

# Brecon Beacons National Park Authority

## Planning Protocol



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BRECON BEACONS NATIONAL PARK AUTHORITY  
PLANNING PROTOCOL

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## Planning Protocol

### 1.0 Introduction

#### Purpose

- 1.1 This Planning Protocol has been adopted by the Brecon Beacons National Park Authority to guide the performance of its planning function. The Protocol has the following objectives:
- To guide Members and Officers of the Authority in dealing with planning related matters;
  - To provide more detailed guidance on the standards to be applied specifically in relation to planning matters;
  - To apply internal guidelines to the way in which the Authority will deal with the planning matters;
  - To inform potential users of the planning service, and member of the public generally, of the standards adopted by the Authority in the performance of its planning function.
- 1.2 The Planning Protocol supplements the Authority's Code of Conduct for Members, although some provisions of the Protocol may to a certain extent deal with issues which are also dealt with by the Code of Conduct.
- 1.3 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.
- 1.4 Whilst Members involved in planning decision making must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore that the planning authority makes planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.
- 1.5 This Protocol will be reviewed and approved by the full National Park Authority every three years.
- 1.6 The provisions of this Planning Protocol are designed to ensure that whenever Members consider a matter relating to the planning function, all decisions are taken on proper planning grounds and are taken in a consistent and open manner and that Members making such decisions are perceived as accountable for those decisions. The Planning Protocol is also designed to assist Members in dealing with approaches from applicants/developers and third parties and is intended to ensure that the decision-making process is sound. In this way the prospect of legal challenge or complaint against the Authority, its individual Members or officers in making proper planning decisions is mitigated.

- 1.7 Whilst Members have a personal responsibility to ensure they conduct themselves at all times within the requirements of this protocol, the Authority's Officers, including the Monitoring Officer, should be consulted if Members are in any doubt as to the application of the requirements of the protocol in any circumstances.

### **Application**

- 1.8 The following guidance should be followed by all Members not only in respect of the formulation and adoption of development plan policies but also in respect of development management functions (planning applications of all types including listed building and conservation area consent, lawful development certificates, notifications and determination of all enforcement matters and tree preservation orders etc.). It also applies to meetings of the Authority when dealing with such matters and it applies to the conduct of Members even before a formal application or proposal is submitted.

- 1.9 Failure to comply with this Planning Protocol may result, or play a significant part in:

- The investigation of complaints of maladministration or allegations of failure to observe the Code of Conduct for Members by the Public Services Ombudsman for Wales;
- Referral to the Authority's Standards Committee;
- Judicial Review proceedings in the High Court;
- Appeals to the Welsh Government (e.g. in respect of any awards of costs);
- Complaints about the conduct of officers.

- 1.10 This Protocol applies to all Members and Officers who become involved in operating the planning system. The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

### **Code of Conduct**

- 1.11 The Authority's Code of Conduct for Members indicates mandatory requirements with regards to personal interests which must be complied with throughout the decision-making process. Members should also have regard to guidance by the Public Services Ombudsman for Wales. Decisions should not be influenced by personal interests of Members (including the interests of those with whom they live, by whom they are employed or with whom they otherwise have a close personal association) or because of undue pressure exerted by applicants, agents or third parties such as Town or Community Councils. This is necessary to avoid giving the impression that decisions may have been influenced in any way.
- 1.12 The responsibility for disclosing a personal interest rests with individual Members. A similar responsibility applies to Officers. In the event of uncertainty, Members should seek advice on the applicability of the Code from the Monitoring Officer. Early notification of disclosure interests is particularly important to allow proper

consideration of the issues. This Planning Protocol outlines further rules applicable to the planning process in the Authority.

- 1.13 In addition to the Authority's Code of Conduct, Members should be mindful that Planning Officers should be conducting themselves and the advice they give, in accordance with the Royal Town Planning Institute (RTPI) Code of Professional Conduct. Those Officers who are members of the RTPI are bound by this code and those who are not yet members will be encouraged to become members and comply with the code.

