Handling Note – 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, advice should be sought from the council's Monitoring Officer and Legal Team.

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. Asset Management, Property Services, Parks, Housing) acts as the applicant.
- Officers in this team must not engage with the planning case officer outside standard applicant channels.
- Officers in this team must not directly engage with any of the consultees appointed by the LPA team to comment on the application.
- Officers in this team are not permitted to access the application on the planning document management system.

2.2 Local Planning Authority (LPA) Function

- Planning Development Management officers process the application.
- Officers assessing the application must be independent of the council team submitting it.

- Officers in the LPA team must not engage with the applicant outside of the standard channels via their planning agent or person nominated on the application form. They should not copy into any correspondence other internal officers associated with the applicant team.

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 must be avoided:

- Communication should occur only through the assigned planning case officer.
- Only the planning case officer is permitted to communicate with the applicant or their nominated agent.
- 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.
- The LPA will apply its policy on amendments in the same way.

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.

Where an internal or external consultee has been involved in the creation of the planning application submission they will not be permitted to comment as a consultee on the application.

7. Determination of Internal Applications

Internal applications are to be determined in accordance with the council's constitution and associated Schemes of Delegation. This will typically be by members through planning committee.

The constitution states that:

In making decisions in relation to Council-owned land, Officers and Councillors will base their assessment on relevant planning issues only and will have no regard to financial or any other benefits that might accrue as a result. (This principle applies to both the determination of planning applications and the allocation of land through the Development Plan process).

The Council's own proposals, or those of others on Council owned land, must be dealt with on exactly the same basis as applications and representations submitted by any other applicant/landowner, particularly as there are special Regulations under which to consider them.

Councillors must not have any regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning proposal. All planning applications and representations, irrespective of the applicant, must be considered and dealt with on the planning merits, not any extraneous gain or loss that might accrue to the Council.

8. Officer Reports

As with all applications 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

As with all applications 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, including internal consultees 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.

Further information:

Gloucester City Council's "*Officer Code of Conduct*" can be found on page 227 of the Constitution

Gloucester City Council's "*Planning and Development – Code of Practice - A guide to the protocol and procedures to be followed by Officers and Councillors in relation to Planning and Development matters including Planning Applications, Development Plan and discussions with developers*" – can be found on page 251 of the Constitution

Royal Town Planning Institute "Code of Professional Conduct" for chartered planning officers can be found online https://www.rtpi.org.uk/membership/professional-standards/code-of-professional-conduct/read-the-code-of-professional-conduct/