

Member Engagement – Planning Protocol – During COVID-19 Emergency

Updated June 2020

Due to the COVID-19 emergency it has been agreed that “in relation to the determination of planning applications and other matters, the Service Director for Planning and Sustainable Development be authorised to determine all applications and other matters, whether or not they would ordinarily be referred to Member meetings for determination, but subject to appropriate consultation, including with Divisional Members and, if the Service Director for Planning and Sustainable Development considers it appropriate, the Chairman of the Committee to which an application would otherwise have been referred”.

This recognises the importance of keeping the planning function operating for the benefit of residents and businesses, and so that we comply with our determination deadlines and don't allow a backlog to build up. This is an important interim measure.

This protocol sets out how this will operate -

- ❖ Consultation process will remain the same. This is undertaken electronically to Members by way of the weekly list, and electronically to the Local Councils.
- ❖ Local Councils have been advised that the Local Council Protocol arrangements, including the 5-day protocol remain in place. Advice has been provided as to how they could operate to ensure that they are able to respond within the given timescales whilst not holding formal Parish/Town Council meetings. We will continue to operate in accordance with the Protocol and some flexibility can be agreed on a case by case basis where possible, but decisions will continue to be made even if no responses are received.
- ❖ Senior managers will ensure that potential Committee items are kept to a minimum and will seek to resolve issues with the Divisional Member as much as possible.
- ❖ In those cases where the Divisional Member expresses a preference that an application should be considered by a Planning Committee, the following process will be followed:
 - The application will be listed for consideration by the relevant planning committee. All applications to be considered by the planning committee will be decided either through a written procedure or virtual committee.
 - Where items are being heard at a virtual planning committee they will be subject to the normal committee procedure

- Where items are being determined by a written procedure :
 - Democratic Services will email the Divisional Member, Chair, Vice-Chair and members of the relevant planning committee with the report(s) for their comments, giving 5 working days to respond. The report will include a section covering the key concerns of objectors and consultees. This will give all of those Members an opportunity to comment.
 - The case officer will collate the views of the Members involved and the matter will be referred to the Service Director for Planning and Sustainable Development (or her nominated representative who will not be the Officer who agreed the recommendation) for a decision, taking account of the comments made. The Service Director for Planning and Sustainable Development (or her nominated representative) will discuss their decision via Teams or telephone with the Chair and Vice-Chair.
- ❖ All applications submitted by an elected Member, a senior officer of the Council or a close relation of either of such persons, or an application made by Cornwall Council or affecting land owned by Cornwall Council and where representations objecting to the application have been received will now be determined through delegated decisions. (Existing delegation arrangements allow for refusal of such applications in any case). The only exception being where the Divisional Member has raised a concern about the application with the Case Officer, in which case the decision will be referred to the Service Director for Planning & Sustainable Development (or her nominated representative in her absence) who will consult with the Divisional Member and Chair of the relevant committee, prior to making a decision.