

Strategic Planning Board

Agenda

Date:	Wednesday, 4th March, 2009
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint the Chairman of the Strategic Planning Board.

2. **Appointment of Vice Chairman**

To appoint the Vice Chairman of the Strategic Planning Board.

3. **Apologies for Absence**

4. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

5. **Planning Committee Membership and Arrangements** (Pages 1 - 10)

To consider the report of the Borough Solicitor which explains the constitutional arrangements for Planning Governance approved by Council; seeks to appoint members to Northern and Southern Planning Committees, and discusses various practical working arrangements for the Committees.

Members are also asked to note the arrangements made for planning training.

6. **Planning Protocol**

Report to follow.

For any apologies or requests for further information

Contact: Diane Moulson

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7. **Public Speaking at Committee** (Pages 11 - 30)

To consider the implementation of public speaking at Strategic Planning Board and Planning Committee meetings across the four merging authorities for Cheshire East and clarify the position regarding potential exceptions as set out in paragraph 7.6 of the report.

8. **Call In Procedure and Site Inspection Protocol** (Pages 31 - 38)

To approve the Call In Procedure and Site Inspection Protocol which will apply to the Strategic Planning Board/Planning Committees.

9. **Enforcement Protocol**

Report to follow.

10. **Date of Next Meeting**

Wednesday 25th March 2009 commencing at 2pm at Alsager Civic Centre.



CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 4th March 2009
Report of: Borough Solicitor
Title: Planning Committee Membership and Arrangements

1.0 Purpose of Report

To explain the constitutional arrangements for Planning Governance approved by Council,

To appoint members to Northern and Southern Planning Committees,

To discuss various practical working arrangements and Member training.

2.0 Decisions Required

- Appointment of members [to be nominated on 4th March] to a Planning Committee (the Northern Committee), meeting for the first time on Wednesday 8th April at [a time to be fixed] in Macclesfield and thereafter every 3 weeks.
- Appointment of members [to be nominated on 4th March] to a Planning Committee (the Southern Committee), meeting for the first time on Wednesday 22nd April at [a time to be fixed] in Crewe and thereafter every 3 weeks.

3.0 Legal Implications

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 reserve planning and development control to the Council, as opposed to the Executive. The Council is under a statutory duty to determine planning applications within 8 and 13 week deadlines. Applications not determined in time are deemed refused and may be appealed. Further, they reflect poorly on the Council's national performance indicators. The Council must have a decision-making structure in place and working from 1st April 2009. This will need to incorporate a chain of delegation through Committees and officers, in order to meet the statutory deadlines.

4.0 Proposed Structure: Background

In November 2008, Advisory Panel – Places set up a Development Management Task Group to develop a proposal for Planning Governance. The Group comprised experienced Planning Councillors and Development Managers. It met three times, considered various options and reported back to the Panel on 27th January 2009. The Panel agreed with the Group's recommendation that the Development Management function should be discharged by one Strategic Planning Board, supported by two Planning Committees and a full scheme of officer delegation. This structure

- maintains performance targets of 60%, 65% and 80% for Major, Minor and Other applications within 8 and 13 week deadlines
- maintains at least 90% delegation to Officers, with an appropriate division of responsibility above that level and with a set of checks and balances between the three tiers
- ensures a smooth transition over Day One with flexibility to respond quickly to issues arising in practice over the forthcoming months
- implements good practice guidance published by the government.

On 9th February 2009 the Governance & Constitution Committee recommended the structure to Full Council. If Council adopts it on 24th February 2009, it will also appoint Members to the Strategic Planning Board.

5.0 Strategic Planning Board

The Board's Terms of Reference are at Appendix A. They encompass three roles:

- The determination of major applications
- Overview and control of the workload and working practices of all three tiers (i.e.: the Board, the Committees, the scheme of Officer Delegation)
- Consultation and feedback regarding Planning Policy

In its overview role, the Board will monitor consistency between the tiers and identify training needs. It will monitor performance in order to respond quickly and flexibly to the actual workloads which emerge over the next twelve months. For example, should it turn out that a three-weekly cycle of meetings is overstressing resources or that performance is slipping for some other reason, the Board has power to vary arrangements. It may re-direct more work to one tier in order to ease the burden on another. It may adjust the size, number or frequency of the Committees.

Its overview role includes the adoption of working protocols. These documents are important to maintain quality and performance and to explain to the public how the Service works. The Board can adapt them quickly and flexibly as issues arise in practice e.g. protocols regarding Members call-in procedure, public speaking rights, the conduct of site visits.

By including the two Portfolio Holders among its membership and by performing a consultation and feedback role, the Board will maintain links with the Planning Policy function, again in line with DCLG advice.

6.0 The Planning Committees

Terms of Reference are set out at Appendix B. The Committees will deal with medium scale applications and those which merit public consideration for some other reason e.g. the applicant has a close Council connection.

Cheshire East will generate around 5,000 applications per year. Delegating small-scale applications to Officers and reserving large-scale applications to the Strategic Planning Board, will leave around 400-500 applications for determination by Committee. With agendas of around 12 applications, it should take two Planning Committees, meeting every three weeks, to discharge this workload.

Currently, about 2,500 applications arise in the north of the new Borough and 2,500 in the south. There is sense in directing northern applications predominantly but not exclusively towards one Committee and southern applications predominantly but not exclusively towards the other. A northern/southern direction of applications will build up each Committee's local knowledge quickly. This will reduce the number of deferrals for site visits and help to maintain performance during this period of transition. It will be more convenient for the public and will promote local attendance and involvement.

The Committees will have in-built flexibility rather than a strict geographical remit. Able to consider applications from the whole Borough, each committee can assist meeting critical deadlines, smooth out variations in workloads and avoid parochialism.

Mindful of government advice regarding consistency of approach between separate Committees, all Committee Members will undertake the same training and the Board will maintain oversight of the Committees' work. The Committees also reflect government advice by being

- a reasonable size: 15 Members each,
- politically proportionate rather than Ward based
- few in number
- supported by a scheme of officer delegation

and by convening often enough to meet performance targets

Complying with government advice regarding performance indicators and responsible ownership of decisions, referral up to the Strategic Planning Board is limited to circumstances where Committees are minded to approve applications involving a significant departure from policy.

7.0 Delegation Scheme

The Scheme is set out at Appendix C. It complies with government advice by directing a large number (90%) of smaller, routine applications towards Officers. The Scheme incorporates common checks and balances e.g. the Head of Planning and Policy cannot approve applications which would be a departure from policy. He has discretion to refer delegated items up to Committee if particular circumstances warrant. Members have the right to call applications in to Committee. Like other practical, working arrangements, the detail of the call-in procedure will be set out in a protocol to be approved by the Strategic Planning Board.

