

Draft suggested changes to Part 4 of TW Agreement

<https://democracy.tunbridgewells.gov.uk/meetings/documents/s37635/Tunbridge%20Wells%20Agreement.pdf>

17th August 2020

4 Planning Agreement

- 4.1 Local Councils will be fully-involved in the preparation, modification and review of the Local Plan and its associated policy documents.
- 4.2 The Borough Council will provide appropriate support to Local Councils in the production of Neighbourhood Development Plans and Neighbourhood Development Orders.
- 4.3 Borough Council officers will be available to assist Local Councils with informal enquiries on building control and planning matters.
- 4.4 The Borough Council will encourage the developer of any major scheme to involve the community, including the Local Council, at an early stage in their plans.
- 4.5 Local Councils will have the support of the appropriate case officer to discuss any concerns and provide answers to any technical questions, planning history or relevant policy considerations.
- 4.6 Local Councils will actively engage in the process of site allocations through close working with the Borough Council.
- 4.7 The Borough Council will:
 - a Consult Local Councils on town and country planning matters relevant to their areas;
 - b Consult the relevant Local Council within five working days of registration of a valid application;
 - c Take into account the response of the Local Council when making decisions, and indicate how that response is reflected in the ~~has influenced those~~ decisions. Where the view of Planning Services as to whether permission be granted or refused for planning permission differs from the Local Council on an application that the Local Council considers is an "X" or "Y" category (see 4.8d below), the Borough Council will notify the Local Council of its views, and provide a period of three working days for the Local Council to respond; ~~response requests that a decision be made by the Planning Committee, and this is not agreed by the planning officer, the Local Council will be informed within five working days in writing via email;~~
 - d Provide Local Councils with details of the means by which TWBC Members can "Call-In" planning applications, so that the Local Councils are aware of these procedures;
 - e Supply Local Councils with copies of the weekly list of planning applications, agendas and minutes of Area Planning Committee meetings;

- ef Notify the relevant Local Council of decisions taken on planning applications;
- fg Notify the relevant Local Council of planning and enforcement appeals received by the Secretary of State and the decisions reached;
- gh Organise an annual “Planning Workshop” with representatives of Local Councils (and their planning teams); to discuss topics and issues, new legislation, procedures etc; supported by quarterly online briefing updates. Organise a meeting with representatives of Local Councils every six months to discuss topical issues, new legislation, and changes to procedures. This meeting will be chaired by a Local Council member or Borough Council member in rotation;
- hi Enable Local Councils to participate in appraising, modifying or enhancing conservation areas and consult on proposals to create, modify or enhance conservation areas; and
- ij Work with Local Councils in the delivery of rural exceptions affordable homes
- k Work with Local Councils to develop clear guidance principles for both TWBC Planning staff and Local Council Councillors to facilitate harmonious working with clarity of policies, regulations and principles. (also 4.8e below)
- l Where planning or planning conditions are breached. TWBC will consider whether it is expedient to take enforcement action to address the breach, and where expedient, will take such steps as are necessary to ensure compliance and enforcement. If it is not considered expedient to take enforcement action, TWBC will inform the complainant of that decision. Where the complainant is the Local Council, and it considers it is a serious breach, should TWBC resolve that it is not expedient to take action, TWBC will first refer back and discuss with the LC before informing the site owner/developer/operator.

4.8 The Local Councils will:

- a. Read the delegated or committee reports to understand the planning balance and the considerations resulting in a recommendation
- b. Take such steps as necessary to ensure adequate councillor planning training to understand planning and constraints to ensure realistic and relevant recommendations (see also 6.1 Learning and Development)
- c. Timetable the cycle of Planning Committee/sub-Committees/relevant meetings to discuss applications and submit comments to TWBC as early as possible and within the required 21 day consultation period
- d. Work with TWBC to ensure clarity of Local Council recommendations and operate a form of “traffic light” indicating if an application is considered to be high priority:

<u>Category</u>	<u>Priority</u>	<u>Notes</u>	<u>Likely % per year</u>
<u>X</u>	<u>Highest priority: likely that will request TWBC Member to</u>	<u>Very limited in annual number to significant</u>	<u>c. 2- 5</u>

	<u>“Call In” to Planning Committee, or would automatically be determined by Planning Committee as required by TWBC Constitution</u>	<u>major issues affecting the community, economy, environment, infrastructure, etc.</u>		
<u>Y</u>	<u>Higher priority: Local Council considers that, if Planning Services’ view on whether permission be granted or refused differs to Local Councils, warrants further discussion</u>	<u>Limited in annual number to major issues affecting the community, economy, environment, infrastructure, etc. .</u>	<u>c. 5-10</u>	
<u>Z</u>	<u>Medium priority: proposal is clearly acceptable or unacceptable, or if is a difference in view between Local Council and TWBC is not considered necessary to discuss further</u>	<u>Majority of proposals</u>	<u>c.85 - 93</u>	

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e. Ensure all parties have realistic expectations by working with TWBC develop/agree an outline set of guidance principles of key determinators – AONB, Conservation Area, NDP and other material considerations – design, visible appearance, parking, materials etc (4.7k above refers)

f. Ensure that Call-In to Planning Committee is a last resort,

6.2 TWBC commits to provide, at least annually (and on appointment of new staff), appropriate training of its officers and officials to ensure they are fully familiar and committed to compliance with the Tunbridge Wells Agreement as it affects their department and work.