

Local Councils and their Role in Community Planning

A local council's strength lies in its special local knowledge. As the first tier of local Government; Town Parish and Village Councils are best placed to comment on the suitability of planning applications within its area.

The council should check planning applications for accuracy, and it helps the Local Planning Authority (LPA) by finding out what the community needs and thinks. The council should also be aware of non-approved development in its area so that the LPA can enforce compliance.

It might produce a design guide, a community-led plan or a neighbourhood plan with the LPA and the council should have a say on the LPA's development plan.

Central Swindon South Parish Council and its Role in Community Planning

Central Swindon South Parish Council has a robust planning system including a planning committee of up to eleven members and dedicated officers. Planning Committee meetings are held twice a month to comply with the 21-day consultation period for planning applications.

Central Swindon South Parish Council receives notification of up to forty planning applications each month which can range from simple residential extensions to developments of hundreds of units of accommodation. Every single application is considered by the Chair and Vice-Chair of the Planning Committee for delegated comment before being passed to the Committee for further comment or approval of the Chair/Vice-Chair decision.

Central Swindon South Parish Council invests a wealth of time, knowledge and effort into ensuring compliance with National Policies, Swindon Borough Council's own policies and Supplementary Planning Documents. This is done not in the name of 'nimbyism', the Parish is as large as it is diverse, and development must be encouraged but not at the sacrifice of quality. Planning applications are frequently seen that contravene these policies and promote poor living conditions or suitability for the location. The parish council has adopted a policy to object to Houses of Multiple Occupancy (HMOs) as a rule for its Central and Eastcott wards.

Increasingly, the Parish council feels its objections and comments are not being considered and poor quality applications are being approved by Swindon Borough Council because it does not have the ability or power to refuse planning permission in the event that an appeal is lodged and the cost of a successful appeal falls on the Borough Council.

Considering the above, the parish feels that its responsibility lies with trying to push for change in the sector. To grant greater power to localism and the ability for local government bodies to help deliver quality development on behalf of its residents and encouraging the Borough Council to adopt a stronger stance and fight back against poor planning without the fear of the financial burden in doing so.

Planning and Local Councils Legal Guidance

Planning is a legal system; statute informs planning decisions controlling land use. Local councils cannot normally grant planning permission but occasionally local planning authorities (LPAs) can delegate this power to local councils. The Localism Act 2011 introduced neighbourhood development orders for England by which, through a complex process similar to neighbourhood planning, the community might grant planning permission.

On average, 90% of decisions are made by officers at the LPA with a few difficult decisions made by councillors. The local council must, by law, be consulted on the LPA's development plan. For planning applications, the local council can ask to be notified and the LPA will consider its comments. The LPA usually takes the local council's views into account that doesn't mean it will agree.

The town and country planning system is a complex battleground that Governments struggle to reform. Their main aim is to sustain economic growth, especially through housebuilding, and speed up decision making while protecting valued aspects of the built, historic, social and natural environment. If local communities are to have any influence, they must understand how the system works.

The use classes are given below. For details about use classes, the Planning Portal is helpful.

- A1 Shops
- A2 Financial and Professional Services
- A3 Restaurants and Cafes
- A4 Drinking establishments
- A5 Hot food takeaways

- B1 Business
- B2 General industry
- B3 Storage or distribution

- C1 Hotels
- C2 Residential institutions
- C2A Secure residential institutions
- C3 Dwelling houses (see C3a, C3b, C3c)
- C4 Houses in multiple occupation

- D1 Non-residential institutions
- D2 Assembly and leisure

Ministry of Housing, Communities & Local Government guidance on Consultation and pre-decision matters

What local planning authority consultation takes place before a planning application is decided, and with who?

After a local planning authority has received a planning application, it will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

The main types of local planning authority consultation are:

- [Public consultation](#) – including consultation with neighbouring residents and community groups.
- [Statutory consultees](#) – where there is a requirement set out in law to consult a specific body.

Who are the statutory consultees and why have they been designated?

Planning law prescribes circumstances where local planning authorities are required to consult specified bodies prior to a decision being made on an application. A list of statutory consultees on applications for planning permission is set out in [Table 2](#) (extracted as follows)

<u>Statutory Body</u>	<u>Type of Development</u>
Parish Councils	Article 25 Development Management Procedure Order and Schedule 4(d) Development Management Procedure Order

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

Representations by parish council before determination of application

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)([1](#)), 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.

(3) The appropriate authority must notify the council of the parish of—

(a) the terms of the decision on any such application; or

(b) where the application is referred to the Secretary of State—

(i) the date when it was so referred; and

(ii) when notified to the appropriate authority, the terms of the Secretary of State's decision.

As per 25. (1) above;

Town and Country Planning Act 1990
Schedule 1 Local Planning Authorities: Distribution of Functions

Par 8

(1) A local planning authority who have the function of determining applications for planning permission [or permission in principle] shall, if requested to do so by the council of any parish situated in their area, notify the council of—

(a) any relevant planning application; and

(b) any alteration to that application accepted by the authority.

(2) In sub-paragraph (1) "a relevant planning application" means an application which—

(a) relates to land in the parish; and

(b) is an application for—

(i) planning permission [or permission in principle]; or

(ii) approval of a matter reserved under an outline planning permission within the meaning of section 92.

(3) Any request made for the purposes of sub-paragraph (1) shall be in writing and state that the council wishes to be notified of all relevant applications or all applications of a description specified in the request.

(4) An authority shall comply with the duty to notify a council of an application by—

(a) sending the council a copy of the application; or

(b) indicating to the council the nature of the development which is the subject of the application and identifying the land to which it relates, and any notification falling within paragraph (b) shall be in writing.

(5) An authority shall comply with their duty to notify a council of an alteration by—

(a) sending a copy of the alteration to the council; or

(b) informing the council in writing of its general effect,

but they need not notify a council of an alteration which in their opinion is trivial.

(6) A development order may require a local planning authority which is dealing with an application of which a council is entitled to be notified—

(a) to give the council an opportunity to make representations to them as to the manner in which the application should be determined;

(b) to take into account any such representations;

(c) to notify the council of the terms of their decision or, where the application is referred to the Secretary of State, the date when it was so referred and, when notified to them, the terms of his decision.