8.0 Dates

The Strategic Planning Board will meet in Shadow form on 4th and 25th March in order to

- elect its Chair and Vice Chair
- appoint members to the two Planning Committees and settle practical arrangements regarding their meetings.
- adopt a series of Day 1 working protocols governing the Development Management function e.g. speaking rights at Committee, northern/southern direction of applications between the two Committees, call-in procedure.

Appendix D is a calendar of 3-weekly meetings. For the public's convenience, it is suggested that

- the Strategic Planning Board generally meets at Sandbach at 2pm on Wednesdays
- the Northern Planning Committee generally meets at Macclesfield [at a time to be fixed] on Wednesdays
- the Southern Planning Committee generally meets at Crewe [at a time to be fixed] on Wednesdays.

Members are asked to set the meeting times of the two Committees.

Planning training is mandatory. A full days training for Planning Members has been organised at Congleton Town Hall 9.15am – 4.30pm with a choice of either 17th or 19th March. Draft programmes will be available by 4th March 2009.

For further information:

Portfolio Holder: Councillor Jamie Macrae

Officer: Sheila Dillon

Tel No:01270 529725

Email: sheila.dillon@congleton.gov.uk

Background Documents:

Borough Solicitor`s Report to Governance & Constitution Committee 9th February 2009: Planning & Development Control: Committee Structure and Delegations.

Documents are available for inspection at: Westfields, Sandbach

**Strategic Planning Board
Terms of Reference**

1. To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level: and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) to vary the number, size and working arrangements of the Planning Committees, to appoint their membership, to vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning & Policy

(c) to adopt working protocols and procedures: e.g.: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning & Policy but the following are reserved to the Board

(a) applications for Large Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;

- 10,000 square metres or more, or 2ha. or more of retail, commercial or industrial or other floorspace.

(b) applications for major minerals or waste development

(c) applications requiring Environmental Impact Assessments

(d) applications involving a significant departure from policy which a Planning Committee is minded to approve.

(e) any other matters which have strategic implications by reason of their scale, nature or location.

(f) any other matters referred up to it at the discretion of the Head of Planning & Policy

(g) applications involving a significant departure from policy which a Committee is minded to approve

3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions

Appendix B

Planning Committees

Terms of Reference

1. To exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Policy & Planning: the following are retained for the Planning Committees,

applications for Small Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 10-199 dwellings or between 0.5 and 4ha
- retail or commercial/industrial or other floorspace of between 1,000 -9,999 square metres. or between 1ha – 2 ha.

2. To determine any other planning & development control matters

- (a) advertised as a departure from policy, which the Head of Planning & Policy is minded to approve.
- (b) submitted by a councillor, senior Council officer (tier 2 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.
- (c) involving the Council either as applicant or land owner. Unless the Head of Planning & Policy identifies some significant factor, this category will not normally include minor developments which accord with planning policy and to which no objection has been made.
- (d) referred up to them by a councillor in accordance with the Committees' call-in procedure.
- (e) referred up to them at the discretion of the Head of Planning & Policy.

The Committees will refer up to the Strategic Planning Board applications involving a significant departure from policy which they are minded to approve.

Delegation of Planning Functions to Officers

1. Apart from matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Head of Planning & Policy.

Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use & development, enforcement, listed buildings and conservation areas. The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme applies to those new provisions.

2. The Head of Planning & Policy will refer up to a Planning Committee or to the Strategic Planning Board any particular matter which they consider suitable for determination at that level.

	April 2009	May 2009	June 2009	July 2009	August 2009
Mon			1		
Tues			2		
Weds	1		3 Southern Planning Committee (C	1 Northern Planning Committee (M)	
Thurs	2		4	2	
Fri	3	1	5	3	
Sat	4	2	6	4	1
Sun	5	3	7	5	2
Mon	6	4	8	6	3
Tues	7	5	9	7	4
Weds	8 Northern Planning Committee (M)	6 Strategic Planning Board (S)	10 Northern Planning Committee (M)	8 Strategic Planning Board (S)	5 Southern Planning Committee (C
Thurs	9	7	11	9	6
Fri	10	8	12	10	7
Sat	11	9	13	11	8
Sun	12	10	14	12	9
Mon	13	11	15	13	10
Tues	14	12	16	14	11
Weds	15 Strategic Planning Board (S)	13 Southern Planning Committee (C	17 Strategic Planning Board (S)	15 Southern Planning Committee	12 Northern Planning Committee
Thurs	16	14	18	16	13
Fri	17	15	19	17	14
Sat	18	16	20	18	15
Sun	19	17	21	19	16
Mon	20	18	22	20	17
Tues	21	19	23	21	18
Weds	22 Southern Planning Committee (C)	20 Northern Planning Committee (M)	24 Southern Planning Committee (C	22 Northern Planning Committee	19 Strategic Planning Board (S)
Thurs	23	21	25	23	20
Fri	24	22	26	24	21
Sat	25	23	27	25	22
Sun	26	24	28	26	23
Mon	27	25	29	27	24
Tues	28	26	30	28	25
Weds	29 Northern Planning Committee (M)	27 Strategic Planning Board (S)		29 Strategic Planning Board (S)	26 Southern Planning Committee
Thurs	30	28		30	27
Fri		29		31	28
Sat		30			29
Sun		31			30
Mon					31

	<u>September 2009</u>	<u>October 2009</u>	<u>November 2009</u>	<u>December 2009</u>	<u>January 2010</u>
Mon					
Tues	1			1 Strategic Planning Board (S)	
Weds	2 Northern Planning Committee			2	
Thurs	3	1		3	
Fri	4	2		4	1
Sat	5	3		5	2
Sun	6	4	1	6	3
Mon	7	5	2	7	4
Tues	8	6	3	8	5
Weds	9 Strategic Planning Board (S)	7 Southern Planning Committee (C)	4 Northern Planning Committee	9 Southern Planning Committee (C)	6
Thurs	10	8	5	10	7
Fri	11	9	6	11	8
Sat	12	10	7	12	9
Sun	13	11	8	13	10
Mon	14	12	9	14	11
Tues	15	13	10	15	12
Weds	16 Southern Planning Committee (C)	14 Northern Planning Committee	11 Strategic Planning Board (S)	16 Northern Planning Committee	13
Thurs	17	15	12	17	14
Fri	18	16	13	18	15
Sat	19	17	14	19	16
Sun	20	18	15	20	17
Mon	21	19	16	21	18
Tues	22	20	17	22	19
Weds	23 Northern Planning Committee	21 Strategic Planning Board (S)	18 Southern Planning Committee (C)	23 Strategic Planning Board (S)	20
Thurs	24	22	19	24	21
Fri	25	23	20	25	22
Sat	26	24	21	26	23
Sun	27	25	22	27	24
Mon	28	26	23	28	25
Tues	29	27	24	29	26
Weds	30 Strategic Planning Board (S)	28 Southern Planning Committee (C)	25 Northern Planning Committee	30 Southern Planning Committee	27
Thurs		29	26	31	28
Fri		30	27		29
Sat		31	28		30
Sun			29		31
Mon			30		

STRATEGIC PLANNING BOARD

Date of meeting: 4 March 2009.
Report of: Shawn Fleet, Principal Planning Officer, Congleton Borough Council.
Title: Public Speaking at Strategic Planning Board and Planning Committee Meetings.

