

# Agenda for Overview & Scrutiny Committee

## Thursday, 15 May 2014; 6.30pm



### [Members of the Committee](#)

Full agenda in .PDF format

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

**Contact:** Debbie Meakin, 01395 571540 (or group number 01395 517546): Issued 6 May 2014

East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

- 1 [Public speaking](#)
- 2 Minutes for 27 March 2014
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are **no** items that officers recommend should be dealt with in this way.
- 7 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules. There are **no** items identified.
- 8 **Section 106 : Open Space Spend**  
As requested by the Committee earlier in the year, the Section 106 Officer has provided this report on open space spend, and will be able to take questions on the topic.
- 9 **Development Management Committee public speaking arrangements and future agenda and meeting management**  
As requested by Council on 9 April, a covering report is provided setting out the work undertaken to date. Papers from the working group set up to review the arrangements are also included for reference.
- 10 **Overview and Scrutiny Forward Plan**

[Decision making and equalities](#)

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

**EAST DEVON DISTRICT COUNCIL**  
**Minutes of a Meeting of the**  
**Overview and Scrutiny Committee held**  
**at Knowle, Sidmouth on 27 February 2014**

**Present:** Tim Wood (Chairman)  
Graham Troman (Vice Chairman)  
Mike Allen  
Peter Bowden  
Vivien Duval Steer  
Roger Giles  
Peter Halse  
Sheila Kerridge  
Frances Newth  
John O'Leary  
Eileen Wragg  
Claire Wright

**Officers:**

Richard Cohen, Deputy Chief Executive  
Debbie Meakin, Democratic Services Officer  
Giles Salter, Solicitor

**Also Present**

**Councillors:**

Ray Bloxham  
David Cox  
Paul Diviani  
Christine Drew  
Jill Elson

Stephanie Jones  
Pauline Stott  
Peter Sullivan  
Phil Twiss

**Apologies:**

**Committee Members**

Derek Button  
David Chapman  
Maddy Chapman  
Deborah Custance Baker  
John Humphreys  
David Key  
Brenda Taylor  
Chris Wale

**Non-Committee Members**

Iain Chubb  
Steve Gazzard  
Graham Godbeer  
Tom Wright

The meeting started at 6.30pm and ended at 9.05pm.

**\*71 Public Speaking**

The Chairman welcomed Councillors to the meeting. There were no questions from the public at this part of the meeting.

**\*72 Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 27 February 2014 were confirmed and signed as a true record.

**\*73 Declarations**

<b>Councillor/ Officer</b>	<b>Minute number</b>	<b>Type of interest</b>	<b>Nature of interest</b>
Cllr Peter Bowden	75	Personal	Flood forum member
Cllr Vivien Duval Steer	75	Personal	Development Management Committee member

**\*74 Cabinet agenda**

No items on the Cabinet agenda for the meeting to be held on 2 April 2014 had been raised in advance for discussion.

**75 Portfolio Holder update – Strategic Development and Partnerships**

The Chairman welcomed Councillor Andrew Moulding to the meeting to give a presentation on his recent work as Portfolio Holder.

The Portfolio Holder highlighted a number of key areas of work, including:

- Asset management
- Localism agenda
- Growth Point
- Local Plan feedback
- Community Infrastructure Levy
- Partnerships including the LEP and Leadership Academy
- Regeneration in Seaton, Exmouth and Axminster

**Asset transfer and management**

Documentation for applying for an asset transfer had been recently updated and the Portfolio Holder urged Ward Members to advise their local parish that such documentation was available. The Asset Management Forum had recently received a presentation on the concept of “whole life costing”, covering the entire life of an asset from conception, construction, operation and disposal. This would be built into the costings for each asset as part of the work of the asset management plan, leading to an ability to rank assets and better informed maintenance programmes.

**Big society**

Around fifteen parishes were considering or had undertaken a neighbourhood plan. Axminster Town Council is hosting a forum on the topic on the 16 April between 9.30am and 3.30pm, which includes representatives from all over the south west.

**Growth Point**

The Committee were shown a number of slides covering the work achieved so far and work planned for the future, including aerial photographs of Cranbrook as it currently stands. The pupil numbers at the newly built St Martins Primary School had steadily increased from below 100 in April 2012 to more than double that in January 2014. There was also evidence on the origin of residents of Cranbrook, with 61% from the Exeter area, 22% from elsewhere in East Devon, 11 % from elsewhere in the county, leaving 6% from outside Devon – contrary to rumours about the town being populated by a majority of people from outside the South West.

Skypark business park was outlined:

- A gross total of 107 acres of land with 1.4 million sq ft of office and industrial/manufacturing space
- Potential to create around 6000 new jobs

75 **Portfolio Holder update – Strategic Development and Partnerships (cont.)**

- A joint venture agreement between Devon County Council and St. Modwen
- CHP Energy Centre located on site
- First commercial building under construction
- Preferred site for East Devon DC relocation

Exeter Science Park was outlined:

- Extensive new facilities encouraging enterprise, science, research and development-related activity
- With the potential to create around 3000 jobs by 2030
- First building occupied, second underway
- High quality space for businesses ranging from start-ups to major corporate headquarters
- A new business hotel and conferencing facilities
- Infrastructure work complete: including dedicated access from M5 and cycle / pedestrian bridge over motorway

### **Local Plan**

The next step of the process was explained by the Portfolio Holder:

- Examination started at Submission Aug 13 and ends on receipt of Inspector's final report
- Oral hearing sessions ran from Feb to March 2014
- Inspector considers all evidence and makes recommended changes to plan
- Inspector's feedback report expected end March 2014
- Report to Development Management Committee in May 2014

**Community Infrastructure Levy** updated included:

- Examination oral hearing session was on 13 March 2104
- Inspectors initial report expected in Mid April 2014
- On adoption a charge will be levied against new residential and non-town centre retail development
- Charge will be calculated against each new sqm of floorspace built
- Monies raised will help pay for infrastructure needed to support development

### **Regeneration**

Seaton regeneration was progressing well and the Jurassic Visitor Centre was now being delivered. The Seaton Regeneration Board were also considering seafront enhancements. Exmouth Regeneration work continued, with work on the hotel set to begin in April; facilities were being marketed for the "splash" area; and Mamhead slipway construction had been brought forward due to the deterioration of the existing slipway.

In Axminster, recent permission for changing Websters Garage to a temporary car park had been given.

### **Other areas**

The Committee was reminded of the role of the Exeter and East Devon Growth Point Board and the Exeter and Heart of Devon Growth Board.

75 **Portfolio Holder update – Strategic Development and Partnerships (cont.)**

Members discussed the area of the portfolio, including:

- Concern over the Chancellor's Autumn Statement that that the government will consult on measures to "improve further the incentive of the New Homes Bonus" that could in particular include "withholding payments where local authorities have objected to development, and planning approvals are granted on appeal". The Portfolio Holder agreed that any decision must be made on planning reasons, not on financial incentive;
- Regular updates on the six year land supply are provided as the latest figure given is for December 2013, and a number of sites have been before the Development Management Committee since then;
- Request for discussion with Honiton to stimulate discussion and ideas for regeneration in that area;
- Concern by some Committee members on the scale of development of settlements outside Cranbrook leading to an urban sprawl in the countryside of the District. Debate took place over the difficult balance to be struck between maintaining the current environment and providing the homes needed for the growing population;
- Second homes impact on housing provision.

**RECOMMENDED:** that concern be expressed regarding the Chancellor's Autumn statement and the suggestion that the New Homes Bonus be withheld from local authorities who had opposed a planning application for a development that was granted on appeal because local authority development decisions should be based solely on planning grounds and not on financial considerations.

76 **Council relationship with Local Enterprise Partnership**

Richard Cohen, Deputy Chief Executive, reminded the Committee of the role of the LEP. The Heart of the South West Local Enterprise Partnership (HotSW LEP) has assumed many of the responsibilities of the Regional Development Agencies, including involvement with strategic investment and funding streams. The HotSW LEP is currently developing its strategic plan to secure a proportion of the Single Growth Fund 2015-16 spending round, funded at £2bn per year nationally.

The HotSW LEP Board consists of both private and public sector, with an emphasis on being privately led. Representation of unitary and Tier 1 authorities has been recently expanded to include representation of district councils; Devon and Somerset have a district representative each. The Leader had been elected by Devon districts to represent their interests on the Board.

The LEP is currently preparing its Strategic Economic Plan to 2030, and the report sets out a number of priorities identified for the Council in consideration of East Devon and wider economic area issues as well as the view of Cabinet for inclusion in any discussion with the LEP and the desire for recognition in the LEP's plans. 11 terms were set out, of which the Committee felt there should be particular emphasis on the following:

- Item 7 A focus on skills and access to jobs for our young people who are not university inclined, Apprenticeships and colleges (Bicton in particular) to be developed, resourced, and promoted;

76 **Council relationship with Local Enterprise Partnership (cont.)**

- Item 9 Recognition of Tourism and Economic Development. Other than a small mention of job growth in the hotel/bar industry there is an absence of strategic analysis of the opportunity for improvement and LEP intervention;
- Item 10 The Strategic Economic Plan is unclear about the LEPs intentions towards farming, agriculture and land management.

In addition the Committee felt that reference in the full draft strategic plan to growth hubs and business support delivery spokes needed particular emphasis. The plan currently stated that one of the priority objectives under Business – Transformational Investment was “using our growth hub and business support delivery spoke’s across the Heart of the SW, support ALL ambitious businesses to move up the innovation ladder – including in major employment sectors such as visitor economy, retail, care, and land-based industries”.

The committee discussed some elements of the Plan and the role of the LEP, including:

- Dispute over the role of the LEP in delivering homes; the Deputy Leader made clear to the Committee that it was not the role of the LEP to plan the number of homes in the District, but they did have a role in helping deliver homes across Devon and Cornwall for the next 16 years;
- The Member Champion for Tourism proposed approaching LEP to work with the council to develop a strategy that will help promote existing business and encourage new business to the area, particularly in the area of tourism;
- Reminder that the LEP were working at a strategic level, and therefore specific and more local projects would not necessarily be listed but would fit in with the overall economic plan.

**RECOMMENDATION:**

1. Endorse the issues already identified by Cabinet for promotion to the LEP in its strategic economic planning to 2030;
2. Strengthen in particular the importance of item 7 skills and access to jobs for young people, item 9 recognition of tourism and economic development, and item 10 intentions towards farming, agriculture and land management;
3. Emphasise the growth hubs and business support delivery spokes for the whole of the District

77 **Interim report of the Budget Scrutiny Task and Finish Forum**

The Chairman presented the interim report of the Forum, including seven recommendations arising from the work done so far. Comments by the Forum had already been fed back through meetings to inform the draft budget process before the final budget was agreed on.

The Chairman highlighted from the report the discussions on play areas, outlining the accounting practice of costing for depreciation and the significant increase in the value, following a re-evaluation, of the play areas in the district. There had also been debate over the value of a play area being with the immediate parish rather than of district benefit, and therefore some merit in the argument of responsibility of play areas resting with the local parish.

77 **Interim report of the Budget Scrutiny Task and Finish Forum (cont.)**

The Committee endorsed the interim report and agreed to put forward the recommendations listed within it.

- RECOMMENDATION:**
1. that the Street Scene service proactively approaches parishes where appropriate to offer their grounds maintenance service for parks/gardens/amenity areas;
  2. that the Asset Management Forum review the current leases with markets and assess the viability of continuing to run them;
  3. that the Asset Management Forum review all assets under the budget heading of Public Halls, Pavilions and Cinemas and, in particular, pursue the possibility of transferring some assets to the relevant town council;
  4. that the Council prioritise and encourage opportunities to provide further industrial sites for small and new starter businesses to develop;
  5. that the method of provision of theatrical and related activities at the Exmouth Pavilion and the Manor Pavilion should be further reviewed;
  6. that serious consideration and negotiation should take place in an endeavour to transfer the responsibility for the maintenance of play areas to the relevant town and parish councils. In addition where new play areas and equipment is provided via S106 agreements, agreement should be reached with the relevant parish or town council so that they then provide the funding for maintenance;
  7. that the legal agreement to maintain the private drive of Peak House be reviewed again to consider contesting it, in light of the significant budget spend of public money on private property.

\*78 **Overview and Scrutiny Forward Plan**

The Engagement and Funding Officer was available to attend the June meeting of the Committee.

In response to a question on the start date for the Tree TaFF, the Chairman informed the Committee that staff resource would not permit a start date in the immediate future due to the heavy workload of the service.

In response to a request for the Committee to debate the office relocation either before Cabinet received the next report in July, or between Cabinet and Council, the June meeting of the Committee was flagged for an update report on the topic.

**\*78 Overview and Scrutiny Forward Plan (cont.)**

In response to a request for the Committee to debate a Development Management Committee report on its public speaking arrangements, the Committee was informed that the remit of the Committee did not permit this to take place; the Committee were not able to insist, under the current terms of the constitution, that the report went back to the Standards Committee. The Portfolio Holder for Corporate Business highlighted the work undertaken by a working party at Council's request, to research and provide recommendations to the Development Management Committee, which would go before Council for a decision where all Members would have an opportunity to comment if they wished.

Chairman ..... Date.....

**Report to:** Overview and Scrutiny Committee  
**Date of Meeting:** 15 May 2014  
**Public Document:** Yes  
**Exemption:** None.



**Agenda item:** 8

**Subject:** Section 106 : Open Space Spend

**Purpose of report:** The purpose of this report is to bring Members up to date with the spend process of Open Space Contributions secured by Section 106.

**Recommendation:** That the Council continues to make its decisions on the basis of approved Policy

**Reason for recommendation:** The report provides Members with information on the procedures that have been put in place in order to spend Section 106 Open Space Contributions using community involvement practices.

**Officer:** Sulina Tallack – Section 106 Officer

Stallack@eastdevon.gov.uk

Ext 1549

**Financial implications:** The financial implications are set out in the report.

**Legal implications:** The legal implications are as set out in the report.

**Equalities impact:** Low Impact

**Risk:** Medium Risk

Without an adequate and co-ordinated system for monitoring and spending Section 106 Agreements and any subsequent Commuted Sums it is possible that should deadlines expire, secured sums would have to be returned (plus interest) to the developers and required community facilities / affordable housing would not be provided.

**Links to background information:**

- [Annual report to Development Management Committee 17 September 2013](#)

**Link to Council Plan:** Funding this Outstanding Place.

## Background Information

1.1 The planning system aims to ensure that the impact of new development on local services and facilities (such as the need for additional play space, educational facilities and road improvements) is addressed as a part of the planning process. This is achieved through the system of planning obligations, under Section 106 of the Town and Country Planning Act 1990.

1.2 Planning obligations or 'Section 106 agreements' are legal agreements negotiated by the local planning authority with the developer (or landowner) of a proposed development. They identify the specific local facilities, services or improvements necessary to make the development acceptable in planning terms. Where it is not possible to provide such facilities

on-site, Section 106 agreements can specify that developers make financial contributions, or 'commuted sums', to the local authority to enable it to provide the required facilities/services outside the site.

- 1.3 Any developer contributions, or 'commuted sums', received by the District Council are managed by it, in accordance with District Audit guidelines. The Council then uses these sums to provide or improve the required facilities or services.