## **2.0 Lobbying**

- 2.1 Members may be subject to lobbying on planning matters and specific planning applications. When this occurs, great care is essential to maintain the Authority's, and indeed the Member's own, integrity and the public perception of the planning process.

- 2.2 This section is intended to ensure:

- That high standards are maintained when planning decisions are taken;
- That the integrity of the decision-making process is not impaired, either in reality or in perception, through the lobbying of those Members who will make decisions;
- That the fact that approaches have been made by lobbyists<sup>1</sup> are recorded, and that any representations made to Member form part of the public information leading to any decision.

- 2.3 To avoid compromising their position in making a decision before they have received all the relevant information, Members must:

- Take care in any contact with interested parties<sup>1</sup> to ensure that they are not unduly influenced in any way by one party or another and to avoid making it known in advance whether they support or oppose the proposal. If possible, any meetings with Members should be arranged and attended by an appropriate Planning Officer and will include the Chair of the Planning Committee or his/her representative;
- Not advise interested parties<sup>1</sup> or their agents on the likely acceptability of planning proposals;
- Restrict their views to giving procedural advice and listening to concerns and views;
- Direct lobbyists<sup>2</sup> to Planning Officers, and to provide their comments in writing to the relevant Planning Officer who will include reference to their comments, where relevant, in their report;
- Not organise support for or against a planning proposal;
- Not lobby other Members;
- Not pressurise Officers to make a particular recommendation in their report;
- Not circulate unofficial papers to other Members or to Planning Committee meetings;
- Not attend the application site with interested parties or their representatives;

- Not allow those with whom they live, by whom they are employed or with whom they otherwise have a close personal association to exert undue influence on their decision making.

<sup>1</sup>in this protocol **interested parties** includes applicants/agents and statutory consultees, <sup>2</sup>**lobbyist** include the applicant, supporters, objectors, agents, friends and immediate and extended family members by marriage etc.

- 2.4 Where a Member involved in determining planning matters has been lobbied, he/she should report to the relevant Committee that he/she has been lobbied and by whom. However, Members must act in the public interest and not at the behest of the any individual or interest. If the Member feels that he/she no longer retains an open mind on a planning matter, or that his/her impartiality has been or could be perceived as having been compromised, he /she should act as if they had a prejudicial interest and withdraw from the meeting. If a Member feels that they are subject to excessive lobbying, they should contact the Monitoring Officer for advice.
- 2.5 If a Member involved in determining planning matters has responded to lobbying by openly advocating a particular course of action prior to a Committee meeting, and there may be particular local circumstances where this considered appropriate, that Member should act as if they had a prejudicial interest and withdraw from the meeting.
- 2.6 Notwithstanding paragraphs 2.4 and 2.5 above, where a Member of the Planning Committee has declared a personal and prejudicial interest in an item for decision then under the Members Code of Conduct they are still permitted to speak as if they were a member of the public, in accordance with the provisions and procedure set out in the Public Attendance & Speaking at Committee Meetings Policy. However, they will be the first speaker and then withdraw from the Committee meeting for the remainder of the item. The Member shall take no part in the deliberation, or consideration of the item for decision.
- 2.7 Members involved in determining planning matters who find themselves in a lobbying situation may wish to take steps to prevent this happening and explain that whilst they can listen to what is said, they are constrained from expressing a point of view whatsoever or an intention to vote one way or another.
- 2.8 Where Members involved in the determination of planning matters are in attendance at public meetings, they may listen to the debate on current planning matters and may provide advice about such matters as the procedures involved in determining an application, considering unauthorised development, etc. Where Members find it appropriate to express a view on a matter in such meetings so as to indicate that they have made up their mind on the proposal for example, they should then act as if they had a prejudicial interest and withdraw from the meeting when the matter is discussed.
- 2.9 Where a Member receives written representations directly in relation to a planning matter, local plan proposal, enforcement issue etc, the Member shall as soon as is practical pass the correspondence to the Head of Development Management in order that those representations may be taken into account in any report to the

Committee. This does not apply to letters which indicate that copies have also been sent to the Authority itself.

