

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	22 September 2015
Subject:	Amendment to Scheme for Public Participation at Planning Committee
Report of:	Lin O'Brien, Democratic Services Group Manager
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Member:	Councillor D M M Davies
Number of Appendices:	One

Executive Summary:

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is required to *"consult any district or parish council if the development is likely to "affect land" in the area of that parish council or district council"*. There is currently no provision within the Tewkesbury Borough Council Scheme for Public Participation at Planning Committee for a representative from an adjoining local authority which is affected by an application, or from the local Ward Member or Parish Council(s) within that local authority area, to register to speak on that application at Planning Committee. In light of the fact that we have already received a request from the local Ward Member in respect of the application for residential development at Land at Farm Lane, Shurdington, which is on the Schedule for the next meeting of the Planning Committee, and it is anticipated that further requests may be received, Members are asked to consider whether they wish to make an amendment to the Scheme in order to allow representatives from adjoining local authorities, and the Parish Council(s) from within those areas, an opportunity to register to speak on planning applications for which they are statutory consultees.

Recommendation:

To consider whether to make an amendment to the Scheme for Public Participation at Planning Committee in order to allow representatives from local authorities, local Ward Members and Parish Councils, which have been consulted on planning applications in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, an opportunity to register to speak at Planning Committee.

Reasons for Recommendation:

To give Members the opportunity to consider whether they wish to expand their Scheme for Public Participation at Planning Committee to include neighbouring local authorities, Ward and Parish Council representatives.

Resource Implications:

None directly arising from this report.

Legal Implications:

None directly arising from the report.

Risk Management Implications:

If the Council decides not to amend the Scheme there may be reputational damage in respect of statutory consultees directly affected by an application not having the same opportunities as those from within the authority.

Performance Management Follow-up:

The Scheme would be amended and changes publicised, should the Council decide to make an amendment.

Environmental Implications:

Not applicable.

1.0 INTRODUCTION/BACKGROUND

- 1.1** Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is required to “consult any district or parish council if the development is likely to “affect land” in the area of that parish council or district council”.
- 1.2** At the Planning Committee meeting on 29 September 2015, Members will be asked to determine an application for residential development comprising 369 dwellings, including access and associated infrastructure, at Land to the West of Farm Lane, Shurdington. The site is located on the southern fringes of Cheltenham and lies within the vicinity of the village of Leckhampton. The site comprises part of the housing allocation site (A6) in the JCS (Submission Version) and the majority of the strategic allocation is located within Cheltenham Borough Council on the opposite side of Farm Lane. Whilst the application site is located within Shurdington Parish, which is part of Tewkesbury Borough, in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Cheltenham Borough Council and Leckhampton with Warden Hill and Up Hatherley Parish Councils have also been consulted on the application.

2.0 IMPLICATIONS FOR THE SCHEME OF PUBLIC SPEAKING AT PLANNING COMMITTEE

- 2.1** At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period, starting with the term of the Council in May 2015, and so commenced with the Planning Committee in June. A copy of the Scheme is attached at Appendix 1.
- 2.2** Under the Scheme, the following individuals are permitted to speak:
1. A representative of the Town and Parish Council or Parish Meeting(s) within which the application is located – to put forward considered views of that council/meeting rather than their own independent views.

2. A representative on behalf of the objectors.
3. A representative on behalf of the supporters.
4. Ward Councillors.

2.3 Where an application will affect land in an adjoining local authority area, as in the case of the Land West of Farm Lane application, there is currently no provision within the Scheme to allow a representative from that local authority, the local Ward Member or Parish Council(s) within that local authority area, to speak on the application at Planning Committee. In respect of the Land West of Farm Lane application, a request has already been received from the local Ward Member for Leckhampton and it is anticipated that further requests will be received. Members are therefore asked to consider whether they wish to amend the Scheme so that representatives from local authorities, local Ward Members and Parishes, which have been consulted on planning applications in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, have an opportunity to register to speak.

3.0 OTHER OPTIONS CONSIDERED

3.1 To seek no amendment to the Scheme and accordingly refuse the requests that we may receive in respect of this application from the local authority, local Ward Members and Parish Councils, and future applications that fall within this category.

4.0 CONSULTATION

4.1 Not applicable.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Scheme for Public Participation at Planning Committee.

6.0 RELEVANT GOVERNMENT POLICIES

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

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None directly arising from this report.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None directly arising from this report.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None directly arising from this report.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Council – 14 April 2015 – Approval of Scheme of Public Participation for Planning Committee.

Background Papers: None

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Appendices: Appendix 1 – Scheme of Public Participation at Planning Committee.