

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 10 August 2017

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## **Subject:**

The Local Council Planning Protocol.

## **Summary statement:**

Bradford Council works closely with the district's 19 Local Councils as key stakeholders in supporting the people of the district. To help manage relations and outline how Bradford Council and Local Councils aim to work together, a Charter was first produced and approved by Executive in 2006, and then revised in 2015.

The Charter includes agreements on general communications, liaison activity, elections, financial arrangements, town planning and relevant parts of the Localism Act such as neighbourhood planning and standards committee arrangements. This report is concerned with that part of the Charter that refers to the Local Council Planning Protocol.

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## **Portfolio:**

**Change Programme, Housing, Planning and Transport**

**Overview & Scrutiny Area:**

**Regeneration and Economy**

## **1. SUMMARY**

Bradford Council works closely with the district's 19 Local Councils as key stakeholders in support of the people of the district. To help manage relations and outline how Bradford Council and Local Councils aim to work together, a Charter was first produced and approved by Executive in 2006, and then revised in 2015.

The Charter includes agreements on general communications, liaison activity, elections, financial arrangements, town planning and relevant parts of the Localism Act such as neighbourhood planning and standards committee arrangements.

The Charter, including its appendices, states that it will be reviewed as and when appropriate. Therefore, the Planning Service has worked with a number of Parish Councils to review and update Appendix 5; which specifically relates to how the Planning Service and Parish/Town Councils interact with one another regarding Planning Applications.

On Wednesday the 14<sup>th</sup> June 2017 at the Parish Council Liaison meeting, the revised Planning Protocol was approved; however, it requires approval from the Regulatory and Appeals Committee, for the revised document to be adopted and included within The Charter.

## **2. BACKGROUND**

Due to the changes in Planning Legislation and technological advances, it became apparent that the Planning Protocol, which forms part of the Parish/Town Council Charter, needed reviewing.

Both Parish/Town Councillors and the Planning Service recognised the requirement to review the Planning Protocol and set up a small working group; Wilsden, Keighley, Silsden and the then Haworth Parish Councils came together to review/update and agree any proposed changes to the Planning Protocol. This culminated in a unanimous approval for the revised Planning Protocol, on Wednesday the 14<sup>th</sup> June 2017 at the Parish Council Liaison meeting at the Civic Centre in Keighley.

However, the Regulatory and Appeals Committee is required to approve the revised document prior to it being adopted and included within The Charter.

## **3. OTHER CONSIDERATIONS**

None

## **4. OPTIONS**

That the Regulatory and Appeals Committee approve the revised Planning Protocol, replacing the current Appendix 5.

That the Regulatory and Appeals Committee decline to approve the revised Planning Protocol until certain revisions are completed, the current Appendix 5 would remain until those revisions have been satisfied and Appendix 5 replaced when appropriate.

That the Regulatory and Appeals Committee decline to approve the revised Planning Protocol and that the current Appendix 5 remains effective.

## **5. FINANCIAL & RESOURCE APPRAISAL**

None

**6. RISK MANAGEMENT & GOVERNANCE ISSUES**

None

**7. LEGAL APPRAISAL**

None

**8. OTHER IMPLICATIONS**

None

**8.1 EQUALITY & DIVERSITY**

None

**8.2 SUSTAINABILITY IMPLICATIONS**

None

**8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None

**8.4 COMMUNITY SAFETY IMPLICATIONS**

None

**8.5 HUMAN RIGHTS ACT**

None

**8.6 TRADE UNION**

None

**8.7 WARD IMPLICATIONS**

None

**9. NOT FOR PUBLICATION DOCUMENTS**

None

**10. RECOMMENDATIONS**

That the Regulatory and Appeals Committee approves the revised Planning Protocol; which will supersede the current Appendix 5 of the Charter.