1.0 Purpose of Report

- 1.1 To consider the implementation of public speaking at Strategic Planning Board and Planning Committee meetings across the four merging authorities for Cheshire East and clarify the position regarding potential exceptions as set out in 7.6 below.

2.0 Decision Required

- 2.1 To agree a protocol for public speaking to be applied to meetings of the Strategic Planning Board and Planning Committees and an advisory notes for speakers.

3.0 Financial Implications for Transition Costs

- 3.1 Staffing – There will be an initial requirement for members and staff at those authorities not currently allowing public speaking to be briefed in the implementation of any new working protocols.
- 3.2 Equipment – As public speaking is normally time limited, there will be a requirement to equip each meeting with a stopwatch which can be observed by the speaker and Committee Clerk.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Notification – For those authorities not currently allowing public speaking, there will be an additional requirement in respect of postage costs to notify objectors, supporters and other parties interested in the application that the application will be going to committee and the opportunity for public speaking.
- 4.2 Over time, it is expected that this cost will diminish as greater use is made of email and electronic communication.

5.0 Legal Implications

- 5.1 There are no legal requirements for Local Planning Authorities to allow public speaking although it is seen as good practice by the Planning Officers Society.

6.0 Risk Assessment

- 6.1 An assessment of the public speaking protocol will be needed to ensure that it is compliant with current equal opportunity legislation particularly in respect of any presentations for, or by, disabled people or for those for whom English is not their native language.

7.0 Background and Options

- 7.1 At present, the Borough of Crewe and Nantwich and Congleton Borough Council do not offer opportunities for public speaking whereas Cheshire County Council and Macclesfield Borough Council both allow speaking. A copy of the guidance notes produced for the public by each Council is attached.
- 7.2 It should be noted that both the County and Macclesfield schemes only allow 3 minutes for speaking for those in support of an application and 3 minutes for those opposed to a scheme. In each case, the time allowance for opposing or supporting arguments may be divided up between different speakers, for example one person could speak against a proposal for 3 minutes or two people could speak for a minute and a half each.
- 7.3 In their guidance note, the Planning Officers Society has provided guidance on public speaking. Both the County and Macclesfield Borough Council schemes accord with this guidance.
- 7.4 The benefit of the public speaking is to allow emphasis to be given to important points before a decision is taken. The process also allows members of the public to ensure that their comments have been heard by Members and appropriate public representation has been taken into account in the deliberation process. Public speaking also allows Members to debate the application in the knowledge that the public have been involved in the application.
- 7.5 One key factor to note is the differences between the two committees and their work load as the applications dealt with at County level is somewhat different to those dealt with by the District Councils. County applications in the main tend to be larger, more complex schemes whilst District applications can, depending on the scheme of delegation, be more varied. Bearing in mind the nature of the two Committees which currently have public speaking, it is felt that the Macclesfield model will more closely represent the future agenda items that are likely to be dealt with by Cheshire East.
- 7.5 Having considered the benefits of the two extant schemes, it is felt that the current Macclesfield scheme represents a robust model on which to base a public speaking protocol. For clarity and ease of implementation, it is therefore recommended that this scheme be adopted for Cheshire East.

- 7.6 Given that some of the future applications to be dealt with by Cheshire East will involve mineral or waste applications which by their very nature affect large number of residents, it is recommended that any adopted protocol allows for variance of the speaking arrangements in exceptional circumstances. It is recommended that the Chairman be allowed discretion to extend the speaking period or allow for more speakers if appropriate. This power however should be treated with caution and if additional time is granted to objectors to speak against a controversial scheme, a similar allowance should be granted to supporters or the applicant. If this balance is not put in place then an applicant who finds their proposal refused by committee may have recourse to complaints of impropriety by Members.
- 7.7 It is recommended that the scheme be reviewed after 18 months when it is expected that Members and Officers will have had opportunity to consider a wide range of planning applications and how such applications were handled.

8.0 Equality Impact Assessment

- 8.1 An Equality Impact Assessment has been carried out in connection with this proposed policy for Cheshire East (Appendix 2). Whilst there are matters relating to disability and ethnic background to be considered in the day to day implementation of this policy, the policy itself is not felt to be in conflict with any existing legislation or best practice guidance.

9.0 Reasons for Recommendation

- 9.1 To ensure consistency across all committees dealing with the determination of planning applications as part of Cheshire East.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Shawn Fleet, Principal Planning Officer, Congleton Borough Council
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APPENDIX 1



PUBLIC SPEAKING RIGHTS AT STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES

- a) The Strategic Planning Board and Planning Committees have to make decisions on the merits of each individual application, upon the basis of what is in the Development Plan and other material considerations. All written representations made to the Council will be taken into account in the Officers written report to Committee, but this procedure allows members of the public and Councillors who are not members of the Strategic Planning Board or Committees to attend a Strategic Planning Board or Planning Committee meeting and speak for or against an application prior to the Strategic Planning Board or Planning Committees making a decision about a planning application.
- b) The Strategic Planning Board normally meets at Westfields at 2.00pm every 3 weeks.
- c) The Planning Committees meet at the Crewe Municipal Buildings, Earle Street, Crewe, CW1 2BJ and at the Macclesfield Town Hall, Market Place, Macclesfield, SK10 1DX every 3 weeks.
- d) The agenda for each Strategic Planning Board or Planning Committee meeting is available five days before the meeting and is available via the Council's website. Interested groups and individuals should keep themselves informed about when a planning application will come to the Strategic Planning Board or Planning Committees. A list of meetings can be obtained from the Council Offices and officers will be able to advise on the progress of applications.

PROCEDURE:

1. WHO CAN SPEAK AND FOR HOW LONG

- 1.1 The following individuals/groups are eligible to speak
 - Objectors
 - Applicants or their agents
 - Supporters
 - The relevant Parish or Town Council
 - Local representative groups/Civic Society (where not covered by any of the above categories)
 - The Ward Member if they are not on the Board/Committee
 - Members who are not on the Board/Committee and are not the Ward Member

- 1.2 Each group identified shall be entitled to speak for a period of up to three minutes. If there is more than one person wishing to speak, from a particular group e.g. objectives, people are encouraged to consult each other and agree how to share their 3 minutes. The time limit will not be extended and where a listed building application is involved no extra time will be provided.
- 1.3 In order to be fair to all parties, no presentation aids will be permitted. Similarly the circulation of information, photographs and/or plans at the meeting will not be allowed.