### **Summary of existing process**

- 2.1 Under the present system the Council receives financial contributions from developers through the Section 106 process. Financial Services maintain income and expenditure accounts and the Section 106 Officer facilitates and monitors expenditure. All spend requests come via Strategic Management Team on a simple application form identifying Ward Member support and how they comply with the S106 Agreement.
- 2.2 As the local authority, one of our key roles in this process is to identify and prioritise 'needs' within our borough and to consider these alongside present and proposed developer contributions. Wherever possible projects are identified and prioritised by directly involving local people and parish/town councils in making decisions on the spending and priorities for the Section 106 budget, this is via a process called Participatory Budgeting and has been agreed at Full Council.
- 2.3 'Participatory Budgeting processes can be defined by geographical area (whether that's neighbourhood or larger) or by theme. This means engaging residents and community groups representative of all parts of the community to discuss and vote on spending priorities, make spending proposals, and vote on them, as well giving local people a role in the scrutiny and monitoring of the process and results to inform subsequent Participatory Budgeting decisions.'  
The PB Unit
- 2.4 In addition to the PB process it needs to be reiterated that Section 106 receipts must be spent in line with the legal agreement and the underlying policy justifying the receipt. For agreements signed up until our newly adopted Open Space Strategy in 2013 the definitions set out within 'The Six-Acre Standard' published by the National Playing Fields Association (2001) are applied.

### **In conclusion**

- 3.1 The Council has a legal obligation to spend the commuted sums currently held in suspense accounts in accordance with the relevant Section 106 agreements. In terms of governance the greatest responsibility is that the Council ensures that the developer meets the obligations set out in the legal agreement, and that the Council similarly fulfils its own requirements. In the case of financial contributions this will be to ensure that is spent for the purpose set out with the agreement, in accordance with Government guidance and policy and in accordance with the legal constraints applied by the agreement.

**Report to:** **Overview and Scrutiny Committee**

**Date of Meeting:** 15 May 2014

**Public Document:** Yes

**Exemption:** None



**Agenda item:** 9

**Subject:** **Development Management Committee public speaking arrangements and future agenda and meeting management**

**Purpose of report:** Council agreed on 9 April 2014 that the Overview and Scrutiny Committee should consider and debate the above topic. This summary report outlines the background to the review of DMC meetings, the research and review undertaken to date, recommendations suggested to date, and issues raised at Council on 9 April.

**Recommendation:** **Consider the recommendations set out in the report and agree a form of wording to recommend to Cabinet**

**Reason for recommendation:** Extensive work has already been undertaken to draft the recommendations agreed at Development Management Committee based on the previous work by the working party assigned to review the arrangements.

**Officer:** Debbie Meakin, Democratic Services Officer [dmeakin@eastdevon.gov.uk](mailto:dmeakin@eastdevon.gov.uk)  
Henry Gordon Lennox, Principal Solicitor [HGordonLennox@eastdevon.gov.uk](mailto:HGordonLennox@eastdevon.gov.uk)

**Financial implications:** There are no financial implications.

**Legal implications:** The legal implications of amending public speaking arrangements and the committee agenda management proposals have been set out in the previous related reports. In short there are no legal implications arising in terms of the proposed recommendations. The implications, such as they are, go to the public's perception of the Council.

**Equalities impact:** Low Impact  
The recommendations do not impact on the public right to comment on a planning application.

**Risk:** Low Risk  
The recommendations do not impact on the public right to comment on a planning application.

**Links to background information:**

- [Standards Committee 23 July 2013 agenda](#)
- [Standards Committee 9 October 2013 agenda](#)
- [Development Management Committee 17 December 2013 agenda](#)
- [Development Management Committee 1 April 2014 item 7 report](#)
- [Council 9 April 2014 minutes](#)

**Link to Council Plan:** Living in/Working in this outstanding place.

## Report in full

Council have resolved that the Overview and Scrutiny Committee consider and debate Development Management Committee's public speaking arrangements and its future agenda and meeting management. This report sets out the timeframe for consideration by other committees to date; the report and recommendations considered by the Development Management Committee on 1 April; the subsequent recommendations to Council on 1 April; and the issues and debate raised at Council.

## Timeframe of consideration and background information

On [23 July 2013, the Standards Committee](#) debated a report on public speaking, covering a review of arrangements for Council, Cabinet, Overview and Scrutiny, Audit and Governance and Standards; and separate consideration for Development Management Committee (DMC).

The report recognised the increase in time length of the DMC as a matter of concern in terms of the wait involved for applicants and the public, and the ability of the Committee to remain focused and function at the optimum level for a long period of time. The report proposed a number of recommendations and was further debated at the next meeting of the [Standards Committee on the 9 October 2013](#). This included consideration of introducing registration for public speakers prior to the meeting.

Development Management Committee considered the recommendations from the Standards Committee on the [17 December 2013](#), where agreement was reached to set up a working party to review further the meetings arrangements.

The Development Management Committee public speaking arrangements and future agenda and meeting management working group met on 19 March 2014. Agenda papers included research covering other council arrangements, and guidance from the Planning Officers Society. The agenda papers for this meeting are included in this agenda for ease of reference as appendix A. I would like to draw your attention particularly to the Planning Officers Society guidance set out on pages 75 - 78.

Recommendations from this working group were discussed at [Development Management Committee on 1 April 2014](#). The agenda item relating to the topic is also included in this report as appendix B.

Recommendations from DMC on 1 April were presented to Council on 9 April 2014.

## Council debate

[Minutes from Council on 9 April 2014](#) highlighted points raised during debate, including:

- No one wanted to prevent the public from having their say at Committee meetings; there was no question that public speaking would be stopped.
- There had been insufficient time given to debate all the issues.
- There should be public consultation on the proposed changes.
- The proposed changes were too restrictive, prescriptive and complex.
- Members of the public might not be aware of the application in time to submit their comments in writing or register to speak.
- The proposed arrangements seemed unnecessarily bureaucratic and relied on people having access to the internet.
- The Committee should be asked to be more concise and not repeat comments already made. There was usually a point in a debate where it was clear that a consensus was emerging, at which point the Chairman could step in and ask the Committee to move to a decision.
- All issues raised by the public in advance of the meeting were included within the report and were used to inform the debate.

- Councillors should be encouraged to read the reports carefully before the meeting which would mean that the officers presenting the report only need to refer to additional information.
- Currently meetings were too long and it was unlikely that the level of debate at the start of the meeting was the same as at the end.
- The decisions made by the Development Management Committee were all well considered and the quality of decision making was supported by the high percentage of planning appeal decisions where the planning inspector agreed with the Council's decision. This underlined the importance of sound planning reasons for decisions.
- Long meetings were effectively reducing public participation as often members of the public wishing to speak were put off from attending because they didn't know when their application would be considered or were obliged to leave the meeting before their application was considered.
- Maybe the Council should revisit Area Committees.
- The balance of speakers representing supporters and objectors should be reviewed and more opportunities given for people objecting to an application as there would generally be a whole range of reasons for objection. This assumed that all applications were recommended for approval, which was not the case.
- If the Council reduced the opportunity for speaking at Development Management Committees, public dissatisfaction would be inevitable.
- The first come first served approach could cause problems.
- The meetings needed to be either streamlined or the number increased

Amendments by the independent group were proposed, but later withdrawn in light of the proposal for the Overview and Scrutiny Committee to consider and debate the issue. These amendments were:

- Delete the pre-registration requirement that only people who have already commented in writing can address committee, and delete pre-registration requirement of all public speakers;
- Increase the thresholds for minor application speakers to 7 but with no specification on whether a supporter or objector; and increase major application speakers to 15 but with no specification whether a supporter or objector;
- Delete requirement for contact details being displayed on the website, which will not be required if pre-registration requirements are deleted;
- Amend recommendation to list major application in order of number of dwellings, but (to double check that this accords proportionately with the number of speakers) at start of meeting, the Chairman to ask for a show of hands as to who wishes to speak and allow speaking in order of most numbers of people wishing to speak, first;
- An additional recommendation that the DMC Chairman should seek to achieve more effective and shorter meetings by asking the planning officers to reduce their introductions of reports at the meeting to highlight the salient elements of their reports where appropriate, and also when appropriate to say "nothing to add to the report";
- An additional recommendation that the DMC Chairman should seek to achieve more effective and shorter meetings by seeking to avoid repetition by DMC Members and proceed to vote in an efficient manner.

There are concerns about these proposals and how workable they would be in practice. That is said for the following reasons;

- Not permitting the same number of objectors and supporters presents the opportunity for 'unfairness'. Criticism was made of the current proposals for allowing the same number of supporters and objectors but also then the applicant / agent as being unfair in favour of the applicant. By permitting a total of 7 or 15 speakers but with no stipulation on whether they

support or object, this could result in serious unfairness to the applicant / supporters or the objectors as there is no way to ensure an equal split.

- The above is compounded by the fact that you have no way of knowing / determining whether the 7 or 15 (or any combination therein) wish to speak in support or against prior to the meeting itself. As it is those who get their name down first who get to speak, then the actual representations may not be reflective of the numbers who have attended the meeting to speak.
- If pre-registration is deleted as a requirement, yet there is a limit on number of speakers then there will be speakers who arrive with the expectation of speaking but not knowing whether they will get to speak or not. They may have prepared speeches and then be precluded from speaking as they were not there early enough to get a speaking slot. This is likely to cause significant dis-enfranchisement with the process compared to a system where there is certainty in advance of the meeting.
- The suggested approach to determining the order of items to be considered is likely to cause confusion and delay. To take an orderly vote by way of a show of hands, which in turn adds delay to the meeting, and then potentially re-order items (including the presentations on the projector and officer preparations) does not appear to be a good way of governing a meeting.

The suggestion of curtailing the length of the officer introduction (although this in itself is not considered to add any great time to the length of the meeting) together with preventing repetition by Members is a fair and welcomed suggestion. However there is a risk of this leading to the constraining of proper debate by the committee, which is unlikely to engender belief in the system. The most critical part of the process is the full debate of an application by Members. If this was reduced, to permit more public speaking, the belief is that the public will then be critical of the committee for not giving the matter full and frank consideration prior to voting. It is also the part that is most susceptible to legal review in that a committee could be criticised (more easily where there is reduced debate) for not taking into account material considerations. While it is understood that this is not the aim of the proposed amendment it could be an unintended consequence and accordingly seeking to reduce the length of committee debate should be cautioned against and that the other measures proposed (by the Working Party) should be considered as the primary way of achieving the stated aims.

### **Recommendations proposed**

The recommendations as presented to Council have been considered further by some Members and me with slight wording adjustments, but in principle they remain the same. The recommendations are set out in full below:

## RECOMMENDATION

- 1 that Council considers the following changes to the public speaking arrangements for Development Management Committee and Planning Inspections Committee to be introduced following Annual Council, trialled for one year:
  - a) Introduction of pre-registration of all public speakers at Development Management Committee on planning applications so that the public (meaning those who have submitted written comment on an application prior to agenda publication) are required to register, with Democratic Services, their wish to speak on an item 3 working days before the meeting.
  - b) We will welcome speakers but, due to time constraints the number of speakers is to be limited to:
    - Parish/Town Council representative, 2 objectors, 2 supporters, applicant or agent, Ward Member(s) on minor applications
    - Parish/Town Council representative 5 objectors, 5 supporters, applicant or agent, Ward Member(s) on major applicationsSpeakers will be registered on a first come, first served basis. Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Public speaking to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).
  - c) Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered public speakers to be taken before items where there are no registered public speakers. Where there are registered speakers for major applications these be taken first.)
  - d) Non-committee members be allowed to speak on Part A non-planning applications, limited to 3 minutes per contribution.
  - e) A maximum of two public speakers (to register 3 working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.
  - f) In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.

Development Management Committee (special meetings for non-planning application items)

- g) Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.

**RECOMMENDATION:**

**2** that the following changes be made to future Development Management Committee agendas and meeting management:

- a) No meeting on one day should exceed 2 sessions each of up to 3 hours in length. Where more time is likely to be needed, the business to be split into two meetings.
- b) Meetings to be timetabled to include breaks and to list items as 'not before' a set time/ scheduled break to avoid unnecessary waiting for members of the public.
- c) A new timing clock be sourced which allows changeable time limits and a bell/buzzer to sound at the end of the allotted time to alert the speaker that their time is up.
- d) Guidance on public speaking, including an overview of planning considerations which can and cannot be taken into account by the Committee to be shown on the projector screen 20 minutes before the meeting starts.
- e) The public speaking guidance on agendas to include a list of the key planning considerations that can be taken into account by the Committee together with those that cannot.
- f) The guide to the Development Management and Planning Inspections Committees and the relevant web-site pages to be updated to reflect the recommendations, if agreed, above.

**Options for the Overview and Scrutiny Committee**

Members have the following options:

- Recommend no change to the current arrangements
- Agree to put forward to Cabinet the recommendations listed above
- Agree a form of revised wording

I would ask Members to bear in mind that:

- Some form of change is required to ensure that the length of DMC meetings are kept to a manageable level, for the benefit of the public, applicants and Members;
- In general terms, public speaking at DMC does take up a large proportion of the time taken for each application discussed;
- Public speaking time is not the only factor affecting the length of a meeting – the number of applications per meeting currently is high, and no comment has been made until DMC of 1

April, and Council of 9 April, on the meeting management in terms of repetition of comment by DMC Members and chairmanship skills;

- Public speaking arrangements currently for DMC are extremely generous compared to other authorities. The planning system (either with limited or no public speaking) has been held to be compliant with the Convention on Human Rights as previously made clear by the Legal Section in earlier reports to DMC;
- Any change in the public speaking arrangements has no impact on the right of an individual to comment on a planning application during the consultation period.

# Meeting not open to the public



District Council

Date: 11 March 2014  
 Contact name: Hannah Whitfield  
 Contact number: 01395 517542  
 E-mail: [hwhitfield@eastdevon.gov.uk](mailto:hwhitfield@eastdevon.gov.uk)

East Devon District Council  
 Knowle  
 Sidmouth  
 Devon  
 EX10 8HL

To: Members of the Working Group  
 (Ray Bloxham, David Key, Helen Parr, Geoff Pook, Brenda Taylor,  
 Mark Williamson)

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

Deputy Chief Executive  
 Development Manager  
 Principal Solicitor

## **Development Management Committee Public Speaking Arrangements and Future Agenda and Meeting Management Working Group**

**Wednesday, 19 March 2014**

**12pm** (Working Lunch provided)

**Room 159 (Planning), Knowle, Sidmouth**

Councillors are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

### **AGENDA**

**Page/s**

- |    |   |         |
|----|---|---------|
| 1. | Election of Chairman  |         |
| 2. | To receive any declarations of interest relating to items on the agenda.  |         |
| 3. | <b>Remit of Working Group</b><br>To consider public speaking arrangements and future agenda and meeting management for Development Management Committee (DMC) meetings. |         |
|    | Background information:   |         |
|    | ➤ Public speaking and agenda management report considered by DMC on 17 December 2013 and relevant minute  | 3 – 20  |
|    | ➤ Summary of public speaking arrangements at:   | 21 – 57 |
|    | a) Devon Councils   |         |
|    | b) Neighbouring Councils  |         |
|    | c) Other Councils   |         |
|    | ➤ Planning Officers Society guidance on public speaking in planning committees  | 58 - 61 |
| 4. | <b>Next meeting (if required)</b>   |         |

Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.  
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

## **Agenda Item**

**Development Management Committee**

**17 December 2013**

**EF**



## **Public speaking and future agenda management**

### **Summary**

At the Annual Council meeting on 22 May 2013, Members agreed for the Standards Committee to consider public speaking issues further and make recommendations to Council. The Standards Committee have discussed public speaking arrangements for Development Management Committee on two separate occasions and at their last meeting (9 October 2013) made the following recommendations:

1. that due to the length of recent Development Management Committee meetings, Members of that Committee be asked to consider future agenda and meeting management.
2. that the proposed change to the public speaking arrangements for Development Management Committee to introduce public and non-committee speaking on policy agenda items, as endorsed by the Committee, be referred to the Development Management Committee for consideration prior to being recommended to Council.

