

Local Protocol – Consultation Arrangements with Brixham Town Council in Connection with Planning Applications Relating to the Brixham Area

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1. Introduction

- 1.1 Torbay Council is the statutory Local Planning Authority with responsibility for implementing planning legislation contained in the Town and Country Planning Act 1990, and subsequent related legislation.
- 1.2 Planning applications are determined by Torbay Council's Development Management Committee, by Council (in exceptional circumstances, or by officers using powers delegated to them by the Council).
- 1.3 Brixham Town Council has a right under paragraph 8 of Schedule 1 of the Town and Country Planning Act 1990 to be notified of all planning applications that relate to its area. The Town Council may also request to be notified of any amendments to a planning application unless the alterations are trivial as stated in the 1990 Act.

2. Notification Procedures

- 2.1 Torbay Council will notify Brixham Town Council of all planning applications within its area.
- 2.2 The Town Council has a statutory period of 14 days to make representations, but Torbay Council will normally extend this period to 21 days.
- 2.3 Torbay Council will whenever practicable notify the Town Council of all amendments (other than trivial ones) to a planning application.
- 2.4 If representations are not received within the 21 day deadline, Torbay Council will determine any application without the views of the Town Council.
- 2.5 The Town Council may request an extension of time should it be unable to make representations within the 21 day period. Any reasonable requests to delay consideration of applications so as to allow full comment to be made by the Town Council will be at the discretion of the Chief Executive (following consultation with the Chairman/woman of the Development Management Committee in the case of major applications), but will not prejudice statutory determination times.
- 2.6 Torbay Council will continue to advertise details of applications in Brixham as it does elsewhere in the Borough. It currently advertises every planning application on site in accordance with the site notice procedures in the local newspaper and via neighbour notification.
- 2.7 Torbay Council will notify the Town Council of every planning decision made by the Development Management Committee, Council or by an officer who has authority to determine a planning application under delegated powers.
- 2.8 Torbay Council will only accept a formally constituted view from the Town Council in response to a planning application. This will normally be from the Town Clerk following a Committee meeting. It will not be the view of an individual member of the Town Council. However, a town councillor may make representations in a personal capacity, but in doing so he/she should-will not seek to associate the town council with those views.

2.9 Torbay Council will notify the Town Council of any planning appeal within the Town Council area.

3. Access to Information

3.1 Torbay Council will provide full, unrestricted access to all public information held on planning application files (on request), and will provide photocopies of relevant documents (subject to copying charges applicable at the time).

4. Determination of Planning Applications

4.1 Torbay Council's Development Management Committee will determine all major applications, as defined in the terms of reference for that Committee, that relate to the Town Council area. In exceptional circumstances, applications may be referred to Council for determination. All other applications may be determined by an officer under delegated powers subject to 4.2 below.

4.2 If an officer is minded to approve an application under delegated powers and an objection on valid planning grounds has been submitted by the Town Council or a member of the public, a meeting will be convened on site with an officer, the applicant, a member of the Town Council, a ward member from Torbay Council and a representative of any objector. The purpose of the meeting will be to consider whether there are any valid planning grounds to warrant a referral of the application to the Development Management Committee. The decision as to whether or not to refer the application will be made by the Chief Executive in consultation with the Ward member, having regard to the outcome of the discussions from the site meeting.

5. Public Participation at Meetings of Development Management Committee

5.1 The meetings of the Development Management Committee are open to the public and therefore members of the Town Council may attend all or part of these meetings (except for confidential and exempt items where the public are excluded) and may nominate a representative to speak on a planning application in relation to its area.

6. Training

6.1 Torbay Council will when practicable arrange for training on planning matters for town councillors.

~~7. Review of Protocol~~

~~7.1 Torbay Council will review this protocol after a period of 12 months from the date of its adoption.~~