

Briefing Note

Planning Application Consultations and s.106 Agreements

A number of Parish and Town Councils have raised concerns about the amount of time they get to respond to planning applications. They don't feel they are given enough time to respond to planning applications in relation to their meeting schedules, many only meet once a month.

It would appear that there is not always a consistent approach to helping parishes to respond to applications, some seem to be able to get extensions in time to respond others don't.

The questions raised: -

- Are Parish and Town Councils statutory consultees for planning applications?
- If so what arrangements are in place in order to help them achieve this considering that most only meet on a monthly basis?

Response from Planning Department

Milton Keynes Council is unusual and perhaps unique in being a fully parished unitary authority. The planning system in which we operate is set nationally and doesn't allow for local variation, particularly in terms of application processing.

Town and Parish Councils are not statutory consultees, they are third party consultees who are invited to make comments on planning applications. Both statutory and third party consultees have an important role in providing information to aid our decision making.

There is a statutory consultation period of 21 days and this is set to allow the Council to make timely decisions. The government currently assesses the planning authority on the time it takes to make a decision and our success at appeal. The sanction if we fail to deliver on these elements is that we could lose the ability to make planning decisions locally.

Ultimately, Town and Parish Councils have to work within the statutory framework, which requires responses in 21 days. There are occasions where applications are of such a complex nature that it takes longer to get the necessary information to make a decision. In these instances, planning officers can afford to be more flexible with consultees and an early conversation with the case officer will help you to establish this.

If Parish and Town Councils consider that they have had greater flexibility in the past then this will have been as a result of two key factors. The first is that

the national performance regime for planning has been tightened over the last couple of years and the second is that the Council now pays far greater attention to the quality and quantity of applications that are decided. Over the last 18 months, the Council's performance in planning has moved from being on the edge of the Government's intervention level to within the top half of Councils nationally and this is continuing to rise. Alongside this complaints have dropped considerably.

A number of Parish and Town Councils have a sub-committee who have a planning brief and meet more regularly they then have their responses verified by the main committee. This allows for more timely responses but also it forges stronger relationships with case officers.

Parish and Town Council involvement in decisions relating to the setting of Section 106 obligations.

- What can Parish and Town Councils expect in relation to being consulted at the point when the s.106 agreement is being negotiated at the application stage?
- If an application is subject to a s.106 agreement, what would be the process for a Parish or Town Council to get involved?

Response from Planning Department

Parish and Town Councils need to set out what they expect in terms of planning obligations in their response to planning applications or when they are consulted by the applicant at the pre-application stage. The case officer for the application will then be able to assess whether these expectations meet the 3 statutory tests. It is then the case officer who acts on behalf of the Town and Parish Council in discussions with the applicant.

It is essential that the planning authority acts independently in the negotiation of planning matters, it is a statutory requirement. It would, therefore, be inappropriate for any third party to be involved in the detailed negotiations of s.106 matters with applicants.

The other key area for involvement of Parish and Town Councils is in the setting of policy in Neighbourhood Plans and in contributing to our plan documents. The Councils Planning Obligations SPD will be ready for consultation by the end of the year. This aims to update the existing SPD and also bring the Councils guidance in line with the most recent changes at a national level.

Early engagement and active involvement with the Planning department will get the best results.

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