### **Recommendation 1:**

**Members consider the report and recommend to Council the following proposed changes to the public speaking arrangements for Development Management Committee and Planning Inspection Committee:**

#### **Development Management Committee (ordinary meeting)**

1. **The pre-registration of all public speakers at Development Management Committee on planning applications be implemented so that the public (meaning those who have submitted written comment on an application) are advised to register their wish to speak on an item before the agenda is finalised.**
2. **Non-committee members be allowed to speak on Part A non-planning application items, limited to 3 minutes per contribution. Any public speaking on non-planning application items to be left to the Chairman's discretion.**
3. **In respect of planning applications, if there is time to hear from adjacent Ward Members or other non-committee members this will be allowed at the Chairman's discretion.**

**Development Management Committee (special meeting)**

4. **Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Service and Development Manager.**

**Planning Inspections Committee meetings**

5. **Speakers on a particular application to be considered at Planning Inspections Committee will be restricted to those who have previously registered and spoken at the Development Management Committee on the application.**

**Recommendation 2:**

**Members consider the report and recommend on the proposed changes to future Development Management Committee agendas:**

**Future Development Management Committee agendas be formulated so that;**

- (i) **a meeting should not exceed 2 sessions each of up to 4 hours in length. Where this is likely to be the case the agenda to be split into two meetings,**
- (ii) **Contentious items or items with a significant number of public registered to speak are taken at the beginning of the agenda,**
- (iii) **All items where there are registered public speakers to be taken before items where there are no registered public speakers,**
- (iv) **Meetings are timetabled to include breaks and to list items as 'not before' a set time where they follow a scheduled break thereby avoiding unnecessary waiting.**

This report provides advice on the issues raised by the Standards Committee, and puts forward recommendations/options for member consideration. Any recommendations on changing the Constitution will require full Council approval.

**a) Reasons for Recommendation**

To allow Members to review the current public speaking arrangements and consider options for reducing the length of Development Management Committee meetings.

**b) Alternative Options**

Leave arrangements as they are.

**c) Risk Considerations**

Well thought out public speaking arrangements can enhance democratic participation and Council reputation. However, repetition of the same issues or the introduction of non-planning related issues that cannot be taken into consideration by the Development Management Committee in their decision making can result in overly long meetings.

**d) Policy and Budgetary Considerations**

Additional meetings, if such be recommended, involve additional officer and member costs and resources.

**e) Date for Review of Decision**

Members may wish to trial new arrangements or alternatively recommend a specific review date.

---

**1 Main Body of the Report**

1.1 The new National Planning Policy Framework [NPPF], which expects a greater level of sustainable development than hitherto, and intends to produce a 'step change' in the speed of planning delivery, has reduced the Council's discretion to refuse development although the position should improve once an up to date Local Plan is in place. In turn this has understandably produced a greater level of interest in local planning. The length of recent Development Management meetings [up to 11 hours] is a matter for concern in terms of the wait involved for applicants and public, and the ability of a committee to remain focused and function at the optimum level for that period of time. Such a meeting length is obviously physically gruelling, and even more so for the Chairman. Three to four hours maximum length for a committee is considered a reasonable yardstick but difficult to achieve at the present time.

Current Public Speaking Arrangements

- 1.2 Public participation is recognised as being at the heart of the Development Management process. The officer report includes a summary of the written consultation responses received from neighbours and others, identifying what can properly be taken into account in the planning process.
- 1.3 Following the Systems Thinking review of the planning service, and approval at Annual Council in 2008, public speaking was introduced at Development Management Committee for individual planning applications. A leaflet setting out the adopted speaking arrangements is appended to this report.
- 1.4 Members of the public wishing to speak enter their name on the sheets located near the entrance to the Council Chamber. There is currently no requirement to record the register to speak before the day of the meeting. All individual contributions are limited to a period of 3 minutes – interested groups of objectors or supporters are asked to appoint a spokesperson for the group.
- 1.5 As in any meeting, the Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time. Speakers are asked not to come to the microphone if their points have already been covered.
- 1.6 It is worth considering what other similar authorities in Devon do in terms of public speaking before considering any changes to our own arrangements. The following table gives a brief outline of what each authority does.

<b>Council</b>	<b>Pre-registration</b>	<b>Number of Speakers</b>
East Devon	No	No limit on number (3 mins time limit)
<a href="#">West Devon</a>	3 working days before committee	1 Objector & 1 Supporter (3mins)
<a href="#">Mid Devon</a>		1 Objector & 1 Supporter (3mins)
<a href="#">North Devon</a>	No	3 mins, normally 1 speaker for and 1 against
<a href="#">Exeter</a>	2 working days before committee	1 Objector & 1 Supporter (3mins) <i>Speakers listed on first come first serve basis</i>
<a href="#">Teignbridge</a>	2 working days before committee	1 Objector & 1 Supporter (3mins)
<a href="#">South Hams</a>	2 working days before committee	1 Objector & 1 Supporter (3mins)
<a href="#">Torridge</a>	2 working days before committee	2 Objectors, 2 Supporters (3mins)

1.7 It is worth noting that all the authorities in the table above, aside from us, limit the number of speakers at its Development Management Committee meetings to 1 or 2 speakers for and against. This means that our arrangements are far more generous in terms of time given to listening to the communities' views than any other council in Devon.

#### Potential Changes to Public Speaking Arrangements

1.8 The Standards Committee supports and has recommended to the Committee that they introduce public speaking on policy agenda items (under the current arrangements members of the public can only speak in relation to planning applications) to the public speaking arrangements. Public speaking on policy items would be limited to three minutes per contribution, with the Chairman having the ability to advise the meeting of the number of speakers it is possible to take on any particular occasion in the light of time available. Meeting arrangements would be publicised in advance for issues of major public concern. Officers are concerned that this would unnecessarily extend meeting times when all policy reports are also reported to full council at which point the public would have an opportunity to address Members. There is therefore nothing to be gained by allowing public speaking on policy items at the Development Management Committee stage of considering policy matters.

1.9 Other possible recommendations that were put to the Standards Committee for consideration but were not taken forward included:

- 1) A total period of time for public speaking on each individual planning application be introduced, for example 15 minutes. [This effectively means allowing 2 supporters and 2 objectors for each application, and is one of the most common means nationally of managing the volume of planning committee business]. This could be linked with requiring those wishing to speak on planning applications to register two days in advance, which would give an opportunity for objectors/supporters to appoint a spokesperson in advance. Members may wish to consider this on a pilot basis, given the particular time pressures on Development Management Committee at the current time.
- 2) Where a spokesperson for a group of objectors is appointed they be allowed 5 minutes to speak; the same time being given to the applicant.
- 3) Requirement for the public to register to speak on applications before the final agenda is published. Having this information would allow officers to order agendas so that applications that are of public interest are taken earlier in the agenda. It would also give officers an indication of how long each item would take and whether the Committee would realistically be able to consider all applications in one meeting. Members of the public able to speak on applications would be restricted to those that had already commented on the application as a supporter or objector. (An officer would write to those who had commented and ask them whether they wished to speak at the meeting. Those wishing to speak would need to register with Democratic Services by phone or email by a specified cut off date). If the Committee wishes to take this suggestion forward, a trial is recommended so that it can be assessed for any resource or cost implications.

1.10 It is considered that option 3 should still be pursued as the pre-registration of speakers enables much better management of the meeting as it is only by having prior knowledge of the number of public speakers that it is possible to know how long each item is likely to take. This would enable better timetabling of the meetings with the potential to timetable breaks during the meeting and given an indication of when items will be heard. This could for example be done by timetabling a mid-afternoon break and structuring the agenda so that items after the break will not be heard before 4.00pm. It would also enable the agenda to be ordered so that items where there is going to be public speaking are heard first. Members of the public can then decide if they want to attend to listen to other items on the agenda rather than having to sit through them anyway.

1.11 The pre-registration of speakers has also been proven in other authorities to reduce the number of speakers overall because it requires interested parties to think ahead and co-ordinate themselves much better. They are therefore more likely to appoint a representative and/or plan what each speaker is going to say to avoid repetition.

1.12 While it is understood that there may be some concern that requiring pre-registration of public speakers will put people off taking part in the meeting it is worth considering that residents will already have had the opportunity to make their views known by being able to comment on the application at the consultation stage. Those comments form a documented section in the officer's report. The public speaking is therefore in addition to this opportunity and given that they will have already made the points will, in many cases, lead to duplication of points already made in writing. It is also worth bearing in mind that legally there is no obligation on

a local authority to permit public speaking to all those who wish to (as evidenced by the speaking arrangements of other Devon authorities) but most importantly requiring pre-registration does not preclude or restrict anyone from being able to speak as a restriction on numbers would. Accordingly it is recommended that to adopt the requirement for pre-registration does represent an appropriate balance.

#### Non Committee member speaking at Committee

- 1.13 The current Constitutional provision is that Standing Orders provide that a member who is not on the Committee shall not be entitled to speak at that meeting except with the consent of the meeting. In practice non-committee members do speak at Development Management Committee on a regular basis as Ward members and at other committees on a fairly free basis with the consent of the meeting when time allows.

Options for the Committee to consider:

- a) Meeting management should continue to rest with the Chairman. If there is time to hear from a broader cross section of members than those appointed by Council to Development Management Committee in carrying out its functions, then that can be decided at the meeting in relation to that particular item. The Constitution already provides such flexibility.
- b) The Constitution be amended to allow non-committee members to speak at the meeting without requiring the consent of the meeting.

Option b is recommended to the Committee by Officers.

- 1.14 It is considered that given the current time constraints on the committee due to the length of the agenda that public speaking on non-application items should be at the Chairman's discretion.

#### Agenda Management

- 1.15 The number of applications being considered by the Committee at its meetings is recognised as currently being very high and this is generally felt to be a reflection of the work levels being experienced by the planning department. The main reasons for an application being referred to Committee are:
- The applicant is a member of staff or Councillor (or a relative of);
  - The Council is the applicant or the application involves land in the Council's ownership;
  - A Ward Member disagrees with the Officer recommendation;
  - The application is a departure from the Local Plan;
- 1.16 Officers have been working with the Chairman to manage future agendas to try to avoid excessively long meetings. Measures currently in place include:
- When there are more than 10 applications to be considered in one meeting, the meeting is scheduled to start in the morning rather than the scheduled time of 2pm.
  - Where there is known public interest in a particular application that application is listed early in the agenda.
  - Special meeting and public speaking arrangements continue to be made for major applications/policy items (such as the Local Plan) where required.

It should be noted that regularly scheduling additional/special meetings would have officer resource and cost implications.

- 1.17 It is considered that when the new Local Plan is adopted and as a result the Council can demonstrate a 5 year housing land supply that the number of applications being presented to the committee is likely to reduce to more normal levels. It is therefore considered that the current arrangements of starting the meetings earlier should continue when a long agenda is being presented. It is recognised that the recent long meetings have meant that some committee members have been unable to attend the meeting from start to finish and therefore it is proposed that meetings should take the form of a morning session of 3 – 4 hours and an afternoon session of similar length. It is accepted that there may be occasions where a further meeting needs to be scheduled particularly when it would appear that the business of the meeting cannot be carried out within these session times. It is however important that officers understand the likely time that will be taken up through public speaking to be able to plan the meeting in advance and thus it is considered that the pre-registration of public speakers is vital to the future management of the meetings.

### **Legal Implications**

The legal implications are set out in the report. In essence the planning system (including either limited or no public speaking at planning committees) has been held to be compliant with the Convention on Human Rights. Accordingly it is at each Council's discretion as to what to permit in terms of public speaking at its planning committees. We are generous compared with the other Devon authorities (and probably nationally) and so, as stated in the report, the proposed recommendations represent an appropriate balance

### **Financial Implications**

No specific financial implications have been identified other than officer time which is covered by existing budgets.

---

Ed Freeman – Development Manager

Development Management Committee

## Times for Development Management Committee

October 2012 – November 2013

<b>Date</b>	<b>Number of applications</b>	<b>Length of meeting</b> (Please note that time taken for lunch has not been deducted)
12 November 2013	13	10am – 6.45pm ( <b>8 ¾ hrs</b> )
15 October 2013	13	11am – 5.30pm ( <b>7 ½ hrs</b> )
17 September 2013 (meeting adjourned and reconvened on 20 September 2013)	25	17 <sup>th</sup> - 10am – 8.40pm ( <b>10 ¾ hrs</b> ) 20 <sup>th</sup> – 10am – 12pm ( <b>2 hrs</b> )
20 August 2013	17	11am – 7.05pm ( <b>8hrs</b> )
16 July 2013	12	10am – 5.30pm ( <b>7 ½ hrs</b> )
11 June 2013	16	10am – 9pm ( <b>11 hrs</b> )
7 May 2013	17	11am – 6.40pm ( <b>7 ¾ hrs</b> )
2 April 2013	10	2 – 7.30pm ( <b>5 ½ hrs</b> )
5 March 2013	14	2 – 7.30pm ( <b>5 ½ hrs</b> )
5 February 2013	14	2 – 8.30pm ( <b>6 ½ hrs</b> )
8 January 2013	7	2-7pm ( <b>5 hrs</b> )
4 December 2012	7	2 – 5.30pm ( <b>5 ½ hrs</b> )
20 November 2012	11	2 – 8.15pm ( <b>6 ¼ hrs</b> )
16 October 2012	8	2 - 5.20pm ( <b>3 ¼ hrs</b> )



# Development Management and Planning Inspection Committees

How they work

**A guide for anyone who would like to:**

- understand how the committee process works
- attend a committee meeting
- speak about an application at a committee meeting.

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

## Introduction

This guide is intended to help you to understand how planning applications are decided by the Development Management and the Planning Inspection Committees.

Only about 10% of planning applications come to the Development Management Committee for a decision. Most planning applications are decided by the Head of Planning and Countryside Services, in consultation with the Chairman or Vice Chairman because there is general agreement on the decisions. These applications are decided under delegated powers agreed by the Council.

## The role of the two Committees

- The Development Management Committee decides those applications where:
  1. The Ward Member(s) disagrees with the Head of Planning's recommendation and has submitted planning grounds to support his/her case. For the smallest scale of planning application the Chairman must agree to the request for the Committee to consider the case

2. It is an application submitted by the Council itself for development of its own land or property
  3. It is an application submitted by a Council Member, or employee or a family member of either
  4. The Head of Planning asks the Committee to decide – usually very large scale or controversial applications
  5. The Head of Planning is recommending approval, contrary to adopted policies
- If the Development Management Committee believes that a site visit should take place before a decision is reached, the matter is referred to the Planning Inspection Committee.

The site visit is informal, but is followed by the Committee members returning to the Council offices and in a formal committee meeting, deciding the application.