- 2.10 Where there is a friendship or family relationship directly or by marriage related to a planning application or a development plan policy/proposal, Members should act as if they had a prejudicial interest and withdraw.

### **3.0 Membership of Another Local Authority**

- 3.1 A Member who is also a member of a town, community or other council may discuss a planning matter at that level.
- 3.2 If at the other council's meeting, or indeed elsewhere, the Member has given the impression that he/she has made up his/her mind during the debate or in the voting on a particular planning matter before hearing all the information and advice presented later at the Authority's meeting, then they are likely to be considered as having predetermined the matter (i.e. having a closed mind).
- 3.3 In these circumstances, the Member should not participate at the Planning Committee meeting when the particular planning matter is discussed. Otherwise, such participation could lead to a complaint of maladministration or other legal challenge of the Committee's decision.

### **4.0 Planning Committee Site Visits**

- 4.1 Planning Committee site visits are fact-finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from reading the officer's report including visual presentations and considering the views expressed at the Committee meeting by interested parties. Site visits should only be undertaken by the Planning Committee where there are exceptional circumstances justifying a site visit (that is to say it must be clearly demonstrated that a site inspection is essential to the decision-making process i.e. that a proper decision cannot be made without a site inspection taking place).
- 4.2 Site visits should only be made in relation to any undetermined planning or related application to be determined by Planning Committee. As part of the formal decision making process the Planning Committee may decide that a formal site visit should be made if it is wholly satisfied that one of the following circumstances applies:
- It is considered the application requires the judgement of Members based on site characteristics or visual interpretations which cannot be readily seen from photographs, slides, videos, drone footage etc. – e.g. impact on amenity; effect of highway safety and traffic flows; effect on the character of the area; effect on the character or setting of a listed building or conservation area; effect on townscape or landscape; and/or
  - The proposal is particularly complex
  - The proposal relates to a new or novel form of development and which may require a site visit to an existing establishment as well as to the proposal site in order to appreciate the potential planning implications; and/or

- Development has been commenced or completed, which if refused planning permission would normally require enforcement action and a site inspection would assist in determining the expediency of such action.
- 4.3 When a site visit is proposed at a meeting of the Planning Committee, the proposer will identify which of the criteria listed above or other good planning reason applies. A formal vote will be taken on whether to hold a site visit and if the vote is in favour of a site visit the motion shall include the reasons for the visit.
- 4.4 At the discretion of the Head of Development Management in consultation with the Director of Planning & Place and as agreed with the Chair or Deputy Chair of Planning Committee, when the planning matter is particularly contentious and/or is of a scale that would be likely to have a significant impact on the area in terms of natural beauty, cultural heritage, environmental assets, transport or public well being and there would be clear and substantial benefit of a site visit, then a site visit will be conveyed PRIOR to a Planning Committee meeting.
- 4.5 The minutes of the Planning Committee meeting at which the decision is taken shall record the reason for the proposed site visit.
- 4.6 Any Public Speakers who are in attendance at a Planning Committee meeting where Members have determined that a site visit will take place will be offered the choice to make their presentations at that meeting or at the subsequent meeting of Planning Committee
- 4.7 All members of the Planning Committee shall use their best endeavours to attend a site visit where they intend to vote on the determination of the planning application in question. A Member's involvement in the determination of such applications may be in doubt if they did not attend a relevant site visit (ie. as a consequence of which the Member is unable to vote with knowledge of all relevant matters) and in that situation the Member shall seek the advice of the Monitoring Officer, which shall wherever practicable be obtained in writing and a copy given to the Chair and Vice-Chair of the Planning Committee prior to the Planning Committee meeting in question.
- 4.8 Members who, as a result of such advice from the Monitoring Officer, conclude that they are unable to vote on the application shall not participate in the decision making process of the application in question at Planning Committee.
- 4.9 The Head of Development Management and the Planning Support Service shall organise such site visits. The letter/email informing Members of the date, and location of the formal site visit shall include the reason for the site visit, the meeting point and an attached plan of the meeting point, if required. The site visit will take place on or before the next available Planning Committee. The Planning Support Service will be expected to ensure that safe access is available to the site for Members and Officers on the day, in accordance with a previously completed risk assessment.
- 4.10 The applicant and/or agent will be informed of the following matters:
- That a site visit will take place;



