

**Development Control Committee  
7 December 2015**

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**Protocol on Public and Ward Member Involvement in the  
Planning Process and Speaking at Development Control  
Committee**

**LDS/110**

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**~~APPENDIX TO COUNCIL PROCEDURE RULES~~**

**PROTOCOL ON PUBLIC AND WARD MEMBER INVOLVEMENT IN THE PLANNING  
PROCESS AND SPEAKING AT DEVELOPMENT CONTROL COMMITTEE**

**Making a Written Representation**

1. The Borough Council will publicise planning applications by publishing weekly lists and individually notifying those people who adjoin or face an application site in accordance with current criteria. In addition, site notices will be displayed where these are required by law and in other cases the applicants will be asked to display a notice.
2. People will have at least 21 days in which to comment and all representations will be acknowledged. Those people who make representations will be notified of the Council's decision but, with the limited resources available, it will not be possible to enter into detailed correspondence on individual planning applications. Where applications are reported to the Development Control Committee representations received will be summarised in the written reports and/or orally.

**Speaking Rights**

3. Public speaking rights will apply to those submitting planning applications and/or their agents, representatives of civic or ~~amenity~~ **local representative** groups or members of the public who have made written representations to Development Control (either for or against) in respect of planning applications.
4. Public speaking rights will only apply in respect of any application made under the planning acts which fall to be determined by the Development Control Committee and will not apply to any applications to be determined by officers under the scheme of delegation. Public speaking rights will also apply where written representations have been made in respect of tree preservation orders and which are before the Committee for confirmation. Public speaking rights will not apply at accompanied site visits. The Development Control Committee deals with items other than planning applications, such as enforcement cases which may involve confidential information. The right to speak will not apply to these cases.
5. Applicants/agents/authors of written representations will be notified of their right to speak but it will be the responsibility of those parties to obtain confirmation of the date of the relevant Committee. Such information is available from the case officer named on the notification or acknowledgement letter.

6. Speakers will not have the right to ask other speakers, **applicants**, employees **of the Council or Committee members** ~~Councillors~~ questions. Equally, **Committee members** ~~Councillors~~ will not ask speakers questions other than for purposes of clarification.
7. Those people wishing to speak must register their interest by no later than 12 noon on the day of the Committee with the Democratic Services Division. In view of the time limit set out below, if there are more than three objectors who wish to speak, the fourth person who telephones will be informed that they are unlikely to be able to speak because a maximum of nine minutes (3 minutes per person) is allowed for objectors.
8. **Any Ward Member or Cabinet Member who intends to make a representation should obtain prior consent from the Chair. Only those Ward Members whose wards are directly affected by an application will be permitted to speak. Any such representation shall be made from the public gallery.**
9. **Ward Members and Cabinet Members that have a Disclosable Pecuniary interest in a planning application that is before the committee for determination will not be able to speak or attend the meeting unless a dispensation has been granted by the Monitoring Officer beforehand.**  
**Ward Members/Cabinet Members** ~~Councillors~~ **with a personal or prejudicial interest in a planning application that is being discussed may speak at the Committee meeting. The existence and nature of such interests should be declared before a Member speaks on the planning application. If a Member has a personal and prejudicial interest in a planning application they can then make representations, answer questions or give evidence – for the same length of time as a member of the public (i.e 3 or 5 minutes). Once they have finished their representation the Member must leave the room. The Chair of the Committee will decide when the Member exercises this right; however, it will be before any debate on the item.**
10. Those people who have registered their desire to speak will be asked to arrive no later than ~~30~~ **15** minutes before the start of the Committee when they will be given a brief explanation of the arrangements/procedure. Speakers will be asked to ~~produce~~ **provide the Democratic Services Officer with** a written note of what they ~~have said~~ **intend to say** for record purposes.
11. ~~If Speakers are asked to give prior notification if they wish to use visual aids, such as the projector/ a computer, they will be asked to give prior notification.~~
12. **No new documentation should be circulated to the Committee members at the meeting.**
13. **Messages should never be passed to individual Committee members, either from non-Committee members or from the public. This could be seen as seeking to influence that Member improperly and could create a perception of bias.**
14. The Chair of the Development Control Committee will have the discretion to alter the running order of the agenda. This can allow the Committee to consider those items where people have registered a desire to speak first.

