



# **Guidance for** **Committee Members** **and the Public** **Planning Policy No. 1**

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Office Opening Times:

Mondays, Tuesdays & Fridays 10am - 12 noon

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Parish Council Planning Policy No 1 – Guidance for Committee Members and the Public

# PLANNING COMMITTEE

## GUIDANCE FOR COMMITTEE MEMBERS AND THE PUBLIC

### Introduction

The majority of planning applications in the parish of Marden are made to Maidstone Borough Council (MBC) as the local planning authority. However, some applications – those involving minerals, waste and schools for example are dealt with by Kent County Council (KCC).

Marden Parish Council (MPC) is notified on all applications for outline or full planning permission, listed building consent, tree preservation orders and advertising consent within the parish. MPC may be consulted about applications in adjacent parishes (including those in the Tunbridge Wells Borough Council area). National Government, KCC and MBC also consult MPC on a range of other planning matters, particularly on policy documents, as can other public bodies such as the Environment Agency.

The majority of planning decisions are made under ‘delegated powers’. This means that decisions are made by the MBC professional planning officers. However, there are some applications, especially controversial ones, where the decision needs to be made by the MBC Planning Committee. The committee comprises elected Borough Councillors who may accept, modify or reject the recommendations made by the Planning Officer.

It is important to note that MPC makes recommendations to the relevant planning officer only and does not determine any planning applications – the final decision to grant or refuse planning applications rests with the Local Planning Authority, usually MBC.

MPC is also free to make representations on other planning issues where it is not formally consulted (e.g. enforcement action and certificates of lawfulness).

### MPC’s Planning Committee

Planning issues are normally discussed at public MPC Planning Committee meetings, usually held at 19:30 on the first and third Tuesdays of each month in the MPC Office Meeting Room or The Old School Room, Marden Memorial Hall, Goudhurst Road. Urgent items may also be discussed at the main MPC Meeting held at 19:30 on the second Tuesday of each month at The Allens or by calling an Extra Ordinary Full Council meeting.

The planning issues to be discussed are listed on the agenda which is published at least three working days before the meeting. Agendas are available on MPC’s notice boards and website ([www.mardenkent-pc-gov.uk](http://www.mardenkent-pc-gov.uk)). Links to the website are also given on social media and in the MPC weekly e-newsletter.

Members of the MPC Planning Committee will disclose whether they have an interest or have been lobbied on any agenda item. Any member present with a prejudicial interest in a matter under discussion will temporarily withdraw from the meeting in accordance with the council’s Code of Conduct.

The MPC Planning Committee will agree to recommend planning applications and applications for listed building consent for approval or refusal. The MPC Planning Committee may also suggest possible amendments or provide information that may be useful in the determination of the planning application.

All applications are considered on their individual merits, taking account of all relevant factors. These may include national, regional, county or borough planning policies with particular regard to the adopted Marden Neighbourhood Plan 2020 (MNP), as well as any representations received. Where the information presented is considered to be insufficient, further details will be sought from the planning authority. Apart from applications involving gypsies, travellers and travelling showpeople where special statutory considerations apply, the identity of the applicant is not a material planning consideration.

The Planning Committee may also recommend that the planning authority applies any necessary planning conditions and/or secures an appropriate 'Section 106' developer contribution if it is minded to approve an application.

*See MPC Infrastructure Spend Plan and Highway Improvement Plan Documents.*

The MPC Planning Committee will respond to other consultations on a case-by-case basis.

Any MPC Planning Committee member may raise issues of possible concern that could require enforcement action by the planning authority or other statutory body, and the Clerk will report on any such matters notified by other parish councillors or directly by members of the public. This process is subject to the MPC Planning Enforcement Procedure Policy.

The MPC Planning Committee may vote to adopt specific policies and guidelines as an aid to consistent decision making.

Parish Councillors who are not members of the MPC Planning Committee are entitled to speak, but not vote, at meetings. However, applications which have wide reaching implications may be heard at a Full Council meeting which would enable all Councillors to vote.

The MPC Planning Committee may agree to defer an agenda item to a future committee meeting (where necessary to obtain additional information, for example).