- That the purpose of the site visit is that the Members have the fullest appreciation of the nature of the site visit and the environmental impacts of the proposed development; and
  - That Members will not entertain any representations from the applicant or any representation from a third party.
- 4.11 The sole purpose of the site visit will be for Members to view the site and to clarify issues of fact. There shall be no discussions at the site visit concerning the merits of the application and the site visit will not be used as a forum for debate. No recommendations shall be made at the site inspection. Members of the public/interested parties are not invited to attend a site visit. If they are in attendance, at a public location, Members are reminded not to engage in discussion with them.
- 4.12 Where additional clarification would be helpful, and with the agreement of the Chair or Deputy Chair of Planning Committee, the applicant, and/or agent acting on behalf of the applicant will be invited to attend the relevant part of the site visit, if required to allow access to the site. Officers shall advise the agent and/or applicant that attendance at the site visit is not an opportunity to discuss the merits of the case, but rather to enable Members to gain a better appreciation of the site characteristics.
- 4.13 A site visit is not a formal meeting of the Authority and shall be operated in accordance with the following procedures:
- The Chair or Deputy Chair of the Planning Committee will chair and manage the site visit;
  - Members shall keep together as a group and shall not engage in discussion with anyone who is not formally present as part of the site visit;
  - Officers will be requested by the Chair or Deputy Chair of Planning Committee to identify those aspects that determined the need for the site visit. Members will be given the opportunity to ask questions of Officers.
  - Members should ensure that the site visit has improved their understanding and appreciation of the site and its context in order to formulate their views on those aspects that determined the need for a site visit. Such views should not be discussed in the presence of the applicant and/or agent or any third party. The Committee Clerk will attend the site visit to minute the proceedings in respect of the location, reason for site visit, attendees, start and finish time of the meeting and locations attended within a site. Note this will not be a verbatim record of the meeting. This minute will be reported to the Planning Committee for formal approval.

## **5.0 Meetings of the Planning Committee**

- 5.1 The [Town and Country Planning Act 1990](#), Section 54A and [Planning and Compulsory Purchase Act 2004](#), Section 38(6) states that “*Applications for planning permission, or the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise*”. Thus, where the Development Plan is relevant, the Authority must determine applications in accordance with the plan unless material

considerations indicate otherwise. This statutory requirement is a fundamental principle for the Authority's approach to decision making.

5.2 The Development Plan is currently the adopted Plan for the area which in this case is Future Wales: the national plan 2040 and the Brecon Beacons National Park Local Development Plan (2007-2022).

5.3 Planning Committee Agendas will contain reports on:

- a) 'Items for Decision' – comprising applications (planning applications, Listed Building and Conservation Area Consents, Tree Preservation Orders [TPOs], Enforcement Notices and rights of way diversions) and any other Development Management related matters upon which Members are required to make a decision, and;
- b) 'Items for Noting' – upon which a decision has already been undertaken under Delegated Powers. Members may engage in debate or ask Officers questions about 'Items for Noting'.

Non-Delegated application reports are full reports covering all relevant considerations (in planning terms) and issues to enable Members to make a decision on an application. Planning Officer reports to Planning Committee are not intended to provide an in-depth report of relevant legal principles which repeat each and every detail of the relevant facts to Members of the Committee who are responsible for the decision. Reports to the Planning Committee should be prepared, on behalf of the Head of Development Management as follows:

- Reports should be accurate and cover, amongst other things, a summary of the substance of any third party comments and the views of those consulted, as recommended by the Public Services Ombudsman for Wales;
- Relevant information should include a clear, concise and comprehensive explanation of the relevant national policy and guidance, development plan; site or related history; and any other material considerations;
- Reports should contain technical conclusions which clearly justify the recommendation;
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the recommendation must be clearly stated;
- Reports shall be in writing and shall have a written recommendation of action. Verbal reporting of additional information and/or representation not already included in the report (except to update a report or summarise a late representation) should be avoided and carefully minuted when it does occur.