2 HOW TO SPEAK AT STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES

- 2.1 It is necessary to inform, in writing (email, fax or letter), the Democratic Services Section of an intention to speak at a Strategic Planning Board or Planning Committee meeting no later than 12.00 noon the day before.
- 2.2 Speakers should arrive for meetings approximately 10-15 minutes prior to the start of the meeting in order to register with the Democratic Services Officer.
- 2.3 A statement to the Strategic Planning Board or Planning Committee should only refer to planning issues, for example:
- exterior design, size, appearance, layout, etc
 - residential amenity
 - highway safety
 - character of the area
 - trees and historic buildings
 - planning policy (Local Plan/Structure Plan)
 - Government guidance
- 2.4 The Strategic Planning Board or Planning Committee cannot take into account non-planning issues for example:
- boundary disputes/property rights
 - personal comments about any individual
 - loss of property value or loss of view
 - matters covered in other laws
- 2.5 Speakers are reminded of the law relating to slander. If, at the meeting, they say something which is not true about another person, they could be at risk of legal action. Further, Race Relations and Human Rights legislation will not allow any discriminatory comments for example race, religious beliefs or disability.
- 2.6 The order of speaking at the meetings of the Strategic Planning Board and Planning Committees is as follows -
- Announcement of the item by the Chairman

- Introduction and description of the application by the Planning Officer, including an update of the Committee report and highlighting of the key issues
- Ward Councillor, if application 'called in' or if not Committee Member (3 mins)
- Members who are not on the Board/Committee and are not the Ward Member (3 mins)
- Parish/Town Council representations (3 mins)
- Civic Society/Local Representative Groups (3 mins)
- Objectors' representations (3 mins)
- Applicants/supporters' representations (3 mins)
- Further comments by Planning Officer
- Ward Councillor if a Member of the Board/Committee
- Board/Committee Members debate and decision taken

2.7 At the Chairman's discretion, members of the Strategic Planning Board or Planning Committee may ask, through the Chairman, a visiting speaker (not Council Member) to clarify an issue after a statement is made. The Chairman may also ask that questions of fact are answered by any speakers during the Members discussion to clarify matters. Speakers will not be permitted to ask questions of the Strategic Planning Board or Planning Committee or other speakers or to interrupt the Members discussion on an individual planning application.

3 AFTER THE DECISION

3.1 Speakers are asked to respect the decision made by the Strategic Planning Board or Planning Committee during the course of the meeting. The Strategic Planning Board or Planning Committees decision is final but the applicants do have the right to appeal to the First Secretary of State if their application is refused or if conditions are attached which they do not like. Objectors do not have the right to appeal a decision to the First Secretary of State but they can seek to have a decision quashed by an application to the High Court by way of judicial Review.

3.2 If an application is deferred to a future meeting for consideration, speakers will be required to register to speak for that meeting in accordance with this procedure note.

APPENDIX 2 PRO-FORMA FOR THE INITIAL ASSESSMENT

Service Area Planning		Section Development Control	Person responsible for the assessment Shawn Fleet		
Name of the Policy to be assessed	Public Speaking	Assessment date	10 Feb. 2009	Is this a new or existing policy?	Existing
			Does this policy have either a time limit or a date for review?		Review Oct 2010

1. Describe the aims, objectives and purpose of the policy/plan/procedure/strategy	<i>Please continue on a separate sheet if necessary</i> The aim of the policy is to advise on when members of the public, their agents or other third parties can speak to the Planning Committee on planning applications under consideration at the meeting thus allowing them an opportunity to express concerns or objections to a scheme.				
2. Please note any associated objectives of the policy	Associated objectives are the time and location of committee meetings, neighbour notification and publicity and the site visit protocol.				
3. Who is intended to benefit from the policy and in what way?	The policy is intended to benefit two groups. Members of the public especially neighbours and those directly affected by development and secondly, members of the Planning Committee				
4. What outcomes are wanted from this policy?	To ensure that all members of the community can be involved in the planning process and their concerns listened to.				
5. What factors/forces could contribute/detract from the outcomes?	Arrangements for the meeting room, availability of presentation aids and the availability of translators.				
6. Who are the main stakeholders in the policy?	The Council (Members and Officers) and the public.		7. Who implements the policy and who is responsible for the policy?	The policy is to be implemented and managed jointly by Committee Services and planning officers.	

8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	This concern is only raised in respect of language and translation facilities. This in itself is not a racial issue but one of cultural background.		
9. Are there concerns that the policy <u>could</u> have a differential impact due to gender?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	Both male and females readily use the planning system and the absence, or otherwise, of a public speaking protocol would not have a differential impact on either group.		
10. Are there concerns that the policy <u>could</u> have a differential impact due to disability?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	There is a particular concern that the policy could have an impact on some speakers particularly those with speech or hearing difficulties. In addition, the policy may affect those with limited mobility especially if the room layout is poor.		
11. Are there concerns that the policy <u>could</u> have a differential impact on people due to sexual orientation?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	It is felt that a public speaking protocol would not have a differential impact on either group.		
12. Are there concerns that the policy <u>could</u> have a differential impact on people due to their age?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	It is felt that age would not be a restriction on people's ability to speak at the planning committee.		

13. Are there concerns that the policy <u>could</u> have a differential impact on people due to their religious belief?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	It is felt that peoples religious beliefs would not be a restriction on their ability to speak at the planning committee.		
14. Are there concerns that the policy <u>could</u> have a differential impact on people due to them having dependants/caring responsibilities?	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	The public speaking protocol would not prejudice peoples ability to care for others.		
15. Are there concerns that the policy <u>could</u> have a differential impact on people due to their offending past	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	Peoples criminal history would not limit their ability to speak at committee on land use planning matters.		
16. Are there concerns that the policy <u>could</u> have a differential impact on people due to them being transgendered or transsexual	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	It is felt that peoples gender status would not be a restriction on their ability to speak at the planning committee.		

17. Are there concerns that the policy could have a differential impact on people due issues surrounding poverty	Y	N	
What existing evidence (either presumed or otherwise) do you have for this?	Peoples financial status would not prejudice their ability to speak before committee. Their position however may limit their ability to seek assistance in preparing comments on an application however Planning Aid may be of assistance.		
18. Is there <i>potential</i> for the policy to have either a positive <u>OR</u> a negative impact on children (aged 0-19)?	Y	N	Leave blank
18a. If yes please describe the nature and level of the impact (Also consider impact both now and in the future)			
18b. If yes , please also describe any consultation undertaken with children and their families to inform this policy (please state if none carried out)			
18c. If no , please describe why there is considered to be no impact / significant impact on children	Children would have the same ability to present their concerns to Committee as any other age group.		

