

THEBERTON AND EASTBRIDGE PARISH COUNCIL

EAST SUFFOLK COUNCIL – PLANNING PROTOCOL

Introduction

Theberton and Eastbridge Parish Council has concerns about the openness and transparency of East Suffolk Council's planning protocol. We are seeking the views of other Town and Parish Councils about this and the results will be shared with the Suffolk Association of Local Councils and subsequently with East Suffolk Council.

East Suffolk Council's Local Plan appears to be a strong and useful framework for the planning department to work under. In the past, planning applications were mainly determined by planning committees. This gave the planning system credibility by achieving a democratic process and giving us a robust structure to work within. At the same time, it gave the public confidence in the process.

However, in recent years, we are now evidencing a strong movement away from this process resulting in between 90-95% of applications being dealt with behind closed doors, outside the public domain. This has been witnessed by our, and many other, Town/Parish Councils.

This represents a huge imbalance in our system and any process to deal with the vast majority of the applications should be seen as both fair and beyond reproach. It is evident that the process used to consider planning applications (outside those brought to committee) falls well short of the balanced process needed to achieve what would be seen as a fair and equitable process.

Comparison With Other Local Authorities

Theberton and Eastbridge Parish Council has examined systems used by other authorities in their goal to look to achieve a fair and equitable planning system.

Many other authorities have more open planning processes than East Suffolk Council with regard to delegated matters. One example is Cornwall Council which is open to public scrutiny in many ways. Firstly their planning processes are in the form of a flow chart, available on their website, setting out the Planning Protocol for members and local councils. This enables the public to easily follow the due process of planning and be assured that the process is both fair and open. The process also includes a number of fail-safe trigger points in regard to an application's passage and clearly challenges Officers to have regard to the issues around applications and those that represent the public.

Cornwall Council mainly has the same system as East Suffolk Council - the application is received and processed, all statutory bodies and councillors, together with notifiable persons receive notification and must submit observations within 21 days. If there are no issues, both Councils move towards a decision. If there are issues, the District Councillors can consult on their own behalf, or that of the Town/Parish Council, about these matters.

However, after this point, East Suffolk Council's processes clearly move away into a more intransigent mode, in that the District Councillors' comments on behalf of the public and/or Town/Parish Council are noted by the Officers but no further resolution needs to take place and, if an Officer so desires, he/she is allowed to move forward to an Officer led decision.

In Cornwall Council, if there are issues, the Officer contacts the District Councillor to seek a possible resolution and if the Officer agrees to resolve the issues, the application proceeds to be determined through delegated powers. Should these issues not be resolved, the District Councillor can request a Committee Referral and the application is determined by the Planning Committee.

Comparing East Suffolk Council against Cornwall Council, there appears to be no system for Town/Parish Councils to affect the route of the application through the system. Unfortunately the District Councillor is the only person working on behalf of the public and councils who can directly influence the Officer in the direction he/she will take

Why The Current System Is Flawed

East Suffolk Council appear to not even get close to these fail safes on behalf of the public, which would help protect the integrity of our planning system. The next process within East Suffolk Council's planning process would appear that the Officer is left to make their own planning recommendations based on the written information, documents and plans received and he/she would prepare a report to present to the planning sub-committee.

In East Suffolk, sub-committee meetings are held behind closed doors unlike full planning meetings. Two Councillors from the North Area and two Councillors from the South Area attend the meetings which mean that two are considering applications which do not relate to their particular area and the other two may, or may not, have on-the-ground experience of the particular application in question. Our understanding is that these meeting are predominately Officer led, as there appears to be a large percentage of cases where there is little or no local knowledge. Who truly represents the public, who would have meaningful local contributions to make, at these meetings? Unfortunately, the people who could represent the Town/Parish Council's views at that meeting are only allowed to observe and not to speak. The Nolan's Committee 1997 report states "It is essential for proper operation of the planning system that local concerns are adequately ventilated". It is clear within East Suffolk's sub-committees that these matters are not being 'ventilated'. (Ref: Probity in Planning Advice Document. Local Government Association PAS Guidance 2019). This is not the case in a full planning meeting where there is always local and professional input to balance the Officers' views.

As public servants employed by the District Council, the Officers have a duty of care to ensure that they have a positive dialogue with District Councillors, Town/Parish Councils and the public to facilitate and implement planning systems that give the public absolute trust and confidence in the processes they use. At present we believe this is seriously called into question.

Survey

Given the above information, we ask the following questions. Please reply by 7th May 2021, either by answering the questions and/or sharing your views on the process. Please return your answers to parishclerkthebertoneastbridge@gmail.com.

1. Does your Town/Parish Council support East Suffolk Council's planning process in its present form?

YES NO

2. Would your Town/Parish Council or your residents see the present planning process as a wholly open and transparent system, which is beyond reproach?

YES NO

3. Can your District Councillors, in the present planning process, report back to your Town/Parish Council that planning applications of concern have been through due process and had a fair hearing on behalf of the public?

YES NO

4. Do you feel at present there are sufficient trigger points within the present planning process for Town/Parish Councils to have an affect?

YES NO

5. Given the large size of our district (one of the largest in the country) do you think it is appropriate for District Councillors (who are Cabinet Members representing planning) to be involved at Local Planning Committee level, given the potential perception of conflict of interest and predisposition when there is no obvious need?

YES NO