

PARTICIPATION AT PLANNING AND HIGHWAYS REGULATORY COMMITTEE

DRAFT EDITION – 2013

General Information

The City Council's Planning and Highways Regulatory Committee consists of 15 locally-elected councillors. The Committee meets on a monthly basis to determine major or controversial planning applications. These meetings take place at 10.30am on a Monday at Lancaster Town Hall, unless otherwise stated. Dates of the meetings are available on the Council's website, www.lancaster.gov.uk

Speaking at Committee

The Council allows members of the public and Ward Councillors the right to address the Committee prior to consideration of a planning application. However, a Planning Committee is a quasi-judicial process and there is a strict procedure that must be adhered to in all cases.

The Committee has to deal with a lengthy and complex range of issues so there is a need for public speaking to be informative but succinct in order that the business on the agenda can be completed on the day.

Registering to Speak

Notice of the wish to speak at Committee must be registered with Democratic Services in writing, by telephone or by email before **Noon on the Thursday** before the Committee meets. The address to register is Democratic Services, Town Hall, Dalton Square, Lancaster, LA1 1PJ, or via 01524 582132, or via publicspeaking@lancaster.gov.uk

All requests to speak must include the person's name, their address and contact telephone number, and the planning application that they wish to comment on.

Rules Regarding the Registration of Speakers

To help with progress and avoid repetition, only one speaker is permitted per address/household/group. Speakers will be allowed a maximum of 3 minutes each. There can be no exceptions.

In the event that the speaker is unable to address the Committee following registration, there is no opportunity for a replacement speaker on the day of the Committee.

Speakers must identify (at the registration stage) if they are speaking on behalf of a group.

It is the responsibility of any person wishing to speak to find out the date that the Committee is due to consider the application. Up-to-date information on the progress of a planning application can be found on the Council's website. Late requests to speak will not be considered. Similarly, whilst the Council will endeavour to advise applicants and/or their agents when a request has been received to speak on their application, the final responsibility always rests with the applicant to find this out. They can do so by contacting Democratic Services (see previous page for contact details).

The applicant, agent or representative (i.e. any person who is representing the applicant on any element of the planning application) may not register to address the Committee unless it is in response to an objecting speaker. This is because the applicant has an opportunity to advance their case via the documents submitted as part of the planning application (and in the event of a refusal of planning permission, at any subsequent planning appeal).

When registering to speak, members of the public must state whether they intend to speak in opposition to a proposal, or in support, or whether they wish to remain neutral and highlight points for consideration.

The opportunity to address the Committee is restricted to an oral opportunity only; no presentational aids (including documents, plans or photographs) can be circulated at the Committee. (Any documents, plans or photographs should only be sent to the relevant Planning Officer as part of your written response to the public consultation, within the consultation timeframe). The content of the speech must not constitute a personal attack upon any person.

Whilst there is no limit on the number of speakers per item, it is often the case that large numbers of speakers repeat points that have already been made. This often does not help the case - the volume of speakers does not influence a planning decision, it is the material planning considerations being debated that are important. Therefore where a large group of speakers have registered to speak on an application, they will be encouraged to nominate a spokesperson to avoid such repetition.

Ward Councillors are also subject to the same registration requirements and speaking timescale. This is in the interests of fairness to all parties involved in the planning application and to avoid undue influence on the Committee. At the registration stage, Ward Councillors should declare on whose behalf they are speaking (i.e. their own, on behalf of their Ward; or on behalf of residents) and whether they are speaking in opposition, in support, or are neutral to the planning application.

Procedure on Committee Day

It is the responsibility of the person wishing to speak to ensure that they are available at the start of the Committee Meeting. Items cannot be held in abeyance for the late arrival of speakers. Please also be aware that the Order of Business does not necessarily follow the numerical order it may first appear on the Committee Agenda, and will usually be ordered to enable the applications that are subject to public speaking to be taken at the beginning of the meeting.

On arrival the speaker should make themselves known to the Democratic Services Officer at least 15 minutes before the Committee is due to start. Speakers should refrain from separate discussions with

Elected Members or with other Officers, as this can be open to misinterpretation by observers.

Once the meeting has started, the Chairman will ask the speaker to come forward and prepare to address the Committee. During this time a Planning Officer will briefly introduce the item.

Following this introduction the speaker will then be invited to speak for their 3 minutes. At 2½ minutes the speaker will be advised that there are 30 seconds left, and that they should begin to bring matters to a close. All speaking is expected to be concluded within the 3-minute timescale. When the speaker has finished, they will be asked to return to the public gallery.