## When and where do the Committees take place?

Both planning Committees normally meet in the Council Chamber at Knowle, in Sidmouth. The doors open 15 minutes before the meeting starts. Very occasionally, a meeting will be

held on another day or in one of the Town Halls within the District.

This may be for a Special meeting of the Committee and in these cases notice is given in advance of the meeting.

The Development Management Committee normally takes place every four weeks, on a Tuesday, starting at 2.00pm.

The Planning Inspection Committee normally meets 10 days after the Development Management Committee, on a Friday, to consider any applications referred to it.

For a list of meeting dates please visit our website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk) or contact our Democratic Services Officers on **01395 517546**.

## Who is on the Committee?

---

The Development Management Committee is made up of 16 District Councillors representing the whole of East Devon. Ward Members not on the Committee may attend and speak on specific applications within their ward to help the Committee to decide. These Ward Members do not have a vote.

The Planning Inspection Committee is made up of eight members drawn from the Development Management Committee. In the event that a member of the Committee cannot attend, their place will be taken by an appointed substitute. Ward Members may also address this Committee, but not vote on applications.

The names of the Chairman and Vice Chairman along with other members of the committees and their contact details can be found on the Council's website or from the Democratic Services team.

## Which Council Officers support the Committee?

---

The lead officer of any Council Committee is either the Chief Executive, or in his absence, a Corporate Director or the Senior Council lawyer present. He or she will advise the Chairman on the constitutional and procedural aspects of the Committee's work.

A Democratic Services Officer will also be present to take a record of the meeting. They will also keep the list of anyone wishing to speak at the meeting. For information on how to speak at the Committees, please see the end of this guide.

The Head of Planning and/or the Development Manager will usually be the planning advisor to the Committee – presenting the agenda reports and answering any questions the Chairman refers to them. Other Planning Officers sometimes attend to present specific reports.

Occasionally other officers attend to give specialist advice, such as an Environmental Health Officer on noise, or a County Council Highway Officer on road safety.

There is a diagram at the end of this document setting out the layout of the Committee Chamber and showing who sits where.

## Who may attend the meetings?

Any member of the public can attend Council meetings and listen to the discussions and debates. They are not public meetings because the Committee Members don't debate with those present. They are Committee meetings which are held in public and at which public speaking is allowed, subject to certain rules which are explained later in this guide.

There may be times when the Development Management Committee

needs to discuss private matters – usually financial information or the Council's case on an upcoming legal challenge or appeal. This will normally take place at the end of the meeting and the press and public will be asked to leave.

## How the Committee meetings work

Both Development Management Committee and Planning Inspection Committee meetings can seem very complicated. It is necessary however for these particular Committees to be formal in their approach as they are often dealing with complex matters.

It is important that the way the decisions are reached is legally correct, although the actual decision made is a subjective matter. Although Officers will make a recommendation, the committee has the right to make any decision it chooses as long so it is legal.

**You may not agree with that decision, but provided it has been reached taking into account all the relevant planning matters and having dismissed irrelevant points, it is unlikely that the decision can be successfully challenged.** If you wish to have more information on what are and are not material planning

grounds please contact the Development Management Team on **01395 516551** or access the Planning section of the Council's website.

Councillors on the Committee will come to the meeting having received the agenda 10 days before the meeting takes place. They are also encouraged to look at sites before the meeting.

The agenda is also available on the Council's website, at the Council Offices in Sidmouth and at all the Council Information Points. All Town and Parish Councils receive the reports for applications in their area.

The Chairman will open the meeting by signing the minutes of the last meeting as a true record of that meeting, taking apologies for absent Councillors and hearing declarations of interest from Councillors present if they relate to the cases to be decided that day. The Committee will also consider if there are any private matters which Officers recommend should be dealt with in private session (known as Part B items).

This is followed by any urgent items the Chairman has allowed to be presented – usually cases where there is a deadline that has to be met which does not allow the case to await the next meeting.

Reports on planning policy, Government consultation documents, procedural matters and information items are dealt with next, followed by items submitted for information on delegated planning decisions made during the month and any planning or enforcement appeals submitted or decided.

The Chairman will then turn to the individual planning application reports.

Each report will be dealt with as follows:

- The planning Officer will be invited give a verbal update on the report with any late items received since it was written. In more complex cases they may also summarise the key issues.
- Members of the public, the applicant and any Town or Parish Council representative, who have indicated on arrival at the meeting, that they wish to speak, will be invited by the Chairman to do so. There may be questions from the Committee members.
- The Ward Member(s) will make their contribution at the beginning of the debate and invited to comment again before a vote is taken.
- The Chairman will open the debate to the committee members.

When a Member makes a recommendation (known as a Motion or Proposition) the Chairman will ask Members to debate it. Any motion must be formally “seconded” by another Member before it can be voted upon. When, in the Chairman’s view, there has been sufficient discussion, the Member who moved the motion will be given the chance to speak again. This is known as “replying to the debate”. Immediately after that Member has spoken, the Chairman will ask the Members to vote.

It is often the case that during a debate on a motion another Member will suggest that it should be altered in some way, perhaps by adding or taking out words (an “amendment”). If this happens the meeting will also have to discuss the amendment. Only one amendment can be dealt with at a time.

If an amendment is agreed or carried it then becomes a substantive motion (the original motion is considered to have been defeated). If the amendment is not agreed then the meeting will vote on the original proposal. Decisions can be reached by agreement or by a formal show of hands. In the event of a tied vote, the Chairman has, if

he wishes to use it, the a second or ‘casting’ vote. Decisions are then recorded in the minutes.

- The voting process may appear confusing especially where Members are voting in favour of a refusal, or where there are various motions or amendments being raised. However the Chairman and the lead officer of the Committee will ensure that the vote order and count are accurate and the Chairman will confirm the final decision before moving on to the next case.
- Planning applications are either approved:
  1. usually with conditions and sometimes a Section 106 legal agreement)
  2. deferred with delegated authority to approve in consultation with the Chairman and Ward Member(s)
  3. refused (on specific grounds)
  4. referred to the Planning Inspection Committee for a site visit and final decision
  5. or are deferred for more information to come back to a later Committee meeting when the final decision will be made.

## Minutes

---

The minutes of the Committee meetings are available on the Councils website and/or available for inspection at the Council Offices, Knowle, Sidmouth. For these committees the minutes are not a description of the debate, but are a record of the decisions taken and any key action points that may arise.

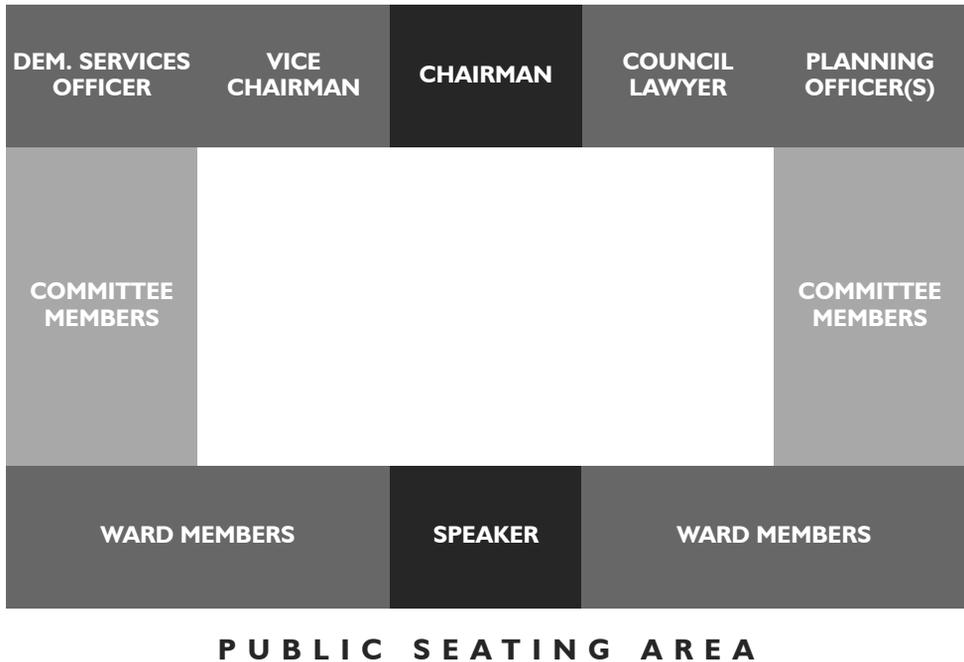
## Public speaking procedure

---

If you wish to speak:

- When you arrive at the meeting please enter your name on the sheet for the application you are interested in.
- When a matter is discussed the relevant Officer will introduce and outline the item to be discussed. The public will then be able to speak on that matter only.
- All individual speakers will be limited to a period of three minutes – where there is an interested group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group. Extra papers and/or handouts cannot be circulated at the meeting. There is a timing clock to assist you.
- Speakers should restrict their comments to planning matters only.
- The Chairman has the right to control speaking to avoid disruption, repetition and to make best use of the meeting time.
- There may be occasions at certain meetings when at the Chairman's discretion, the time allowed for each speaker is appropriately adjusted.
- Speakers are asked not to come to the microphone if their points have already been covered.
- After the public speaking period has finished the debate will begin and the public will take no further part in the meeting.
- All attendees at the meeting are asked to offer speakers the courtesy of listening to others' points of view, even if they do not agree with it.
- The Chairman will not tolerate any interruptions from the public and is entitled to exclude people from the meeting if the business of the committee cannot be carried out effectively.
- Members of the public must not pass notes to the Committee Members during the meeting.

## Committee seating plan



## How to get in touch



### Post

East Devon District Council  
 Knowle  
 Sidmouth  
 EX10 8HL



### Telephone

01395 517546



### Email

memberservices@eastdevon.gov.uk

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)



Printed on paper from sustainable sources

## **Extract from the Special Development Management Committee held at the Council on Tuesday 17 December 2013.**

### **46 Public speaking and future agenda management**

At the Annual Council meeting in May 2013 Members agreed for the Standards Committee to consider public speaking issues further and make recommendations to Council. The Standards Committee at its meeting on 9 October the Committee had made the following recommendations:

1. that due to the length of recent Development Management Committee meetings, Members of that Committee be asked to consider future agenda and meeting management.
2. that the proposed change to the public speaking arrangements for Development Management Committee to introduce public and non-committee speaking on policy agenda items, as endorsed by the (Standards) Committee, be referred to Development Management Committee for consideration prior to being recommended to Council.

The Committee considered the Development Manager's report which provided advice on the issues raised by the Standards Committee and put forward recommendations/options for Members' consideration.

The Development Manager explained each of the recommendations and reasons behind them. The intention was not to restrict public speaking at Committee meetings. Introducing pre-registration of speakers before the draft stage of the agenda process was intended to help aid Officers and the Chairman of the Committee to structure and manage agendas and meetings. This was an attempt to avoid overly long meetings where members of the public had in the past had to wait up to 7 hours for an application to be heard.

The Chairman drew the Committees' attention to the table within the report showing the speaking arrangements of other local authorities in Devon; all limited the number of speakers that could support or object to an application.

The Committee discussed the report and recommendations at length. Issues and comments included:

- Public speaking was an important part of the decision making process, helping the Committee to understand the issues related to an application;
- Recommendations created a barrier to public participation at meetings – should be aiming to involve the public more in the planning process not less;
- Not possible for people who do not know each other to elect a spokesperson;
- Officer and Member contributions to meetings could be shortened;
- Public have the opportunity to comment on applications at an early stage and comments are summarised in Committee reports, therefore Committee Members are aware of the local issues and objections;
- Avoid leaving matters up to the Chairman's discretion – grey area. Clear processes required;

- Defer a review public speaking arrangements and agenda management issues until after the Local Plan has been adopted as it was believed that the number of applications received would then be reduced;
- Increasing the number of Committee meetings would have a considerable impact on Officer resource and would have a cost implication. Applications have to be considered within a target date to avoid appeals against non-determination;
- Repetition of speakers (public and Member) needs to be managed;
- Unacceptable for the public, Members and officers to sit through the overly long meetings experienced recently;
- No cost to introducing pre-registration at draft stage as letters were already sent to all members of the public who had commented on a particular application to advise of the Committee date;
- Merit of an application was not strengthened or weakened by the number of objectors or supporters present;
- Issues could be covered by a maximum of 5 speakers – rare that new points would be added;
- Small working group required to further consider speaking arrangements at Committee;
- Pre-registration should not be essential;
- Members of the public have the opportunity to comment on planning policy items at Council, therefore it was not considered a good use of Committee time to introduce speaking on these items at Development Management Committee.

**RECOMMENDATION:** that the Development Management Committee recommends to Council that a working group be established to further consider public speaking arrangements and future agenda and meeting management for Development Management Committee meetings.

## Speaking at planning meetings – summary sheet of findings

Council name:	Summary of council's approach to public speaking at planning meetings
<b>a)Devon Councils</b>	
Exeter City	Only one speaker in support and one opposed to the application – must request by 5pm on the Thursday before the meeting (Monday evening meeting)
Mid Devon	Maximum time of 30 minutes allowed – requested to contact the Committee administrator before the meeting starts.
North Devon	Inform Committee administrator before the meeting and fill in a slip provided at the meeting. Time limited to 3 minutes – normally one spokesperson should be chosen to represent those speaking for the application and one for those making representations against. The applicant or his agenda then responds. Paper includes useful advice given to speakers.
Plymouth City	Requests to speak must be received by 4.30 pm 2 working days before the meeting. If there is more than 1 objector or supporter, they will be asked to agree a spokesperson amongst themselves. Details of the nominated spokesperson must be received by Democratic Services by 4.30 pm 1 working day before the meeting. One objector and 1 supporter may each speak for a maximum of 5 minutes. Not entitled to distribute papers, cannot use slides, etc.
South Hams	Notice of intention to speak is required – by 12 noon on the Monday prior to the meeting (held on Wednesday). One objector may speak (3 minutes maximum or 5 minutes for a major application). If there is more than one supporter, one person must be chosen as a spokesperson. Useful guidance.
Teignbridge	Notify wish to speak by 12 noon on Thursday prior to meeting (meet on Tuesday morning).
Torbay	Notify wish to speak before 11 am on the day of the meeting – start at 2pm.
Torridge	Up to 4 members of the public can address the Committee on a specific application – 2 objectors and 2 either applicant/agent/supporter. Given 3 minutes each. Must request wish to speak in writing to arrive 2 days before the scheduled meeting – by 2pm. Asked to complete a form with their full details. If more than 2 people wish to speak against or for, they must nominate a spokesperson. Lists of speakers will be posted on website in advance of meeting. Useful guidance on what may be material considerations.
West Devon	Give notice no later than 3 working days before meeting is held. Able to speak for 3 minutes.