19. Could the differential impact identified in questions 8-18 amount to there being the potential for <u>adverse</u> impact in this policy?	Y	N	<p><i>Please explain</i></p> <p>Although there could be adverse impact on two groups, those who do not speak English as a native language and disabled, there are clear steps that can readily be taken to provide equal opportunities to all people.</p> <p>In the first instance, translation facilities can be provided to enable a prepared speech to be translated into English so that it may be read out to committee. In the second instance, it would be appropriate to allow the speaker to be accompanied by a friend or helper who could assist in the presentation. Alternatively, the Council can provide audio aids to speakers on an as needed basis (e.g. portable induction loop equipment to allow speakers with partial hearing to hear any questions asked of them) . In respect of accessibility issues, the Council is aware of its obligations under the DDA regulations and the need to ensure suitable access in all spaces used by the public.</p>				
20. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	<p><i>Please explain for each relevant area (questions 8-18), using a separate sheet of paper if necessary</i></p> <p>The impacts on the two groups identified are noted. In terms of the role of the policy affecting the rights of the group to fair access to the aims of the policy (to allow the public to directly express their concerns on an application to Committee Members) there are steps in place to address these limitations and given the infrequent occurrence of such events, it is felt that the adverse impacts in this instance are not felt to be detrimental.</p>						
21. Should the policy proceed to a partial impact assessment?	Y	N	22. If Yes, is there enough evidence to proceed to a full EIA?	Y	NA	23. Date on which Partial or Full impact assessment to be completed by	10 February 2009

Signed (completing officer)___Shawn Fleet_____

Signed (Lead Officer) _____

SIGNED EQUALITY OFFICER _____

DATE APPROVED BY EQUALITY WORKING GROUP _____

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Macclesfield Borough Council

Public Participation in Planning Committee and Planning Sub-Committee

Who can speak?

The following individuals/groups are eligible to speak

- Objectors
- Applicants
- Supporters
- The relevant Parish or Town Council
- Local representative groups/Civic Society (where not covered by any of the above categories)
- Members who are not on the Committee/Sub-Committee and are not the Ward Member

How much time is allocated to each group?

A period limited to a total of three minutes. If there is more than one person wishing to speak, people are encouraged to consult each other and agree how to share their 3 minutes.

A presentation (limited to 3 minutes) may be the most effective way of presenting views. Where a listed building application is involved no extra time will be provided.

How will groups know when an issue will come to Committee?

Interested groups and individuals should keep themselves informed about when a planning application will come to the Committee. A list of meetings can be obtained from the Council Offices and officers will be able to advise on the progress of applications.

How do you arrange to speak at the Planning Committee/ Planning Sub-Committee?

Agendas for the Committee are available one week before the meetings, which are usually held on:

- Planning Committee - 2pm Monday afternoon
- Planning Sub-Committee - 5pm Wednesday afternoon

Copies of agenda reports are available on request from the Member Services Section:

☎ **01625 504222 or 504224**

✉ **k.smith@macclesfield.gov.uk**
s.baxter@macclesfield.gov.uk

The agenda is also published on the Borough Council's website **www.macclesfield.gov.uk**.

Please inform, in writing, the Principal Member Services Officer at the Town Hall, Macclesfield by:

- Planning Committee - 12.00 noon on the Friday previous to the meeting
- Planning Sub-Committee - 12.00 noon on the Tuesday (the day before the meeting). This can be done by email.

When should you arrive for the meeting?

Speakers are *normally requested to arrive by:

- Planning Committee - 1.30pm, prior to the start of the meeting at 2.00pm
- Planning Sub-Committee - 4.30pm, prior to the start of the meeting at 5.00pm

so that they can register with the Principal Member Services Officer.

*Please note: These times may vary as the agenda dictates. Please contact the Member Services Section to confirm times/ agenda order.

☎ **01625 504222 or 504224**

✉ **k.smith@macclesfield.gov.uk**
s.baxter@macclesfield.gov.uk

Where are Committees held?

Meetings are held in the Town Hall, Macclesfield.

What is the order of speaking at the meeting?

The order is as follows:

- Announcement of the item by the Chairman
- Introduction by the Planning Officer, who will update the Committee report and highlight the key issues
- Ward Councillor, if application 'called in' (call-in applies to Planning Committee only) or if not Committee Member
- Members who are not on the Committee/ Sub-Committee and are not the Ward Member (3 mins)
- Parish/Town Council representations (3 mins)
- Civic Society/Local Representative Groups (3 mins)
- Objectors' representations (3 mins)
- Applicants/supporters' representations (3 mins)
- Further comments by Planning Officer
- Ward Councillor if a Member of the Committee/ Sub-Committee
- Committee Members debate and decision taken

What are the possible outcomes of the meeting?

The decision may be:

- to approve the application
- to refuse the application
- to defer for information/negotiations
- to defer for a site visit by the Committee/ Sub-Committee
- to refer the application from the Sub-Committee to the Planning Committee.

You are asked to respect the decisions made by the Committee during the course of the meeting.

What may the statement to the Committee/ Sub-Committee include?

Only refer to relevant planning issues, eg:

- exterior design, size, appearance, layout, etc
- residential amenity
- highway safety
- character of the area
- trees and historic buildings
- planning policy (Local Plan/Structure Plan)
- Government guidance

The Committee cannot take into account non-planning issues eg:

- boundary disputes/property rights
- personal comments about any individual
- loss of property value or loss of view
- matters covered in other laws

Will the use of presentation aids be allowed?

In order to be fair to all parties, no presentation aids will be permitted. Similarly the circulation of late information, photographs and/or plans at the meeting will not be allowed.

Will there be an opportunity for questions?

At the Chairman's discretion, members of the Committee/ Sub-Committee may ask a visiting speaker to clarify an issue after a statement is made. However, speakers will not be permitted to ask questions or interrupt the Members discussion on an individual planning application.

Further information is available by contacting:

Member Services Section
Town Hall, Macclesfield
Cheshire SK10 1DX

☎ **01625 504221**

☎ **01625 504203**

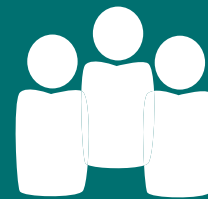
✉ **k.smith@macclesfield.gov.uk (or)**
s.baxter@macclesfield.gov.uk

Also see the Council's website at:

www.macclesfield.gov.uk

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Public Speaking at Development Regulatory Committee



Cheshire County Council welcomes your interest in the planning process and has introduced public speaking at the Development Regulatory Committee (DRC).

This leaflet explains the procedure for public speaking on planning applications for minerals, waste and Cheshire County Council's own development, that are to be determined by the DRC.

It explains how you can take part in development control, and tries to answer all the questions you may have about speaking at the committee meeting.

For further information and advice on the process please contact: **the case officer** by phone: **01244 972912**, E-mail: **plancontrol@cheshire.gov.uk** or alternatively visit our website: **www.cheshire.gov.uk/Planning/PlanningControl/**

What are the basic rules?