Members of the MPC Planning Committee may also propose a motion that an agenda item be considered at the next MPC Full Council meeting. This may be appropriate where it is necessary to make a decision prior to the next MPC Planning Committee meeting or to discuss a major planning application.

If MPC agrees to recommend refusal they will propose whether they wish the application to go to MPC Planning Committee ("call in") or not. If it is the decision for it to be called in a member of MPC Planning Committee will attend and read out a statement previously agreed by Cllrs. *See "Addressing the MPC Planning Committee" on page 4.*

## **Public Participation**

Members of the public, including applicants, supporters and objectors, are able to attend. It is usually possible to address Councillors at the meeting in accordance with the MPC Public Participation Policy.

## **Site Visits**

Members of the MPC Planning Committee are, as a group, familiar with most parts of the parish, and the nature of many planning applications means that formal site visits are usually not warranted. However, the MPC Planning Committee may agree, in certain circumstances, to visit an application site. Parish Councillors are unpaid volunteers with limited time and therefore there can be no guarantee that any particular site will be visited.

Arrangements for site visits will not normally be publicised or made known to applicants or their agents, except where permission is required to go on private land. Any persons attempting to make representations during such site visits will be advised to do so in writing or in person at the next MPC Planning Committee meeting.

In exceptional cases, the MPC Planning Committee may agree to arrange a public site visit. This will normally only be done where the applicant (or their agent) has indicated that they are willing to accept questions from Parish Councillors and members of the public. Arrangements will be notified to interested parties, including applicants and known supporters and objectors, and in this case, representations will be accepted on site. Participants will be expected to refrain from aggressive questioning or making lengthy statements, and the Chairman of the MPC Planning Committee (or delegate) retains the right to cut short or temporarily suspend any such visit.

No decisions will be taken on site – all applications will be considered at a subsequent public meeting of the MPC Planning Committee in the normal way.

Notwithstanding the above, individual members of the Planning Committee may, of course, decide to visit a site on a personal basis prior to the meeting at which an application is due to be discussed. However, unlike Local Authority Planning Officers, MPC Councillors have no right of access and can only view sites from the public domain or with the permission of the landowner.

### **Addressing the MBC Planning Committee**

MBC planning applications not decided under delegated powers are determined at public meetings of the MBC Planning Committee, usually held at Maidstone Town Hall. Applications are generally heard at the MBC Planning Committee for the following reasons:

- the planning officer's recommendation would be contrary to the written views of the Parish Council or a statutory consultee;
- the proposal constitutes a departure from the adopted Local Plan; or
- the application has been 'called in' by an elected Borough Councillor or MPC.

MPC has the right to speak at MBC Planning Committee meetings, as indeed do a limited number of applicants, supporters and objectors, but MBC must be notified of any intention to do this in accordance with its published procedure.

In order for a Marden Parish Councillor to speak on a planning application in an official capacity, the following guidance must be followed:

- MPC's position (e.g. a recommendation to approve, modify or refuse a planning application) must have been previously agreed by the MPC Planning Committee or, in exceptional cases, the Full Council. Comments must be clear and precise, and careful distinction needs to be made between those which represent material planning considerations and those which reflect a wider 'village opinion'.
- MPC Planning Committee (or Full Council) must have voted to send a delegate to address the MBC Planning Committee. Should no such vote be taken, any councillor still wishing to address the MBC Planning Committee must do so as a private individual and not a representative of MPC.
- If MPC has called in an application, or where it has otherwise been agreed to send a delegate, the Clerk will notify MBC in accordance with its published procedure.

- In exceptional circumstances where a delegate is unable to attend at short notice MPC will submit an urgent update with a request that this is read out at the MBC Planning Committee meeting.
- The delegate must limit any comments made to the MBC Planning Committee meeting to those previously agreed by the MPC Planning Committee or Full Council (as appropriate).

MPC Planning Committee is under no obligation to accede to any request to send a delegate to address the MBC Planning Committee.

### **Appeals**

In the event of an appeal, the MPC Planning Committee will normally reiterate its previous comments unless circumstances have changed since they were originally made.

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