<b>b) Neighbouring Councils</b>	
Cornwall	Need to complete a public speaking registration form or phone – requests to speak must be received by no later than 12 noon 2 working days before the planning meeting. Speakers are an objector, a representative from the local council and the applicant or supporter. Objector and supporter must register to speak. Spokesperson arrangements detailed. Speakers given a maximum of 3 minutes each but time may be increased for major applications to allow a second speaker to speak for 3 minutes.
South Somerset	At Area Committee Chairman's discretion, members of the public are able to speak for up to 3 minutes on agenda items.
<b>c) Other examples</b>	
Cheshire West and Chester	Require written representations 14 days prior to the committee meeting. One in support and one against may speak plus a local council representative and applicant or agent. Need to appoint a spokesperson if more than one objector/supporter wishes to speak. Allowed a maximum time of 3 minutes each.
East Cambridgeshire	Must register in advance – first come first served. The first registered objector and first registered supporter will be given the details of subsequent people wishing to speak and they will then organise between themselves how the five minute slot will be used.
King's Lynn & West Norfolk	One speaker from each side unless major application when 2 speakers allowed. To speak for a maximum of 3 minutes unless a major application when 5 minutes allowed. Request by 12 noon on the working day before the meeting.
Preston City	Any person directly affected by proposals, including applicants, objectors or supporters (or their representatives) may request to speak. Each request will be considered by the Chair. Maximum of 3 speakers for each item for a maximum of 3 minutes each. Spokesperson arrangements. Requests to speak made using on-line form. Request to speak does not guarantee speaking as this at the Chairman's discretion.

Also attached – Public Speaking in Planning Committees – Planning Officers' Society guidance.



## PLANNING

Date: Monday 17 March 2014

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Bialyk (Chair), Spackman (Deputy Chair), Choules, Denham, Edwards, Mrs Henson, Mitchell, Newby, Owen, Prowse, Sutton, Tippins and Winterbottom

## Agenda

### Part I: Items suggested for discussion with the press and public present

#### 1 Apologies

To receive apologies for absence from Committee members.

#### 2 Minutes

To sign the minutes of the Ordinary Meeting held on 13 January 2014 and of the Special Meeting held on 20 January 2014.

#### 3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

Office of Corporate Manager Democratic & Civic Support			
Civic Centre, Paris Street, Exeter, EX1 1JN	Tel: 01392 277888	Fax: 01392 265593	<a href="http://www.exeter.gov.uk">www.exeter.gov.uk</a>

#### **4 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

#### **Public Speaking**

**Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 5pm on the Thursday before the meeting (full details available on request from the Democratic Services (Committees) Officer).**

- |           |  |                    |
|-----------|--|--------------------|
| <b>5</b>  | <b>Planning Application No. 13/5108/03 and 13/5109/07 - Thomas Hall, Cowley Bridge Road, Exeter, EX4 5AD</b>   | (Pages 5 -<br>22)  |
| <b>6</b>  | <b>Planning Application No. 13/4984/01 - Land known as Monkerton Farm on western and eastern sides of Cumberland Way, Exeter</b>                                 | (Pages 23<br>- 38) |
| <b>7</b>  | <b>Planning Application No. 14/0395/26 - Land between Hollow Lane and Harts Lane, Exeter, EX1</b>  | (Pages 39<br>- 44) |
| <b>8</b>  | <b>Planning Application No. 14/0057/03 - Land to west of Pilton Lane, Exeter, EX1</b>  | (Pages 45<br>- 52) |
| <b>9</b>  | <b>Planning Application No. 13/4937/03 - 15 Regents Park, Exeter, EX1 2NT</b>  | (Pages 53<br>- 56) |
| <b>10</b> | <b>List of Decisions Made and Withdrawn Applications</b>   |                    |
|           | To consider the report of the Assistant Director City Development.   | (Pages 57<br>- 70) |
| <b>11</b> | <b>Appeals Report</b>  |                    |
|           | To consider the report of the Assistant Director City Development.   | (Pages 71<br>- 72) |
| <b>12</b> | <b>SITE INSPECTION PARTY</b>   |                    |
|           | To advise that the next Site Inspection Party will be held on Tuesday 1 April 2014 at 9.30 a.m. The Councillors attending will be Bialyk, Mrs Henson and Sutton. |                    |

### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Monday 14 April 2014** at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

**Follow us:**

[www.twitter.com/ExeterCouncil](http://www.twitter.com/ExeterCouncil)

[www.facebook.com/ExeterCityCouncil](http://www.facebook.com/ExeterCityCouncil)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265111.**

# Mid Devon

# Agenda 5 March 2014

---

Committee Administrator

**Sally Gabriel**

**Tel: 01884 234229**

**E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)**

PLEASE NOTE: Members of the Public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

## **MID DEVON DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**A MEETING of the PLANNING COMMITTEE will be held in the Council Chamber, Town Wednesday 5 March 2014 at 2.15pm**

The next meeting of the Committee will take place on Wednesday 2 April 2014 at 2.15pm Chamber, Town Hall, Tiverton

**KEVIN FINAN**

Chief Executive

25 February 2014

Councillors: Mrs F J Colthorpe (Chairman), Mrs M E Squires (Vice Chairman), Mrs H Bainbridge, M D Binks, Mrs D L Brandon, J M Downes, C J Eginton, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire and R L Stanley

## **A G E N D A**

**MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

**1. Apologies and substitute Members** - To receive any apologies for absence and notice of appointment of substitute.

**2. PUBLIC QUESTION TIME** - To receive any questions relating to items on the Agenda from the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

**3. MINUTES OF THE MEETING OF 5 FEBRUARY 2014** - To receive the minutes of the meeting (circulated with Council Summons 26 February 2014)

**4. CHAIRMAN'S ANNOUNCEMENTS** - To receive any announcements the Chairman may wish to make.

**5. ENFORCEMENT LIST** - To consider the items contained in the Enforcement List.  M

6. **DEFERRALS FROM THE PLANS LIST** - To report any items appearing in the Plans List which have been deferred.

7. **THE PLANS LIST** - To consider the planning applications contained in the list.  Minute 178 [77kb]

8. **THE DELEGATED LIST** - To be noted.  Minute 180 [77kb]

9. **MAJOR APPLICATIONS WITH NO DECISION** - List attached for consideration of major applications and potential site visits.  Minute 181 [18kb]

10. **APPEAL DECISIONS** - To receive for information a list of recent appeal decisions.  [29kb]

11. **APPLICATION NO. 13/00652/FULL - REPLACEMENT AND RE-SITING OF TEMPORARY DWELLING WITH PERMANENT PORTABLE LOG CABIN (CARAVAN), THE ORCHARD HOME, SILVERTON EXETER** - Report of the Head of Planning and Regeneration regarding the application.  Minute 179 [69kb]

12. **REVIEW OF PRE-APPLICATION ADVICE FROM THE PLANNING SERVICE** - Report of the Head of Planning and Regeneration requesting Members to consider revised arrangements for obtaining pre-application advice from the Planning Service.  Minute 183 [251kb]

**The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public bodies to act in a way which is compatible with the European Convention on Human Rights. The agenda items within this agenda have been prepared in light of the Council's obligations under the Act. All decisions made in regard to decisions to be informed by the principles of fair balance and non-discrimination.**

	Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions
	An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or if you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on: Tel: 01884 234229 Fax: 01884 234318 E-Mail: <a href="mailto:sgabriel@middevon.gov.uk">sgabriel@middevon.gov.uk</a>



## Planning Applications - Addressing The Planning Committee

Home

Council and democracy

Political structure

Public participation at council meetings

Public participation at council meetings

Addressing The Planning Committee

Members of the public are given the opportunity to comment on planning applications at meetings of the Planning Committee at which they are to be considered. This is in addition to any written representations made from the publicity given to applications.

Comments can be made on those planning applications which are listed on the agenda for discussion by the Committee. For a list of scheduled meetings and a copy of the agenda and planning reports, please click [here](#).

If you wish to speak, please inform the Committee administrator before the meeting and fill in a slip which will be provided at the meeting.

Questions or comments about planning applications will be dealt with at the meeting when those applications are considered. These should be confined to adding information on issues which you feel have not been fully covered in the report and presentation to the Committee.

After the officer has presented the application report, the Chairman will invite a Town/Parish Council representative, if present, to make comment, followed by others wishing to comment will be invited to speak.

Speakers will be restricted to **three minutes each** and, normally one spokesperson should be chosen to represent those speaking for the application and one for those making representations against.

The Chairman will ensure that the opportunity is given to both sides to speak. An application will not be deferred merely because one side is unable or does not wish to be present.

Once the comments by members of the public have been made, the Chairman will allow the applicant or his agent to respond if present.

The Planning Officer will then be given the opportunity to respond to or clarify points that have arisen from the public participation exercise.

It is at the discretion of the Chairman to decide when public participation will take place.

### ADVICE FOR SPEAKERS

1. You must direct your questions and comments through the Chairman, and not take part in the Committee debate.
2. State clearly your name, who you are representing and whether you are supporting or objecting to the application.
3. Speak slowly, clearly and loud enough for everyone to hear you, and direct your comments to the Chairman and Members of the Committee.
4. Try to be brief, avoid being repetitive and try to prepare what you want to say beforehand.
5. If you require any assistance in preparing your statement or question, you need further guidance on how the Committee operates, please [contact us](#) and we will inform you of the name of the Committee Administrator.

## Plymouth

- [Home](#)
- [Accessibility](#)
- [Translate](#)
- [Speech Enable](#)
- [a](#)
- [A](#)
- [Reset](#)

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)



### Speaking at planning committee meetings

#### What is the Planning Committee?

The planning committee is made up of 12 councillors who are responsible for deciding planning applications, listed building and conservation area consents, as well as other specific matters. A complete list of matters decided by Planning Committee can be found by looking at the [Council's Constitution](#).

The planning committee meets every four weeks, normally at 5pm on a Thursday in the Council House, Civic Centre. You can [view the agenda online](#), or you can find out details by contacting the Democratic Support Team on 01752 304469 or 01752 307990.

With the exception of very occasional confidential matters, all the formal business of the planning committee is held in public.

#### What is the aim of public speaking?

This procedure for the committee enables you to express your views on planning matters by giving you the opportunity to speak to the councillors at the planning committee.

Those who can participate will normally be a) the applicant, agent or third party supporter (these are all called a 'supporter' in this page) and b) a third party objector. In the case of third parties, only those who have made written representation on the application will be eligible to speak. One supporter and one objector may speak directly to the committee on a planning application listed on the agenda.

#### How do I register my wish to speak?

Once an item appears on a planning committee agenda (available five working days prior to the meeting) you can register your wish to speak on that item. You must telephone, email or send a letter or fax to the Democratic Support Team (contact details provided below). Please give the planning application number and whether you are the applicant, agent or a third party supporter or objector to the proposal. You must also provide your name and address.

Requests must be received by 4.30pm two working days (normally a Tuesday) before the planning committee. If there is more than one objector or supporter, you will be asked to agree a spokesperson amongst yourselves. Details of your nominated spokesperson must be received by the Democratic Support Team by 4.30pm 1 working day (normally a Wednesday) before the meeting. If no agreement is reached by this time, the Democratic Support Team will notify the first person to have registered their interest and advise them that it is they who can speak.

#### How long may I speak for?

One objector of the planning application and one supporter may each speak for a maximum of five minutes. After this time there will be no further involvement of the speaker in the deliberations of the committee. In the event that an application is deferred and you have already exercised your right to speak, when the application returns to the committee there will be a further opportunity for you to speak again, but you must register again if you wish to speak.

### What happens at the committee meeting?

All speakers who have registered a wish to speak need to attend the committee at least 15 minutes before the start and you should register your attendance with the Democratic Support Officer. You will need to confirm your name and address, and reconfirm the application you wish to speak on and whether you are the applicant, agent, third party supporter or an objector of the proposal.

When the relevant item is introduced by the Chair of the Committee, the Chair will indicate via the Democratic Support Officer who is in attendance that you may speak.

For each planning application, the order of speakers will be:

- Planning Officer
- Ward Member
- Objector
- Supporter

There is no further opportunity to make representations at the meeting. At the end of these statements the members of the committee will debate the item and make a decision.

### What can you speak about?

The planning committee can only make decisions on applications based upon material planning considerations. It is recommended that statements made should be confined to such matters, advice on which can be obtained from the relevant Planning Case Officer in advance of the meeting. Their contact details are available on the agenda or you can ring the main Development Consents number on 01752 304366.

### What is not allowed?

Speakers will not be allowed to address questions to the committee or planning officers. The appropriate procedure for this is under Electors' Questions (see below).

Speakers will not be allowed to distribute papers, plans or other material at the committee and cannot use slides, overheads, videos or other visual aids.

Speakers should not interrupt other speakers or interrupt the committee debate.

Speakers are advised not to make slanderous statements or discriminatory or inflammatory remarks. The Chair can require a speaker to stop speaking and leave the meeting if the speaker's statement falls within these categories.

The Chair can suspend the right to public speaking in relation to an individual item or the whole committee if he or she considers it necessary to maintain order at the meeting.

### Electors' questions

Members of the public can ask questions under the Authority's Electors' questions process and an item on Electors' questions appears near the beginning of the agenda.

Electors' questions should be submitted in writing and must be received by the Democratic Support Unit at least five complete working days before the meeting. Details about this, a separate process from public speaking on planning applications, are available from the Democratic Support Unit (details below).

### Further information

Agendas can be inspected at First Stop Reception.

### Democratic Support Unit

Democratic Support Team  
Chief Executive's Department  
Floor 1  
Civic Centre  
Plymouth  
PL1 2AA

Telephone: 01752 304469/307990  
Fax: 01752 304819  
Email: [democraticsupportplanning@plymouth.gov.uk](mailto:democraticsupportplanning@plymouth.gov.uk)

[\[Back to top\]](#)

[Home](#)

© Plymouth City Council, Armada Way, Plymouth PL1 2AA Tel 01752 668000  
Rate this page



## South Hams

# Public Participation at Development Management Committee meetings

If you would like to speak at the Council's Development Management Committee meetings, either in support of or objection to a planning application, please follow this procedure.

*Please note the following guidelines only apply to applications listed on the main schedule in the agenda.*

If you wish to speak at a meeting, you should give notice of your intention to Member Services by 12.00 pm on the Monday prior to the Development Management Committee meeting held on the Wednesday of the same week (12:00 pm on the proceeding Friday if the Monday is a Bank Holiday).

If you have given the proper notification, you will be asked to address the Committee at the appropriate time. The order will be as follows:-

1. The Committee Chairman calls the item.
2. A planning officer presents the report containing the officer recommendation.
3. One objector may speak against the application (three minutes maximum or five minutes for a major application). If there is more than one objector then one person must be chosen as a spokesperson.
4. One supporter or applicant may speak in favour of the application (three minutes maximum or five minutes for a major application). If there is more than one supporter then one person must be chosen as the spokesperson.
5. Member only discussion, including any further questions to officers. The Chairman may ask the objector or supporter to clarify a point of fact in very exceptional circumstances.
6. Vote.
7. The Chairman may briefly explain the decision if necessary.
8. Next item.

*Remember, the three (or five) minute maximum period will be your **only** opportunity to speak, unless the Chairman asks for clarification on a point of fact (see 5 above).*

Statements must be confined to matters which are material planning considerations. Comments on procedural issues should be avoided - they can be dealt with through the Council's complaints procedure.

If a decision is deferred (for example, a Site Inspection), resulting in a further report to the Committee at a subsequent meeting, no further opportunity for public speaking on the same application will be allowed, but the comments previously made will be taken into account.

However, if at the time of the original consideration of the application there was no speaker in support or to object, then they will be allowed to speak when the application is reconsidered provided that proper notice has been given.

Please note, the Chairman of the Committee will not allow papers to be tabled (placed on Member's desks) prior to the meeting. Therefore, if members of the public have information which they wish the Committee to see and/or read, they must send it to Members in advance of the meeting.