In order to speak:

You must have submitted written representation on the relevant planning application to the County Planning Officer at least 14 days prior to the committee meeting. Contact the case officer for the date of the committee meeting or visit: **www.cheshire.gov.uk/Council/PIN/DiarySearch**

Who can speak:

Members of the public and elected representatives of parish and town councils are allowed to speak on relevant planning applications at the DRC. The procedure allows up to six people (three in support, three against), plus the applicant or their agent, to address the committee members on relevant planning applications. Each speaker will be given a maximum of three minutes. The applicant or the applicant's agent will be given the combined length of time as those speaking for or against the proposal to respond to the issues raised.

The applicant or the applicant's agent may speak in response to any public speaking, but only when other public speakers have registered a request to speak.

N.B If an agent wishes to speak on behalf of the applicant they must be the agent named on the specific planning application form.

Who cannot speak at the committee?

- District councils
- Residents associations
- Representatives of bodies and organisations consulted on the application
- Solicitors or other professional agents representing members of the public or the applicant, apart from the agent named on the specific planning application form.

What can I speak about?

You can speak about material planning considerations pertinent to any planning application submitted to Cheshire County Council that you have made written representation on, and which is on the agenda for determination at DRC.

Ensure your voice is heard! Have your say!

Are there any constraints on issues I can raise?

Your comments must be confined to material planning considerations only, and specific to the relevant planning application that you have made written representation on.

You must not make any new points which have not been previously raised in your written submission.

You must not circulate plans, photographs, or other material at the committee meeting. Any such documentation should be submitted to the County Planning Officer as part of the existing consultation arrangements.

How often may I speak at committee?

You will only be permitted to speak on any particular application once. If a proposal is deferred after public speaking has occurred on that item, you will not be given the opportunity to speak again at a subsequent committee.

If the application has been deferred before you have chance to speak, you will be given the opportunity to return to the next committee meeting. In that event, the list of registered speakers would be carried forward to the next meeting.

What if I can't turn up on the day?

NO items will be deferred to the next committee meeting if you are, for whatever reason unable to attend.

It is your responsibility to ensure you are present at the committee meeting at the time the relevant item is to be considered.

What if six people are already registered?

Opportunities to speak will come on a "first come first-served" basis. If six people are registered to speak, (three in support, three against,) further requests will be placed on a reserve list which will be referred to should a proposed speaker subsequently drop out. You may wish to consider speaking on behalf of others who share your views.

How do I register my interest to speak?

It will not be possible to speak at committee unless you have registered your wish to speak in advance by phone or email.

It is your responsibility to contact the Waste and Planning Service in order to register your wish to speak (see contact details below).

The deadline for registering to speak is 12:00 noon on the working day that precedes the committee - any interest expressed after the deadline will not be registered and you will be unable to speak.

It is not possible for you to register your intentions before the committee papers are published (at least five days prior to the committee date), nor with any officer other than the nominated officers; **Jo Kelly or Angie Wrigley**. Committee papers can be obtained at this web address:

<http://www.cheshire.gov.uk/Council/PIN/TitleKeywordSearch>

If you do not register to speak, you will not be allowed to speak at the committee meeting.

Please note: The Development Regulatory Committee takes place at County Hall, Chester and **not** at Backford Hall.



Practice Guidance Note 1

Public Speaking in Planning Committees

The POS Development Management Practice Project works with a group of local authorities to address issues in development management where there is a lack of published guidance. The group examines the range of approaches across the authorities to identify good practice, and this is drawn together as a practice guidance note.

Introduction

- 1 It is generally considered good practice to provide the opportunity for objectors and supporters to address a Committee which is making decisions on controversial or important planning applications. It creates the opportunity for people to feel more involved in the decision making process by being able to articulate their concerns before a decision is taken.
- 2 Initial concerns that public speaking could lead to over lengthy meetings have not generally been borne out, particularly where authorities have high levels of officer delegation and limit the number of speakers. In these cases the time available to elected members to focus on major or controversial decisions is judged to have brought about better management of performance, and better public satisfaction.
- 3 Objectors are more likely to feel due weight is given to their views, and supporters or promoters are able to respond to issues raised, if “public speaking” is allowed. The planning authority shows itself open to listening to differing views before a decision is taken.
- 4 However the process has to be fair and avoid the risk of bias, and therefore procedural rules have to be established, publicly available and followed.
- 5 Many individual authorities have worked out detailed procedural schemes, but no general guidance has been published comparing schemes and advising authorities on establishing or reviewing “public speaking” arrangements. This guidance note has been drawn from discussions on best practice and is intended to provide such guidance.

Published procedures

- 6 The procedures to be followed need to be carefully worked out to ensure fairness and to avoid any risk of actual or perceived bias by the decision making body. The procedures should be freely available to all. Many authorities advise on their public speaking opportunities and procedures when consulting on or notifying planning applications. This demonstrates openness on the part of the authority and avoids last minute requests to speak. It also gives all parties time to consider if and how they might wish to participate in “public speaking”, well before a meeting.

Registration

- 7 Objectors or supporters (including applicants where relevant (see below)) must advise the authority in good time to allow appropriate administrative arrangements to be put in place to ensure all parties are aware of who is to speak. Authorities should require registration at the latest by noon on the working day prior to the Committee. Many require earlier registration which allows more time for those of opposing views to prepare to speak, especially if they had not anticipated speaking until becoming aware of the request from a speaker of the opposing view. It also allows the authority more time to contact all those wishing to speak for or against, and for those of the same viewpoint to

agree amongst themselves who will act as a spokesperson and avoid repetition or duplication.

Choice of speaker(s)

- 8 Where there is a limit on the number of speakers, the authority should not choose those who will be allowed to speak. Adequate time between registration and Committee allows parties of a like mind time to compare views and decide who should represent views where it is not practical or desirable for all who might wish to speak. The authority should seek the agreement of anyone indicating they may wish to speak to share their contact details with others of the same general view to facilitate this. Where this is not acceptable or where the parties cannot reach agreement, speakers should be selected on a “first come first served” basis to avoid any risk of bias.

Number of speakers and time limits

- 9 Authorities should ensure equal time to those wishing to speak for or against a proposal to ensure fairness. Most authorities limit the time available to speakers to ensure fairness for all, and to avoid excessively lengthy meetings running the risk of affecting the quality of decision making. Many use a timed automatic system. Whilst this may risk appearing unwelcoming, it does ensure fairness for opposing parties. A time limit of 3 or 5 minutes per speaker is common. Many authorities limit the number of speakers to one or two for and the same against a proposal. In some cases procedures allow Chairs the discretion to allow extended times or numbers speaking in respect of complex or major controversial applications. However extended times risk unfairness if not evenly applied and should be treated with care. When dealing with major complex proposals at the pre-application stage, it may be helpful to identify the likely level of public interest and to ask the developer to make arrangements for a public presentation or forum, which could be chaired by the Authority to reinforce its independent role, and allow a wide range of views to be heard at a formative stage. An example of such a process is Enquiry by Design promoted by the Princes Trust.

