



BABERGH DISTRICT COUNCIL
MID SUFFOLK DISTRICT COUNCIL

PLANNING
CHARTER

1. INTRODUCTION

- 1.1 **The aim of this Charter:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial, or not well founded in any way.
- 1.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.
- 1.3 **When the Charter applies:** This applies at all times when Members involve themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers, or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.4 In this Charter references to Planning Committee will mean Planning Committee at Babergh District Council and Development Control Committee at Mid Suffolk District Council unless the context indicates otherwise. At Mid Suffolk District Council the principles applicable to Development Control Committee shall also apply at Planning Referrals Committee.
- 1.5 At Babergh District Council Members of Planning Committee may vote, in accordance with this Charter, on applications in their own Ward. At Mid Suffolk District Council Members of Development Control Committee or Planning Referrals Committee may speak but not vote, in accordance with this Charter, on applications in their own Ward.
- 1.6 The Council endorses for all of its Planning Officers the Royal Town Planning Institute Code of Conduct, particularly the principle that Chartered Town Planners must not make or subscribe to any statements or reports which go against their own professional opinions.
- 1.7 **If you have any doubts about the application of this Charter to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferable well before any meeting takes place.**

2. RELATIONSHIP TO THE SUFFOLK LOCAL CODE OF CONDUCT FOR MEMBERS (“MEMBERS’ CODE OF CONDUCT”)

DO’S	DON’TS
<p>2.1 Do apply the rules in the Members’ Code of Conduct first, which must always be complied with. This is both the rules on interests, Disclosable Pecuniary Interests (DPIs) any other interests identified in the Members Code of Conduct and the general rules on giving effect to the seven principles of public life: selflessness; integrity, objectivity, accountability, openness, honesty and leadership.</p>	
<p>2.2 Do then apply the rules in this Planning Charter which seeks to explain and supplement the Members’ Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Planning Charter, you may put:</p> <p>(a) The Council at risk of proceedings on the legality of the related decision or maladministration; and</p> <p>(b) Yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.</p>	

3. DEVELOPMENT PROPOSALS AND INTERESTS

DO’S	DON’TS
<p>3.1 Do disclose the existence and nature of your interest as required by the Members’ Code of Conduct.</p>	

DO'S	DON'TS
<p>3.2 Do take into account when approaching a decision that the Principle of Integrity is defined in terms that</p> <p>“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try to inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.”</p>	
<p>3.3 Do notify the Monitoring Officer in writing where it is clear to you that you have a DPI or other personal conflict of interest and note that:</p> <p>(a) You should send the notification no later than the submission of that application where you can. If you become aware of the application after it has been submitted you should send the notification as soon as you reasonably can after that;</p> <p>(b) The application will always be reported to the Planning Committee and not dealt with by officers under delegated powers;</p> <p>(c) It is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at the Planning Committee.</p>	
<p>3.4 Do consider avoiding serving on the Planning Committee if you have private interests relevant to the work of the Planning Committee, particularly those interests that would amount to DPIs under the Members' Code of Conduct.</p>	

4. **FETTERING DISCRETION IN THE PLANNING PROCESS** (natural justice, predisposition and predetermination)

DO'S	DON'TS
<p>4.1 Do be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed a view on planning issues and that these comments have an added measure of protection under the Localism Act 2011.</p>	<p>4.2 Don't fetter your discretion by approaching the decision with a closed mind.</p>
<p>4.3 Do keep at the front of your mind that when you come to make the decision, you</p> <ul style="list-style-type: none"> (a) are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments; (b) must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides; (c) are not required to cast aside views you held when seeking election or otherwise acting as a Member, provided that you give fair consideration to points raised; (d) are only entitled to take account of material considerations and must disregard considerations irrelevant to the question and legal context at hand; and (e) are to come to a decision after giving balanced weight to those material considerations. 	

