

Planning Policy on 5 Day Protocol Response to Cornwall Council

Adopted by Council – 12 July 2023

This policy details the procedure that will be followed by Ludgvan Parish Council in order to comply with Cornwall Council's 5-day protocol for Local Councils.

The parish council is a consultee in the planning process. Planning Officers at Cornwall Council have delegated decision making powers and where their decision is in accord with the representation from the parish council, then the decision to grant or refuse planning permission may be made. Where the planning officer decision differs to the representation of the parish council, the 5 day protocol is followed. The planning officer will contact the parish council and set out the planning considerations leading to their recommendation and asking the parish council to:

1. Agree with the Cornwall Council officer recommendation
2. Agree to disagree with the Cornwall Council officer recommendation
3. Having made strong planning reasons to maintain the Parish Council's original position on the proposal against the recommendation of the Cornwall Council officer, it is requested that the application is determined by the Planning Committee at Cornwall Council.

If Option 3 is chosen, then in accordance with Cornwall Council's Protocol for Local Councils, a relevant senior officer at Cornwall Council will exercise their discretion on whether or not the application goes to the planning committee after first discussing the matter with the Cornwall Council ward member for the application site.

Procedure for the 5 Day Protocol Response to Cornwall Council

- i. The Clerk will forward the 5 day protocol email containing the Cornwall Council planning officer's advice to the Council Chair and Vice-Chair, and may draw attention to relevant planning considerations.
- ii. The Chair and Vice-Chair should respond by email as soon as possible, with their comments and a clear choice of option 1, 2 or 3
- iii. If either Chair or Vice-Chair does not respond by the deadline given by the Clerk, then they will be considered to have given no comment.
- iv. The Chair and Vice-Chair will be mindful of the '6 month rule', which states that decisions made by the Council will not be revisited within 6 months. However, in the majority of 5 day protocol cases, the advice from the CC Planning Officer may bring material considerations not available for consideration at the time of the Parish Council meeting.
- v. The key considerations for the Chair and Vice-Chair will be the advice and any relevant new information from the CC Planning Officer, reference to the Ludgvan Neighbourhood Plan and Design Guide, and the discussion on the planning application when it was considered by the Parish Council.
- vi. The Chair and Vice-Chair may arrive at consensus and agree the updated representation from the Parish Council to be returned to the CC Planning Officer. If a consensus is not reached, then the Chair will be asked to finalise the Parish Council's 5 day protocol response to Cornwall Council.