

Protocol for public speaking at the Plans Panels

1 Introduction

- 1.1** This Protocol sets out the procedures to allow public speaking at the meetings of the Plans Panels.
- 1.2** Subject to the exceptions below at 2.3.10 and 2.3.11 public speaking does not apply where Members are considering a report for information or where 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. It also does not cover applications subject to non-determination appeals, where members' views may be sought.

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 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** Agents or applicants have the opportunity to present their proposal to the Plans Panel for a maximum of 10 minutes. The *Protocol for pre-application presentations at Plans Panel meetings*¹ sets out the formal process of the pre-application presentation to the plans panels.
- 2.1.3** A Ward Member or their nominated community representative may then address the panel on giving notice of their intention to speak to the Chief Planning Officer by no later than 5pm on the Tuesday before the Panel meeting. Speakers should register before the panel meeting begins, with a member of staff who will be inside the meeting room.
- 2.1.4** A Ward Member or their nominated community representative will be allowed to speak for a maximum of 10 minutes following the developer/ applicant presentation. Where there is more than one speaker, the time may be shared.
- 2.1.5** At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

¹ Leeds City Council Protocol for pre-application presentations at the plans panels, 2019

2.2 Position Statements

- 2.2.1 Position statements are part of the three phase process for determination of a planning application usually on large, complex or sensitive schemes and are brought to provide an update to the Panel. Position statements are provided for information and no decisions will be taken by the Plans Panel at this stage.
- 2.2.2 Applicants or agents have the opportunity to 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. At this stage no formal decision will be taken by the Plans Panel and members may ask questions from both parties to seek clarification on any points arising.

2.3 Matters for determination or other matters requiring a decision

- 2.3.1 Applicants, supporters and objectors to an application or other form of consent before the Panel for determination or other matter requiring a decision, will normally be allowed to speak to the Panel, subject to the details of the procedure set out below.
- 2.3.2 Applicants, supporters and objectors must give notice of their wish to speak at the Panel meeting to the Chief Planning Officer by no later than 5.00pm on the Tuesday immediately preceding the meeting.
- 2.3.3 Applicants, supporters or objectors will have a maximum of four minutes to address the Panel. At the discretion of the Chair additional time maybe allowed; this additional time will be offered to both supporters and objectors.
- 2.3.4 In the event of more than one applicant, supporter or objector wishing to speak, a spokesperson should be nominated. However, at the discretion of the Chair more than one speaker for each side may be allowed, provided that the total presentation does not exceed the four minute time limit.
- 2.3.5 , Objectors to an application will always be invited to speak first. The applicant or supporters will then speak.
- 2.3.6 The Chair will invite members of the Panel to ask questions of the speakers after each speaker has finished to clarify matters of fact, but such questions shall be limited to relevant planning issues.
- 2.3.7 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.

Protocol for Public Speaking at Plans Panel

- 2.3.8 If the applicant or supporters of the application do not speak in relation to an application recommended for refusal, the objectors will not normally be invited to speak unless, in the Chair's opinion, the Panel is likely to move approval against the Officer recommendation.
- 2.3.9 If no objector to the application wishes to speak to an application for approval, the applicant or supporter will not normally be invited to speak unless, in the Chair's opinion, the Panel are likely to move refusal against the officer recommendation.
- 2.3.10 In the circumstances where the officer's recommendation of approval is not accepted by Panel and the applicant or supporters of the application have not been given an opportunity to speak, they shall be given the opportunity to address the Panel for up to four minutes when detailed reasons for refusal are reported at the next panel meeting. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.11 In the circumstances where the officer's recommendation of refusal is not accepted by Panel and the objectors to the application have not been given the opportunity to speak they shall be given an opportunity to address the Panel for up to four minutes when detailed conditions for approval are reported at the next Panel meeting. Members of the Panel may then ask questions and seek clarification of any point arising.
- 2.3.12 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 only speak about the new matters or the amended details, not about matters which have been previously considered by the Panel.

3 Passing around of information

- 3.1 The passing around of information will not normally be accepted during the meeting. Public speaking is an opportunity to highlight important points already made in representations, rather than to introduce new information. Members of the Panel will not be able to give proper consideration of any new issues raised in the material.

4 Members of Plans Panel

Protocol for Public Speaking at Plans Panel

- 4.1 A Member of the Plans Panel having a disclosable pecuniary interest in an application must either declare that interest or bring it to the attention of the meeting (if it is already included on the Register of Interests) and may not participate in the discussion or vote on the matter and must leave the room.
- 4.2 No Members with a disclosable pecuniary interest (whether they are a member of the Plans Panel or not) is entitled to address the panel in accordance with the terms of this protocol for public speaking².

5 Review

- 5.1 This Protocol may be reviewed, revised or revoked by the Chief Planning Officer in consultation with a meeting of the Joint Plans Panel³ at any time.

² A Member may address the meeting as a member of the public if they have in place an appropriate dispensation relating to the relevant DPI.

³ 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 who has submitted a planning application

Chair- an elected councillor 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 outcome of whether a planning application such get planning permission or not

Delegated decision – powers afforded to officers to make certain decisions, including the determination of some planning applications, under the terms of the council’s constitution.

Determination- making the decision on a planning application

Disclosable pecuniary interest- Councillors have to say if they have private outside interest if it involves money in any way and is connected to the planning application

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- a committee of all of the members of the three Plans Panels and the Development Plan Panel

Material considerations- issues that can be taken into account when deciding whether planning permission is given or not. These considerations must be related to the development applied for and the environmental effects associated with that development (they can include overlooking/loss of privacy, parking, the design and appearance of buildings).

Non-material considerations- issues which cannot be taken into account when deciding whether planning permission is given or not. As planning acts in the public interest those matters which are related to private interest such as property values and boundary disputes are not matters that can be taken into account in reaching a decision on a planning application.

Nominated community representative- a representative from a Town or Parish Council or Neighbourhood Forum, who has the right to speak at the Plans Panel meeting

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

Protocol for Public Speaking at Plans Panel

to make a decision on that application.

Objector- someone or organisation who is against the planning application and doesn't wish it to get planning permission

Permitted development – some types of development don't require planning permission such as relatively small additions and extensions and alterations to houses and some changes of use of buildings as detailed by Government in the Town & Country Planning (General Permitted Development) Order – often referred to as the GPDO).

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 or decided by elected councillors

Plans Panel member- an elected Councillor who sits on the Plans 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 Interests - a register held by the Council which lists individual Councillors outside interest are if it involves financial or other significant beneficial interests

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

Supporters - someone or organisation who is in favour of the planning application and wishes it to get planning permission