

## NOTICE OF MEETING

MEETING	<b>PARISH COUNCIL LIAISON MEETING</b>
DATE:	<b>WEDNESDAY 31 MARCH 2010</b>
TIME:	<b>6.30 pm</b>
VENUE:	<b>TOWN HALL</b>
CONTACT:	<b>Alana Hair</b> Telephone: 01733 452276 e-mail address <a href="mailto:alana.hair@peterborough.gov.uk">alana.hair@peterborough.gov.uk</a>
Despatch date:	23 March 2010

### AGENDA

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#### Emergency Evacuation Procedure – Outside Normal Office Hours

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Alana Hair on 01733 452276.

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# Public Document Pack



Minutes of a meeting of the Parish Council Liaison Meeting held at the Council Chamber -  
Town Hall  
on 20 January 2010

## **MEMBERS PRESENT:**

Councillor David Over (Chairman)  
Andy Totten, Bainton & Ashton Parish Council  
June Woollard, Barnack Parish Council  
Roy Pettitt, Peakirk Parish Council  
Denis Batty, Glinton Parish Council  
Martin Greaves, Werrington Neighbourhood Council  
David Hedges, Werrington Neighbourhood Council  
Pam Winslade, Orton Longville Parish Council  
Pat Murphy, Thorney Parish Council  
David J Buddle, Thorney Parish Council  
John Bartlett, Thorney Parish Council  
Andy Goodsell, Eye Parish Council  
Richard Clarke, Wansford Parish Council

## **OTHER ATTENDEES:**

Councillor David Harrington, Newborough Ward Councillor

## **OFFICERS PRESENT:**

Emma Black, Head of Legal Litigation  
Paul Phillipson, Executive Director of Operations  
Adrian Chapman, Head of Neighbourhood Services  
Leonie McCarthy, Neighbourhood Manager  
Alex Daynes, Senior Governance Officer  
Alana Hair, Governance Officer  
John Harrison, Executive Director - Strategic Resources  
Steven Pilsworth, Head of Corporate Services  
Richard Kay, Strategic Planning Manager

### **1. Apologies for Absence**

Apologies were received Geoff Smith (Werrington), Henry Clark (Peakirk), Angela Hawkins (Peakirk), Richard Tindall (Northborough), Marian Brown (Ufford), and Frieda Gosling (Ufford).

### **2. Minutes of the Meeting Held on 18 November 2009**

The minutes of the meeting held on 18 November 2009 were approved as a true and accurate record.

The Chairman advised Members that the budget item would be discussed as the next item on the agenda.

### **3. Budget for 2010/11 and the Medium Term Financial Plan**

The Executive Director of Strategic Resources gave a presentation on the draft Council Budget for 2010/11 and the Medium Term Financial Plan. The Director gave an overview of

the proposed expenditure, explaining that funds amounting to about 6 per cent of the total council tax bill were clawed back by central government from government grants, putting pressure on the council to identify savings through efficiencies wherever possible.

Other key points included:

- £15 million of efficiency savings needed to be identified
- £25,000 had been allocated to each Neighbourhood Council
- The Community Leadership Fund was still operating and £10,000 per ward remains in the budget
- Savings through shared back office functions between other local authorities were being investigated
- The 2.5 per cent increase in council tax was one of the lowest nationally when compared with similar councils
- The draft budget 2010/11 and medium term financial plan would be considered by Cabinet on 8 February 2010 and Council on 24 February 2010

Questions were raised and responses given including:

- It was a commercial decision not to continue to subsidise school meals.
- The Council's staffing numbers are going down, for example ICT staffing dropped from 60 to 40 prior to being outsourced.
- The Council is lean, but could be more so. Efficiencies through resource sharing with neighbouring authorities, for example revenues and benefits services, procurement and payroll, was the preferred way of finding savings to any future increase in council tax.

#### **4. Village Design Statements**

The Strategic Planning Manager presented a report on the role of Village Design Statements (VDSs) in the determination of planning applications and appeals following the introduction of the Council's Local Development Framework (LDF), which will eventually replace the Peterborough Local Plan 2005.

Key points included:

- By law, VDSs would not hold any weight under the LDF and could not be considered in the determination of planning applications and appeals
- A VDS could be prepared as a Supplementary Planning Document (SPD), however the process for creating this was very regulated and required considerable effort
- The preparation of the LDF and its associated core documents was the priority for the Council

Questions were raised and responses given including:

- The Council would be willing to go down the route of turning village design statements in to supplementary planning documents if resources became available in the future. It was accepted that villages could undertake a lot of the work themselves, but there would still be a burden on the Council.
- Neighbourhood Investment Plans will inform the Community Action Plans which are currently being developed by Neighbourhood Councils, providing important information and capturing the views of local people to shape and influence what happens in the community.
- Parish Councils could get involved by taking part in the development plan consultations, for example the Site Allocations.

The Strategic Planning Manager agreed to make available further information on the process of creating supplementary planning documents.

## **5. Site Allocations DPD**

The Strategic Planning Manager presented a report updating Members on the preparation of (and forthcoming consultation on) the Site Allocations Development Plan Document (DPD), and the wider implications for planning and development in village and rural areas.

Questions were raised and responses given including:

- Every site on the Site Allocation Document had been visited and no housing sites were on areas considered to have any flood risk.
- All objections, including those submitted by Parish Councils and developers, would be considered by the Inspector during that stage of the process.

## **6. Neighbourhood Councils**

The Neighbourhood Manager presented a report updating Members on the latest round of Neighbourhood Council meetings held in December 2009 and touching on key issues for each Neighbourhood Council area.

