

## **Planning Committee Procedures**

### **Membership**

In accordance with Government guidance, it is Council policy that every Member of the Council must receive formal training in the planning system (to be arranged by the Head of Development Control and Major Developments) before serving on the Planning Committee or as soon as possible after their appointment to the Committee. Similarly, any present or newly elected Member participating in the determination of a planning application by full Council, must receive such training as soon as possible.

Members who are not trained, but who become Members of the Planning Committee, may participate in two Planning Committee meetings whilst the necessary training is undertaken. If training is declined or not undertaken for any reason, then the Member concerned would not be able to participate in Planning Committee meetings. Similarly, Members may only participate in planning decisions at one Council meeting without having undertaken the necessary training. The Chairman of the Council or of the Planning Committee as the case may be will be cognisant of those Members who have not undertaken training and will rule accordingly if Members who have not been trained seek to participate in determining planning applications.

Planning Committee membership be made up primarily of non-executive members, but with specific reservation of a place for the Planning Portfolio Holder

### **Requests by the Public to Address the Planning Committee**

1. Members of the public, including the applicant (or their representative), representatives from the relevant Town or Parish Council, local interest groups and local civic societies, may address the Planning Committee during consideration of any application for planning permission
2. Each speaker will be able to speak for up to a maximum of three minutes each (subject to paragraph 5 below).
3. Speakers will be grouped together as either Objectors or Supporters.
4. Where more than one person has registered to speak in any of the above groups of speakers, there will be a 9 minute time limit for each group. Town and Parish Council Representatives will be allotted the first three minute time slot of their group. All other speakers will be heard in the order in which they registered to speak on a strictly "first come, first served" basis. When more than one speaker has registered in each group, speakers are encouraged to appoint a spokesperson. If no spokesperson is nominated speakers will be heard in the order in which they have registered until the 9 minute period has elapsed. No more than three speakers (including town/parish representatives) may register to speak in each group.

5. Each group will be given the opportunity to speak for an equal period of time, to ensure a fair hearing. For example, if there is only one supporter and 3 objectors, the supporter will be given the opportunity to speak for 9 minutes.
6. An application to speak must be received in writing or by electronic mail by Democratic Services by midday on the last working day before the Committee meeting. Applications to speak at Committee will only be accepted by persons who have made written representations on an application as part of the consultation process or the applicant. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to Democratic Services before the Committee meeting commences.
7. When there is a linked or duplicate application each speaker can only speak on one application site, regardless of the number of applications for that site. For example, in the case of linked applications for planning permission and listed building consent on the same property, speakers may only speak once.
8. When planning applications are referred to Council by the Head of Development Control and Major Developments only members of the public who spoke on the application at the Planning Committee are permitted to speak. The normal Council public speaking rules apply, as set out in the Council procedure rules.
9. When planning applications are referred to Council by Councillors the normal Council public speaking rules apply, as set out in the Council procedure rules.

## **Procedure**

10. On the last working day before the Committee meeting when the deadline to register has passed Democratic Services will confirm with speakers how long they have to speak. As both sides must be given the opportunity to speak for the same time period, any requests to speak received after midday on the last working day before the Committee meeting will not be accepted.
11. Members of the public who have registered to speak must sign a declaration on conduct at Committee; members of the public who do not sign the declaration will not be permitted to speak at Committee.
12. Before the application report is considered in detail, the Committee may agree that the application be deferred for a site visit, or to obtain further information. In that case, there will be no public participation on the application until it is reconsidered at a future meeting. Persons who have registered to speak on applications that are deferred to future meetings of the Planning Committee are not required to register again.

13. The Planning Officer will present the application to the Committee and inform Members of any late representations or updates.
14. Ward Members and any Members of the Committee with a prejudicial interest will then be entitled to speak on the application. After making their presentation Ward Members may, at the request of the Chairman, answer questions and sum up their view at the end of the debate they then must return to the public gallery. Members of the Committee with a prejudicial interest must leave the room for the debate and vote.
15. The persons who have registered to speak will then be introduced by the Chairman in order of Objectors and Supporters, with the applicant always speaking last. Once a speaker has made their statement there will be no further right to address the meeting and at this point speaker must return to the public gallery.
16. The Planning Officer will then clarify any planning points made by speakers relevant to the application.
17. The Committee will debate the application and make a decision on the application.
18. Members of the public may not show plans, photographs or circulate written material.
19. The Chairman of the meeting may:
  - (a) vary the order of representation if he/she considered that it is convenient and conducive to the despatch of the business and will not cause prejudice to the parties concerned, or
  - (b) remove any person from the meeting if they behave in a disorderly manner.

### **Site Visits**

Any Member of the Planning Committee may propose a site visit but the reasons relating to the above criteria must be stated and recorded in the minutes, and a majority vote will determine if a site visit is to be undertaken.

