



Lostwithiel Town Council

Local Council Planning Protocol & Addressing Cornwall Council Planning Committees

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Background

Lostwithiel Town Council is a Statutory Consultee on planning for development within the Lostwithiel Parish.

Cornwall Council has a protocol for Local Councils which is available via the following link on their website:-

<https://www.cornwall.gov.uk/media/wtneogza/protocol-for-local-councils-8-15112023.pdf>

Please see **Appendix 1** for the version of this document valid as at April 2026.

Planning Policy – 5 Day Protocol

Overview

A conflict of opinion can occur between the Town Council and Cornwall Council with regards to planning applications, if a conflict occurs the Planning Officer at Cornwall Council will contact the Town Council office by email. This email will state the reasons why the Planning Officer disagrees with the Town Council's consultee response and will usually include references to National Planning Policy, Local Policies & Neighbourhood Plans, a reply is requested within five days. The following explains the procedure the Town Council will follow when a five-day notice is received.

Receipt of the notification

On receipt of the notification from the Planning Officer that the 5-day Local Council Protocol has been invoked, the Council office will forward the email from the Planning Officer to all members of the Planning Committee that were present at the meeting when the application was considered. These Councillors will be responsible for ensuring that their vote is informed and based on proper planning guidance and application information.

The Councillors are requested to respond to the notification as soon as possible, or at the latest by the deadline requested by the Council office, with their comments and a choice of option 1, 2 or 3 as listed below.

If a member does not respond by the stated deadline, it will be adjudged as 'No Comment'.

Response Options

The Town Council can submit one of the three responses:

1. Agree with the Planning Officer's recommendation.
2. Agree to disagree.
3. Having made strong planning reasons, maintain support for the proposal against the Planning Officer's recommendation, and request that the application is determined by Cornwall Council's Planning Committee.

Please note: Town Council Planning Committee Members are asked to be mindful that in accordance with Cornwall Council's Protocol for Local Councils, Cornwall Council's Head of Service (or their nominated officer) will exercise their discretion on whether/or not the application goes to the planning committee after first discussing the matter with the Divisional Member (Elected Cornwall Councillor for Lostwithiel).

Failure to reach a collective agreement

In the rare case that a collective agreement cannot be reached, the Chair of the Planning Committee will have a casting vote.

Reporting

The Council office will advise the Cornwall Council's Planning Officer of the result of the 5 day protocol within the timeframe specified by the Planning Officer.

Where an application has been subject to Cornwall Council's 5-day protocol, the Town Council will record this clearly within its planning processes. The details of the application, together with the outcome of the 5-day protocol, will be included on the Planning Committee agenda for the relevant meeting and recorded in the minutes.

Requests for the application to be considered by Cornwall Council's planning committee.

If response 3 is selected, the Council office will consult with the members to form a collective response as to why they do not agree with the Planning Officer's recommendation (these should be planning/policy reasons) as the Town Council's Planning Committee may be asked to provide additional information as to why the application should be considered by Cornwall Council's Planning Committee.

Representation at Cornwall Council Planning Committees

As previously stated the decision regarding whether the planning application goes forward to Committee is taken by the Head or Service (or their nominated Officer) after they have discussed the matter with the Divisional Member (Cornwall Councillor for Lostwithiel).

If the decision is taken to take the planning application to Committee, then as indicated by the Cornwall Council Protocol (see Appendix 1 below) it is important that the local Council attends and speaks so that the Committee can fully understand the reasons for proposing a decision which is contrary to that of the Case Officer.

Lostwithiel Town Council's Planning Committee will resolve to appoint a member from the Planning Committee to speak on behalf of the Town Council

at Cornwall Council's Planning Committee meeting. If a member of the Town Council's Planning Committee is unable to attend a Cornwall Council Planning Committee meeting, another Town Council may, with the authorisation of Full Council, represent the Council either in person or virtually.

It is of paramount importance that the Councillor appointed to represent the Town Council registers to speak via the relevant page of Cornwall Council's website (see link below). The registration deadline is no later than **12 noon two working days before** the Planning Committee meeting.

