



# PLANNING & OPEN SPACES COMMITTEE

## TERMS OF REFERENCE

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## 1. Objective

Plaistow and Ifold Parish Council ('the Council') is a Statutory Consultees<sup>1</sup> within the planning process – an advisory body to the Local Planning Authority (Chichester District Council) – for all planning applications that relate to the Parish area.

The Planning & Open Spaces Committee ('the Committee') is constituted to consider and respond on behalf of the Council in respect of such applications.

## 2. Governance

The Council's Standing Orders, Financial Regulations, Code of Conduct, Scheme of Delegation, Working Group Policy, Complaints Procedure, Media and Communications Policy and Civility & Respect Pledge shall apply to this Committee and its membership.

Where there is disparity between the Council's Standing Orders and this Terms of Reference and/or other relevant policy to the Committee, the Council's Standing Orders shall take precedence.

Other Council policies may apply to the Committee and its members from time to time. The Committee will be advised by the Clerk.

Nothing in these Terms of Reference shall prevent the Council from dealing with a matter that might otherwise be dealt with by this Committee.

## 3. Membership

Membership of the Committee shall consist of a maximum of eight (8), which must include no fewer than four (4) Councillors.

Membership can include Co-Opted Members with no voting rights and/or non-councillors with relevant expertise\* to support the objective of the Committee (SO 4(b)).

\*'Relevant expertise' includes knowledge of: -

- the planning system
- planning policy
- Local Development Plan
- Neighbourhood Plan (if any)
- National Planning Policy Framework (NPPF)
- relevant skill / area of expertise appropriate to any planning application under consideration from time to time.

Members will be elected by the Council annually in May.

The Chairman and Vice Chairman of the Parish Council in an ex-officio capacity.

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<sup>1</sup> [Table 2, Statutory Consultees on applications for planning permission](#) | [Schedule 1, paragraph 8, of the Town and Country Planning Act 1990](#) | article 25 and 25A of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

Non-councillor members of the Committee may be appointed from time to time if this is considered appropriate. These members will not have voting rights unless this is expressly approved.

The Chair or Vice Chair of the Council may chair the Planning Committee (SO 4(d)(xviii)).

The Chair of the Committee shall be elected by the membership at the first meeting after the Annual Meeting of the Parish Council (May) unless already appointed by the Council.

A quorum shall consist of three (3) members; at least one (1) of whom must be a Councillor.

In accordance with SO 4(d)(v), the Committee may appoint and determine the terms of office of any substitute members to the Committee whose role is to replace an ordinary member(s) at a meeting of the Committee if the ordinary member(s) of the Committee has confirmed to the Proper Officer (Clerk) three (3) days before the meeting that they are unable to attend.

### **3. Areas of Responsibility**

The Committee has the following delegated authority from the Council, unless otherwise directed and/or resolved upon by the Council:

- a) To make representations to the Local Planning Authority on applications for planning permission which have been notified to the Council.
- b) To make representations to the Local Planning Authority on applications in respect of Tree Preservation Orders. The Committee will consider and apply any recommendation(s) from the Parish's Tree Warden's.
- c) To make representations in respect of appeals against the refusal of planning permission.
- d) To identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations.
- e) To monitor, review and where necessary make recommendations to the Council for amendments to the planning consultation procedure and/or Council specific planning policy.
- f) To deal with any other planning related matter that a meeting of the Council considers appropriate to be referred to the Planning Committee.
- g) To deal with any Open Spaces owned/managed by the Council including its Playparks and Trees
- h) To consider and where necessary make recommendations to the Council for representations regarding the Local Development Plan and National policy.
- i) To manage matters relating to Street Naming; Parish Seating; Dog and Litter Bins; CCTV; Bus Shelters; Street Lighting.
- j) To deal with Freedom of Information Act requests and appeals pertaining to the remit of the Planning and Open Spaces Committee.
- k) Consider and resolve all complaints pertaining to the remit of the Planning and Open Spaces Committee; appeals to complaint decisions to be referred to the Council.
- l) Spending within the Planning and Open Spaces Budget set by Council from time to time.
- m) To appoint a subcommittee / Working Group whose terms of reference and members shall be determined by the Committee.

The Council may at any time, following resolution, revoke any delegated authority.

The Committee may decide not to exercise its delegated responsibilities and may instead refer any matter to the Council and/or make a recommendation to the Council.

#### **4. Planning Applications**

In accordance with [Standing Order 15\(b\)\(xv\)](#) Planning applications shall be referred to the Planning and Open Space Committee within 2 working days of receipt, unless otherwise directed\* by either the Committee and/or Council; to facilitate an Extraordinary meeting if the nature of a planning application requires consideration before the next meeting of the Planning and Open Space Committee.

Applications may be viewed on either the Planning Portal at Chichester District Council ([here](#)) or the Parish Council's website ([here](#)).

\*On 11th July 2023, the Planning and Open Space Committee resolved to otherwise direct the timescales of application referral.

Planning applications received by the Council shall be referred to the Committee at the time the meeting agenda is circulated/published.

The Clerk will review each application upon receipt and, in conjunction with the Chair of the Committee, consider if an Extraordinary meeting is necessary if the nature of a planning application requires consideration before the next meeting of the Planning and Open Space Committee.

#### **5. Meetings**

The calendar of meetings shall be confirmed at the Annual Meeting of the Council (May) and published on the Council's website [here](#).

The Parish Clerk or the Chair of the Planning & Open Spaces Committee may call additional Committee meetings from time to time when necessary, to ensure that all applications received can be discussed and replied to within the statutory timescales.

In accordance with the Scheme of Delegation, the Clerk may receive planning and tree work applications and make and communicate No Comment decisions to the Local Planning Authority via electronic means.

During a period of emergency, or if the Committee and/or Council is unable to consider the matter at a meeting within the statutory timescales, the Clerk may make the Council's views known having consulted with the Chair of the Planning and Open Spaces Committee. Any application considered/responded to in this way will be reported to the Committee and/or Council at the next meeting to be ratified.

The Committee has an obligation to ensure that any comments received for planning applications, prior to a meeting, from any relevant parties, applicants, and/or objectors, (not including enforcement notices) are considered at the meeting.

Only members of the Committee may vote on agenda items, but other Councillors may attend in that capacity and may speak with the permission of the Chair but shall not be entitled to vote.

Minutes of all meetings will be recorded by the Clerk, or by any member nominated at the meeting and dealt with in accordance with Standing Orders paragraph 12.

## **6. Responses**

The Parish Clerk will communicate to the Local Planning Authority the Committee's decision in respect of applications considered.

Where an application is subject to an appeal, the Committee is authorised to make written representation and/or to elect a member of the Committee, or Officer to attend the hearing.

All correspondence/representations should be conducted through the Clerk.

## **7. Review**

These Terms of Reference are to be reviewed annually by the Committee at the first meeting following the Annual Meeting of the Council.