DO'S	DON'TS
<p>4.4 Do be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. This is more than a matter of Membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.</p>	
<p>4.5 Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided:</p> <ul style="list-style-type: none"> (a) the proposal does not substantially affect the well being or financial standing of the consultee body and; (b) you make it clear to the consultee body that: <ul style="list-style-type: none"> i. your views are expressed on the limited information before you only; ii. you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning Committee and you hear all of the relevant information; and 	

DO'S	DON'TS
<p>iii. you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee.</p>	
<p>4.6 Do when acting as part of a consultee body explain that you do not intend to speak and vote as a member of the Planning Committee because you will otherwise be perceived as having judged the matter elsewhere, unless you have followed the steps in 4.5 and reserved the right to judge the application at Planning Committee. Do ensure that this is recorded in the consultee body and Planning Committee minutes.</p>	
<p>4.7 Do take the opportunity to exercise your speaking rights as a Ward Member and you are a member of the Planning Committee where you have represented your views or those of local electors, but do not have a DPI or other personal conflict of interest. Where you do:</p> <p>(a) advise the Chair that you wish to speak in this capacity before the commencement of the item;</p> <p>(b) remove yourself from the seating area for Members of the Planning Committee for the duration of that item and do not vote; and</p> <p>(c) ensure that your actions are recorded in the Planning Committee minutes.</p>	

5. MEMBERS GOOD PRACTICE

DO'S	DON'TS
<p>5.1 Do:</p> <p>(a) act fairly and openly in making decisions on applications</p>	

DO'S	DON'TS
<p>(b) approach each application with an open mind</p> <p>(c) carefully weigh up all the relevant planning considerations</p> <p>(d) avoid undue contact with interested parties</p> <p>(e) ensure that the reasons for decisions are clearly stated</p>	
<p>5.2 Do take into account the interests of the whole District and the wider public interest.</p>	
<p>5.3 Do try to raise your questions with officers at the earliest stage that you reasonably can especially those of a complex technical nature which may require research and where you expect an answer at Planning Committee.</p>	
<p>5.4 Do talk with officers if you have any queries about the nature or progress of an application and any relevant policies or considerations.</p>	<p>5.5 Don't put pressure on officers to make a particular recommendation.</p>
<p>5.6 Do comply with the Member Officer Charter.</p>	

6. MEMBER PLANNING TRAINING

DO'S	DON'TS
<p>6.1 Do attend any specialised training sessions provided, since these will be designed to extend your knowledge of planning law, probity, regulations, procedures, good practice and Development Plans and assist you in carrying out your role properly and effectively.</p>	<p>6.2 Don't participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.</p>
<p>6.3 Do endeavour to attend training even if you do not serve or substitute on Planning Committee.</p>	

7. PRE-APPLICATION AND OTHER DISCUSSIONS

DO'S	DON'TS
<p>7.1 Do engage in formal pre-application discussions provided that you safeguard your position under this Charter and keep an open mind.</p>	<p>7.2 Don't agree to any informal meeting with applicants, developers or groups of objectors unless you feel that this would be useful in clarifying issues and you do not compromise your ability to participate in later stages of the planning process.</p>
<p>7.3 Do ensure that other parties including applicants, developers or objectors are aware of your responsibilities under this Charter.</p>	
<p>7.4 Do refer those who approach you for planning, procedural or technical advice to officers.</p>	
<p>7.5 Do keep the officers informed of any formal or informal meetings you attend and any pre-application discussions you engage in.</p>	
<p>7.6 Do:</p> <ul style="list-style-type: none"> (a) follow the Authority's rules on lobbying; (b) consider whether or not it would be prudent in the circumstances to make notes when contacted; and (c) Keep a record of any significant contact with the applicant and other parties. 	

8. LOBBYING OF MEMBERS

DO'S	DON'TS
<p>8.1 Do explain to those lobbying or attempting to lobby you that, you can listen to what is said. If you make any sort of promise to vote one way or another or express such a firm point of view that it amounts to the same thing, then it is likely to prejudice your impartiality. This would compromise your ability to participate in the Planning Committee's decision making.</p>	<p>8.2 Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.</p>
<p>8.3 Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.</p>	<p>8.4 Don't visit a site once it has become a formal application nor meet privately with an applicant "one to one" unless accompanied by an officer. This does not preclude you viewing a site from the public highway whilst unaccompanied.</p>
<p>8.5 Do copy or pass on any lobbying correspondence you receive to the Corporate Manager – Development Management at the earliest opportunity.</p>	
<p>8.6 Do promptly refer to the Corporate Manager – Development Management any offers made to you of planning gain or constraint of development, through a proposed section 106 planning obligation or otherwise.</p>	
<p>8.7 Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.</p>	