<https://www.cornwall.gov.uk/the-council-and-democracy/councillors-and-meetings/public-speaking-at-planning-committees/register-to-speak-at-a-planning-committee-meeting/>

Each speaker has **only three minutes** to address the meeting so in order to maximise the time available, it is important that the comments concentrate on the relevant planning issues and material planning considerations specifically identified by the Town Council's Planning Committee. Examples are planning policies, design, appearance & layout, highway safety, traffic and impact on road networks, the impact of the proposal on the environment and residential amenity and the character of the area.

Cornwall Council's website uses the following material planning considerations examples: - planning grounds, the impact on the appearance of a neighbourhood or the impact on a conservation area. Please see the link below:-

<https://www.cornwall.gov.uk/the-council-and-democracy/councillors-and-meetings/public-speaking-at-planning-committees/>

Cornwall Council also has a useful table of relevant planning comments available via the following link: -

<https://www.cornwall.gov.uk/planning-and-building-control/planning-advice-and-guidance/how-to-respond-to-planning-applications/>

For ease of reference this table, correct as at April 2026 is copied below.

Issues that are relevant in planning decisions

Relevant considerations	Planning considerations which are not relevant
<ul style="list-style-type: none"> • Local Development Framework • Development Plan documents • Supplementary planning documents • The Statement of Community Involvement • The annual monitoring report • Government planning guidance • The Council’s corporate policies • Highway safety and traffic levels • Noise, disturbance and smells resulting from the proposed development • Design, appearance and layout • Conservation of buildings, trees and open land • Flood risk • Impact on the appearance of the area • Effect on the level of daylight and privacy of existing property • Need to safeguard the countryside or protected species of plant or animal • Planning case law and previous decisions • The need for the development • The planning history of the site 	<ul style="list-style-type: none"> • Private property rights such as covenants • The developer's identity, morals or motives • Effect on the value of your property • Loss of a private view • Private neighbour disputes

It is not necessary for the Town Council’s representative to repeat all the points in any letters/website responses submitted to Cornwall Council as these will be summarised in the Case Officer’s report to Committee.

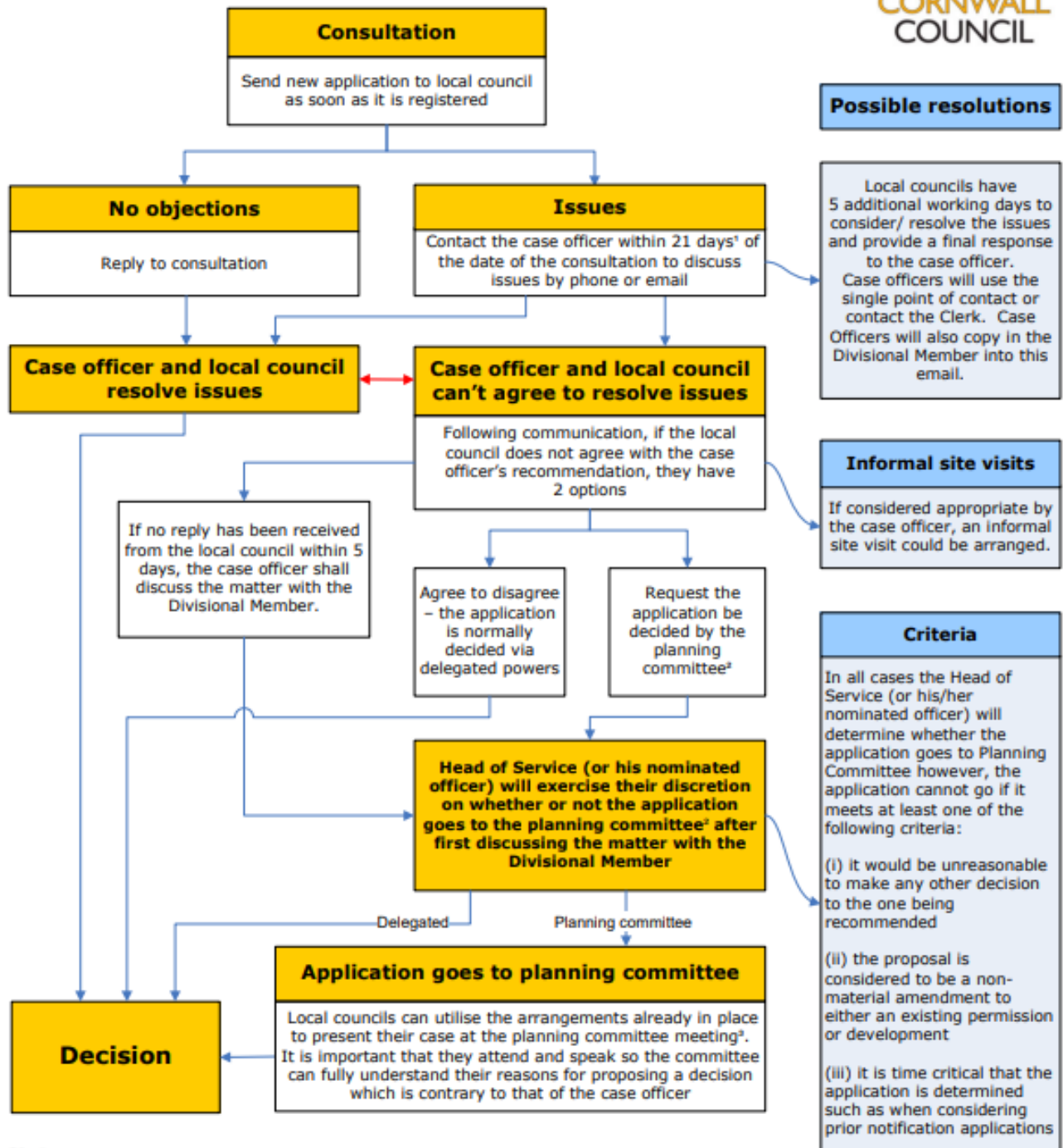
The presentation on behalf of Lostwithiel Town Council should not include matters that cannot be given weight by the Planning Committee for example:-