Teignbridge

11 March 2014

Agendas, reports and minutes of the Planning Committee to be held on 11 March 2014

Forde House  
Newton Abbot

Contact Officer: Trish Corns  
Telephone No: 01626 215112  
E-mail: comsec@teignbridge.gov.uk

3 March 2014

## PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday 11 March 2014** in the **Council Chamber, Council Offices, Forde House, Newton Abbot** at **9.45 a.m.**

Yours sincerely

Neil Aggett  
Democratic Services Manager

Distribution:

Councillors Clemens (Chairman), Smith (Vice Chairman) Austen, Brodie, Bunday, Colclough, Corney-Walker, Dennis, Dewhirst, Fusco, Goodey, Keeling, Kerswell, Klinkenberg, Lambert, Lewis, Matthews, Petherick, Price, Walters, and Williams (for Parker)

*Substitutes: Councillors Bromell, Christophers, Connett, Cox, Haines, Prowse, Purser, Russell and Williams*

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

**If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting**

**Local Government Act 1972 (Section 100 and Schedule 12A) - Reports in Part II of this agenda which contain exempt information are confidential.**

### Public Access Statement

- There is an opportunity for members of the public to speak on planning applications at this meeting. Please contact Trish Corns on 01626 215112 or comsec@teignbridge.gov.uk by **12 Noon on the Thursday prior to the Committee meeting.**
- If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk
- Agendas and reports are normally published on the Council's website <http://www.teignbridge.gov.uk/agendas> 5 working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail comsec@teignbridge.gov.uk
- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the Local Government (Access to Information) Act 1985.

**DEVELOPMENT MANAGEMENT COMMITTEE**

A meeting of **Development Management Committee** will be held on

**Monday, 10 March 2014**

commencing at **2.00 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Torquay

**Members of the Committee**

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Councillor Brooksbank

---

**Working for a healthy, prosperous and happy Bay**

---

For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR  
01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

(i)

# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
  
2. **Minutes** (Pages 1 - 5)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 10 February 2014.
  
3. **Declarations of Interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
  
4. **Urgent Items**  
To consider any other items that the Chairman decides are urgent.
  
5. **P/2014/0045/OA Land at Waterside Road, Paignton** (Pages 6 - 13)  
3 No. Detached dwellings and associated access/parking provision.
  
6. **P/2013/1179/VC Yalberton Tor Quarry, Yalberton Road, Paignton** (Pages 14 - 19)  
Variation of Condition 3, 5, 27 and 28 (P/2010/0638 Phased approach to recovering and disposing of in-situ and imported waste, the progressive land filling of the quarry void with inert waste and the construction of an appropriate geological barrier in conjunction with waste recycling operations and restoration and ceasing of mineral extraction).

7. **P/2013/1282/MRM Land At Brixham Road, Yannons Farm (Area A), Paignton** (Pages 20 - 32)  
Erection of retail building (Use Class A1), with associated access, parking, service yard and plant; health centre (Use Class D1/A1/A2), with associated access and parking; mixed use building comprising 6 no. 2-bed flats (affordable) and 2 no. commercial units (Use Class B1/A1/A2/A3/D1), with associated access and parking; 4 no. 2-bed dwellings (affordable) and 5 no. 3-bed dwellings (affordable), with associated access and parking; associated roads, parking, play area, amenity space, landscaping and substation to form a Local Centre (reserved matters relating to P/2010/0289/MOA).
8. **P/2013/1209/MPA Palace Hotel, Babbacombe Road, Torquay** (Pages 33 - 52)  
Erection of single and two storey roof level hotel bedroom extension. Reconstruction of west wing of hotel. Reconstruction of existing three storey wing on NE elevation to provide 4 storey block of additional guest accommodation. New Spa and gym facilities to SE elevation and replacement Orangery. Redevelopment of existing garage building to provide 73 car parking spaces and an additional 40 spaces to hotel frontage. Construction of 137 flats with leisure facilities on tennis court site with 181 covered car parking spaces and 24 visitor spaces. Restoration of gardens, woodland management, including limited felling of TPO trees and improvements to local footpaths.
9. **P/2014/0030/MPA The Pines, 78 St Marychurch Road, Torquay** (Pages 53 - 55)  
Re submission of P/2013/1070 for a new four storey residential apartment block comprising 14 units with associated car parking St Marychurch Road, Torquay. Amendments comprising relocation of building forwards in the plot and revised roof design.
10. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
11. **Site visits**  
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 5 March 2014. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.

## West Devon

# Speaking at the Planning and Licensing Committee

If you would like to speak at the Council's Planning and Licensing Committee meetings, either in support of or objection to an application, please use the following procedure.

## About speaking at the Planning and Licensing Committee

Please note, the following guidelines only apply to applications listed on the main schedule in an agenda.

If you wish to address the Planning and Licensing Committee, you should give notice of your intention no later than three clear working days before the Planning and Licensing Committee meeting is held.

## What's the procedure?

The procedure for speaking during a Planning and Licensing Committee is as follows:

- A planning officer will first summarise the case, by reference to a written report
- You will then be invited by the Chairman to speak, uninterrupted, for no more than three minutes
- You must confine yourself to material planning issues - if you need advice on what these might be, please speak to a planning officer beforehand
- You must not make defamatory statements or comment on the procedural issues - this can be dealt with via the Council's Complaints Procedure
- Following this, you may be asked questions by the Committee. This is simply to ensure complete understanding of your points - it is not a cross examination
- The Committee will then debate the case and make a decision.

## Additional information

The Chairman has absolute discretion to limit the number of speakers on any application.

It is the Chairman's practice to allow only one supporter and one objector to speak on each application (including if it is deferred for determination to a later meeting). Therefore if a group of you wish to speak, it would be sensible to appoint a spokesperson to speak on your behalf.

## Car Parking

Please note: Car Parking Space at Kilworthy Park is limited, therefore please allow time in case you have to park elsewhere.

## Request to speak at Plans Committee

Please complete this form and send by post to-

Planning Support  
 TORRIDGE DISTRICT COUNCIL  
 Riverbank House,  
 BIDEFORD  
 EX39 2QG

- or complete the form online at

[www.torrige.gov.uk/speakplanning](http://www.torrige.gov.uk/speakplanning)

Requests to speak must arrive no later than 2pm two days before the scheduled Committee Meeting.

Other issues such as:

- Ownership
- Boundary disputes
- Loss of / impact on views
- Private rights of way, light or easements
- Damage to property
- Access for maintenance
- Applicant or neighbours behaviour
- Age, health, status or background of an individual
- Size of the applicants family
- How long the applicant has been living there
- The applicant's motive
- What may happen in the future
- Loss of Trade

For further information or advice contact:  
 Planning Support, Riverbank House, BIDEFORD, EX39 2QG

## Public Participation Code of Conduct

In seeking to speak at a Plans Committee...

**You must:**

- Treat everyone with dignity and respect.
- Register your wish to speak no later than 2 pm two days before the scheduled Committee Meeting and agree to abide by this code
- Ensure what you say is factually correct

**You must not:**

- Speak when the Chair speaks
- Make personal or slanderous remarks
- Be abusive
- Interrupt speakers
- Go beyond the prescribed time allowed of 3 mins.

You are not entitled to take advantage of the defence of 'qualified privilege' and may be liable to legal proceedings for possible defamation.

The Chair has absolute discretion over this Public Participation Scheme and may temporarily suspend, vary or withdraw the Scheme at a particular meeting.



## Guide to Public Participation at Plans Committee

This meeting may be recorded by the Council and possibly by a third party

Torrige – a great place to work, live and visit

Application Number:
Site Address:
Full Name:
Address:
Day-time Tel. Number:
*I wish to speak <b>IN SUPPORT</b> of this application / I wish to speak <b>AGAINST</b> this application
*Please delete as appropriate
I AGREE TO ABIDE BY THE CODE OF CONDUCT
Signed:
Date:

## Public participation at Plans Committee

In a move to improve local democracy, the public now have the opportunity to speak at formal meetings of the Council's Plans Committee. This leaflet sets out the terms and conditions for that public representation.

### How many people can speak- and for how long?

In most cases, up to four members of the public can address the Committee on a specific application. Two would be objectors, and two either as applicant /agent or as a supporter. Each speaker will have up to three minutes to put his or her case.

A representative from the Town or Parish Council is also given 3 minutes to express the views of that council.

### To be eligible to speak ....

You must make a request in writing following publication of the Committee Agenda and it must arrive no later than 2 pm, two days before the scheduled Committee meeting, so if the meeting is on a Thursday, the request must be received by 2 pm on the previous Tuesday.

The written request must be sent via the form on the Council's website (see details in letter) by email to [speakplanning@torridge.gov.uk](mailto:speakplanning@torridge.gov.uk), or by post to Planning Support, Plans Committee, Riverbank House, Bideford, EX39 2QG

You must include the application number, site address, your full name, address and telephone number and whether you are in favour or against the application. A form is attached for your use.

You must agree to abide by the Code of Conduct outlined in this leaflet.

### What if more than two people wish to speak in support or to oppose a proposal?

The procedure allows for two people to speak in support of the application and two against. Requests to speak are dealt with through the process highlighted above, and where there are more than two people wishing to speak they will be required to organise spokespeople to represent the views on each side. After the deadline date of 2 pm on the Tuesday before Committee, a list of people requesting to speak will be posted on our website at [www.torridge.gov.uk/speakplanning](http://www.torridge.gov.uk/speakplanning) and in Council reception areas.

### What happens at the Committee Meeting?

Those who have a valid request to speak will be required to report to the Committee Clerk 5 to 10 minutes before the meeting starts. The Committee Clerk will meet all the speakers, explain the procedure, and show you where you will be asked to sit and present your case.

Working through each application on the agenda, the Committee Chair will first invite the Planning Officer to introduce the application and advise the Committee of the main planning issues and the recommendation. The Chair will then invite the Parish / Town Council representative to speak on behalf of their local council. The nominated objectors to that specific item will then put their views, to be followed by the applicant/agent and/or supporters.

The speakers will not have the right to question Members or the Planning Officers. The Committee will then discuss the application and will have the opportunity of further guidance from the Planning Officers before reaching their decision.

It is essential that there is no unnecessary repetition of points made and the Chair will strictly control the procedure exercising discretion when required in order to satisfy 'natural justice' and provide members with the required information upon which to make an informed and well-considered decision.

Each speaker will be allocated 3 minutes in which to make their views known. This time limit will be strictly applied by the Committee Chair. An application will not be deferred because a speaker is not present. Please bear in mind that by law the Council can only take into account certain matters when considering planning applications.

### What if a decision is deferred, perhaps for more information or a site visit?

The right to speak can only be exercised at the first meeting at which the planning application is considered. The only exception is if an application is on the agenda but the item is deferred prior to the Planning Officer presenting the case.

### Putting your case to the committee ..... a few pointers

When putting your case you must only talk about planning issues as the Committee can only make a decision on planning grounds.

If you address the Committee on other matters which are not planning issues, the Chair may interrupt you, or even withdraw your opportunity to speak further. This also applies if you act inappropriately.

It will be helpful if you are able to prepare your presentation in order to ensure that the key points are made and that you are able to keep within the time limit.

In all issues relating to public speaking at the Plans Committee, the Chair has the ultimate discretion.

### The Committee must consider

In reaching a decision the Plans Committee must consider all relevant planning policies in the Development Plan (i.e. Torridge District Local Plan and Devon Structure Plan), relevant Government Policies and all relevant material planning considerations.

### Some of the most common "material considerations" include:

- Loss of light or over-shadowing
- Overlooking /loss of privacy
- Overbearing
- Loss of trees
- Layout and density of development
- Design and appearance
- Nature conservations
- Landscape impact
- Tourism / employment
- Sustainability
- Previous planning history and appeal decisions
- Highway safety, parking and turning
- Traffic generation
- Effect on Listed Buildings and Conservation Areas
- Landscaping
- Archaeology
- Hazardous materials
- Disabled persons access
- Noise and disturbance resulting from a use
- Odour / Fumes

### The Committee cannot normally take into account:

Matters controlled by other legislation such as Building Regulations. Examples include -

- Encroachments of foundations, gutters, pipes, etc
- Structural stability of a property
- Terms of gaming or alcohol licences
- Control of rodents
- Noise and dust from construction works

## Cornwall



### Public speaking at Planning Committees

Last updated: 17/01/2014 [Subscribe](#)

If you wish to speak at a planning committee meeting, please use the [public speaking registration form](#). Please note, registration to speak will commence on the publication of agendas.

The purpose of this scheme is to give the public, Parish Councils and applicants an opportunity to make their views known in person to the Planning Committee. Letters of support or objection will also continue to be taken into account.

The information below sets out the basic parameters of a system of public speaking using a Question and Answer approach.

You can view [details of future committee meetings](#).

#### Who can speak?

An objector (whether they have made written comments or not), a representative of the Parish/Town Council and the applicant or a supporter (whether they have made written comments or not) may each speak on a planning application which is due to be heard at the Planning Committee.

Objectors, applicants and supporters must register to speak as below but Parish/Town Council representatives will be entitled to speak, subject to the Clerk of their Council notifying Democratic Services of the nominated speaker(s) and the application(s) they will be speaking on.

In the event of more than one objector or one applicant/supporter wishing to speak, a spokesperson should be agreed between the objectors or applicant/supporters, as the case may be, to speak for all persons in the same category, prior to the meeting. Professional agents may be used by any party entitled to speak.

Public speaking is not an adversarial opportunity. It relates solely to the Committee procedure and decision making process as a whole. 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 material planning related points before a decision is taken.

For Major applications additional time will be allowed, as detailed below, as these applications tend to generate more interest and comment.

#### How will a spokesperson be appointed?

If the objectors or applicant/supporters cannot reach agreement about who will speak, then the person who asked first will be given the opportunity to speak. Any subsequent speakers will be asked to co-ordinate their representations through a spokesperson, otherwise the person who registered next will be given the opportunity to speak next. Subsequent speakers will only be allowed in relation to major applications as only one speaker for each category is permitted to speak on minor applications.

#### How much time will be allowed for speakers?

For minor applications there will be a maximum of nine minutes public speaking time allotted to each development proposal. The time is divided between the following categories:

- Objectors (three minutes for the first registered speaker)
- One Parish/Town Council representative (three minutes in total)
- Applicant/supporter (three minutes for the first registered speaker)

For Major applications the amount of time afforded to each category of speaker will be increased by allowing a second speaker to speak for three minutes. In the case of Parish/Town Councils this will be one speaker from the local Council and one from the adjoining local Council. A buzzer or some other device will be used to indicate the end of each three minute speech.

The time limits imposed will be strictly observed and interruptions will not be allowed. You will not be allowed to complete your presentation if the time limit expires. Speakers should restrict their comments to material planning considerations only, examples are listed below.

#### Can I speak on any planning application?

Only on those which are due to be determined by the Planning Committee.

The vast majority of the applications are, however, determined by planning officers under 'delegated powers' and do not go to Committee. A request for public speaking will not transfer a delegated application to a Committee application.

## How will I know when a particular application will be heard at Committee?

The Council will advertise details of which items will be heard at Committee on its website and objectors/supporters who commented on the application will be notified in writing.

## How do I arrange to speak at the meeting?

There are several ways you can register to speak. You can complete a [registration form](#), found at the main Planning receptions or on the website, and send it to or telephone a Democratic Services Officer. All requests to speak must be received by no later than 12 noon two working days before the Planning Committee meeting. Contact details for Democratic Services can be found at the end of this page.