Questions were raised and responses given including:

- A decision to change the name of North West 1 Neighbourhood Council would need to be made at the next Neighbourhood Council meeting.
- The Neighbourhood Councils were intended to support the work done by Parish Councils and a lead officer had been appointed to support this relationship.
- The funding and priorities for Neighbourhood Councils would be discussed openly at public meetings.
- Funding would only be made available to Neighbourhood Councils when the Community Action Plan is endorsed by the Neighbourhood Council and the community.
- The Neighbourhood Council model and boundaries for the Neighbourhood Council areas are constantly being evaluated and the feedback from the Parish Councils is valuable in this process.
- Neighbourhood management teams and other agencies can work across Neighbourhood Council boundaries, with issues being discussed between neighbourhood managers and recommendations brought to the Neighbourhood Councils.

## **7. Parish Question Time**

The Senior Governance Officer provided an update on responses to questions submitted by Mr Ian Dewar, County Executive Officer of Cambridgeshire & Peterborough Association of Local Councils.

Q: Peterborough City Council is moving to electronic planning documents. How is PCC going to support statutory consultees to migrate away from paper to electronic documents? For example an A1 drawing is useful for a site survey or common scrutiny at a parish council meeting.

A: Parishes have been informed about the ability to view planning applications on the City Council's web site and have been asked to let us know if they wished to switch to electronic consultations instead of hard copy ones. Where Parishes found themselves unable to move

to electronic consultations, they were asked to indicate what would enable them to make the switch. The idea was to encourage Parishes to start thinking about what equipment/facility they might need (eg. Laptop computer and a projector so plans can be put on show at meetings) and what future budget provision might be made to help meet the cost of this. This in turn would enable the City Council to look at what level of support (financial or otherwise) it may have to plan for to help the Parishes make the switch. At the close of the 'reply by' period before Christmas, no Parish identified any equipment/facility need that would enable them to be consulted electronically.

Community groups are going to be contacted on the same matter in the next 2 weeks.

Further questions from Ian Dewar have been passed to relevant officers to provide a response.

## **8. Parish Council Liaison Work programme**

Members considered the current work programme and made the following recommendations:

- Include an update on Neighbourhood Councils on the next agenda.
- Include a discussion on proposed changes to the planning consultation process on the next agenda.
- A 5 – 10 minute presentation on the Code of Conduct from a member of the Standards Committee to be included on the next agenda.
- Responses from parishes on the change of name to the 'Soke and Isle of Peterborough' to be reported at the next meeting.

CHAIRMAN  
8.15pm

<b>PARISH COUNCIL LIAISON MEETING</b>	<b>Agenda Item No. 3</b>
<b>31<sup>st</sup> MARCH 2010</b>	<b>Public Report</b>

## **Report of the Director of Operations**

**Report Author** – Simon Machen, Head of Planning Services

**Contact Details** – 01733 453475 and [simon.machen@peterborough.gov.uk](mailto:simon.machen@peterborough.gov.uk)

## **CHANGES TO THE CONSTITUTION AND NEW GUIDANCE ON THE PLANNING PROCESS FOR PARISH COUNCILS**

### **1. PURPOSE**

- 1.1 The purpose of the report is to outline potential changes to the Council's Constitution in respect of the operation of the Council's Planning and Environmental Protection Committee (PEPC) and to introduce new guidance for parish councils and community groups on the planning process.

### **2. BACKGROUND**

- 2.1 On 23<sup>rd</sup> February 2010 PEPC considered a report proposing a number of changes to the public speaking scheme and other minor changes to the Constitution. It is good practice to periodically review and if appropriate revise the governance arrangements for the Council's committees. A number of changes have been proposed in order to simplify existing provisions and to add clarity.

- 2.2 The existing public speaking scheme for PEPC has been in place for a number of years and was identified for review. The main reasons for review are to enable more efficient administration and to simplify existing provisions. A number of issues have been highlighted in recent months with regard to the amount of time allocated for specific groups of speakers and also the deadline for the cut off for registering to speak. The proposed amendments to the public speaking scheme include a simplified order of speaking and encompass a new provision for the submission of written information which had not previously been included.

- 2.3 The new provisions include:

- Any Ward Councillor, Parish Council (or other groups defined in local planning policy as operating in a manner similar to a Parish Council) representative or member of the public who wish to address the Committee on any planning application or any consultation item referred from another local authority, must register with the Chief Executive by 12.00 hours on the Friday before the meeting. (*previously 16.00 hours the day before the*

*meeting)*

- The total time allowed for speeches from Ward Councillors will not be more than ten minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. *(no previous restriction)*
- MPs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact should be submitted to the Committee. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. *(no previous restriction)*
- In lieu of speaking, Ward Councillors, Parish Council representatives and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee in an update report and circulated on the day of the meeting. Ward Councillors, Parish Councillors, members of the public, agents or applicants may request, in lieu of attending the meeting that their response is read by the Clerk at the committee. The total time allowed for the reading of written submissions will be calculated on the day of the meeting and will be dependent on the number of people in attendance wishing to speak. *(new provision)*

2.4 The order of conduct at PEPC will be as follows:

- Council officers will introduce the item
- Representations by ward councillors
- PEPC Members' questions to ward councillors
- Representations by Parish Council representative
- PEPC Members' questions to Parish Council representative
- Objectors representations
- PEPC Members' questions to objectors
- Representations by the applicant, agent and any supporters
- PEPC Members questions to the applicant, agent and any supporters
- Council Officers' comments
- PEPC Members will debate the application and obtain advice from officers where appropriate
- PEPC Members will reach a decision



- 2.5 It is not proposed to remove the provision for parish councils to refer planning applications to PEPC, although all such referrals must be based on material planning grounds. To help parish councils, the Planning Service has prepared a new guidance note 'The Planning Process – A Guide for Parish Councils'.

### **3. CONSULTATION/KEY ISSUES**

- 3.1 The views of parish councils on the proposed changes to the operation of PEPC are welcomed. At the meeting on 23<sup>rd</sup> February 2010, PEPC resolved to support the changes to the Constitution and these will now be considered by Council, together with any representations received.

