Ward. It is accepted that where a planning application has a

5.1 - Planning applications submitted by or on behalf of Members, or officers involved in the planning application process, or the close relatives* of Members or such officers where the officer or Member knows of the application shall be decided by the Planning Committee and not by the Chief Officer, Planning & Environment under delegated powers.

A note of the discussion will be taken and placed on file and made available for public inspection once an application has been made.

Where exceptionally meetings are to involve Members the meetings will be arranged by and attended by officers.

8. Planning Committee Site Visits

8.1.1 - Planning Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises

To enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent committee.

9. Procedure at Planning Committee

9.1 - The majority of planning applications are determined by the Chief Officer, Planning & Environment under the Council's delegation scheme. This is necessary to ensure that most decisions are made in a timely manner. Whilst Members have a right to request that applications, affecting their ward be determined by the Planning Committee such requests should be justified by clearly identifying in writing why a committee decision is required. This is generally done on the return notification form sent out to Members.

9.2 - Officers will produce written reports on all planning applications reported to committee. In respect of each proposal the report will include, amongst other matters:

Description of the proposal

Description of the site

Responses to consultations and officer observations thereon.

Summary of objections and / or support received

Relevant site history

Relevant Development Plan policies

Relevant planning guidance where appropriate

Any other material planning consideration

An appraisal by the Case Officer which will include the relevant views of other consulted officers within the Planning Division

A clear recommendation

Brief details of the substance of any conditions to be imposed or;

Full details of reasons for refusal.

9.3 - Late observations received up to 5.00 p.m. the day before a committee meeting will be summarised and reported separately and circulated to Members immediately prior to the start of the meeting.

9.4 - The Planning Officer will briefly introduce each item highlighting the key issues for Members consideration.

9.5 - Where an application is being reported to committee, the Chair will

officers' delegated powers or by the Planning Committee, either in accordance with the officer recommendation or contrary to the officer recommendation. Appeals can be heard by way of written representations, informal hearing or at an inquiry or a combination of those. The appeal may relate to a major or a minor planning proposal, a development that has attracted a lot of interest from Members and the public or a proposal that is of limited interest. Because of the range of circumstances, the way the Council responds to an appeal will be individual to the circumstances of that appeal. The following principles will guide the Council's response to each specific appeal.

11.2 - The Council recognises the importance of complying with the timescales within the appeal process as a failure to meet these timescales can lead to an award of costs against the Council and the lost ability of the Council to properly set out their case.

11.3 - The Council will adopt a team approach to appeals whereby Members and officers work together in the best interest of the Council, irrespective of how the decision appealed against was arrived at.

11.4 - The decision whether an appeal is determined by way of written representations, informal hearing or public inquiry is a matter for the Planning Inspectorate but the Council is given the opportunity of making representations as to the appropriate format. The Chief Officer, Planning & Environment will make representations on behalf of the Council as to its preferred format where possible following consultation with the local Member(s).

11.5 - In the case of Informal Hearings and inquiries, the Chief Officer, Planning & Environment will determine who shall present the case on behalf of the Council following consultation with the Chair and Vice Chair of the Planning Committee.

11.6 - Where the decision appealed against was made by officers under delegated powers or was pursuant to an officer recommendation, the case will normally be presented by the Council's officers.

11.7 - Where the decision was made by Members contrary to officer recommendation, attendance by one or more Members would assist the Council's case and relevant Members will be approached by the Chief Officer, Planning & Environment to ascertain their availability. Officers will assist any such Member in preparing for the appeal.

11.8 - External legal representation and/or consultants will be engaged where the Chief Officer, Planning & Environment, following consultation with the Local Member(s) and the Chair and Vice Chair of the Planning Committee, believes this to be appropriate in all the circumstances. One relevant circumstance is the need for Planning Officers who are members of The Royal Town Planning Institute to

comply with its Code of Professional Conduct and not make statements purporting to be their own which are contrary to their bona fide professional opinion.

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