## When and where are the meetings held?

Planning Committee meetings are held in each of the areas (West, Central and East) every four weeks, and a Strategic Planning Committee meeting is held every four weeks. Further details on dates, locations and times are available in the Planning receptions, on the Council's website or by telephoning 0300 1234 151.

## What is the order of business at the meeting and what is the procedure for speaking?

The order of business at the meeting is normally as printed on the agenda. The Chairman will start the meeting by explaining the rules of public speaking. The Chairman will announce each application and a planning officer will give an introduction. The objector(s)\*, the Parish/Town Council representative(s)\* and the applicant/supporter(s)\* will then be called to speak, in that order. The Chairman will invite the Councillors to ask any questions of the speakers after each speaker has finished to clarify any matters of fact but such questions shall be limited to relevant planning issues. Public address is not an opportunity to engage officers or Councillors in dialogue, however, at the end of the period of public address the Chairman will allow officers to clarify any matters raised and/or to point out any non-material considerations in the submissions.

\* There may be up to two speakers per category of speaker but only where a major application is being considered.

Committee Members will then discuss the application and may seek clarification from the planning officer on particular points prior to making their decision.

## Who will be at the meeting?

The Sub-Area Planning Committee for the area, which is made up of 15 elected Members, or the Strategic Planning Committee, which is made up of 21 elected Members, as appropriate. Council staff attend to advise Members and to formally record the meeting. The applicant and any member of the public may attend to listen to the debate and the media is often present.

## What will I be able to speak about?

This will depend on the application, but should be restricted to material planning considerations. Examples may include:

- Government guidance and Local/Structure Plan Policies
- The Development Plan
- Highway safety and impact of traffic in the environment
- Design, appearance and layout – visual impact
- Residential amenity – privacy, loss of light, overbearing, noise, smells
- Conservation of buildings, trees and open land
- Need to safeguard the countryside or protected species of plant or animal
- The need for development
- Previous planning history of the site
- Case Law
- Appeal decisions

## The following are examples of matters which cannot normally be taken into account by the Committee:

- Private property rights such as covenants
- The applicant/developer's identity, morals, motives or past record
- Effect on the value of your property
- The fact that development has commenced without the benefit of planning permission
- Loss of a private view
- Private neighbour disputes

(You are therefore advised that reference to these matters in your presentation will reduce the time available to refer to valid material considerations)

## Can I ask any questions?

No. There will not be an opportunity to ask any questions at the meeting.

## Can I provide additional information to present at Committee?

No. Third party documentation cannot be displayed or distributed at Planning Committee meetings.

## How will my representations be recorded?

## Cornwall Council - Public speaking at Planning Committees

Minutes will be taken but will only record the names of speakers, which applications they addressed and whether they spoke for or against the proposal or as a Parish/Town Council representative. The minutes are available for inspection at least five working days before the next scheduled meeting and will be published on the Council's website.

### What happens if an application is deferred?

Even if the Committee decides to defer the application after hearing the speakers there will be a further public speaking session at the Committee meeting to which the application is brought back for consideration but the registration requirements will still apply. In respect of deferral of applications for site meetings, if the Committee decides to defer the application after hearing the speakers there will be a further public speaking session at the Committee meeting to which the application is brought back for consideration. Registration requirements will still apply but preference will be given to those that initially registered to speak. When an application is reported back to the Committee, following a site inspection, if there are vacant public speaking slots these may be filled subject to the normal registration process. The numbers of public speakers at committee for each application will not be affected.

### What happens if an application is withdrawn prior to being heard?

Applications are seldom withdrawn however, if the application is withdrawn before being presented at the meeting, those who have already expressed a wish to speak will be notified before the meeting, providing that sufficient time has been given for officers to notify those involved of the withdrawal.

### Can I make representations on more than one application?

Yes, representations may be made on more than one planning application.

### Can I see the Planning Officer's report on the website?

Yes, reports can be seen on the [Council's website](#) at least five working days before the relevant Planning Committee meeting.

### Who do I contact if I have any queries on public speaking?

If you have any questions in addition to those already answered in this guide, please contact a Democratic Services Officer. Their contact details, including a telephone number will be listed on the web page for each meeting and printed on each agenda.

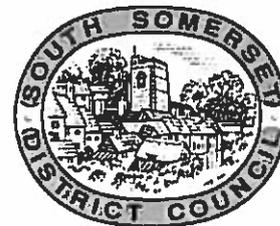
Alternatively you can telephone 0300 1234 100 or [Email the planning committee](#)

Copyright Cornwall Council 2014

**South Somerset**

**South Somerset District Council**

*Notice of Meeting*



## **Area East Community Regeneration Sub Committee**

*Making a difference where it counts*

**Wednesday 27 March 2013**

**9.00 am**

**Council Offices  
Churchfield  
Wincanton  
Somerset BA9 9AG**

(Location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge** on Yeovil (01935) 462570  
Email: [anne.herridge@southsomerset.gov.uk](mailto:anne.herridge@southsomerset.gov.uk) website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This agenda was issued on Tuesday 19 March 2013

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

This information is also available on our website:  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



## **Information for the Public**

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (should members wish to approve planning applications which are outside Council policy the applications are referred to the district-wide Regulation Committee). The Community Planning Sub-Committee meets approximately every three months to consider issues relating to community planning and has delegated authority to award grants on behalf of the Area East Committee.

Decisions made by area committees, which include financial or policy implications, are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the Council's Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman's discretion, speak for up to up to 3 minutes on agenda items; and
- view the agenda reports.

Meetings of the Area East Committee are normally held monthly at 9.00 am on the 2nd Wednesday of the month in the Council Offices, Churchfield, Wincanton

Agendas and minutes of area committees are published on the Council's website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk).

The Council's Constitution is also on the web site and available for inspection in the Council Offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

# Cheshire West and Chester

Cheshire West and Chester Council use cookies to ensure that we give you the best experience on our website. If you continue without changing your settings, we'll assume that you are happy to receive all cookies on our website. However, if you would like to, you can change your cookie settings at any time.

[skip navigation](#) [site map](#) [contact us](#) [accessibility](#)



[Residents](#) [Business](#) [Your Council](#) [News and Views](#) [My West Cheshire](#) [A-Z](#) [Contact us](#)

[Home Pages](#) > [Residents](#) > [Planning and building control](#) > [Planning service](#) > [Planning minutes and agendas](#) > [Public speaking at planning committee](#)

## Public speaking at planning committee

### What are the basic rules?

In order to speak you must have submitted written representations, electronic submissions are encouraged, on the relevant planning application to the Head of Development Management at least 14 days prior to the committee meeting.

Please contact the case officer for the date of the meeting or view the website page and select the relevant committee.

[Planning Minutes and Agendas](#)

### Who can speak?

Members of the public and elected representatives of parish and town councils are allowed to speak on each planning application at the Planning Committee.

The procedure allows two people (one in support, one against), a representative of the Town/Parish Council, plus the applicant or their agent, to address the Committee members on relevant planning applications.

If there are several objectors and/or supporters who wish to speak on an application, each group will need to organise a spokesperson to speak on their behalf. Each speaker will be given a maximum of three minutes.

If an agent wishes to speak on behalf of the applicant they must be the agent named on the specific planning application form, or have provided the Local Planning Authority with written notification before Committee that they have replaced the original agent. As an alternative, the applicant can appoint somebody to speaking on their behalf. That person must have confirmed in writing prior to the Committee that they represent the applicant.

For a major development, additional speakers may be allowed but this would be at the discretion of the Chairman of the Committee in discussion with the Head of Development Management.

### Who cannot speak at the Committee?

Representatives of statutory bodies and organisations who have been formally consulted on the application.

### What can I speak about?

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

[Home Pages](#)

[Residents](#)

[Planning and building control](#)

[Planning service](#)

[Planning minutes and agendas](#)

[Public speaking at planning committee](#)

[Listen to this page](#)

[Rate this page](#)

## Public speaking at planning committee

In addressing the Committee you are requested to restrict your comments to issues which are material planning considerations and relevant facts. Some examples of material planning considerations may include

- the environmental impact of the development
- the impact of the development on the highway network
- any policy in the Council's Local Development Framework, or the relevant Local Plan for your area.
- central and regional Government planning policy guidance, circulars, orders and statutory instruments

The following list highlights some of the issues that may be taken into account by the Committee:

- Planning laws and previous decisions
- Noise, disturbance, smells
- Residential amenity
- Design, appearance and layout
- Impact on trees, listed buildings and conservation areas
- Public open space

The following list highlights some of the issues that will not be taken into account by the Committee:

- Boundary disputes
- Private rights of way, private covenants or agreements
- The applicant's conduct, private affairs or how a business is run
- The applicant's motives (including profit)
- The impact on property values
- Suspected further development
- Loss of views over other people's land
- Land ownership

The laws of slander are very strict. If you say something defamatory in public about a person which is not true, even if you believe it to be true, you may be at risk of legal action. You are strongly advised to avoid such comments when speaking at Committee.

### **Are there any constraints on issues I can raise?**

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

The circulation of plans, photographs, or other material at the Committee meeting will not be permitted. Any such documentation should be submitted to the Head of Development Management marked for the attention of the relevant case officer Planning Officer as part of the existing consultation arrangements.

### **How often may I speak at Committee?**

If a proposal is deferred after public speaking has occurred on that item, you will 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 cannot attend on the day of Committee?**

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

Please make sure that you are able to be present at the Committee meeting at the time the relevant item is to be considered.

### **What if two people are already registered?**

The protocol only allows one person from each category to speak on any application. If two or more people register a request to speak, they will be contacted and asked to agree a spokesperson to represent their 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, in writing. The attached form must be filled in and returned to the Development Management Service.

It is your responsibility to contact the Development Management Service in order to register your wish to speak.

The deadline for registering to speak is 12 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 (five days prior to the Committee date), nor with any officer other than the nominated officers. Committee papers can be obtained at the Planning Minutes and Agendas page by selecting the relevant Committee.

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

## How long can I speak for?

All speakers either in support or against the application or speaking on behalf of the applicant will be allowed a maximum of three minutes to address the Committee.

## What is the order of discussion at a Committee Meeting?

The discussion on applications will be in the following order:

The Chairman of the Committee will announce the application.

The Development Control Manager or their representative may present the item, and will add any further information relevant to the application and report. Members of the public can then speak in the following order:

- Objector
- Supporter
- Parish or Town Councils
- The applicant/agent to address the Committee

The Chairman will invite the local Councillor to address the Committee.

In the event of any dispute over these procedures or the Committee's protocol the Chairman's decision is final.

Those non Council participants addressing the Committee will be advised when they have 30 seconds of their allotted three minutes remaining and will be expected to cease talking immediately on being advised that their three minutes is up.

Please note that any speakers who are not Members of the Committee will not be entitled to ask questions of officers, the Committee or each other and must take no further part in the procedure once they have finished their address to the Committee.

No cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.

## Request to speak at meetings of the Planning Committee

There are three ways to make a request:

Via our online form

Print the form, Request to Speak at Planning Committee (PDF, 29.9KB), complete it and return it, through the post, the address is on the form.

Contact the Planning team and request a form.

Email: [planning@cheshirewestandchester.gov.uk](mailto:planning@cheshirewestandchester.gov.uk)

Telephone: 0300 123 7027

[Your services](#) > [Planning](#) > Request to speak at Planning Committee

## Request to speak at Planning Committee

We are committed to extending public participation in the planning process. Members of the public are welcome to put their views on a planning proposal directly to the Planning Committee when planning applications are being considered. Letters of support or objection will also continue to be taken into account.

### FAQs

#### Can I speak on all planning applications?

You will only be able to speak on those planning applications which are due to be determined by the Planning Committee.

#### When and where does the Planning Committee meet?

Planning Committee meetings take place in the Town Hall, Lancaster Road, Preston. There is usually one meeting per month on a Monday starting at 10am. Dates of meetings are subject to change but you can [check the current meeting dates here](#).

#### How will I know when a particular application will be heard at Committee?

The Council will advertise details of which items will be heard at its Planning Committee meetings on the website. Agendas are available at least five working days before the relevant Planning Committee meeting. [View the Agendas here](#).

#### Who can speak at the meeting and how long?

Any person directly affected by proposals, including applicants, objectors or supporters (or their representatives) may request to speak. In addition, ward councillors whose wards are directly affected may also request to speak.

Each request will be considered by the Chair. The decision as to whether someone is directly affected by a proposal will be made taking into account:

- i. the proximity of the site to those affected;
- ii. the size and nature of the development and its potential impact;
- iii. whether the objections or support relate to a perceived direct impact on the speakers; and
- iv. the number of people objecting or supporting who perceive a direct impact.

There will be a maximum of three speakers (excluding ward councillors) for each item and each person is permitted to speak for a maximum of 3 minutes. The total time allocated to public speaking for each item is therefore 9 minutes.

Following the presentation of the report by officers, the order of speakers will be:

1. Objectors or supporters
2. Applicants or agents
3. Ward councillors

Where more than one person wishes to speak within a particular category, it is advisable to appoint a spokesperson. If a spokesperson cannot be appointed, then the people whose requests were received first will be given the opportunity to speak.

Members of the Planning Committee may ask questions of objectors, supporters and applicants. This will take place immediately after each address by a speaker. Members may then seek clarification from officers on particular points, prior to making their decision.

Speakers will not be allowed to address the Committee other than in their allocated time or to answer questions from Committee members. Responses to questions must be made through the Chair.

#### How do I arrange to speak at the meeting?

All requests to speak must be made using our online form, which is accessible via the [Planning application search](#) page of the Council's website. Requests must be made by the Tuesday of the week preceding the Planning Committee meeting.

If you have requested to speak at a Committee meeting, you are advised to arrive no later than 15 minutes before the start of the meeting in order to register your details with our Member Services representatives who will be outside the committee room.

The submission of a request to speak does not guarantee speaking, as this will be at the Chair's discretion.

#### Can I provide additional information to present at Committee?

Any visual material, including plans and photographs, must have been submitted in advance to the Planning Officer dealing with the application. Their contact details can be found in the letter you received from us notifying you of the

## Public speaking at Planning Committee

planning application or by entering the planning application reference number on the [Planning application search](#) page of the Council's website. Any further additional information cannot be circulated during the meeting.

If you wish to show a powerpoint presentation, you will need to email the presentation, along with details of your name, contact details and planning application reference number to [devcon@preston.gov.uk](mailto:devcon@preston.gov.uk) by the Tuesday of the week preceding the Planning Committee meeting and it will be pre-loaded onto a laptop in the meeting room ready for you to use (subject to your request to speak being accepted).

It will not be possible for electronic presentations to be arranged on the day of the Planning Committee meeting using a portable storage device such as a memory stick.

Please do not duplicate any material contained in the report to Planning Committee as this information will be taken into account in any decision.

### **What will I be able to speak about?**

This will depend on the application, but must be relevant to planning, for example:

- Planning policies and guidance (local and national)
- Noise and disturbance
- Highway safety and traffic
- Design, appearance and layout
- Residential amenity
- Conservation of buildings, trees and open land and the need to safeguard protected species
- Impact on the appearance of the area
- Effect on the level of daylight and privacy of existing property
- Planning case law and previous decisions
- The need for development
- Previous planning history of the site.