5.4 Officers shall provide a brief summary presentation of each non-delegated planning application on the agenda, to include a visual presentation of the site location, plans illustrating the proposals, photographs and any other visual presentations considered appropriate. Officers shall presume that Members have reviewed the non-delegated reports prior to the meeting and thus shall only provide a brief verbal summary of the key matters and recommendation.

5.5 Members of the public may speak in relation to 'Items for Decision' and notice to speak must be given in accordance with the Public Attendance & Speaking at

Committee Meetings Policy. There shall be no public speaking in relation to 'Items for Noting'. Members who have declared a personal and prejudicial interest in a particular matter may still apply to speak under the Authority's Public Attendance & Speaking at Committee Meetings Policy. They are also able to apply to the Standards Committee for Dispensation to Speak (see Members Dispensation Policy for details).

- 5.6 As far as practical, the Monitoring Officer or a suitably qualified alternative and Committee Clerk should always attend the Planning Committee meeting to ensure that procedures have been properly followed.
- 5.7 The Chair and/or Deputy Chair of Planning Committee should attend a briefing session with Officers prior to a Planning Committee meeting, to assist the effective conduct of the meeting.

## **5.8 Representations**

- 5.8.1 From time-to-time Members of Planning Committee receive correspondence and other relevant information from persons or groups who have an interest in the outcome of a planning application to be determined and there may be pressure to respond. A member will occasionally receive a significant amount of unsolicited correspondence and other information on more contentious applications. Members are advised not to reply or respond to this correspondence but instead forward it to the Head of Development Management (and Planning Support Service) in order that the information can be reviewed, and any new or relevant information brought to the attention of all Members at the meeting (see section 2 – 'Lobbying' for additional guidance).
- 5.8.2 The Officer's Report to Planning Committee will contain a summary of the matters raised by third parties received prior to the Agenda being published. Where appropriate, any correspondence or additional information received since the publication of the Planning Committee agenda papers will be reported verbally at Committee giving it such prominence and weight as its relevance requires.
- 5.8.3 Correspondence received after the Planning Committee agenda has been published will be reported in the following structured way: any correspondence (hard copy or electronic) received by members and/or officers within 3 working days of the committee will be disregarded as too late. This is subject to the 21 day minimum consultation period having elapsed (or further period in the case of re-consultation). These letters will not be filed and will be disregarded unless in exceptional circumstances where a new issue is raised that has not been previously been considered and which may affect the decision to be taken. This will be at the discretion of the Head of Development Management in consultation with the Director of Planning & Place and as agreed with the Chair or Deputy Chair of Planning Committee.
- 5.8.4 For the avoidance of doubt, Planning Committee meetings usually take place on Tuesdays. The cut-off date for late correspondence is 5pm on the preceding Thursday. This procedure will allow at least two clear working days for

late correspondence to be collated and reported to Members with the appropriate officer advice.

- 5.9 Members have a duty to take into account any representations made to the Local Planning Authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification. In doing so it is necessary to decide which representations are material to the decision to be made, and, if so, what weight to attach to them. This conclusion should not be reached until all information and argument has been presented and considered.
- 5.10 In the event of a material revision to any planning application being received after preparation of the Committee report the Chair or Deputy Chair of Planning Committee and Head of Development Management in consultation with the Director of Planning & Place shall consider whether to withdraw the item from the agenda prior to the Planning Committee meeting. If the agenda has been published the item will remain on the agenda but the reason for withdrawal/deferral will be reported verbally at the relevant point of the meeting.
- 5.11 Where an application proceeds to Planning Committee and new material information comes to light at the meeting, the Committee may decide:
- a) To defer consideration of the application; or
  - b) To delegate the decision following any necessary re-consultation.
- In other cases, where the Head of Development Management in consultation with the Director Planning & Place, considers that it is appropriate to do so, Officers may present new information verbally. However, where the information is substantial, it will usually be necessary to defer consideration by the Committee for a written appraisal to be prepared and presented to a future Planning Committee.

