

Protocol for Internal Planning Applications

This protocol applies to applications for which the council is both the applicant and the Local Planning Authority (LPA).

1. Purpose and Principles

The purpose of this protocol is to ensure that internal planning applications are handled with fairness, impartiality, and transparency by ensuring appropriate role separation between those bringing forward a proposal for development and the persons responsible for determining that proposal.

This is important for a variety of reasons, including those imposed by legislation, such as Regulation 64 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and Reg 10 of the Town and Country Planning General Regulations 1992.

In short, these require, among other things, the need for the arrangements for separation of functions to be published, to ensure that these are recorded, the prohibition of the application of direct or indirect pressure and the setting up of separate teams to deal with competing functions.

In the event that any person in the role of applicant or decision-maker has any uncertainty regarding this protocol or its application, seek advice from the Council's legal officers

2. Clear Separation Between Applicant and Decision-Maker

To prevent conflicts of interest and ensure the appropriate separation of functions, the following separations must be maintained:

2.1 Applicant Function

- The council service area proposing development (e.g., Housing, Education, Property Services) acts as the applicant.
- Officers in this team must not engage with the planning case officer outside standard applicant channels.

2.2 Local Planning Authority Function

- Planning Management officers process the application.

- Officers assessing the application must be independent of the service area submitting it save that, in the event that the application is submitted by the same service area, then the officers assessing the application must be functionally separate from (and not, in context of the application, responsible to) those who submitted the same.
-

3. Pre-Application Process

Internal applicants must go through the same pre-application advice service as external applicants:

- All advice must be logged and retained on file.
 - Meetings must be formally minuted.
 - No informal or private advice may be given.
-

4. Communication Protocol

Informal or unrecorded communication should be avoided:

- Communication should occur only through the assigned planning case officer.
 - Councillors should avoid direct contact with the internal applicant in relation to matters directly related to the consideration of the planning application.
 - Any councillor contact should be redirected to planning officers and recorded.
-

5. Validation and Processing

Internal applications must follow the same validation rules and statutory requirements as any external submission:

- Standard information requirements apply.
 - Requests for additional information must be made in writing.
 - The LPA must not apply more permissive validation thresholds for internal applicants.
-

6. Statutory and Public Consultation

Internal planning applications must undergo:

- public consultation consistent with normal consultation rules
 - Notification of statutory consultees
 - Additional re-consultation when material modifications occur
-

7. Determination of Internal Applications

Internal applications are to be determined in accordance with the council's constitution and associated Schemes of Delegation.

Given the particular features of these types of application, it will normally be anticipated that they will be determined by members and not officers, notwithstanding the regime for delegation of some decisions to officers.

8. Officer Reports

Reports must be:

- Professional, balanced and evidence-based
 - Free from internal political or departmental influence
 - Clear about the council's interest in the application
-

9. Record-Keeping and Audit Trail

Record-keeping requirements include:

- Logging communications with the applicant
 - Recording all declarations of interest
 - Maintaining full consultation records
 - Publishing committee minutes
 - Retaining pre-application meeting notes
-

10. Internal Conflicts and Interests

Councillors and officers involved must:

- Declare any personal, prejudicial, or pecuniary interests

- Withdraw from decision-making or any decision making process, where appropriate
-

11. Public Communications

Public communications (website, press releases) must:

- Be factual and not promotional of the council's proposal
 - Be issued only through the corporate communications team
 - Align with established council communications protocols that ensure accuracy and professionalism
-

12. Post-Decision Process

Following determination:

- Decision notices must be published in the normal way
- Conditions must be applied and enforced impartially
- Complaints must be handled through the standard process