- boundary disputes and covenants
- effect on property values
- ‘trade’ objections and competition
- loss of view
- matters covered by other legislation.

The meeting is held in public, so all comments made are in the public realm.

The laws of slander are very strict therefore Council members are advised not to make slanderous statements to avoid the risk of legal action against them.

PROTOCOL FOR LOCAL COUNCILS



Notes

There is a separate protocol for Divisional Members.

*21 days is the statutory time period - if an extension of time is required, the request and response must be in writing (or email) and is likely to be acceptable unless a decision is imminent.

²See page 2 for further information.

³Any written supporting statements must be submitted at least 3 working days before the committee meeting.

If a case officer is on leave or sick, contact your area team Group Leader or Principal who will be able to find out who is dealing with the application in the case officer's absence.

Should a case officer decide to change their recommendation at any point in the determination process after having communicated a different view, the case officer must inform the local Divisional Member(s).

PROTOCOL FOR LOCAL COUNCILS

The objective of the Local Council and Member Protocols is to encourage dialogue and make sound planning decisions locally

Large scale planning applications that exceed specified thresholds are automatically considered by the Strategic Planning Committee.

Constitution [Responsibility for Functions]

This states that a Local Member can request any application falling under the 'Major' or 'Minor' category to be taken to a planning committee for consideration, so long as it is in writing/email and that sound planning, policy and other area reasons have been provided setting out why committee consideration is necessary.

Major and minor application types are:

New dwellings
Offices / research and development / light industry
General industry / storage / warehousing
Retail distribution and servicing
Gypsy and Traveller pitches
All other large scale major developments
All other small scale major developments
All other minor developments

Other application types are (and can be called to the planning committee by the Head of Service or his nominated officer):

Minerals Processing (ie ancillary mineral operations defined under the GPDO)
Change of use (no significant building or engineering work involved)
Householder developments
Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses, including footway crossovers, porches and satellite dishes.
Advertisements
Listed building consents to alter / extend
Listed building consents to demolish
Conservation area consents
Certificates of lawful developments
Notifications (where no planning application is required)
Discharge of planning conditions
Non-material amendments
Works to trees in a conservation area
Works to trees covered by a Tree Preservation Order
Deed of modifications (Remove/Vary Section 106 Obligations)

If you would like this information in another format please contact:

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County Hall
Treyew Road
Truro TR1 3AY**

Telephone: **0300 1234 100**

Email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk