Kingskerswell Parish Council

Planning Committee Terms of Reference

Date: 25.08.2020
Amended: 2nd September 2024
Agreed at Full Council Meeting 2nd September 2024

Introduction

1. This Terms of Reference (ToR) provides the basic information for the conduct and remit of the Kingskerswell Parish Council (KKPC) Planning Committee. It covers the:

a. Purpose and scope of the committee;
b. Membership, meeting structure and frequency; and
c. The regular review of this ToR.

2. The Parish Council has no powers of decision making over Local Planning, but can make recommendations or assist where appropriate, with planning issues on local planning applications to Teignbridge District Council, who are the Local Planning Authority (LPA), or to Devon County Council (DCC), who are the County Planning Authority (CPA).

Purpose and Scope

3. KKPC act as consultees to the LPA and the CPA, for all planning applications that relate to the Kingskerswell Parish area. The committee's role is to consider and to respond on behalf of the whole Council in respect of planning applications, appeals, consultations and all matters concerned with planning process within and/or affecting the Kingskerswell Parish. The committee has the delegated authority from KKPC to:

a. Make representations to the LPA and CPA on applications for planning permission which have been notified to KKPC;

b. Make representations in respect of appeals against the refusal of planning permission;

c. Identify and make representations, to the relevant authorities, in respect of enforcement action or any matters considered to be breaches of planning regulations;

d. Monitor, review and where necessary make recommendations to the LPA and CPA for amendments to the planning consultation procedure;

e. Deal with any other planning related matter that a meeting of the KKPC considers appropriate to be referred to the committee;

f. Use its delegated powers in relation to all matters relating to Tree Preservation Orders (TPO), in that the planning application will be reported in the normal way on the planning list, with relevant comments;

g. Make representations to both LPA and CPA, with respect to all wider aspects of planning process;

h. Ensure that any major planning application, which affects Kingskerswell, is posted on the KKPC Website with the appropriate links for comments to be made by residents; and

i. Engage with local consultations where required.

Membership and Meetings

4. The committee shall consist of a minimum of three members, with the quorum being three members. However, as the committee is a critical part of KKPC, it is also advisable where practical and possible to have an additional Councillor as a reserve. As the committee considers and responds on behalf of the KKPC, it is always preferable to hold meetings with at least three members participating, to ensure there is always a clear outcome where split decisions are possible. The committee may comprise of Councillors and non-Councillors. Voting will be by a show of hands. Non-Councillor members are not permitted voting rights. The Chair of the committee may give an original vote on any matter put to the vote and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. All meetings will be open to the public and agendas and minutes published in accordance with the Parish Council's Standing Orders.

5. The committee shall convene on a regular cycle, to tie in to reporting at the monthly Parish Council meetings. The Chair of the committee may call additional meetings as and when necessary, to ensure that all Planning Applications received can be discussed and replied to within the dictated timescale. All Councillors may attend in an ex-officio capacity. Members of the public can also ask to attend the KKPC Planning Committee meetings, and this attendance is arranged through the Parish Clerk

6. Minutes will be produced by the Parish Clerk, who will be in attendance at all meetings, to ensure an accurate record. All planning applications, the responses and eventual results shall be noted in the minutes as they are identified.

7. The committee has an obligation to ensure that any comments received, prior to the meeting, from any relevant parties, applicants and objectors, for planning applications (not including enforcement notices) are considered at the meeting.

8. The Parish Clerk will communicate to the LPA or the CPA the Committee's decision in respect of applications considered. Where an application is subject to an appeal, the Committee is authorised to make written representation or to elect a member of the Committee to attend the hearing. Wherever possible, a member of the committee is to be nominated to attend any relevant LPA or CPA meeting, as necessary. To ensure central oversight and transparency, all correspondence should be conducted through the Parish Clerk.

9. The Committee will adhere to the general approach encapsulated within the Parish Council's Standing Orders, Financial Regulations and Code of Conduct, which will ensure a continuity of approach, where possible.

Review

10. This ToR will be reviewed periodically.