### **4. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

The Council's Constitution

### **5. APPENDICES**

'The Planning Process – A Guide for Parish Councils and Community Groups'.

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# **THE PLANNING PROCESS A GUIDE FOR PARISH COUNCILS AND COMMUNITY GROUPS**

**The Planning Delivery Service  
Peterborough City Council**

**March 2010**



# The Planning Process – A Guide for Parish Councils and Community Groups

## Introduction

The Council's Planning Service wishes to encourage a productive and efficient relationship with parish councils and community groups. It is vital local views are given full consideration in the determination of planning and related applications and that there is good communication and an understanding of the decision making process.

The purpose of this Guide is to describe the role of parish councils and community groups in the planning application process, and to promote an understanding of how planning decisions are made.

A separate Code of Practice confirms procedures for the exchange of information between parish councils, community groups and Peterborough City Council on planning applications.

## How we consult

There is a requirement for the Council to notify parish councils of all planning applications in their area and we also consult community groups on request.

When consulted, you should let us have your written comments within 21 days. We cannot decide an application until this 21 day period has expired. In most cases the Council has to decide planning applications within 8 weeks and it is not normally possible to extend the consultation period. If you are having difficulty in submitting representations on time you should discuss the particular case with the Council's case officer.

When consulting we provide either a hard copy of all the information accompanying the planning application including forms, plans and supporting reports and / or access to the same information via our web site.

[http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_and\\_building\\_online.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_and_building_online.aspx)

We also consult on amendments to planning applications where these are of more than a minor nature. Generally, and where possible, we give a minimum of 14 further days for making representations on amendments.

If the comments are made within the time allowed, we must take them into account when deciding the application. We will notify you of the decision we make.

There is no legal requirement for us to notify you of applications in an adjoining area. We recognise however that some developments could have a significant impact on an adjoining area or parish and we will consult you in these circumstances.

Further details on how we consult on planning applications can be found in our Statement of Community Involvement 2008 which is on our website.

[http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_policy/local\\_development\\_framework/statement\\_of\\_community\\_involve.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_policy/local_development_framework/statement_of_community_involve.aspx)

## **The purpose of consultation**

There are a number of mutual advantages to consultation:

- The proposed development may be of particular significance locally and the views of the parish council or community group would be a helpful indication of local feeling
- It gives advance warning to you of development that may take place in your area.
- Your local knowledge, can alert us to potential problems that we and other statutory agencies may not be aware of (for example, a site may have historically have been prone to flooding)
- It enables you to let local people know about development proposals
- It enables you to alert us about development that may be taking place without planning permission or not in accordance with approved plans
- It provides an opportunity for people to inspect plans locally without having to travel to our offices

## **How we make planning decisions and take community group's comments into account**

We must take into account representations in making decisions on planning applications. However, this does not mean that we will necessarily decide an application completely in accordance with your views. It is not the role of a parish council or community group to duplicate or replicate the role of the City Council as 'Local Planning Authority'. There are several reasons for this:

- We are only able to take into account what are called 'material planning considerations' (further advice on what these are is set out later in this guide). If your comments do not relate to legitimate planning issues they cannot be taken into account
- We employ qualified and experienced planning staff to assess planning applications in accordance with local and national planning policy. This resource is not normally available within parish councils or community groups
- We must take into account the representations of others including statutory consultees (for example the Environment Agency), neighbours, and the applicant, together with the planning history of the site, previous appeal decisions and planning policy considerations. You may not always have this information when making comments on applications

We must consider all representations when making a planning decision. Sometimes the views of a statutory consultee may contradict the view of the parish council or community group. For example, local concern may be raised about the safety of a road access to a site but the City Council's highway engineers may advise that the access meets their design requirements in terms of visibility and would be safe. In these circumstances we would advise our highway engineers of local concerns but if their view remains that the access would be safe then it would be unreasonable for us to refuse planning permission on these grounds. There would be a significant risk of costs being awarded against the City Council at appeal if we were to do so.

This does not mean that we override local views, but we have a more rounded picture to consider. We must follow a specific and objective decision-making process.

The law requires that:

*“While in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise.”*

This means that planning applications must be considered against the planning policies of what is collectively known as the ‘Development Plan’ (The Peterborough Local Plan 2005 and the East of England Plan 2001-2021). An application that conflicts with any policy within these plans should not be allowed ‘*unless material considerations indicate otherwise*’. In other words, there have to be very sound planning reasons to be able to approve an application that is in conflict with the Development Plan.

Planning policies in the Development Plan are therefore the starting point for assessing planning applications. We must then identify and weigh any other material planning considerations against those policies in reaching a decision.

When Members of the City Council’s Planning and Environmental Protection Committee are determining planning applications they are acting in a quasi-judicial capacity. Decisions must be objective and made within the rules of the planning system. The planning merits of the case rather than the weight of public opinion inform the decision.

Sometimes your comments, when weighed in the balance, may have insufficient weight to enable the application to be determined as you might wish.

It is important to remember that the City Council has to defend a decision to refuse planning permission if an appeal is lodged. If the appellant chooses to have the appeal heard at a public inquiry and we cannot show that the development would cause demonstrable harm, not only could the development be approved on appeal with less stringent conditions than we might have wished, but we could be faced with paying the appellant’s costs if our own case is considered to be weak or unreasonable. Even a relatively small case can run up costs of several thousand pounds and this risk cannot be taken lightly.

## **What are ‘material planning considerations’?**

Representations on a planning application can only be taken into account if they relate to material planning considerations.

### **Planning considerations do NOT include the following:**

- **The fact that an application is made retrospectively.** Carrying out development without first obtaining planning permission is not an offence and planning law makes provision for planning applications to be made retrospectively. If the development is acceptable on its merits we cannot withhold planning permission simply to punish a preemptive development. We do not condone developing without permission. Anyone doing this is at serious risk of having enforcement action taken against them.
- **Trade objections.** It is not the role of planning to interfere in matters of competition between businesses other than at strategic level such as where an out of town

supermarket may threaten a town centre. An example of a 'trade objection' might be "We don't need another electrical shop as there's been one in this street for years".