Purpose of speaking

- 10 Most authorities only allow those who have made written representations or submitted the proposal to speak. Therefore the views of the parties and the material points arising are already available to the authority and included in the Committee report. It is helpful if the authority’s published advice to those contemplating public speaking makes this clear, and states that any previous representations will be available to the Committee. Published advice can helpfully explain that the purpose of the speaking opportunity is not to seek to explain all points expressed (as the authority is already aware of these), but to emphasise important points before a decision is taken. It is important to convey that public speaking is not an adversarial opportunity, and to explain the limited time available and how the public speaking opportunity relates to the Committee procedure and decision making process as a whole. It is also useful for published advice to explain that questions of other parties or the Council are not appropriate and clarifications should be sought of the officers or other parties prior to the meeting. Published advice should explain that after each party has spoken the Councillors may want to clarify any points raised, and then the Committee will proceed to determine the application without further public speaking opportunities.

Order of speaking

- 11 Most authorities regard the public speaking as part of the Committee meeting, and have standing orders allowing public speaking immediately before the Committee debates a particular application. Once the planning officer has set the scene and updated the meeting on any late matters not dealt with in the published report, in most cases

objectors are invited to speak first, followed by the applicant or supporters. The officer's introduction needs to be brief, but is found helpful to objectors and supporters giving them any update before they speak. (Officers do not need to balance material considerations or explain the published recommendation at this point. Their comments on material considerations or recommendations can be made at the appropriate point in the Committee's subsequent deliberations.)

- 12 Some authorities only allow applicants or supporters to address a committee if objectors have requested to speak, or if the officer recommendation is one of refusal. However this needs careful consideration as it may risk being unfair to a party wishing to speak. Parish Councils have no rights to address a Committee as a consultee, but where an authority wishes to allow a Parish Council representative to speak this should be subject to the same procedural rules as for other parties, and be heard during the public speaking process. Ward Councillors (not members of the decision making committee) are either heard as part of the public speaking, or as part of the subsequent committee debate, depending on the authority's standing orders.

Late plans, photos, or circulation of further written submissions

- 13 The circulation of materials should not normally be accepted during the meeting. The public speaking opportunity is an opportunity to highlight important points already made in representations. One party submitting late material may be unfair to other parties who have not had a chance to peruse that material or comment on inaccurate or misleading information. It will often not be reasonable for such late submissions to be read by decision makers. The risk of unnecessary deferral may therefore arise. However, if new or further material is to be allowed by public speakers, depending on the method of projecting or circulating information to the Committee, it is desirable to require any further submissions such as photos, plans, models, or written materials to have been received far enough in advance of the meeting to be circulated to members by the set date, and to specify the number of copies required. Speakers should be advised that a copy of any such material will need to be kept by the authority, for the record.
- 14 Some authorities have discretion for the chair or a senior officer to allow such submissions only if they are requested and provided prior to the committee and are necessary to update the representations made. This allows consideration of any fresh material considerations raised late by objectors or supporters/agents to be considered and decisions taken on whether they are of such significance that deferral needs to be considered, and to ensure members have all the necessary information to determine the application at the meeting. It is helpful if published advice explains this and any procedures to ensure fairness in circulating late information from objectors or supporters.

Conduct of Committee meetings

- 15 Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

Public Speaking & Delegated Applications

- 16 Most authorities do not have public speaking opportunities on delegated applications, for good reason. In most cases public speaking opportunities are only available on applications which are not delegated to the officers. Some authorities only allow public speaking on major applications. Other authorities, which have delegation schemes allowing members to request minor applications to be referred to a Committee if judged controversial, provide for public speaking on such cases. A request for public speaking from an objector should not transfer a delegated application to a Committee item. It is

Development Management Practice Project

helpful for delegation schemes and published advice on public speaking to explain how delegated applications will be handled.

The project

The Development Management Practice Project is sponsored by the Planning Officers Society, and is run on its behalf by POS Enterprises and Trevor Roberts Associates. . The local authorities involved in the project are Arun, Ashford, Barnsley, Bournemouth, Broadland, Caradon, Chiltern, Hambleton, Hampshire, Lichfield, Portsmouth, Redcar & Cleveland, Richmond, Suffolk, Swindon, Vale Royal and Wycombe. The project will run for a year in the first instance, from April 2007 to March 2008. Finalised guidance is published on the POS web site and circulated direct to Society members.

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PROJECT\Guidanceonpublicspeakingatcommittee-draftABWtracked\Guidanceonpublicspeakingatcommittee-
draftABWchanged.doc June 2007

STRATEGIC PLANNING BOARD

Date of meeting: 4 March 2009
Report of: Philippa Lowe, Development Management,
CWIEP Project Sponsor
Title: Site Inspection Protocol & Call-in Procedure

1.0 Purpose of Report

- 1.1 To ensure that a consistent approach is in place by Vesting Day for a Member Committee Site Inspection Protocol and Call-in Procedure.

2.0 Decision Required

- 2.1 To confirm the recommendation to enable adoption of the single approach for Cheshire East Council.

3.0 Financial Implications for Transition Costs

- 3.1 The proposed protocol and procedure are based on existing practice and therefore there should not be any significant transitional costs. Training and guidance for Members should be undertaken before vesting day to ensure that the same practices are adopted.

4.0 Financial Implications 2009/10 and beyond

- 4.1 On-going review of implementation and compliance with policy and training as required.

5.0 Legal Implications

- 5.1 Operations of Committee and Members must be in accordance with the Council's Governance arrangements; must be compliant with legislation and follow the principle of best practice in relation to probity issues.

6.0 Risk Assessment

- 6.2 Failure to adopt a consistent approach to Call-in Procedure and Site Inspection Protocol will leave the Authority open to challenge and investigations by Standards Board and Local Government Ombudsman.

7.0 Proposals

- 7.1 Appendix A and B provides detail of the proposed procedures for Cheshire East which should be adopted prior to Vesting Day.

8.0 Reasons for Recommendation

- 8.1 That prior to 1 April 2009 the Council adopts a standardised approach to Member Call-in Procedure and Site Inspection Protocol to ensure consistency on Day 1.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Philippa Lowe, Head of Planning (Development Control) Crewe & Nantwich Borough Council & Interim Development Control Manager, Congleton Borough Council
Tel No: 01625 504609 / 01270 529654
Email: Philippa.lowe@crewe-nantwich.gov.uk / dc.manager@congleton.gov.uk

APPENDIX 1



CALL IN PROCEDURE

- a) Applications and development proposals vary in their complexity, and some are particularly contentious and generate considerable local interest.
- b) If the item has not already been identified by an officer as a Committee item, a Member can request that the item be considered by the next available Planning Committee.
- c) In order to satisfy the requirements for a Development Management service, which is fair and transparent, and to ensure that performance targets are not compromised, any request by a Member for an applications to be referred to Committee should be made in accordance with the following procedure.