DO'S	DON'TS
<p>8.8 Do note that, unless you have a DPI or overriding other personal conflict of interest you will not have fettered your discretion or breached this Charter through:</p> <ul style="list-style-type: none"> (a) listening or receiving viewpoints from residents or other interested parties; (b) making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision); (c) seeking information through the appropriate channels; or (d) being a vehicle for the expression of opinion of others in your role as a Ward Member 	

9. LOBBYING BY MEMBERS

DO'S	DON'TS
<p>9.1 Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers' Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.</p>	<p>9.2 Don't become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Planning Committee when it comes to make its decision.</p>

DO'S	DON'TS
	9.3 Don't excessively lobby fellow Members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
	9.4 Don't decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political group meeting should never dictate how Members should vote on a planning issue.

10. COMMITTEE SITE INSPECTIONS

DO'S	DON'TS
10.1 Do attend site visits organised by the Council and specifically if you requested it.	10.2 Don't request a site visit unless it is strictly necessary because: (a) particular site factors are so significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or (b) there are exceptional site factors which need to be carefully addressed.
10.3 Do bear in mind site visits are expensive and time consuming and should be viewed as an exception to the usual process. They can be justified only by the importance or complexity of the application and its site.	

10.4 Where a site inspection is recommended by the Corporate Manager – Development Management the same principles, 10.2 above apply, recognising that in some cases the arrangements for site visits may need to be made, after consultation with the Chairman, prior to the date of the next Planning Committee meeting.

- 10.5 In all cases the Planning Committee will determine whether a site inspection should be conducted.

11. PROCEDURES AND CONDUCT AT SITE INSPECTIONS

Who May Attend

- 11.1 Access to premises to conduct the site inspection is with the consent of the landowner (or other person entitled to give consent). The landowner is therefore entitled to be present at the site inspection. The applicant and/or their professional representative is also entitled to be present. Unless invited by the Chairman to answer specific questions, the landowner, agent and professional representative may not otherwise contribute to the proceedings at the site inspection. Landowners, applicants and professional agents are expected to act in the spirit of co-operation to enable the site inspection to be undertaken in the presence of those invited.
- 11.2 Subject to any conflict of interest, all Members and substitutes of the relevant Committee are entitled to attend. The ward Member is also permitted to attend. Other Members may attend with the prior consent of the Chairman of the Committee.
- 11.3 Subject to any conflict of interest, 1 representative of the Parish/Town Council is also permitted to attend.
- 11.4 The role of the ward Member and parish/town council representative will be to provide any relevant factual local information which is not already apparent. The Chairman of the site inspection will invite such submissions after the Officer's presentation and once Members have had opportunity to ask questions.
- 11.5 The Case Officer for the application which has prompted the site inspection will attend along with such other supporting Officers or specialist advisers (e.g. local highway authority) as the Head of Economy considers appropriate.
- 11.6 The inspection is not a meeting which is open to the public and so no other persons shall be permitted to attend unless the Chairman considers there are exceptional circumstances and exercises his/her discretion to allow other persons to be present. Normally, it will be unnecessary for any other persons to contribute to the inspection. Verbal representations are facilitated through the public speaking session at the Committee meeting itself.
- 11.7 It is essential that Members and Officers ensure that those attending are not led to believe that a decision has been made at the site inspection.

Procedure to be Followed

- 11.8 The Chairman (or in his/her absence, the Vice-Chairman) of the relevant Committee will have conduct of the site inspection and will adopt such procedure as he/she considers appropriate having regard to Council procedures and charters.
- 11.9 Unless the Chairman indicates otherwise, the usual procedure to be followed in respect of planning applications will be as set out below:
- (a) The site inspection will be formally 'opened'. The Chairman will explain the purpose of the inspection and that no representations on the merits of the application will be heard, nor will any decision be made before the application is reported to the formal meeting of the Planning Committee.
 - (b) The Chairman will make introductions and ascertain the identities of those present, who as set out above, will be limited to:
 - i. Members of the Committee and substitutes
 - ii. Landowner
 - iii. Applicant
 - iv. Applicant's professional representative
 - v. 1 Parish/Town Council representative
 - vi. Ward Member/s
 - vii. Case Officer, supporting officers and/or specialist advisers
 - (c) The Case Officer will be invited to briefly explain:
 - i. why the Committee has been invited to inspect the site
 - ii. the facts of the application, and
 - iii. any views received from consultees which are relevant to the inspection.
 - (d) The Case Officer will point out key features.
 - (e) Any specialist adviser will explain relevant issues
 - (f) The applicant/professional representative may be questioned on any factual aspect of the proposal
 - (g) The Parish/Town Council representative will be invited to provide any relevant factual local information concerning the site or the surrounding area
 - (h) The Ward Member will be invited to point out any factual features of the site or surrounding area or to ask questions about the proposal
 - (i) Members of the Committee and substitutes will be invited to ask questions. No discussion on the merits of the application will take place.
 - (j) The Case Officer will be invited to ask any questions to seek clarification of any issues