#### **Formal Site Visits Authorised by Committee**

In considering the need for a site visit the Committee should have regard to the general advice contained in Section 14 of the Planning Matters Good Practice Guidance for Members and Officer in Part 3 of the Constitution. The purpose of a site visit is solely to ascertain the facts relating to the physical nature of the site and its surroundings. The decision to carry out a site visit should normally be based on one or more of the following criteria:-

- Illustrative material is insufficient to convey the issues

- A judgement is required on visual impact
- The setting and surroundings are particularly relevant to the determination or conditions being considered
- It is necessary to experience similar/comparable conditions at another location/site
- The proposal is of particular significance although applications which raise issues of principle or fundamental planning policies will not normally be appropriate for a formal site visit
- It is appropriate to make an informed assessment of the proposals which are subject to conflicting claims by applicants and objectors which cannot be adequately expressed in writing; or the proposal is particularly contentious.

Before the site visit:-

- Letter sent to applicant/agent and Ward Members informing of the decision, time, date, purpose and protocol for visit
- Letter sent to third parties where access to their private property may be required. Notification of date, time, purpose and protocol for visit also given

Who may be present and take part in the proceedings:-

- All Committee Members or their nominated Alternates who will also be attending the decision-making meeting in that capacity
- Ward Councillors who do not serve on the Planning Committee (subject to the other provisions of this protocol)
- Relevant officers (including representatives of other organisations, for example County Highway Authority or Environment Agency, if necessary)
- a written record of those attending in any of the above capacities should be made planning officers at the time of the visit.

General onlookers, supporters and objectors will not be allowed to participate. The applicant may be present but should not address the Committee other than to respond to factual questions relevant to the site visit put to him/her at the discretion of the Chairman. Any such questions to the applicant will be made through the Chairman/Planning Case Officer during the visit.

Conduct of visits:-

- Visits will be conducted in a formal manner

- Chairman or Vice-Chairman will open meeting and advise Members of purpose and conduct
- Officers will report any apologies and highlight issues relevant to the site inspection
- Other Members/Officers to ask questions of the Planning Case Officer or on occasion the applicant as to physical characteristics and surroundings
- Chairman to close

#### General matters

- There will be no debate about the merits of the application and no decisions taken
- No formal notes will be made. The Planning Case Officer will update the Committee on the site visit when it next meets to consider the application
- where appropriate this protocol may be sent to parish/town councils and applicants for information.

#### Unaccompanied Site Visits

Members of the Planning Committee have a long established practice of visiting sites before Committee meetings. Such visits are undertaken individually by Members unaccompanied by Officers. The criteria listed in above applies equally to this type of site visit. The disadvantage is that these visits can be used by applicants, agents and objectors to undertake unwarranted lobbying and where a Member visits private property it can be interpreted as showing favour to the person visited.

#### Conduct of Visits

- visits to look at application sites should, whenever possible, take place from the public highway or adjacent public land
- permission must always be requested to enter on to private land
- where sites are visited particularly in isolated rural areas, where security is of concern, it may be sensible for the Member to go to the applicant's door to explain the reasons why they are there
- on the occasions when the applicant or objector approaches the Member on site they should explain that they are a Member of the Planning Committee (or Council) viewing the site for the Committee (Council) meeting

- no views or opinions should be expressed on the application as the Member must be seen to be impartial
- under no circumstances should Members enter the grounds of private property without the owner's permission
- the homes of applicants and objectors should not be visited unless there are good and supportable planning reasons for doing so. If there are any doubts about whether there are good planning grounds the Member should discuss this with the Head of Legal and Democratic Services or the Solicitor who attends the Committee
- where homes are visited this should be for as short a period as possible and hospitality of any kind, if offered, should be courteously refused
- visits should not be used to canvass local opinion on an application
- identification should be carried at all times and this must be produced on request.

### **Referral of applications to Council by the Head of Development Control and Major Developments**

Where a decision of the Planning Committee is contrary to both the Officer's recommendation and approved planning policy, the Head of Development Control and Major Developments has the right to refer the application to Council for determination. Before doing so he will advise the Committee of his intention to refer the application to Council before the Committee vote on the application.

When an application is to be referred to Council the Head of Development Control and Major Developments must arrange to advise, as soon as practicable, the applicant, agent and (where relevant) appropriate third parties of the date and time of the meeting. The Head of Development Control and Major Developments should also advise the Head of Legal and Democratic Services that an application is to be referred so that all Members of the Council can be similarly informed of the meeting arrangements.

The Minutes of the Planning Committee and Council should always include a detailed Minute setting out the reasons why an Officer recommendation was not accepted and a copy should be placed on the planning application file as appropriate.

## **Member Call-In**

Member 'call-in' of Officer delegated cases to the Planning Committee shall be accepted on the advice of the committee Chairman, or in his absence the vice-chairman as set out in the scheme of delegation;