



### *Sheviock Parish Council*

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## **Sheviock Parish Council**

### **Planning Process and Procedure**

#### **1 Preamble**

- 1.1 This procedure supports the fair treatment of all planning applications and ensures that the Parish Council fulfils its obligations in responding to Cornwall Council within an agreed timetable.
- 1.2 Sheviock Parish Council has a statutory right to be consulted on planning applications made for land and property within the parish boundary and, following a decision by Sub Area East chairman and vice chairman in 2014, will be treated as consultee status for right to speak at planning committees where an application in an adjacent parish has been called to committee.
- 1.3 Sheviock Parish Council does not have the power to grant or refuse permission. This is the role and responsibility of the Local Planning Authority – in the case of Sheviock, this is Cornwall Council. Sheviock Parish Council can, like individuals, businesses, or institutions, register an objection to an application, which the Planning Authority must then consider – along with any other objections - when determining whether to grant or refuse permission.
- 1.4 The Council normally considers planning applications through its full Parish Council. Cornwall Council normally allows up to 21 days for comments to be submitted.
- 1.5 Upon receipt of notification from Cornwall Council of planning applications in the parish, the Parish Planning Officer and one other councillor will normally visit the site and seek to contact near-neighbours to identify whether they have any concerns about the proposals ahead of the Sheviock Parish Council considering the application.
- 1.6 The Parish Council will hold a special Planning meeting if the 21-day response time occurs before the date of the next scheduled Parish Council meeting. The date time and location of special Planning meetings will be published on parish notice boards giving 3 clear days notice, while the Parish Council meetings are held on the second Monday of each month starting at 7 pm in the Schoolroom of the Methodist Chapel in Crafhole. The public is encouraged to attend these meetings. Applicants or concerned neighbours can make a short statement to the Council to inform its deliberations during a period set aside at the beginning of the meeting for public participation.
- 1.7 In order for the Council to reach a balanced and objective view, members of the Parish Council are required to declare a disclosable pecuniary interest, or, a non-registerable interest when, for example, they, or their immediate families would be particularly advantaged or disadvantaged by a proposal (or might be thought by a member of the public to be affected). Typically, councillors declare an interest if an application affects a property which is very close to properties they own, they or a member of their family are the applicant or if they belong to an organisation which would be affected by an application. Once a councillor has declared a disclosable pecuniary interest, or, a non-registerable interest he or she will not speak or vote in respect of the application and will leave the room for the period of the discussion.

#### **2 Definitions**

- 2.1 Parish Planning Officer – appointed at the Annual Parish Council meeting in May to be responsible for managing the Parish Council's evaluation and decision making process for all applications received by the Council, except when the Planning Officer has a disclosable pecuniary interest, or, a non-registerable interest in an application or is unavailable for other reasons, when the Parish Planning Officer for that application will be a Parish Councillor, including the Chairman of the Parish Council, appointed jointly by the Planning Officer and the Chairman of the Parish Council.

### **3 Pre-applications**

- 3.1 Pre-applications for planning are encouraged by the Parish Council.
- 3.2 Pre-applications will only be considered at normal monthly Parish Council meetings and must be a minimum of 28 days before full planning application is considered.
- 3.3 Pre-applications will be listed on the agenda and a special period of public participation allocated to the item, which will normally not exceed 15 minutes.
- 3.4 The debate will be open and brief minutes will be taken and reported.
- 3.5 The purpose of the pre-application is to allow early discussion of aspirations and concerns in an open and frank manner. No decisions or comments made by anyone contributing to the discussion will be binding on, or in any way be considered to pre-determine, the consideration of any subsequent planning application resulting from the pre-application presentation.

### **4 Receipt of Planning Information**

- 4.1 The Parish Council will receive Planning Applications electronically.
- 4.2 On receipt of Planning Notice, the Clerk will separate out Planning decisions from Planning Applications, and the former will be filed with the appropriate Planning Application, details of the reference number of the original application placed on the agenda the next Parish Council meeting as a sub-heading under Planning when the decision will be reported.
- 4.3 On receipt of a Notice of Planning Application the Clerk will:
  - 4.3.1 Go on-line to the Cornwall Council Planning Portal and check that documentation is complete and if it is incomplete raise concerns with the case officer;
  - 4.3.2 Determine the deadline date for a response to Cornwall Council, 21 days from the date on the notification from Cornwall Council;
  - 4.3.3 If the deadline date occurs before the date of the next scheduled Parish Council meeting, contact the Case Officer to request an extension to the date of the next Parish Council;
  - 4.3.4 Create an email and send it to all councillors giving the Planning Application reference number and title of the application and the deadline date for the Parish Council's response;
  - 4.3.5 If the application is a resubmission or a change to a previous application the decisions relating to the previous applications together with their Planning Application reference numbers will be included to the email defined in 4.3.4;
  - 4.3.6 Contact the Parish Planning Officer to confirm eligibility and availability to deal with the application;