The order of public speaking shall be:

- (i) Objectors,
- (ii) Supporters,
- (iii) Applicant/agent/representative (only where an objector has registered to speak), and,
- (iv) Ward Councillor(s).

Once speaking has been concluded, the Officers will present the item. Other Officers, notably the Council's Senior Solicitor and specialist Officers (such as Environmental Health) may be in attendance at the meeting and may advise Members regarding relevant matters.

Elected Members may then ask questions. A motion will be proposed and seconded to approve or refuse the application, and debate will follow. In extreme circumstances, the motion may be to defer the application or to delegate responsibility for the final decision back to the Chief Officer (Regeneration and Planning).

A vote will then be taken whether to agree to the motion being proposed. If the motion is unsuccessful, a subsequent motion must then be proposed, seconded and voted upon. At the conclusion of the voting

process, the Chairman will advise everybody regarding the outcome of the vote.

Following the conclusion of the item, speakers (or observers who had not registered to speak) may leave the Meeting unless they wish to observe other planning applications. If they leave then they should do so discreetly so as not to delay the consideration of other applications.

In the event of a long agenda, members of the public are advised that the Committee will usually adjourn for lunch for a period of approximately 30 minutes.

Deferral of Applications

In the event that a planning application is recommended for deferral before the item is presented (for example, to allow a site visit to take place), the Chairman will ask those people wishing to speak whether they wish to exercise their speaking rights at the current Committee Meeting, or whether they wish to defer their right to speak until the application is brought back before the Committee again. This is because the same speakers cannot address the Committee twice on a single planning application.

In the event that a planning application is deferred after the item is presented (and after having heard the speakers, which may include the applicant/agent/applicant's representative speaking in response to any objections), speakers who have not previously addressed the Committee will be allowed to speak when the deferred planning application is brought back to the Committee. If this is the case, then the applicant/applicant's agent, or the applicant's representative will have a further right of response to the new objecting speakers.

Conduct at Committee

No person, other than the Elected Members on the Committee and the Officers in attendance, are permitted to participate in questioning or debate. Members of the public can observe the proceedings but cannot

ask questions or participate in the debate and they can only address the meeting as set out above.

Similarly, Elected Members and Officers will not engage in cross-examination of members of the public who address the Committee.

Whilst it is understood that planning cases can raise strong emotions, interruptions during the process, or any other disruptive behaviour may lead to the individual(s) being requested to leave the Meeting. If such behaviour occurs and the public speaking has not been completed, the Council reserves the right to suspend the public speaking scheme for the duration of the item in question.

All speakers are advised that any defamatory statements made in public against Elected Members or Officers of the Council will be noted. If those statements are without substance, then separate action may be taken against the speaker in question.

All speakers are advised that they should limit their comments to **material planning considerations**. The table below is for guidance only and is not exhaustive:

Material Planning Considerations

- National and local planning policies;
- Design, appearance and layout;
- Visual impact and impact upon the character of an area;
- Impacts upon privacy/daylight/sunlight;
- Highway and traffic considerations;
- Environmental impacts such as noise or odour;
- Ecological matters;
- Economic and social impacts;
- Compatibility with other land uses.

Matters which are *Not* Material Planning Considerations

- Land ownership;
- Private rights, agreements or restrictive covenants that lie outside the planning system (e.g. property deeds);
- Loss of a view;
- Impact upon house price(s);
- Commercial competition.

Post-Committee

If planning permission is refused, or if planning conditions are imposed upon the applicant and the applicant believes them to be inappropriate, then the applicant has the right to appeal against the Council's decision.

Any appeal is made to the Government's Planning Inspectorate and is not heard by the Council. If an appeal arises then anyone who has made written representation to the planning application will usually be notified.

If a planning application is approved, then there is no third-party right of appeal, although all decisions are capable of challenge in the High Court by way of Judicial Review.

Further Information

To register to speak at Planning and Highways Regulatory Committee, contact:

Democratic Services
Town Hall
Dalton Square
Lancaster LA1 1PJ

Telephone: 01524 582132

Email: publicspeaking@lancaster.gov.uk

To Comment on a Planning Application in Writing

To make separate written representations on any planning application, please see:

<http://www.lancaster.gov.uk/planning/>

And select the option to 'Comment on a Planning Application'.

Alternatively your written comments can be submitted by quoting the Application Reference Number and sent to either:

dmconsultation@lancaster.gov.uk or via

Development Management

PO Box 4

Town Hall

Dalton Square

Lancaster

LA1 1QR