

Investigation into Shaftesbury Town Council providing two different observations to the

Planning Authority in relation to the Redrow development at Littledown

Investigation and report carried out by Claire Commons, Shaftesbury Town Clerk

### **Rationale and Scope**

This investigation was initiated after a complaint was received and raised during the public consultation session at the Planning and Highways Committee meeting of 25th June 2019. The scope of the investigation is of policy, procedure and governance and does not extend into the rationale behind decisions taken nor the individuals involved in those decisions. A decision, once taken by the Council or its committees becomes the decision of the corporate body, irrespective of the views of individual councillors.

Investigation into Shaftesbury Town Council providing two different observations to the Planning Authority in relation to the Redrow development at Littledown. The scope of the investigation is to identify any failures in existing policies and procedures or any deviations from established process and other governance concerns specifically in relation to this matter.

### **Process**

This part of the investigation seeks to identify established process for bringing applications in front of the Council (or its committees through the Council's scheme of delegation).

#### **Notification of applications for comment**

The Council is invited to comment on planning applications by the Local Planning Authority. It is notified of these applications through the Planning Portal's Consultee In Tray, an online facility provided by the Local Planning Authority.

The Council also receives an email for each planning application which invites comments within a specified time.

#### **Consideration by the Town Council**

Applications requiring observations to be submitted to the Local Planning Authority are considered by the Town Council's Planning and Highways Committee which holds full delegated authority to respond to planning applications *'Decide Shaftesbury Town Council's responses to consultations on planning and tree applications received from higher tier authorities and forward them in writing to the respective planning authority.'* (Shaftesbury Town Council, 2017).

Where there is insufficient time to hold an application until the next meeting of the committee, the Clerk may call an extra ordinary meeting of the committee or the Council or present the item for consideration by the General Management Committee whose terms of reference delegates *'to exercise all the powers, duties and functions of the council and its committees where, in the interests of the town, it is essential for decisions to be taken notwithstanding the fact that ordinarily the matter would have been referred to another committee of the council for determination.'* (Shaftesbury Town Council, 2017)

### **Responding to the Local Planning Authority.**

The primary method of providing the Town Council's response to planning applications is submission via the planning portal which, once submitted removes the capability of submitting further comments.

The secondary method of providing the Town Council's response is submission by email to the Local Planning Authority which is then uploaded to the planning portal and the capability of submitting further comment on the portal is removed.

This concludes the usual process for commenting on planning applications.

### **Planning Application 2/2018/1418/REM**

This part of the investigation focuses specifically on the events leading to the application being considered on both 6<sup>th</sup> November 2018 and 19<sup>th</sup> March 2019.

### **Application Received – Initial Consultation Request**

On 25<sup>th</sup> October 2018 the Town Council received a request from the Local Planning Authority to provide observations on the application 2/2018/1418/REM at Littledown.<sup>1</sup>

On 6<sup>th</sup> November 2018 an extra ordinary meeting of the Council was convened for various items of business including a number of planning applications which included the application at Littledown. The scope of this investigation does not extend to the reasons for the various items being included on that agenda.

The observations from 6<sup>th</sup> November 2018 were returned to the Local Planning Authority and published on the Planning Portal. (DorsetforYou)

### **Application Received – Second Consultation Request**

On 20<sup>th</sup> February 2019 the Town Council received a request from the Local Planning Authority advising that the proposal had been amended and requesting comments by 16<sup>th</sup> March 2019.<sup>2</sup>

On 19<sup>th</sup> March 2019 the Town Council's Planning and Highways Committee, in accordance with the Committee's Terms of Reference, considered the revised planning application submitted by Redrow.

The observations from 19<sup>th</sup> March 2019 were returned to the Local Planning Authority and published on the Planning Portal. (DorsetforYou, 2019)

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<sup>1</sup> Local Planning Authority Consultation request at Appendix 1

<sup>2</sup> Local Planning Authority notification of amendment and request for comment at Appendix 2

### **Process and Governance Concerns**

This part of the investigation focuses specifically on allegations levied against Shaftesbury Town Council in relation to its handling of observations on the Littledown Application. It notes the allegation, records any findings and makes recommendations where required.

#### **Allegation:**

*It is very unusual procedurally for the matter to be discussed again unless there have been failures of process.*

#### **Finding:**

The Local Planning Authority advised that the proposal had been amended and invited a second opportunity for all consultees to comment.

In accordance with the Planning and Highways Committee's Terms of Reference, the authority delegated to it by Full Council to respond to consultations on planning applications on behalf of the Town Council. The Committee responded to the Local Planning Authorities request to review the application.

#### **Allegation:**

*the decision in March was contrary to Standing Order 7, not to reverse a resolution within six months except by special motion.*

#### **Finding:**

The application had changed sufficiently to give rise to the possibility of the previous resolution no longer being valid. The matter was debated in light of new material information coming to the attention of the Town Council.

**Recommendation:**

Agenda items are clearly marked when being considered in light of new material information.

**Allegation:**

*On 19<sup>th</sup> March the Council was not invited by the Local Authority to make observations.*

**Finding:**

The Council received an invitation to provide comments on 20<sup>th</sup> February 2019, it carried out its duties in responding to this request at the meeting of 19<sup>th</sup> March 2019.

**Allegation**

*The Planning and Highways Committee is not authorised to overturn a resolution that's been voted through by Full Council.*

**Finding:**

The Planning and Highways Committee responded to a new request for comments on revised plans for an application, notwithstanding the reference number remaining the same.