### **5 Processing a Planning Application**

- 5.1 On receipt of the Planning Application notification the Parish Planning Officer will review the application and discuss any particular aspects with the Case Officer and or the Parish's designated Cornwall Council Planning Officer to clarify policy etc. and material planning considerations; the name and telephone number of the designated officer is given in Appendix 1.
- 5.2 The Parish Planning Officer will arrange to visit, with another councillor, the applicant and immediate neighbours, in a timely manner to determine if there are any objections or other comments, both for and against, relating to the application.
- 5.3 The Parish Planning Officer will decide after the visits if any further points of clarification are required and if so contact the Case Officer and, or, the Parish's designated Cornwall Council Planning Officer.
- 5.4 The Parish Planning Officer will produce and circulate to all councillors and the Clerk an email containing
  - 5.4.1 any comments from the applicant and/or the neighbours, and
  - 5.4.2 any clarification from the Case Officer and/or the Parish's designated Cornwall Council Planning Officer.
- 5.5 The comments should include those made by the applicant and neighbours, as well as reference to relevant policies, relevant material planning consideration and/or guidance documents that the Case Officer or the Parish's designated Cornwall Council Planning Officer. However, the Parish Planning Officer will not express any opinion relating to this information.
- 5.6 On receipt of the email from the Clerk, described in 4.3.4 and 4.3.5 above, and also after receipt of the email from the Parish's Planning Officer described in 5.4 above, parish councillors will review the application on-line using the Planning Portal at Cornwall Council, and prepare for the consideration of the application at the next Parish Council meeting or Special Planning meeting. If appropriate councillors will inform the Clerk if they have a disclosable pecuniary interest, or, a non-registerable interest in the application.
- 5.7 The Clerk will ensure that access to Cornwall Council's Planning Portal is available for viewing details by Parish Councillors or members of the public during the normal opening hours of the office. By mutual agreement the Clerk may arrange for access to the Portal at an alternative time.

- 5.8 Councillors will advise the Parish Planning Officers in advance of the Parish Council meeting that will consider a Planning Application, if they intend to raise particular issues regarding the application. This is to provide the Parish Planning Officer time to seek advice, if necessary, from the Case Officer and/or the Parish's designated Cornwall Council Planning Officer before the meeting.
- 5.9 If the date of the next Parish Council meeting will allow a response to Cornwall Council within the permitted 21 days or within an extended period of time granted by the Case Officer, then the Application will be put as an Agenda Item under Planning for Consideration. The Application will be introduced by the Parish Planning Officer prior to discussion to RESOLVE the Parish Council's response. The Clerk will complete the return form indicating the Parish Council's decision together with any comments and send it to Cornwall Planning as well as sending it to the applicant and any residents who have submitted comments.
- 5.10 If the date of the next Parish Council meeting will not allow a response to Cornwall Council within the permitted 21 days and no extension of time has been granted, then the Application will be considered at a single item Special Meeting of the Planning Committee to Resolve the Parish Council's response.

## **6 Special Planning Committee Meetings**

- 6.1 Notices of the intention to hold a Special Planning Meeting must be placed on all Parish Notice Boards at least 3 clear working days before the meeting.
- 6.2 Details of the meeting will be delivered to the applicant and close neighbours at the same time as the notices are displayed.
- 6.3 The Special Planning Meeting will be chaired by the Chairman of the Parish Council. Minutes will be taken by the Clerk, if present, or a Councillor. The minutes will be published on Parish Notice Boards and on the web site as if they were a Parish Council Meeting. At the meeting the Application will be introduced by the Parish Planning Officer prior to discussion to RESOLVE the Parish Council's response. The Clerk will complete the return form indicating The Parish Council's decision together with any comments and send it to Cornwall Planning as well as sending it to the applicant, any residents who have submitted comments and any residents who attend the Special Planning Meeting.

## **7 Reporting Decisions Reached by Cornwall Council**

- 7.1 When a decision is reached by Cornwall Council and received by the Clerk, the Clerk will file the decision notice with the Planning Application in a secure and easily retrievable electronic filing structure in the Parish Council Office.
- 7.2 The Clerk will add reference to every Planning decision received to the Agenda for the subsequent Parish Council meeting and will report the outcome to the Council.

## **8 Records**

- 8.1 Records shall be kept of all resolutions reached on every Planning application and included in the minutes of the Parish Council meeting at which they are reported or resolved.
- 8.2 Any information relating to a planning matter must be treated in a suitably confidential manner.