- **Moral and social objections.** The planning system cannot resist uses such as betting shops, adult entertainment shops, lottery kiosks or amusement arcades on social or moral grounds.
- **Loss of private views.** The loss of private views is not a planning consideration.
- **Property values.** Fears about loss of property value as a result of nearby development are not a planning matter.
- **Ownership.** Some planning applications are submitted by developers who do not own the application site or by prospective purchasers of land or property. Who owns the land is not a planning consideration.
- **Restrictive covenants and access rights.** Land and property may be subject to restrictive covenants or parties may have a right of access across an application site but these are a private matter and cannot be taken into account in the planning process.
- **Personal circumstances.** Matters of a personal nature relating to the associations, financial circumstances or ethnic origin of the applicant are not normally a planning consideration.
- **Other legislation.** The planning system cannot duplicate other regulatory systems such as the Building or Fire Regulations, or Health and Safety law.
- **More appropriate development or use.** Planning permission cannot be withheld on the basis that a site could be put to a better use. For example, if a light industrial use would meet Development Plan policy then planning permission could not be refused on the grounds that local residents would prefer to see a play area.
- **Change from a previous scheme.** Sometimes applicants seek to make amendments to an approved scheme through a new planning application. For example, on a large housing estate that is partly built the developer may submit plans for a later phase to change some of the approved bungalows to houses or to change the road layout. This planning application must be considered on its merits afresh and cannot be resisted solely on the grounds that it is different.

The above list is not comprehensive and other issues may be raised that are not material planning considerations.

**Planning considerations DO include the following:**

- **Government Planning Policy Guidance Notes and Statement and their drafts**
- **The City Council's emerging Local Development Framework**
- **Impacts on residential amenity.** This is an important consideration at the local level. Planning permission can be refused if a new development or change of use would cause noise nuisance, overlooking, overshadowing, loss of daylight or sunlight, smell nuisance, or loss of privacy. Planning officers will make a detailed assessment of these issues to determine if there would be 'material harm' to residential amenity. For example, a new

house on an infill plot in a village street may have views across the street to a property opposite but this may not necessarily constitute overlooking to the extent that planning permission could be refused. Officers will always visit the site to make this judgement.

- **The character of an area.** Many areas have a distinctive local character that the planning system can help to protect.
- **Highway safety and traffic generation.** It is important that new development does not prejudice highway safety. Planning considerations include visibility from an access, pedestrian safety, car parking and the amount of traffic that a proposal would generate. We may require that proposals for large developments are accompanied by a transport assessment.
- **Flood risk and drainage.** Flood risk is an important issue. Many planning applications have to be accompanied by a flood risk assessment and we consider how new development will affect local drainage systems.
- **Loss of trees.** The planning system has powers to protect trees that make a valuable contribution to the amenity of a local area or where they are particularly important specimens.
- **Ecology.** We often require planning applications for vacant land or the re-use of old buildings to be accompanied by an ecological survey. The planning system can seek to protect valuable habitat or species.
- **Loss of open space.** Open space is often an important community asset that the planning system can protect.
- **Economic and employment issues.** New and existing businesses are important to the local economy and their needs are considered in the planning process. For example, planning permission for the residential development of an industrial site could be refused on the grounds that it would lead to the loss of employment land and buildings. Alternatively, planning permission could be granted for the diversification of an existing business in the countryside such as a farm proposing holiday accommodation.
- **The design and layout of development.** New development should be of a high standard of design whether this is modern or traditional. The planning process should result in attractive development that has a local identity. Issues such as scale, form, architectural detailing, materials, landscaping, and road layout are all planning considerations.
- **Loss of important public views.** Sometimes development may result in the loss of an important public view such as the view of a church from a main shopping street. This can be a planning consideration.
- **Crime and disorder.** New development should be designed to reduce crime and the fear of crime and disorder.
- **Previous planning decisions.** When assessing planning applications it is important to consider the planning history of a site. For example, a planning application to change the house types on an approved residential development could not be resisted on the grounds that the principle of residential development is unacceptable as it has already been established.



- **Cumulative impact.** This can sometimes be a planning matter. For example, the character of a main shopping street could be eroded through the cumulative impact of changes of use of shops to hot-food take-aways.

The list is not comprehensive and other planning considerations may be identified in the case of a particular planning application.

### **Tips on making representations on planning applications**

There is no obligation to submit representations on every planning application. We will not have less regard for planning considerations or assess proposals less rigorously if you do not comment on an application.

- Consider submitting comments on proposals that raise issues of genuine community interest rather than on all applications.
- Stick to the material planning issues that an application raises. If in doubt about what the planning issues are the planning case officer might be able to help.
- Use Development Plan policies to support your views. Representations that simply say 'support' or 'object' will carry less weight as it will be unclear how that view has been reached.
- Respond to any Development Plan policies that do not support your views explaining what planning issues you think should outweigh those policies.
- Do not refer to issues that are dealt with under separate legislation such as Building Control, land drainage byelaws or restrictive covenants.
- Restrict your comments to what the application proposes rather than what might happen on the site in the future as each planning application has to be considered on its individual merits.

### **How does the City Council deal with a planning application?**

It is important that you appreciate the relationship between the City Council and the applicant.

- It is the applicant, and not the City Council, who decides what proposal to submit. We then have to determine that application on its planning merits.
- The applicant has a right to approval unless the application is contrary to the Development Plan or unless the proposal would cause demonstrable harm to interests of acknowledged importance. In some cases, for example an application for an agricultural worker's dwellinghouse in open countryside, there is an onus on the applicant to prove a need for a proposed development.
- We have 8 weeks to determine most planning applications and 13 weeks for major applications. Our performance in meeting these targets is closely monitored by Government.