- (k) Members will be given opportunity to inspect the site/area in more detail
- (l) The Chairman formally closes the site inspection.

11.10 If there is interruption, lobbying or other conduct which may affect the impartiality of the site inspection, then the Chairman may at any time bring the site inspection to a close. If that happens, there may not be opportunity to reconvene the inspection at a future date.

Conduct at Site Inspections

11.11 Members will attend the site inspection in their official capacity and the Code of Conduct for Members will apply to their conduct throughout. A Member with a pecuniary interest in the item when it is considered at a meeting of the Council, must not attend the site inspection.

11.12 In addition to the Code, both Members and Officers should adhere to the general principles of good governance set out below:-

- (a) There should be no discussion of the application or matter that prompted the site inspection. Care is needed to ensure that Members and Officers do not have private discussions which could be perceived as a discussion of the merits of the application or engage in conversations that could be misconstrued.
- (b) No views on the application or matter should be expressed. Members must not give any indication as to how they may vote.
- (c) Members and Officers should stay together as a group at all times to ensure that all Members receive equal information.
- (d) Members and Officers arriving early at the site must not commence any part of the inspection before the inspection has been opened by the Chairman.
- (e) The purpose of the site inspection is not to secure views on the application and there must accordingly be no discussions with Members of the public or other persons present who may seek to influence the Member's views.

DO'S	DON'TS
	<p>11.13 Don't enter a site which is subject to a formal application other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:</p> <ul style="list-style-type: none"> (a) You feel it is essential for you to visit the site other than through attending the official site visit; (b) You have first spoken to the Corporate Manager – Development Management about your intention to do so and why (which will be recorded on the file); and (c) You can ensure that you will comply with the above good practice rules on site visits.

12. AGENDAS

- 12.1 In the first instance the Corporate Manager - Development Management will decide the content of planning agendas in consultation with the Head of Economy. Should there be any dispute the final decision will rest with the Strategic Director (Place) in consultation with the Committee Chairman.

13. MEMBER REFERRALS TO COMMITTEE

- 13.1 Officers agree not to determine applications using their delegated authority where a Member of the Council requests that the application is determined by the Planning Committee and the request is made in accordance with this Charter and the 2013 Charter.

DO'S	DON'TS
<p>13.2 Do discuss a potential reference to Planning Committee with the Case Officer in the first instance.</p>	<p>13.3 Don't request a referral to Planning Committee unless there are significant policy, consistency or material considerations and a decision on the application is of more than local significance.</p>

DO'S	DON'TS
<p>13.4 Do request that the application is referred to Committee for determination only where there are clear and substantial planning grounds to do so. Do explain your planning reasons, in writing, when making the request to the Corporate Manager. A request must be made in accordance with paragraph (5) below.</p>	
<p>13.5 Do consider the wider District and public interest before requesting an application is reported to committee.</p>	<p>13.6 Don't request a referral to Planning Committee unless the application is in your Ward or there are very significant impacts upon your Ward which might arise from the development.</p>
<p>13.7 Do discuss the planning issues raised by the case, and the public interest there may be in reporting the matter to committee, with the case officer as part of a collaborative dialogue whilst the application is being processed.</p>	
<p>13.8 Do request the application be reported to committee as early as you reasonably conclude that is necessary and not later than 28 days after the application has been publicised on the application site, in the press or by neighbour letter (whichever is the latest date).</p>	<p>13.9 Don't request a referral less than 21 days before the application statutory expiry date (the case officer can clarify this if you are in doubt).</p>
<p>13.10 Do make a request for determination by Committee in the prescribed form appended and send the completed form to the Case Officer and the Corporate Manager. The reasons you provide will be reported to Planning Committee when the application is considered.</p>	

13.11 To facilitate the operation of the arrangements in 13 above Officers will:-

- (a) circulate a list electronically every week to all Members containing details of applications registered. The list will identify the date of registration of each application
- (b) use reasonable judgement to keep the Ward Member (s) informed of significant objections received in respect of applications within their ward
- (c) brief Members on relevant planning policies and make them available through the Councils website.