## **6.0 Decisions Contrary to the Officer Recommendation and/or the Development Plan**

- 6.1 The Courts have expressed the view that where a Planning Committee makes a decision contrary to Officer's recommendation (whether for approval or refusal), such reasons should be based on sound planning considerations. The personal circumstances of an applicant will rarely provide such grounds.
- 6.2 Whenever the Planning Committee is minded to determine a planning application contrary to Officer recommendation, the Planning Committee must clearly and convincingly define and list the planning reasons for rejecting the Officer's recommendation and then vote on those reasons. The reasons must be recorded in the minutes and the application will be deferred to the next available meeting of the Planning Committee in accordance with the following provisions.
- 6.3 At the subsequent Planning meeting, the Head of Development Management shall respond in a further written report to the reasons formulated by the Planning Committee for not accepting the earlier recommendation. The report shall include the following information:
- a) ***Where Members are minded to grant permission contrary to a recommendation to refuse***, contain draft conditions to be attached to the

grant of permission and, where appropriate, the terms of any planning obligation/legal agreement; or

- b) **Where Members are minded to refuse permission against a recommendation to approve**, set out formal reasons for refusal reflecting the previous views of the Planning Committee. Advise upon the evidence that would be available to substantiate those reasons; and include any other reasons for refusal which the Officer considers could be substantiated on appeal.

If the Planning Committee is not minded to accept the subsequent recommendation of the Head of Development Management, then it shall again consider its reasons for not accepting the Officers' advice. Those reasons shall then be formally recorded in the minutes of that subsequent meeting.

- 6.4 Where planning permission is refused contrary to officer advice, members should be aware of the risk of an award of costs being made against the Authority at a subsequent appeal.

## 7.0 Development Proposals Submitted by Members and Officers

- 7.1 Proposals to the Local Planning Authority by serving and former<sup>3</sup> Members and Officers and their close friends and relatives (i.e. spouse, partner, parent, child or sibling) can easily give rise to suspicions of impropriety. Proposals can take the form of either planning applications or development plan proposals. In all correspondence and meetings etc., such Members and Officers should identify their status.

- 7.2 Serving Councillors and Officers should never act as agents for people pursuing a planning matter with their Authority. Should they submit their own proposals to the Authority they should take no part in its processing..

<sup>3</sup> *'Former' = those Officers and Members who left the Authority less than 12 months prior to the submission of their planning application.*

- 7.3 Such proposals will be reported to the Planning Committee as main items and not dealt with by Officers under delegated powers. The same applies to applications etc. made by former Members and former Officers.

- 7.4 Where there is a proposal from a serving or former Officer (or from a relative or from a close friend), the Officer must:

- a) Inform the Head of Development Management when the application is made or as soon as it comes to the attention of the Officer;
- b) If a serving Officer, the officer shall inform the Authority's Monitoring Officer in writing. A copy of the notification will be placed on the Register of Officer's interests maintained by the Monitoring Officer.
- c) Take no part in the decision-making process; and
- d) Comply with other relevant provisions of this Protocol.

- 7.5 Where there is a proposal from a Member (or relative or a person by whom they are employed or with whom they have a close personal association), or where the

member has (for any reason) a prejudicial interest in the matter, then the Member must:

- a) Inform the Head of Development Management when the application is made or as soon as it comes to the attention of the Member;
- b) Comply with the other relevant provisions of this protocol; and may
- c) Attend a meeting of the Authority but only for the purpose of making representations in relation to the proposal, provided that the public are allowed to attend the meeting for the same purpose. Having made such representations the member must:
- d) Immediately leave the meeting; and
- e) Take no part in the decision-making process.