- The applicant has a right of appeal to the Secretary of State on the grounds of 'non-determination' if the application is not determined within the 8 or 13 week target weeks. The applicant can also appeal against the refusal of planning permission or against planning conditions imposed on a planning permission.
- If an objection can be overcome by imposing a planning condition, that is the appropriate course of action rather than a refusal. Conditions have to be reasonable, enforceable, and have to relate to the development in question. If the development would be acceptable without the conditions, then those conditions are unlikely to be regarded as reasonable if the applicant decided to appeal against them.

## **Pre-application discussion and consultation**

Many prospective developers have pre-application discussions with the City Council. This is encouraged by Government and results in better quality planning submissions that address planning considerations. A planning application may have been subject to several pre-application meetings over a number of months and subject to informal consultation with statutory consultees before it is submitted. Pre-application meetings are confidential as often they involve commercially sensitive information. The advice that planning officers give is not legally binding on the Council but it is given in good faith and prospective applicants expect a degree of certainty if they follow advice unless new issues arise during the formal application process.

We encourage developers to seek the views of parish councils and community groups before submitting their applications so that they can take into account local views when designing their proposals, but we cannot demand that they undertake this type of consultation.

## **Amendments to applications**

It is not always necessary to reconsult on amendments to a planning application. Amendments can be very minor in nature, for example the repositioning of a window or a minor change to a roof design. Often the amendment results directly from the suggestions of neighbours or parish council. The case officer dealing with an application will make a judgement about the need for reconsultation and this judgement must be recorded. Where amendments are more significant, for example changing the area of the application site or the scale of development proposed, then this is likely to require the submission of a new planning application

Sometimes we receive requests to make amendments to plans that have already received planning permission. If these are very minor and would have no adverse affect they will normally dealt with by planning officers without further consultation. In practice, something that makes a proposal less satisfactory will require a new planning application

## **Conservation Areas**

There are 29 Conservation Areas in the area:

Ailsworth, Bainton, Barnack, Castor, City Centre, Deeping Gate, Etton, Eye, Glinton, Great Northern Railway Cottages, Helpston, Longthorpe, Marholm, Maxey, Northborough, Orton

Longueville, Orton Waterville, Park (The), Peakirk, Pilsgate, Queens Road Fletton, Southorpe, Stanground, Sutton, Thorney, Thornough, Ufford, Wansford and Werrington

There are fewer permitted development rights in Conservation Areas and more stringent controls over development. We must pay special regard to the desirability of preserving or enhancing the character and appearance of the Area in making our planning decisions.

Planning permission is required for most extensions, all dormer windows, external wall cladding and many satellite dishes. Throughout the City and surrounding villages, 'Article 4 Directions' are also in place. These mean that planning permission is required for changes to roof materials, changes to the type, size and materials of windows and doors, new porches, and new walls and fences next to a street or footpath.

Anyone proposing to prune or fell a tree within a Conservation Area should contact us for advice. In most cases six weeks written notice is required before work is carried and we may make a Tree Preservation Order to protect the tree

Conservation Area consent is also required for the demolition of many structures and buildings in a Conservation Area.

We consult parish councils, and community groups when requested, on applications in Conservation Areas.

## **Listed Buildings**

We consult on applications for Listed Building consent. Often these will be submitted in conjunction with a planning application, but in many cases works that require Listed Building consent will not require planning permission. For example, consent is required for internal work such as removing a fireplace or subdividing a room.

Different criteria apply to the assessment Listed Building applications. We must take into account the acceptability or otherwise of the works in terms of the character and integrity of the building as one of Special Architectural or Historic Interest.

Matters such as means of access, drainage or loss of daylight cannot be considered unless the proposed works also require planning permission.

Unauthorised alterations to Listed Buildings and demolition within a Conservation Area are a criminal offence.

## **Signs**

Many signs can be displayed without the need for permission through 'deemed consent' and are important for local businesses. Other signs require 'express consent' which is a form of planning permission. The unauthorised display of signs can lead to prosecution if the signs cause road safety problems or harm the character of an area.

## **Prior approval notifications**

Some types of development do not need full planning permission but what is known as 'prior approval'. This applies to some types of agricultural and forestry buildings (subject to size limits and proximity to roads and houses) and operations, some development by

telecommunications code system operators, for example mobile phone companies, and to the demolition of some buildings.

In these cases, the principle of the development has permission but the applicant is required to notify us of the proposal so that we can determine if 'prior approval' is required. For example, in the case of a proposal for an agricultural building we would be notified and would determine if prior approval is required for its siting and design. We have either 28 days or 56 days (depending on the type of notification) to decide prior approval notifications. These will normally be dealt with under powers delegated to officers and in view of the short timescale the opportunities for consultation are limited.

## **Planning enforcement**

Carrying out development without permission is not an offence except in the case of Listed buildings and demolition in conservation areas, but those undertaking development without first obtaining permission are taking a significant risk of the City Council taking enforcement action. This could result in the demolition of unauthorised structures and buildings or the owner being unable to sell their land or property as enforcement notices are registered as a local land charge that a solicitor would pick up through the search process.

When we are made aware of a breach of planning control we have to make a judgement about whether what has taken place would be likely to receive planning permission if an application were to be submitted. If the answer is yes then it may not be expedient for us to take enforcement action. Government advises that planning enforcement should not be used just to regularise unauthorised development that is otherwise acceptable. Enforcement action could be taken to ensure that planning conditions are imposed to control the development. For example, the commercial use of a site or building may be acceptable in principle but controls are needed to restrict hours of use or noise levels to protect neighbours.

In relation to development not carried out in accordance with a planning permission the same judgement has to be made. There may be several ways in which a development could be carried out without harm, but only one of these has permission.