Procedure:

- 1. Members shall complete the electronic call-in form on the intranet or notify the Head of Planning and Policy or an officer designated by him (HPP) on the attached form of the request for a call-in.
- 2. The 'call-in' request must be made no later than the expiry of 10 working days of the issue of the electronic notification of the application.
- 3. Call-in should not be requested unless it is strictly necessary because of significant concerns or potential significant impact of the development. Valid planning reasons must be given; stating which of the requirements (a-c) set out below are being met.
 - a) issues relating to highways, including access/visibility problems,
 - b) the design, scale, character and/or relationship of existing buildings and proposed buildings,
 - c) the effect of the proposal upon the character or amenity of adjoining impact on surrounding area, and/or
 - d) there are significant policy or precedent implications.
- 4. Call-in request must state details of the need for a committee decision, making reference to the valid planning reasons and the significant concerns or potential significant impact of the development.

5. The HPP, in consultation with the Chairman or Vice Chairman of the Planning Committee will confirm or reject the 'call-in' based on significance of the development and valid planning reasons. Members who request a call-in will only be notified if their request has been rejected.
6. In accordance with good practice, Members requesting a call-in should attend the Committee meeting.

APPENDIX 1 Cont.



To: **HPP**

**REQUEST FOR APPLICATIONS TO BE REFERRED TO
PLANNING COMMITTEE**

Application No:

Location:

Proposal:

☐

I would like to request the application described above to be reported to Planning Committee. My reasons are as follows (Please note that these must be **valid planning reasons**):

☐

The significant concerns or potential significant impact of the development and need for a Planning Committee decision are as follows:

☐

I confirm that I have sent a copy of this request to the Chairman of the Committee for their agreement to the application being determined by the Committee.

☐

I confirm that I will be attending the Committee meeting.

Signed..... Date:
.....

APPENDIX 2



SITE INSPECTION PROTOCOL

- a) The purpose of a site inspection is to allow Members of the Strategic Planning Board/Planning Committee to inspect the sites of main agenda items or deferred planning applications, accompanied by a Planning Officer(s).
- b) Site inspections are intended to:
 - Be fact-finding exercises,
 - enable officers to point out relevant features,
 - enable questions to be asked on site for clarification,
 - enable Members to see plans in the context of the site.
- c) Site inspections are not part of the formal consideration of the application and therefore **public** rights of attendance and public speaking rights by neighbouring residents or other parties do not apply.
- d) A site inspection will only include a visit to the application site. If an inspection to an adjacent site is considered necessary, this should be decided by the Head of Planning and Policy or an officer designated by him (HPP) or as agreed by him following consideration of written representations prior to a meeting or by the Strategic Planning Board/Planning Committee at the time the site inspection is requested.
- e) Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site inspection;
 - you have first spoken to the HPP about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with the good practice rules on site inspections in the Planning Protocol.

PROCEDURE:**1 PRIOR TO THE SITE INSPECTION**

1.1 Site Inspections should not be requested unless it is strictly necessary because:

- e) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection (such as issues relating to highways, including access/visibility problems, character of area, relationship of existing buildings and proposed buildings and impact on surrounding area); or
- f) there are significant policy or precedent implications and specific site factors need to be carefully addressed; or
- g) details of the proposed development cannot be ascertained from plans and any supporting information to Members satisfaction at the Strategic Planning Board/Planning Committee; or
- h) design considerations are of the highest importance particularly in relation to the surrounding locality.

1.2.1 Any request for a site inspection must be made either:

- a) in writing prior to the meeting, in consultation with the HPP, within 10 working days of notification if it is an item which is being referred to Strategic Planning Board/Planning Committee, or
- b) at a meeting of the Strategic Planning Board/Planning Committee and by a Member of the Committee or Planning Officer, when a majority of Members agree

In both these instances the Member/officer must state which of the three requirements (a-d) set out in 1.1 above is being met.

1.2.2 A site inspection may also be arranged by the HPP.

1.3 If a decision is taken to defer an application or if there is an agenda item for a site inspection, the inspection will, as a rule, take place on the Friday prior to the next Strategic Planning Board/Planning Committee meeting.

1.4 The Case Officer will notify the applicant's agent (or applicant where there is no agent) of the details of the site inspection and that the Protocol is available to view on the web site.

1.5 Where the applicant is not the owner of the site, he/she will be asked to advise the owner to arrange access (if required).

1.6 The Committee Officer will send notification of site inspections to Ward Member(s) and town/parish clerk/chairman as appropriate.

1.7 The Committee Officer will notify Members and Officers of the site inspection arrangements at least three clear days before the inspection is due to take place. Transport will be provided as appropriate and Members are actively encouraged to use the Council Transport.

2 THE SITE INSPECTION

- 2.1 If the Applicant or agent ("the applicant") is present, the Chairman or a Member nominated by him in advance of the site inspection ("the Chairman") and officer will introduce themselves. The Chairman will remind the applicant that the site inspection will be conducted in accordance with this protocol.
- 2.2 The Chairman will call the site inspection to order and will ask the planning officer in attendance to summarise:
 - the application
 - any relevant site history
 - the features of the site
 - any other matters the officer considers should be pointed out.
- 2.3 The Planning Officer may ask the applicant/agent to explain any discrepancies between the drawings and what can be seen on the site. No discussion of the merits of the case should take place.
- 2.4 The Planning Officer may also ask the applicant/agent to point out particular features within or adjacent to the site, or to explain aspects of the proposals, but only as an aid to the explanation. No discussion of the merits of the case should take place.
- 2.5 Members may seek clarification from the Planning Officer on matters relevant to the site inspection. Any comments are restricted to facts, not opinions.
- 2.6 The Ward Member(s) and town/parish clerk or chairman may attend the site inspection but only for the purpose of clarifying factual matters and only under strict guidance from the Committee Chairman.
- 2.7 Members and Officers should not enter into a debate with the applicant/agent (or with any third party – for example, a neighbouring resident) on the merits of the application or on possible amendments to the proposals. If approached Members should direct people to the Officer and/or suggest they write to the Council. If Members have any concerns or suggestions about the proposals the appropriate forum for these concerns is the subsequent Committee meeting and not the site inspection.
- 2.8 Members may, of course, express concerns to the attending Planning Officer, but such concerns would only be informal in nature and should not be discussed on site with the applicant/agent or any third party. Any comments are restricted to facts, not opinions.
- 2.9 At no time will the applicant or any member of the public be allowed to address or question Members of the Committee.
- 2.10 Members should remain in one group for the duration of the site inspection.
- 2.11 The Chairman will close the site inspection.
- 2.12 Amendments to a proposal should only arise following subsequent discussion between the Planning Officer and the applicant/agent or from an instruction from the Committee.