

Protocol for public speaking at Plans Panel

1 Introduction

1.1 This Protocol sets out the procedures to allow public speaking at meetings of the Plans Panels.

1.2 Public speaking is not permitted in the following circumstances

- when Members are considering a report for information only.
- when Members are considering detailed reasons for refusal or conditions of approval following a decision of an earlier Panel not to accept the Chief Planning Officer's recommendation.
- when Members are considering reports relating to applications subject to non-determination appeals.

2 Procedures

2.1 Pre-application presentations

2.1.1 Pre- application presentations are a valuable part of the planning process and allow information to be shared with Members at an early stage, proposals to be altered and amended prior to the submission of a formal application and for applicants to take on board comments from Ward Members and representatives from the local community.

2.1.2 Applicants (or their agents) may present their proposal to the Plans Panel for a maximum of 10 minutes.

2.1.3 Subject to giving notice to the Chief Planning Officer¹ (CPO) a Ward Member or their nominated community representative may then address the Plans Panel for a maximum of 10 minutes. Time shall be split equally if more than one Ward Member for each party wishes to speak.

2.1.4 Following all speakers, Members may ask questions to seek clarification on any points arising.

¹ No later than 5pm on the Tuesday before the Panel meeting

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2.1.5 No formal decision will be taken by the Plans Panel in respect of a Pre-application presentation.

2.2 Position Statements

2.2.1 Position Statements are part of the three-phase process for determination of a planning application often appropriate for large, complex or sensitive schemes and are used to provide an update to the Plans Panel. Position statements are provided for information only.

2.2.2 Applicants (or their agent) may speak on the information provided in the Position Statement for a maximum of four minutes.

2.2.3 A Ward Member or their nominated community representative may then address the Panel for a maximum of four minutes.

2.2.4 Members may ask questions to seek clarification on any points arising.

2.2.5 No formal decision will be taken by the Plans Panel in respect of a Position Statement.

2.3 Matters for determination or other decision

2.3.1 Applicants, supporters and objectors to an application, who have submitted a representation on the on the application, may submit a request to address the Panel.

2.3.2 At the discretion of the Chair, more than one speaker for each category² may address the Panel.

2.3.3 In the interests of equity, the time allowed for presentations for and against the development shall be four minutes. Speakers must direct their speech to reinforcing or amplifying representations already made to the local planning authority in writing.

2.3.4 At the discretion of the Chair, additional time maybe allowed which will be offered to all categories of speaker. Time shall be split equally if more than one speaker for each category wishes to speak. In these circumstances speakers will be

² i.e. Applicant/agent, objectors and supporters

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required to confirm the subject areas they wish to address to avoid duplication.

- 2.3.5 Applicants, supporters and objectors must give notice of their wish to speak at the Plans Panel meeting to the Chief Planning Officer by no later than 5.00 pm on the Tuesday immediately preceding the meeting.
- 2.3.6 Objectors to the application will always be invited to speak first. Supporters of the application will speak last.
- 2.3.7 The Chair will invite members of the Panel to ask specific questions of the speakers after each speaker has finished, but such questions shall be limited clarify matters of fact on relevant planning issues.
- 2.3.8 At the end of the public speaking the Chair will allow officers to clarify any matters raised or to point out any non-material considerations arising from the public address.
- 2.3.9 In the interests of equity, where an application is recommended for refusal, an objector will not normally be invited to address the Panel if the applicant or supporters of the application do not speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.
- 2.3.10 Similarly, where an application is recommended for approval, the applicant or supporters will not normally be invited to address the Panel if an objector to the application does not speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.
- 2.3.11 For the avoidance of doubt, applicants, supporters or objectors to the application will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, **significant new** information has been produced raising **new** material planning considerations. In these circumstances, speakers should address the Panel only in relation to the new matters or the amended details, not about matters which have been previously considered by the Panel.

2.4 Circulation of information at a Plans Panel Meeting

- 2.4.1 New documents or other information should not be circulated to Members of Plans Panel. Members may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new

information.

2.5 Members Participation

2.5.1 A Member (whether they are a member of the Plans Panel or not) having a disclosable pecuniary interest in an application must declare that interest and may not participate in the discussion or vote on the matter and must leave the room unless they have been granted a dispensation³.

3 Review

3.1 This Protocol may be reviewed, revised or revoked by the Chief Planning Officer in consultation with a meeting of the Joint Plans Panel⁴ at any time.

³ The Head of Paid Service has granted a dispensation to allow members (when they have a DPI) to make representations at a meeting where members of the public have the same entitlement – however those members must not otherwise be involved in the decision-making process

⁴ An informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and development Plan Panel

Glossary of terms

Applicant- the person or organisation or their agent who has submitted a planning application

Chair- an elected Member who manages the business of the meeting

Consent- another word for planning permission or can relate to a specific type of application such as Listed Building Consent or Consent to Display an Advertisement

Conditions- Conditions are attached to planning permission and are often used to mitigate some of the impacts of the development. The conditions may require the applicant to seek approval for details such as tree planting or might restrict the use of the site to certain hours/days.

Decision- the determination of a planning application by either a grant or refusal of permission

Determination- making the decision on a planning application

Disclosable pecuniary interest- those interests set out in Table 1 of the Leeds Councillor Code of Conduct

Discretion of the Chair- the Chair has the freedom to decide what should be done in a particular situation having regard to what best serves the decision-making process of the Plans Panel.

Joint Plans Panel- an informal meeting bringing together the Council's Area Plans Panels, City Plans Panel and Development Plan Panel

Material considerations- matters that should be taken into account when deciding a planning application.

Non-material considerations- matters which cannot be taken into account when deciding a planning application.

Nominated community representative- a representative from a Town or Parish Council or Neighbourhood Forum, who a Ward Member has nominated to speak on their behalf.

Non-determination appeal - when a decision hasn't been reached on a planning application in the timescales set by national Government an applicant has the right to lodge an appeal with the Planning Inspectorate (see below) against the failure of the local planning authority

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to make a decision on that application.

Objector- a person or organisation who objects to a planning application

Planning Inspectorate – An executive agency of central government who have responsibility to make decisions and provide recommendations and advice on a range of land use planning-related issues across England and Wales. The Planning Inspectorate deals with [planning appeals](#), [nationally significant infrastructure projects](#), [planning permission](#), examinations of [Local Plans](#) and other planning-related and specialist casework. They are often referred to as PINs.

Plans Panel- the name of the committee where planning applications are decided by elected Members

Plans Panel member- an elected Member (Councillor) who sits on the Plan Panel

Position Statement- an update report on the progress of a planning application

Pre-application - An individual or organisation may seek advice from a local planning authority on the planning merits of their development proposal before submitting a formal planning application.

Register of Members Interests - a statutory register held by the Council which records financial and other interests of each Elected Member

Representation- making views and comments known about a particular planning application

Supporters – a person or organisation who is in favour of a planning application .