7.6 Where a Member has a prejudicial interest in a matter (as defined in the Authority's Code of Conduct for Members) the Member shall not approach Planning Officers directly or indirectly or make verbal or written representations in relation to the application and shall not seek to influence a decision in relation to it.

## **8.0 Development Proposals Submitted by the Authority**

8.1 It is critical that the Authority is seen to be treating applications for its own development (or a development involving the Authority and another party) on an equal footing with all other applications.

8.2 All such proposals will be subject to the same administration processes, including consultation, as private applications with consideration being made in accordance with policy and any other material planning consideration.

8.3 In order to ensure transparency and openness, Authority proposals (save for discharge of conditions and minor amendments) will not be dealt with under officer delegated powers and instead determined by Planning Committee.

## **9.0 Training and Monitoring**

9.1 Members **MUST** attend an initial induction **AND** regular training sessions to receive guidance in relation to planning regulations and procedures and on disclosure of personal interests.

9.2 Members should periodically revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public confidence in the planning system, and can help with reviews of planning policies.

9.3 Reviews are best undertaken at least annually. They will include examples from a broad range of categories such as major and minor development; permitted departures; delegated items; upheld appeals; listed building works and enforcement cases. Briefing notes will be prepared on each case. The Planning Committee will formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

## 10.0 Complaints / Record Keeping

- 10.1 Whatever procedures a planning authority operates, it is likely that complaints will be made. However, following this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- 10.2 A logical consequence of adopting a local protocol of good planning practice is that the Authority should also have in place a robust complaints system. The Authority has a procedure for dealing with formal complaints. It should be remembered that complainants alleging a breach of the statutory local code of conduct are able to direct their allegations in writing direct to the Public Services Ombudsman for Wales.
- 10.3 So that complaints may be fully investigated and, in any case as a matter of general good practice, record keeping should be comprehensive and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Authority's case. The guiding rule is that every planning application should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was and why and how it had been reached. Particular care needs to be taken with applications determined under Officers' delegated powers, where there is no referral to a Planning Committee. Such decisions should be as well documented and recorded as those taken by Members. These principles apply equally to enforcement and development plan matters.

## 11.0 Call-In Procedures

- 11.1 Any Member may request that an application that is due to be determined by officers under a delegated authority is 'Called-In' and determined by Planning Committee in substitute.
- 11.2 The Director of Planning & Place or the Head of Development Management shall only accept a member 'Call-In' where all of the following is complied with:
- a) The request is received in writing by completing the Call-In form, and forwarding to [planning.enquiries@beacons-mpa.gov.uk](mailto:planning.enquiries@beacons-mpa.gov.uk) and to the Director of Planning & Place or Head of Development Management; and
  - b) The request is received within 15 working days of the date on which the weekly list of applications proposed to be dealt with under delegated powers has been sent to all Members of the Authority; and
  - c) The request states in full the planning reasons why the matter should be considered by the Planning Committee; and
  - d) The request states whether:
    - i) The call-in occurs only if the officer recommendation is Permit; or
    - ii) The call-in occurs only if the officer recommendation is Refuse; or
    - iii) The call-in occurs irrespective of the officer recommendation.
- 11.3 The officer report will state (i) which Member exercised the right of 'Call-In' and (ii) planning reasons provided why the matter should be considered by the Planning Committee.

- 11.4 Once the Head of Development Management has accepted that a planning application is subject to a member Call-In, then the planning application shall be determined by Planning Committee even where the Member subsequently request that the Call-In is withdrawn.
- 11.5 If a specific planning application falls to be determined by the Planning Committee as a result of a Call-In request from a member of the Planning Committee then that Member needs to consider carefully the role which they are able to play when the Planning Committee comes to consider and determine the application in question. In particular, where the member of the Planning Committee who has made the Call-In request:
  - a) has couched the Call-In request in language which might indicate that they have already formed a clear and settled view as to the appropriate outcome of the application; or
  - b) has made the Call-In request following discussions with the application /Agent /Objector and / or any third party
- 11.6 The Member should seek advice from the Monitoring Officer regarding their involvement in the decision-making process.