**11. APPENDICES**

Appendix A - Revised Planning Protocol

**12. BACKGROUND DOCUMENTS**

None

Appendix A

**CONSULTATION WITH PARISH/TOWN/COMMUNITY COUNCILS  
ON PLANNING APPLICATIONS**

**PROPOSED AMENDMENTS FOR CONSULTATION**

**(Revised 1<sup>st</sup> June 2017)**

<b>1.0</b>	<b>PLANNING APPLICATIONS WITHIN BRADFORD DISTRICT COUNCIL</b>	<b>Parish Council Issue</b>	<b>Action</b>
1.1	Bradford Council will notify the Parish or Town Council of all planning applications in the area of the Parish/Town Council via Public Access and/or Consultee Access on the Uniform Idox system, i.e. an email is sent automatically. There are advantages to this system as the tracking of applications occurs from the first notification.		Bradford Council
1.2	Parish and Town Councils have a statutory period of 21 days to make representations. The 21 days period will begin on the date of the notification email from Public Access/Consultee Access.		Parish/Town Councils
1.3	The Parish Council may request an extension of time should it be unable to make representations within the 21 day period and Bradford Council will agree to all such reasonable requests where this is made within the 21-day period and where it would not affect Bradford Council's ability to determine the planning application within statutory guidelines. It is recommended that in such instances the Parish/Town Council enquires of the Case Officer directly.		Parish/Town Councils
1.4	If representations are not received within the 21-day deadline, Bradford Council may determine the application, in order to meet Government-set targets, as it thinks fit without the views of the Parish Council.		Bradford Council
1.5	Where the Parish/Town Council requests that an application be determined by the Area Planning Panel, the request must relate to a material planning consideration. Where the request is the sole reason for the application to be brought to Panel, the Parish/Town Council shall confirm to the Planning Department that a member will attend the Panel to report the Parish/Town Council's views, otherwise the Planning Panel reserves the right to refer the application for officer determination.		Parish/Town Councils

1.6	Pre-decision: The Parish/Town Council will use Public Access/Consultee Access to track all Planning Applications they have an interest in. This will trigger notifications of additional documents or updates relating to those Planning Applications to the Parish/Town Council.		Parish/Town Councils
1.7	Parish/Town Councils will normally respond to pre-decision amendments within 48 hours of receipt, unless application time will allow a longer period to respond. It is recommended that in such instances the Parish/Town Council enquires of the Case Officer directly. If the amendment is considered to have a significant adverse effect on the area and its residents it is a normal requirement that the application is withdrawn and a new application submitted to reflect these changes, whereupon the Parish/Town Council will be notified as in 1.1 above.		Parish/Town Councils
1.8	Post-decision: Bradford Council will notify the Parish or Town Council via Public Access/Consultee Access of all Non Material Amendments to the Planning applications in their Parish/Town Council area. The Parish/Town Council shall advise Bradford Council within five working days of any representation.		Parish/Town Councils
1.9	Bradford Council will notify the Parish or Town Council via Public Access/Consultee Access of all certificates that seek to establish lawful use. The Parish Council shall respond within a 21-day period from the date of the notification email with local knowledge that may aid the Planning Department in making its determination.		Bradford Council
2.0	<b>PLANNING APPLICATIONS SUBMITTED TO NEIGHBOURING DISTRICT AUTHORITIES</b>		
2.1	Each Parish & Town Council shall register their interest in planning applications submitted to a neighbouring district authority via their public planning application administration system. As of 31/03/2017, Harrogate Borough Council, Leeds District Council, Calderdale District Council, Pendle Borough Council all use IDOX PublicAccess as their administrative system; Craven District Council have a bespoke system.		Parish/Town Councils
2.2	The Parish/Town Council will make any representations direct to the neighbouring Local Planning Authority concerned in accordance within the timeframes set by that authority.		Parish/Town Councils

<b>3.0</b>	<b>PLANNING APPLICATIONS IN NEIGHBOURING PARISH/TOWN COUNCIL AREAS WITHIN BRADFORD DISTRICT</b>		
3.1	Parish and Town Councils shall register an interest in applications submitted in neighbouring Parish/Town Council areas via Public Access.		Parish/Town Councils
3.2	The adjoining Parish/Town Council will reply within the same 21-day deadline as the Parish/Town Council in which the application is located.		Parish/Town Councils
<b>4.0</b>	<b>TRAINING</b>		
4.1	Bradford Council will assist in the provision of training for members of Parish Councils on Planning matters. The Council's dedicated Member Trainer or the Head of Service will arrange events when notified of any need.		Bradford Council
4.2	Bradford Council will provide technical assistance to Parish/Town Councils to implement section 2.0 and 3.0.		All parties
<b>5.0</b>	<b>REVIEW</b>		
5.1	This protocol shall be reviewed in 2 years and at subsequent intervals as may be agreed.		Bradford Council
5.2	The desirability of the inclusion of other matters relevant to the Planning process shall be considered as part of the review.		All parties