








PLANNING COMMITTEE – 7 JUNE 2023**REPORT FOR DECISION****RESPONSES PROVIDED UNDER THE ‘LOCAL COUNCIL PROTOCOL’**

Our Culture	Our Decision Making	Our Environment	Our Money	Our People	Our Places	Our Resilience & Wellbeing
						
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Recommendation:

The responses made to Cornwall Council under the ‘Local Council Protocol’, as set out in this report, be noted.

Background:

In instances where a Planning Officer proposes to determine a planning application in a manner which is contrary to the consultation response provided by Penzance Council, they make contact under what is known as the ‘Local Council Protocol’, whereby Penzance Council is provided with the opportunity to either subsequently agree with their recommendation(s), ‘agree to disagree’ or request that the matter is determined by the West Sub-Area Planning Committee.

As Penzance Council is afforded only five working days in which to respond, this would make formal consideration by the Planning Committee impractical and, for this reason, at its meeting held on 20 July 2022 this Committee resolved that authority be delegated to the Democratic Services Officer to consult with Members of the Committee and provide a response in line with the prevailing view.

However, it was further resolved that this consultation would focus purely on whether the Members wished to ‘agree to disagree’ or to ‘call in’ a matter to the West-Sub Area Planning Committee. This decision was made in light of the fact that it was deemed improper for individual Members to subsequently agree with the Planning Officer, thereby overturning a formal decision which had been made democratically on an informal basis.

In instances where no responses were provided, it was resolved that the response to Cornwall Council would be that Penzance Council wished to ‘agree to disagree’.

This process has now been operating for some time but, at the meeting of this Committee held on 26 April 2023, a concern was raised that there was no publicly available record of the subsequent responses of the Council made under the Protocol, particularly with reference to the responses provided for individual Members.

At the meeting held on 17 May 2023 it was therefore agreed that an item be added to future Agendas to 'Note the Responses Provided Under the Local Council Protocol' and it is for this reason that this report is presented.

Since the last meeting of this Committee, the following responses have been provided to the applications considered under the Local Council Protocol:-

**Construction of new dwelling (Plot 5) on previously approved site (PA21/07338).
Land Adj To Arcady, Chywoone Hill, Newlyn, Cornwall, TR18 5FA**

'Penzance Council requests that this application be determined by the West Sub-Area Planning Committee.' (On the basis of photographic evidence supplied which gives an indication of the level of overlooking and overbearing of neighbouring properties.)

(Councillors Bosworth, S Elliott, W Elliott and Reynolds in favour. No other responses were provided.)