14. PLANNING COMMITTEE MEETINGS

14.1 All applications presented to the Planning Committee for decision will have a full written report from Officers. This will include: -

- (a) a clear explanation of the Development Plan, site or related history
- (b) any other material planning considerations
- (c) the views of people who have been consulted
- (d) the substance of any objections
- (e) a reasoned consideration of the proposal
- (f) a clear recommendation including conditions and reasons
- (g) a list of the relevant planning policies

14.2 Any relevant planning information which is received after the written report has been prepared will be summarised by Officers to the Planning Committee where possible. The Addendum/Late papers will be circulated to committee Members before Planning Committee. Any further planning information will wherever possible be summarised verbally by the Planning Officer at the committee meeting. In the event of significant new information being received, the Corporate Manager - Development Management may recommend that the meeting be adjourned to allow time for the new material to be read or that consideration of the application be deferred.

14.3 In the event that an application is altered or there is significant new information arising between the preparation of the report and its discussion by the Planning Committee, the Chairman of the Committee in consultation with the Corporate Manager – Development Management may decide in advance of the meeting to remove an item from the Committee agenda. Once the meeting has been opened, any proposal to defer consideration of an application will only be approved by consent of the Committee.

- 14.4 If you are minded to, before resolving to grant planning permission contrary to Officer recommendation, Members are advised (in accordance with the “Probity in planning” guidance issued by The Local Government Association and the Planning Advisory Service) to observe the following steps:-
- (a) where possible to discuss areas of difference and reasons with the Case Officer before the Committee meeting
 - (b) identify the detailed planning reasons (including relevant policies within the development plan) as part of the mover’s motion
 - (c) be prepared to explain in full their planning reasons for not agreeing with the officer’s recommendation
 - (d) never place pressure on officers to identify the planning reasons
 - (e) provide officers with the opportunity to explain the implications of a contrary decision
 - (f) consider adjourning for a few minutes for those reasons to be discussed and then agreed by the Committee
 - (g) where there is concern about the validity of the reasons, consider deferring the item to a later meeting to have the reasons tested and discussed
 - (h) if it is intended to approve an application that is clearly contrary to the development plan then the material considerations leading to that conclusion must be clearly identified and how those considerations override the development plan must be clearly demonstrated.

DO’S	DON’TS
14.5 Do come to the meetings with an open mind and demonstrate that you are open-minded.	14.6 Don’t vote or take part in the meeting’s discussion or a proposal unless you have been present to hear the entire debate, including the officer’s introduction to the matter.
14.7 Do comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.	14.8 Don’t allow Members or members of the public to communicate with you during the committee proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair as this may give the appearance of bias.

DO'S	DON'TS
<p>14.9 Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary defer or refuse.</p>	
<p>14.10 Do have recorded the reasons for Committee's decision to defer any proposal.</p>	
<p>14.11 Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the <u>planning reasons</u> leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any appeal or other challenge.</p>	
<p>14.12 Do ensure that reasons for rejecting a report's recommendations are clearly stated at the meeting and recorded in the minutes. Do ensure that in such cases the decision is based on sound planning reasons.</p>	
<p>14.13 Do bear in mind that planning appeals or other challenges are time consuming and costly.</p>	

In cases where the Development Control Committee at Mid Suffolk District Council is minded to grant planning permission contrary to officer recommendation and that application is to be referred to the Planning Referrals Committee **then Members should be prepared to [a] provide a summary of any heads of terms which they would expect to be included in any planning obligation deed and [b] provide a summary of any planning conditions which they would expect to be imposed on the permission.**

Where an application is to be referred to the Planning Referrals Committee at Mid Suffolk District Council having regard to the wish of the Development Control Committee to grant planning permission contrary to Officer recommendation and policy then the Officer's report should include advice to the Planning Referrals Committee upon those summary heads of terms and planning conditions which the Planning sub-committee expected to be included in any planning obligation deed or imposed on the permission.