**Allegation:**

*You should not have submitted an observation to the Planning Authority on the 19<sup>th</sup> March*

**Finding:**

The Planning and Highways Committee correctly carried out its responsibilities as a consultee on planning matters as requested by the Local Planning Authority.

### **Conclusion**

The investigation into governance and procedural concerns of Shaftesbury Town Council, in its handling of observations on the planning application for Littledown (2/2018/1418/REM), concludes that all matters were handled in accordance with established process and governance. One recommendation has been identified to assist councillors and the public in understanding when a matter is put forward for consideration due to new material information coming to light.

## Appendix 1

Your Ref:  
Our Ref: 2/2018/1418/REM  
Ask For:

Date: 25th October 2018

Shaftesbury TC  
Town Clerk  
Shaftesbury Town Council  
Town Hall  
Shaftesbury  
Dorset  
SP7 8JE

enquiries@shaftesbury-tc.gov.uk



North Dorset District Council  
South Walks House  
South Walks Road  
Dorchester  
Dorset DT1 1UZ

01258 454111  
www.dorsetforyou.gov.uk

### Town and Country Planning (Development Management Procedure) (England) Order 2015

Dear Sir/Madam

**Proposal:** Erect 170 No. dwellings, form vehicular access from the A350, public open space, play areas, landscaping, car parking, ancillary works and associated infrastructure. (Reserved matters application following grant of Outline Planning Permission No. 2/2015/0598/OUT to determine appearance, landscaping and layout).

**Location:** Land At E 386668 N 124209, Littledown, Shaftesbury, Dorset,

The Council has received a planning application as detailed above; this can be viewed online at <http://planning.north-dorset.gov.uk/online-applications/> where all associated documents will also be uploaded and available to view within 2 working days. The Council request that you submit any comments regarding this application via online comments at the same link by 17 November 2018.

Please note that any comments must relate to material planning considerations relevant to the application itself.

Yours faithfully

*Jean Marshall*

**Head of Planning**

Email: devcontrol@north-dorset.gov.uk  
Phone: 01258 484 220



## Appendix 2

Your Ref:  
Our Ref: 2/2018/1418/REM  
Ask For: Ms Penny Canning



Date: 20th February 2019

Shaftesbury TC  
Town Clerk  
Shaftesbury Town Council  
Town Hall  
Shaftesbury  
Dorset  
SP7 8JE

North Dorset District Council  
South Walks House  
South Walks Road  
Dorchester  
Dorset DT1 1UZ

01305 838336  
[www.dorsetforyou.gov.uk](http://www.dorsetforyou.gov.uk)

[enquiries@shaftesbury-tc.gov.uk](mailto:enquiries@shaftesbury-tc.gov.uk)

### **Town and Country Planning (Development Management Procedure) (England) Order 2015**

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**Proposal:** Erect 170 No. dwellings, form vehicular access from the A350, public open space, play areas, landscaping, car parking, ancillary works and associated infrastructure. (Reserved matters application following grant of Outline Planning Permission No. 2/2015/0598/OUT to determine appearance, landscaping and layout).

**Location:** Land At E 386668 N 124209, Littledown, Shaftesbury, Dorset,

Please be advised that the proposal has been amended.

The amendments are available to view on the Councils Website [www.dorsetforyou.gov.uk](http://www.dorsetforyou.gov.uk) and the documents will be uploaded within 2 working days.

I would be grateful if you would forward any comments you may wish to make via online comments, or via post, before 16 March 2019.

Yours faithfully

*Ms Penny Canning*  
**Senior Planning Officer**  
Email: [devcontrol@north-dorset.gov.uk](mailto:devcontrol@north-dorset.gov.uk)  
Phone: 01305 838336

## References

DorsetforYou, 2019. *Planning Application Comments*. [Online]

Available at: <https://planning.north-dorset.gov.uk/online-applications/applicationDetails.do?activeTab=consulteeComments&keyVal=PGA1DKLHIDD00&consulteeCommentsPager.page=5>

[Accessed 28 June 2019].

Shaftesbury Town Council, 2017. *General Management Committee Terms of Reference*. [Online]

Available at: [https://www.shaftesbury-tc.gov.uk/images/legacy/GEM/2017\\_07\\_04\\_-\\_GEM\\_Adopted\\_Terms\\_of\\_Reference.pdf](https://www.shaftesbury-tc.gov.uk/images/legacy/GEM/2017_07_04_-_GEM_Adopted_Terms_of_Reference.pdf)

[Accessed 28 June 2019].

Shaftesbury Town Council, 2017. *Planning and Highways Committee Terms of Reference*. [Online]

Available at: [https://www.shaftesbury-tc.gov.uk/images/legacy/PandH/2017\\_07\\_04\\_-\\_Adopted\\_Planning\\_Highways\\_Terms\\_of\\_Reference.pdf](https://www.shaftesbury-tc.gov.uk/images/legacy/PandH/2017_07_04_-_Adopted_Planning_Highways_Terms_of_Reference.pdf)

[Accessed 28 June 2019].

Shaftesbury Town Council, 2018. *Extraordinary Full Council minutes 6/11/2018*. [Online]

Available at: <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2018/11/2018-11-06-EFC-Mins.pdf>

[Accessed 28 June 2019].

Shaftesbury Town Council, 2019. *Planning and Highways Committee minutes 19/3/2019*. [Online]

Available at: <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2019/04/2019-03-19-PH-Mins.pdf>

[Accessed 28 June 2019].