Enforcement is a legal process that may ultimately result in prosecution in the courts. Sound evidence is needed to pursue a case and there are only a limited number of circumstances where rapid action is possible. These might include unauthorised works to protected trees or the breach of a planning condition relating to highway safety.

In many cases the appropriate action is the service of an Enforcement Notice. This will state the alleged breach of control and set a reasonable period within which the breach is to be remedied. There is a right of appeal to the Secretary of State, in the same way as the refusal of, or imposition of conditions on, a planning application. Planning enforcement appeals are determined by the Planning Inspectorate and can take several months, or longer if a public inquiry is involved.

The majority of breaches of planning control are successfully dealt with informally through the co-operation of the owner or developer who often may not be aware of the need for planning permission.

We treat all complaints made about unauthorised development in strictest confidence. A guidance note with information on how unauthorised development can be reported and an online enquiry form are available on our website [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

## **The Scheme of Delegation and the Planning and Environmental Protection Committee**

Under the terms of its Constitution, Peterborough City Council delegates responsibility for the determination of most planning and related applications to the Head of Planning Services. The Planning and Environmental Protection Committee considers applications where:

- The recommendation is to approve an application that is contrary to the Development Plan and/or raises significant issues not covered by specific Council policy
- The application has been 'called-in' to Planning Committee by a City Councillor or a parish council within 28 days of the application being published on the relevant 'weekly list' of planning applications. Sound planning reasons must be given for 'call-in'
- The recommendation is to approve and there are significant local objections made on planning grounds
- The Head of Service considers that the application is potentially controversial, of significant public interest, or has a significant impact on the environment

At the Planning and Environmental Protection Committee we operate a public speaking scheme whereby one person in support of an application may speak for 5 minutes and persons objecting may collectively speak for 5 minutes. Parish councils also have a right to speak. Further details are available on our website [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

### **Planning appeals**

Planning appeals are determined by the Planning Inspectorate and not by the City Council. An appeal can be lodged in the following circumstances:

- Where planning permission is refused
- Where we fail to decide an application in 8 weeks, or 13 weeks in the case on a 'major' application. This is referred to as an appeal on the grounds of 'non-determination'
- Against a planning condition imposed on a planning permission
- Against a planning Enforcement Notice

There is no third party right of appeal but planning decisions made by the City Council and appeal decisions made by the Planning Inspectorate can be legally challenged in the High Court.

Appeals are considered in three different ways:

- Exchange of written statements
- Informal hearing
- Public inquiry

In most cases appeals are dealt with by an exchange of written statements between the City Council and the appellant with third parties given an opportunity to submit their comments direct to the Planning Inspectorate. The Planning Inspector will also visit the appeal site. If it can be clearly seen from the public highway the visit will normally be unaccompanied. If the Inspector needs to enter the site then he/she will be accompanied by a representative of the City Council and the appellant. Third parties will also be invited to attend the site visit but no party is allowed to give evidence to the Inspector.

Informal hearings involve the Planning Inspector chairing a structured round table discussion between all interested parties, followed by a visit to the appeal site. This process does not normally involve legal representatives.

Complex cases are dealt with at public inquiries. These are more like a court of law where witnesses give evidence and are cross-examined, often by barristers.

Planning appeals take several months to determine. More information about the appeal process can be found on the Planning Inspectorate website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

## **Contact details and further sources of information**

### **Peterborough City Council (PCC)**

Planning Services, Stuart House East Wing, St John's Street, Peterborough, PE1 5DD  
[www.peterborough.gov.uk](http://www.peterborough.gov.uk)

- Comprehensive planning advice
- View planning applications on line
- Enforcement, building control, conservation and natural environment sections

### **The Planning Portal**

[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

- Advice and tools

### **The Planning Inspectorate**

The Planning Inspectorate, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN  
[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

- Appeals

### **Planning Aid**

15 Wheeler Gate, Nottingham NG1 2NA Tel: 0115 852 4266  
[www.planningaid.rtpi.org.uk](http://www.planningaid.rtpi.org.uk)

- Free planning advice for communities and individuals



## **Peterborough City Council**

### **The Planning Delivery Service – Our Code of Practice**

1. We undertake to send parish councils, and democratically elected community groups where requested, a hard copy of every planning application or application for Listed building or conservation area consent, advertisement consent and applications for work to protected trees within their boundary and / or an electronic notification and access to the information on line. The planning application will be in the form as contained in Part 1 of the register of applications.
2. We will undertake 1. above within 5 days of the registration of a valid application.
3. The parish council or community group will be given a minimum of 21 days in which to respond to a planning application.
4. We will notify the parish council or community group of amendments to planning applications, unless we consider the amendments to be minor in nature.
5. We can only accept a united or majority view from a parish council or community group in response to a planning application.
6. Our Planning and Environmental Protection Committee meetings are open to the public and members of parish councils and community groups may attend all or part of these meetings (except for confidential items where the public are excluded) as observers.
7. We will write to the parish council or community group to explain our planning decision if it is contrary to their recommendation.
8. We undertake to send the parish council, or community group on request, notification of all planning decisions made within their area.
9. We undertake to notify the parish council, or community group on request, of all planning or related appeals within their area.
10. This Code of Practice is subject to review no more than 3 years from the date of its adoption.



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<b>Parish Council Liaison</b>	<b>Agenda Item No. 4</b>
<b>23 March 2010</b>	<b>Public Report</b>

## **Report of the Director of Operations**

**Report Author: Leonie McCarthy, Neighbourhood Manager (city wide), 01733 864608**

### **Neighbourhood Council Progress Report**

#### **1. PURPOSE**

To provide the Parish Council Liaison meeting with an overview of the progress of Neighbourhood Councils so far in order that Parish Councils can provide input into their continuing development.

#### **2. BACKGROUND**

Neighbourhood Councils were introduced in May 2009 and meet quarterly. The Parish Council Liaison meeting has requested an update on Neighbourhood Council work since its previous meeting.