15. DISTRICT COUNCIL APPLICATIONS

- 15.1 Proposals for the Council's own development or development involving the Council or its own land should be reported to the Planning Committee for a decision. The committee report should clearly identify the Council's interest in the application.
- 15.2 Decisions on applications in which the Council is the applicant or landowner must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council. It is important that the Council is seen to be treating all such applications in the same way as any other application as well as actually doing so.

16. APPLICATIONS IN WHICH MEMBERS OR OFFICERS ARE DIRECTLY CONCERNED

- 16.1 It is vital to ensure that development proposals or representations submitted by Members or Officers or by their close family are handled in a way that does not give any grounds for accusations of favouritism or suspicions of impropriety.

DO'S	DON'TS
16.2 Do inform the Monitoring Officer in writing of any such proposals	16.3 Don't take any part in the processing or consideration of the application.
16.4 Do ensure that the interest is notified to the case officer and recorded on the public file.	

16.5 All applications (including permitted development notifications and other planning related consents) which are known to be submitted by or on behalf of Members and Officers of either Council (or a close family member) will be reported to the Planning Committee for a decision. The fact that the application is from a Member or Officer (or their close family) will be highlighted in the committee report.

(a) A Member or Officer who has an interest in an application either by reason of it being (i) their application (ii) an application by a close family member or **[(iii) an application on which they have made representations], shall take no part in the processing or deciding of the application.** Where the Development Control Committee at Mid Suffolk District Council resolves to grant planning permission contrary to the Officer recommendation and the application is known to have been submitted by or on behalf of a Member or by a Mid Suffolk District Council Officer then that application shall be referred to the Mid Suffolk District Council Planning Referrals Committee.

17. MEMBER INVOLVEMENT WITH EMERGING DEVELOPMENT PROPOSALS

17.1 On occasion working groups comprising or including Members may be established to consider, formulate or contribute to proposals for emerging development whether in respect of the Council's own land/development or otherwise. By their very nature such pre-application discussions will normally be confidential and details of those discussions or proposals must not be divulged without the express consent of the project Lead Officer.

17.2 Officers will be responsible for retaining a note of key points discussed at working group meetings. Copies of notes will be made available to Members of the working group but wider dissemination may not be possible where issues of confidentiality or commercial sensitivity arise. Only those Members who are appointed (or substitutes if appointed) to the working group will be entitled to attend its meetings.

17.3 Appointments to working groups will be made in accordance with the wishes of political group leaders subject to there being no conflict of interest **or other potential matters of probity.**

18. REVIEW OF DECISIONS

18.1 Every two years arrangements will be made for Members, by the Corporate Manager – Development Management, to visit a sample of implemented planning permissions throughout the District in order that the quality of decisions can be assessed and as a training opportunity.

19. REVIEW OF THIS CHARTER

- 19.1 This Charter will be reviewed at least every 2 years, by Legal Services, to make sure that it reflects changes in the law, the Council's structure or other relevant considerations, other reviews may be carried out as appropriate.

Protocol for Use of Planning Officer Delegations

- (a) This Protocol is supplemental to the Scheme of Delegation adopted by Full Council. It sets out the circumstances in which the Head of Economy agrees to refer certain planning applications to Committee for determination.
- (b) Pursuant to the Scheme of Delegation, the Head of Economy has delegated authority to determine all applications within his/her area of responsibility subject to the decision being “in accordance with the overall policies and procedures approved by the Council”.
- (c) For the purposes of the Scheme of Delegation, a decision on a planning application is “in accordance with the overall policies and procedures approved by the Council” where the decision is made in accordance with the National Planning Policy Framework as determined by the Head of Economy acting in consultation with the Chairman and/or Vice-Chairman of the Development/Planning Committee.
- (d) The Head of Economy agrees not to exercise his/her delegated authority where:-
 - i. a Member of the Council requests that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council
 - ii. it is a major application (as defined in law) for:-
 - development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any amendment or statutory re-enactment thereof)
 - a residential development for 15 or more dwellings
 - the erection of any industrial building/s with a gross floor space exceeding 3,750 sqm
 - a retail development with floor space exceeding 2,500 sqm
 - a renewable energy development, as defined by Government guidance, (unless the application would be refused under delegated authority)
 - iii. the Head of Economy considers the application to be of a controversial nature