

East Herts District Council

Protocol for representations relating planning applications and associated application types.

1. The Council has adopted this Protocol [on INSERT DATE if approved] in relation to the submission of representations for planning and associated applications.
2. Where a Planning or related application type is scheduled to be determined at a meeting of the Councils Development Management Committee, representations in relation to those applications should be received by the Council not later than 5pm on the third working day prior to, but not including, the date of the committee meeting at which the application is scheduled to be determined.
3. This is to ensure that all representations that are submitted to it in relation to planning and associated applications can be fully considered and acted on, where necessary, before the relevant applications are determined.
4. This Protocol is intended to be applied to all planning and associated applications. These include, for example, applications for Listed Building and Conservation Area Consent.
5. All applications received by the Council will, once validated, be subject to appropriate notifications and publicity. The relevant notifications and publicity will set out the period during which

representations relating to the subject application should be received by the Council.

6. Representations should be received by the publicised date as the Council is permitted to proceed to determine the relevant application subsequently and, therefore, any representations received after the publicised date may be received after the determination of the application. In such circumstances, it will not have been possible to take them into account prior to determination.
7. The Councils Scheme of Delegation, as set out in its Constitution, allows the decision maker, in this case the Councils Development Management Committee, to delegate decision making in relation to a range of planning and associated applications to the Councils Planning Officer team.
8. In relation to these delegated application types, the Planning Officer team will proceed to determine applications after the date for the receipt of notifications, as advised in publicity and notifications. The team will always check to ensure that all representations received before determination have been taken into account, where relevant and material. However, representations should be submitted by the publicised date to ensure their receipt after the determination of the application they relate to, is avoided.
9. Decision making in relation to more substantial proposals, generally 'major' applications, as determined by the government, is not delegated to the Councils Planning Officer team and is undertaken instead by the Development Management Committee at its regular scheduled meetings.

10. In these cases, Planning Officers will provide a report to the committee on each application to be determined. The report will summarise details of representations received as at the date of the publication of the report and provide advice on them to the committee. Reports are published no later than five clear working days in advance of the committee date. As a result, there is the potential for representations to be received after the publication of the relevant report. The Council will ensure that these are still taken into account when decisions are made, and Planning Officers will provide advice on them to committee members before determination.
11. However, the very late submission of representations, particularly if they are lengthy and complex, can lead to a situation where decision making needs to be delayed, or meetings adjourned, so that the points raised in such representations can be properly considered.
12. In order to avoid these delays to decision making, the Council has adopted the Protocol as set out above, regarding the submission of representations relating to applications to be determined by the Councils Development Management Committee.