#### **3. KEY ISSUES**

There are a number of key issues already identified that require improvement to maximise the effectiveness of Neighbourhood Councils:

- A meeting has been arranged for 21<sup>st</sup> April at 7pm at the Town Hall for Parish Councils to discuss their relationship to the Neighbourhood Councils with the Head of Neighbourhoods, Democratic Services and the Neighbourhood Management Team. All Parishes in the Rural North area (formally known as North West 1) have been invited, as agreed at the Rural North Neighbourhood Council Meeting 4<sup>th</sup> March 2010. A request for 2 members of each Parish to attend has been included. All Ward Councillors for the Rural North area have also been invited and the Neighbourhood Council Chair, Cllr Pat Nash.
- Agendas, Minutes and associated paperwork have substantial amounts of jargon and can alienate members of the community and the meetings need to be more interactive.
- New approaches to marketing Neighbourhood Councils need to be considered to boost public attendance and give clarity over the differences between Neighbourhood Management and Neighbourhood Councils;
- The Neighbourhood Council meetings should be less officer, more member lead;
- Display Boards will now be used to inform the meeting of the 'You Said We Did' part of the agenda, with relevant staff in attendance for any queries by attendees at the Neighbourhood Council meetings;
- An initial Community Planning Event has taken place in the Rural North area and further discussion on the approach to Community Planning work will be discussed at the Parish and Neighbourhood Council meeting in April;

- The Executive Director of Operations will circulate in writing, information on the Statutory Consultation process for planning to all Parish Councils;
- The Executive Director of Operations is to arrange a meeting between representatives of Parish Councils, the Highways Departments, The Education Department and Planning Department to discuss the Site Allocations planning document in detail.

#### **4. IMPLICATIONS**

There should be a much improved understanding of the roles and responsibilities of Neighbourhood Councils going forward and further wider engagement with communities across Peterborough.

#### **5. CONSULTATION**

Consultation has taken place with Parish Councils, Corporate Management Team, Democratic Services, Media and Communications and the Neighbourhood Management teams and there have been some suggestions for prospective improvements:

- The principles behind Neighbourhood Council activity should be dynamic, informative, interactive and relevant;
- Agendas should focus on feedback from previous meetings and open debate sessions and discussion;
- There should be visually impacting content using mapping and photographs;
- There should be time before the meeting set aside to display items of public interest;
- Cabaret Style seating to give a more informal feel and promote discussion;
- Members should be encouraged to lead the meetings;
- There should be some targeted marketing work, highlighting the differences between the roles and responsibilities of Neighbourhood Councils, Neighbourhood Panels and Parish Councils.

#### **6. EXPECTED OUTCOMES**

It is anticipated that members of the meeting will discuss the above suggestions, provide challenge to the processes developed, and offer further suggestions for alternative measures.

#### **7. NEXT STEPS**

Following discussions at the Parish Council Liaison meeting, any comments and recommendations will be taken forward as part of the ongoing development of Neighbourhood Councils and the next round expected in early summer (subject to any change)

#### **8. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

None.

#### **9. APPENDICES**

None.

<b>PARISH COUNCIL LIAISON MEETING</b>	AGENDA ITEM No. 5
31 March 2010	PUBLIC REPORT

Contact Officer(s):	Kim Sawyer, Deputy Monitoring Officer	Tel. 01733 452361
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## CODE OF CONDUCT & ROLE OF THE PARISH CLERKS

### RECOMMENDATIONS

Parish Councils are asked to

1. *To note the contents of the report*
2. *Advise the Monitoring Officer of the awareness in parish council of the recommendations by Standards for England*
3. *to agree to forward a copy of the relevant standing order to the Monitoring Officer on adoption*

## 1. ORIGIN OF REPORT

- 1.1 This report arises as a result of recent guidance coming from Standards for England of the effect of the local standards framework on town and parish councils.

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ask parish councils within the Peterborough area to inform the Monitoring Officer of the steps they are taking to implement recommendations arising from:
  - The parish council toolkit
  - Model standing orders (NALC) regarding breaches of the Code of Conduct
  - Recent guidance from Standards for England concerning notifications under the local standards framework

## 3. THE CODE OF CONDUCT

- 3.1 Although the Code of Conduct was introduced in 2001, responsibility for dealing with complaints under the Code only fell to be delivered through the Standards Committee in 2008. This was through changes to the Local Government Act 2000 and the introduction of new Regulations (the Standards Committee (England) Regulations) in 2008.
- 3.2 The 2008 Regulations make it clear that parish and town councils must be given notification that a complaint concerning one of their members has been assessed by a sub-committee of the City Council's Standards Committee. Where the Standards Committee meets to assess an allegation or to review a decision it must send in writing to the parish council concerned the main points considered, its conclusions, the reasons for its decision and may name the member unless to do so is not in the public interest or would prejudice an investigation. The decisions the sub-committee can make are whether to investigate the allegation, or whether to take some other action in relation to the alleged behaviour.
- 3.3 A parish or town council should also receive notification that the standards committee has met to consider the report into an investigation and whether to accept a finding about whether a councillor has breached the code of conduct or not. They should also receive notification of the outcome of a hearing and reasons for it, if one is held.

3.4 The duty to give notifications has no specific time frame. The general rule is that notification should be given as soon as is reasonably practicable. However, Standards for England recommend that notification be sent out within five working days of the decision being made for most decisions and within two weeks of any hearing being concluded.

### 3.5 *The purpose of notifications*

Notifications are given to inform parish councils of a case against one of their members and to keep the parishes informed of significant events as the case progresses. This is important as it allows the parish council time to prepare or preserve evidence relevant to the complaint. The rationale of the notification is to facilitate the Standards Committee's action, not to start new action within the parish or town council.