**Information which should be included in a representation:**

15. **Speakers are advised that to make a statement of greatest impact they should:**
  - **Be brief and to the point.**
  - **Limit their views to the planning application.**
  - **Confine themselves to relevant planning considerations**
16. **Relevant planning considerations will vary depending on the nature of the site and the proposed development, but may include the following:**
  - **Local Plan Policies.**
  - **National Planning Policy Framework and other Government Guidance.**
  - **Planning law and previous decisions.**
  - **The density of development proposed for a site.**
  - **Highway safety and traffic issues.**
  - **Noise and disturbance.**
  - **Residential amenity.**
  - **Design, character, appearance, visual impact and layout.**
  - **Impact on trees and impact on the character of an area including Listed Buildings and Conservation Areas.**
  - **Flooding and drainage.**

**This is not meant to be a definitive or exhaustive list of relevant issues, but is merely guidance to illustrate what types of matters can be considered when a planning application is determined. The relevant considerations will vary from one case to another**
17. **The following issues would not be considered relevant:**
  - **Matters covered by other legislation.**
  - **Private Property Rights eg Boundary or access disputes, restrictive covenants on the land or rights of way**
  - **The morals or motives of the developer.**
  - **Suspected future development.**
  - **Loss of views over other people's land.**
  - **Effect on the value of property.**
  - **Infringement of rights of light**
  - **Personal matters.**
18. **Speakers should particularly note that they should not make any derogatory or defamatory remarks about a person. Any such comments may leave them open to legal action.**

19. The order of speaking and the time allowed for each planning application:

- |  | <u>Total Time Allowed</u>   |
|--|---|
| 1. <u>Planning Officer:</u><br>To introduce the application and report on representations received., <b>including representations received after publication of the report</b> |   |
| 2. <u>Civic/Amenity Groups and Local Representative Groups</u>   | <ul style="list-style-type: none"><li>• 5 minutes</li></ul> Total time allowed 5 minutes  |
| 3. <u>Objectors</u>  | <ul style="list-style-type: none"><li>• 3 minutes for individuals</li><li>• 5 minutes if speaking on behalf of a group (provided there are not also individual objectors who wish to speak)</li></ul> Total time allowed: 9 minutes   |
| 4. <u>Applicant or Agent and Supporters</u>  | <ul style="list-style-type: none"><li>• 3 minutes for applicant or agent</li><li>• 3 minutes each for 2 supporters or 5 minutes if speaking on behalf of a group (provided there are not also individual objectors who wish to speak)</li></ul> Total time allowed: 9 minutes |
| 5. <u>Ward Members</u><br><b>Where their ward is directly affected by the application.</b>   | <ul style="list-style-type: none"><li>• 5 minutes</li></ul>   |
| <b>Cabinet Members</b>   | <ul style="list-style-type: none"><li>• 3 minutes</li></ul>   |
| 6. <u>Planning Officer:</u><br>To deal with any errors of fact which have arisen.  |   |
| Thereafter, <del>Councillors</del> <b>the Committee</b> will discuss the application, involving employees as necessary. There will be no further right for others to speak.    |   |

There is a need to limit the number of speakers and time allowed to speak to enable the Council to strike a balance between providing the opportunity for people to be heard and ensuring that applications are dealt with efficiently. To this end, ~~Civic Amenity~~ **Civic and Local Representative** Groups and objectors will be encouraged to select a joint representative in order to avoid duplication and ensure that all relevant points are made. The applicants/agents will have the right to control who speaks within their slot, subject to the time restrictions detailed above.