### 3.6 *What to do when you get a notification*

Each parish council needs to consider what it can lawfully do with the notifications it receives and guidance from Standards for England is that parish councils should consider putting in place protocols that deal with:

- access to information
- sharing of information
- how various legal obligations are met including those under the general law of confidentiality, the Freedom of Information Act and the Data Protection Act.

3.7 Standards for England recommend that each parish council should adopt procedures about how to deal with the receipt of notifications and the clerk should notify the Monitoring Officer of these procedures once they have been implemented so that the monitoring officer knows who to send the notifications to.

3.8 The procedures suggested by Standards for England are that each parish council should

- Ensure that if the parish council is to be informed of a notification it is normally done by sending out an information item for members, rather than including the notification on the agenda of a council meeting.
- Choose a nominated employee (usually the clerk) and select a council committee to deal with and be informed of such notifications when they are received.
- The nominated employee and the committee should, if required to discuss the notification at a council meeting:
  - draft the summonses and agendas so the identity and subject matter of the complaint are not disclosed
  - ensure that any background papers are not made public
  - ensure that the public and press are excluded from meetings where appropriate
  - ensure that the minutes of meetings are written so as to preserve confidentiality
  - make appropriate arrangements, where the complainant is an employee, between the employee and the subject member.
- Take into account who will provide further evidence or information needed by the Standards Committee about a complaint, be it the nominated employee or a member of the selected council committee.

## **4. ANTICIPATED OUTCOMES**

4.1 The Monitoring Officer is already aware that the National Association of Local Councils (NALC) has recently published new model standing orders which take account of the above guidance from Standards for England. These are attached at appendix 1. The Monitoring Officer would urge parish councils to adopt these standing orders and send a

copy of the completed standing order to the Monitoring Officer as soon as possible after adoption.

- 4.2 The Deputy Monitoring Officer will report the outcome of this matter to the next meeting of the Standards Committee.

## **5. REASONS FOR RECOMMENDATIONS**

To ensure that the Monitoring Officer is able to ensure effective implementation of the requirements of the Local Government Act 2000 relating to the Code of Conduct.

## **6. BACKGROUND DOCUMENTS**

'Town and Parish Standard', Standards for England website  
Local Government Act 2000  
Standards Committee (England) Regulations 2008

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# 1 Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a committee known as the ( ) committee.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the ( ) committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the ( ) committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the ( ) committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The ( ) committee shall have the power to:

- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
  
- g. References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.



<b>Parish Council Liaison Meeting</b>	<b>Agenda Item No. 6</b>
<b>31 March 2010</b>	<b>Public Report</b>

## Report of the Director of Operations

**Report Author** – Nicola Francis (with input from Transport Planning, Peterborough Environment City Trust and Natural Networks).

**Contact Details** – [nicola.francis@peterborough.gov.uk](mailto:nicola.francis@peterborough.gov.uk)

### *Gaps and opportunities within the Green Wheel*

#### 1. PURPOSE

To provide an update about the recent improvements to the Green Wheel undertaken by Travelchoice and identify any additional gaps and opportunities.

#### 2. BACKGROUND

The Green Wheel was launched in 2000. It consists of a 45 mile route around the outskirts of the city, with a series of 'spokes' leading from it into the centre.

Recent improvements:

- During 2006-08 13km of surfacing improvements were completed in south Peterborough (Hampton, Mortems Leam, North Bank, Flag Fen).
- In 2008/09 a 4km section of the route was re-surfaced at Peakirk.
- In 2009/10 a 500m section at Stanground and a 1.5km section at Newborough were resurfaced. In addition 40 missing or damaged directional fingers were replaced.
- In late 2009/10 a series of barriers were removed and replaced with bollards in line with best practice. Many of the barriers removed were already broken and vandalised. Those that remained in place represented a significant barrier to a number of legitimate users of the Green Wheel (cyclists with trailers, double buggies, hand cyclists). The proposal is therefore to remove these barriers to enable improved accessibility whilst still preventing motorised vehicles using the route.

2010/11:

- It is planned that new directional fingerposts will be installed at locations highlighted in the Green Wheel audit as being unclear.
- Approx. 2km of re-surfacing to be carried out along sections highlighted in the audit (exact locations yet to be finalised but likely to be at Marholm, Glinton & Paston).

Greening the Green Wheel:

- Project identified in Peterborough's Green Grid Strategy to enhance landscaping/biodiversity along route; 1 pond created in 08/09, 1 pond & dipping platform restored in 09/10 & 500m hedge planting proposed for 10/11.

#### 3. CONSULTATION/KEY ISSUES

Other gaps:

- Thorney (top of Willow Hall Lane) to Eye Green (off-road) – following requests from residents.
- Flag Fen to Fengate off-road route (potentially achieved via PREL application).

- There is a recently formed community group called Cycle West (Matt Barber & Steve Horner are involved) who are seeking extensions to the route towards Sutton & Stibbington.
- James Fisher (Natural Networks) is working with Hunts DC to improve links south from Yaxley/ Hampton/ Farcet towards the Great Fen project area.
- Though this doesn't directly link to the Green Wheel, we have had requests for the gate blocking the off road cycle path that extends from Campaign Avenue to the cycle lane running alongside the Nene Valley Railway (Orton Mere) to be removed and the missing link to be added. There is Section 106 allocated to do this from the Sugar Way development, however the estimated cost of delivery far outweighs the amount secured.

#### **4. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- PECT Green Wheel audit

#### **5. APPENDICES**

None.



**Parish Council Liaison Work Programme**

**2009/10**

<b>Date</b>	<b>Item</b>
31 March 2010	<ol style="list-style-type: none"><li>1. Planning Committee changes</li><li>2. Update on Neighbourhood Councils</li><li>3. Code of Conduct</li><li>4. Update on proposed change of name to the 'Soke and Isle of Peterborough'</li><li>5. Green villages – Gaps in the Green Wheel cycle network.</li></ol>
New Municipal Year	

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