Matters which cannot be taken into account include:

- Matters covered by other legislation such as licensing or the Building Regulations
- Private property rights such as covenants or boundary disputes
- The character or identity of the applicant
- The effect of development on property values
- Commercial competition

### **How will my representations be recorded?**

Minutes will be taken but will only record the names of speakers, which applications they addressed and whether they spoke for or against the proposal or as a ward councillor. The minutes are available for inspection at least five working days before the next scheduled meeting and will be published on the [Council's website](#).

### **What happens if an application is deferred?**

Even if the Committee decides to defer the application after hearing the speakers there will be a further public speaking session at the Committee meeting to which the application is brought back for consideration but the registration requirements will still apply. In respect of deferral of applications for site visits there will be a further public speaking session at the Committee meeting to which the application is brought back for consideration. Registration requirements will still apply but preference will be given to those that initially registered to speak. If there are vacant public speaking slots when an application is reported back to the Committee following a site visit these will be filled subject to the normal registration process. The numbers of public speakers at committee for each application will not be affected.

### **What happens if an application is withdrawn prior to being heard?**

Applications are seldom withdrawn. However, if the application is withdrawn before being presented at the meeting, those who have already expressed a wish to speak will be notified before the meeting, providing that sufficient time has been given for officers to notify those involved of the withdrawal.

What happens if I cannot attend the Planning Committee meeting but still wish to make my views known?

You can continue to make written representations on all planning applications. To do so [search for the planning application](#) and then use the 'Comment on this application' link on the *Planning application details* page. Any comments you make will be taken into account in the consideration the application. If an application is due to be considered at a particular meeting but you are unable to attend, you may wish to consider appointing a representative to speak on your behalf. Applications will not be deferred from meetings for this reason.

### **Can I make representations on more than one application?**

Yes, representations may be made on more than one planning application.

## Can't find the information you are looking for?

If you require help with something in this section, please contact us.

Planning Department  
Town Hall

Email: [devcon@preston.gov.uk](mailto:devcon@preston.gov.uk)

## Public speaking at Planning Committee

Lancaster Road  
Preston  
PR1 2RL

Telephone: 01772 906912

Fax: 01772 906762

## West Norfolk

### Public Speaking at the Planning Committee

The Council is committed to open government and public involvement in the planning process. As part of this commitment, certain members of the public and parish councils have the right to speak about planning applications to the Planning Committee.

The following information will help you to understand this process and sets out the procedure which must be followed. This guidance is also available in hard copy.

- How can I find out when an application will be considered?
- Who can speak at the meeting?
- What can I say?
- How long can I speak for?
- How do I arrange to speak at the meeting?
- Do I have to speak at the meeting for my views to be considered?
- Contact information

#### How can I find out when an application will be considered?

Very broadly, applications may be considered by the Planning Committee if:

- A member of the Council has requested that it be considered;
- Views have been received which are contrary to the officer recommendation, and which raise issues showing wide concern;
- In some instances when a Parish Council has expressed a view contrary to the officer recommendations;
- The proposal conflicts with policy but there are other reasons for support.

Otherwise the decision is likely to be made by the officers.

Meetings are held roughly every four weeks, usually on a Monday in the Committee Suite of the main council offices at King's Court or at the Assembly Room in the Town Hall on the Saturday Market Place in King's Lynn.

The Monthly Meetings Calendar will provide information on when and where the next meeting of the Planning Committee will take place.

The meetings follow an agenda which is published on the website 5 working days before the meeting is scheduled to take place. [View Planning Committee Agendas.](#)

Please note that any correspondence received after the publication of the agenda must be received by the Planning Department before 5.15 pm one clear working day before the meeting – this is usually the Thursday. If it is not received by this time we cannot guarantee that it will be taken into account when the application is considered.

If you have expressed a view in writing about a proposal and, (if the application is to be considered by the Planning Committee), you wish to speak at the meeting, it is your responsibility to check whether the application is included in the agenda. You can do this by contacting the Planning Officer or the Board Administrator or by viewing a copy of the Agenda on the Borough Council's website.

#### Who can speak at the meeting?

If the application is to be considered by the Planning Committee you may speak to the Board only if you have already written to the Council as:

- An objector to a proposal;
- A supporter of a proposal (including the applicant/agent)
- You are a representative of the Parish Council.

However, if there is more than one person who either objects to or supports a proposal, a representative of the relevant group needs to be chosen to address the Board. Failure to arrange this beforehand may forfeit the right to speak. Normally only one speaker (not including the Parish Council) will be allowed to speak for each 'side'.

## Public Speaking at the Planning Committee

If the application is for large-scale major development (as defined by Government returns, except for housing which would also include any development over 100 dwellings) and Infrastructure projects, two speakers are permitted to speak in support of the proposal and two speakers are permitted to speak against the proposal.

### What can I say?

You can only speak about issues which you, or the other objectors/supporters, have already raised in written comments to the Council.

It will help if you are clear and concise and confine your points to relevant planning issues.

You may not:

- Enter into any discussion or debate on the proposal;
- Ask any questions of Councillors, the other party or anyone else at the meeting;
- Use any equipment, however, documents which are already before the Council (e.g. site plan) can be displayed for you to refer to.

At the Chairman's discretion, questions may be put to you by Members after you have spoken.

### How long can I speak for?

You can speak for a maximum of three minutes unless the application is for large-scale major development (as defined by Government returns, except for housing which would also include any development over 100 dwellings) and infrastructure projects, in which case each speaker will be permitted to speak for five minutes.

You will be invited by the Chairman to address the Committee immediately before the application is to be considered.

Items will generally be considered in the order in which they appear on the agenda, although the Chairman may use discretion to alter the order.

You should therefore be prepared to attend the meeting for some time before your item is considered. However, once it has been considered you may wish to stay or leave the meeting.

### How do I arrange to speak at the meeting?

You must notify the Committee Administrator on 01553 616276 of your intention to speak by 12 noon on the working day before the meeting (usually the Friday).

### Do I have to speak to the Committee for my views to be considered?

No. If you have written to the Council regarding a planning application your views will be summarised in the published report and taken into consideration.

You can therefore simply attend the Committee Meeting and listen to the debate if you wish.

You may also consider contacting your Ward Councillor who, (even if not a member of the Planning Committee), can explain your issues to the meeting. However, the Councillor is not your representative and may also express other views.

### What if I have further queries?

The Council has attempted to make this procedure as fair and as easy to operate as possible within the guidelines which the Government sets out for determining planning applications.

If you have any questions that have not been answered by the information given in this leaflet, please contact us.

**Contact Details**

Please contact the Area Planning Officer dealing with the application on:

The Borough Council of King's Lynn and West Norfolk, Democratic Services, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX

Tel: 01553 616276,

Fax: 01553 691663

E-mail: [democratic\\_services@west-norfolk.gov.uk](mailto:democratic_services@west-norfolk.gov.uk)

Last updated: 20 August 2013

# Public Speaking on Planning Applications

You have the right to speak at the Council's  
Planning Committees

This leaflet tells you how the scheme operates.

**The District Council is committed to extending public involvement in the planning process.** As part of the commitment of the Council to extending public involvement in the planning process, there is now a scheme of public speaking for applications that are being determined at a meeting of the Planning Committee. There are already extensive consultation and neighbour notification procedures for applications (see other relevant leaflets), but the ability to speak at the committee meeting enables an even wider opportunity for the applicant/supporters, objectors, and the Parish Council, to put forward their views directly to the Members of the Committee, before the decision is made.

This leaflet explains the Council's public participation policy for supporters, objectors and local councils at meetings. It tries to answer some of the questions you may have about the procedures and what to expect at the meeting. It is based on simple rules, which the Council has formulated to make the system as fair and easy to operate as possible, so please read the entire leaflet.

## **How does the Planning Committee work?**

The majority of applications are determined by officers under delegated powers. Only a small proportion are debated by the Planning Committee, and these will usually be applications which are more controversial, or where there are significant implications that might result from the proposed development.

### **Do I need to attend the meeting to make my comments known to the Committee?**

No - the committee will consider written comments anyway. As the meetings are open to the public you may, if you wish, attend the meeting just to see what happens, or register to speak on an application (see below).

### **How can I find out when an application will be considered?**

The Planning Committee usually meets on the first Wednesday of each month starting at 2pm at The Grange, Ely, although this does not prevent an extraordinary meeting taking place if required. The agenda is published at least five working days before the meeting (Tuesday before the meeting), and copies will be available from the main reception at the Grange and at public libraries; the agenda will also be available on the Council's website, at least two working days before the date of the meeting. It is up to you to check whether the application is on the agenda and to register if you wish to speak (see below) at Planning Committee about an application, and you can do this by phoning either the Planning Case Officer 01353 665555, or Democratic Services on 01353 616392.

### **How do I arrange to speak at the meeting?**

If you wish to speak either for, or against, a development proposal, you will need to phone the Democratic Services Officer on 01353 616392 no later than 5 pm on the Tuesday before the meeting. **Please note that this is the only way to register to speak.** If you have any special needs, or language difficulties or require any adaptations to facilitate this, please let the Democratic Services Officer know when you telephone.

Registration will be on a "first come first served" basis. This will mean that, for each application, the name of the first person to call as an objector or as a supporter will be noted and any subsequent callers will be given their details to organise between themselves how their five minute slot will be used.

### **What is the order of speaking on each application?**

For each item on the agenda, the Planning Case Officer will provide an introduction, and present the planning report to the Committee. The meeting will then move out of formal session and members of the public can speak in the following order:-

- objectors (5 minutes)
- applicant/agent or supporters (5 minutes)
- local Parish/Town Council (5 minutes)

You will be asked to sit at the designated seat set out for public speaking. The Chairman will apply the five minute limit strictly (although if you have any special needs or language issues, the Chairman may exercise discretion to allow you extra time to speak). **At the end of the time, the Chairman may ask Members if they have any questions to put directly to you, in relation to any points that you have made, or to clarify any issue.** If there are no questions, you will then be requested to return to your seat in the public gallery.

The meeting will then resume in formal session. The planning officer may add extra comments and then there will be an opportunity for debate by the Committee. The decision is then made.

**Please note: that District Councillors with a Disclosable Pecuniary Interest in the matter under consideration should not attend the meeting (unless they have a dispensation from the Monitoring Officer beforehand). District Councillors with a personal or prejudicial interest in an item being discussed may speak at the Planning meeting. If the Councillor has a personal interest they will need to declare this before they speak on the issue. If a Councillor has a personal and prejudicial interest, they must declare this before the item is discussed, and can then make representations, answer questions or give evidence – *for the same length of time as a member of the public (i.e. 5 minutes)*. Once this has finished the Councillor must leave the room. The Chairman of the Planning Committee will decide when the Member exercises this right; however, it will be before any debate on the item.**

**Can I ask questions of other speakers?**

No. Once you have stated your case, you are not able to question or interrupt other speakers, or the Committee debate. You can of course seek answers to your questions prior to the meeting, and then state your case on the basis of information given to you.

**Can I use slides or overhead transparencies or circulate supporting documents?**

No. You are not able to use slides, projectors, or other technology when you speak. If you wish to circulate supporting documents, this should be done before the date of the committee meeting. You can request a list of the Councillors names and addresses from Customer Services on 01353 665555. What can I say at the meeting?

You are advised that to make a statement of greatest impact, you should;

- Be brief and to the point
- Limit your views to the planning application
- Confine yourself to relevant planning issues

Relevant planning issues will vary depending on the nature of the site and the proposed development, but may include the following;

- Local Plan, policies.
- Government planning policies (PPS's).
- Planning law and previous decisions
- Highway safety and traffic.
- Noise, disturbance and smells.
- Residential amenity.
- Design, character, appearance and layout.
- Impact on trees, Listed Buildings, and Conservation Areas.

The following would not be considered as relevant;

- Matters covered by other legislation.
- Boundary or area disputes.
- The morals or motives of the developer.
- Suspected future development.
- Loss of views over other people's land.
- Effect on the value of property.
- Personal matters.

**You should particularly note that you should not make derogatory or defamatory remarks about other people. Any such comments leave you open to legal action.**

**When and where are the Committee meetings held?**

Planning Committee meetings are usually held on the first Wednesday of every month. They are held in the Council Chamber at The Grange in Ely and the meetings start at 2pm.

### **How are Parish/town councils involved?**

Parish/town councils are consulted on all planning applications and copies of planning applications are usually available to view with the local councils as well as at the

District Council offices. For details of your local Parish Council Clerk please contact Customer Services on 01353 665555

### **The Role of District Councillors:-**

Councillors are elected to represent you on the District Council. You may like to contact your councillor to discuss the planning application. However he or she will not be able to commit him or herself to a decision before hearing all the evidence and debate at the relevant planning meeting. They will need to take into account planning law and planning guidance as well as public opinion.

Councillors also have the right to attend a meeting, where they have a personal and prejudicial interest, and make representations, answer questions or give evidence – as detailed above.

### **Who do I ask if I have any other queries?**

If you have any questions not answered by this leaflet, you are welcome to contact:-

Planning Services  
East Cambridgeshire District Council  
The Grange  
Nutholt lane,  
Ely  
Cambs CB7 4PL  
Tel: 01353 665555

## 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

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.*

C:\Documents and Settings\Geoff\My Documents\POS\PAS POSE\DM PRACTICE  
PROJECT\Guidanceonpublicspeakingatcommittee-draftABW\tracked\Guidanceonpublicspeakingatcommittee-  
draftABWchanged.doc June 2007

## Agenda Item 7

**Development Management Committee**

**1 April 2014**

**EF/RB**



### **Recommendations of the Development Management Committee Public Speaking Arrangements and Future Agenda and Meeting Management Working Group**

#### **Summary**

At its meeting on 17 December 2014, the Development Management Committee (DMC) recommended that a Working Group be set up to further consider public speaking arrangements together with agenda and meeting management for Development Management Committee meetings. This recommendation was agreed by Council on 26 February 2014 with the following membership of the Group:

Helen Parr (Chairman DMC)  
 David Key (Vice Chairman DMC)  
 Mark Williamson (Member of DMC)  
 Ray Bloxham (P/H – Corporate Business)  
 Brenda Taylor (Liberal Democrat representative)  
 Geoff Pook (Independent representative)

Rather than introducing any changes to public speaking part way through a civic year it was considered that changes to public speaking arrangements and agenda/meeting management should ideally be brought in for the new civic year (so from the Annual Council meeting in May). In order for this to be achieved for the 2014/15 civic term recommendations need to feed from this DMC meeting on to 9 April Council. The Working Group met on 19 March and made the following recommendations.

#### **Working Group's recommendations:**

##### **Recommendation 1:**

**That the following changes to the public speaking arrangements for Development Management Committee (ordinary meetings) and Planning Inspection Committee, be trialled initially for a year and then reviewed:**

- a) Introduction of pre-registration of all public speakers at Development Management Committee on planning applications so that the public (meaning those who have submitted written comment on an application) are required to register, with Democratic Services, their wish to speak on an item 3 working days before the meeting.**

- b) Thresholds for the number of speakers on applications are:**
- **Parish/Town Council representative, 2 objectors, 2 supporters, applicant or agent, Ward Member(s) on minor applications**
  - **Parish/Town Council representative 5 objectors, 5 supporters, applicant or agent, Ward Member(s) on major applications**

**Speakers will be registered on first come, first served basis. Registered speakers will be advised that their contact details will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Public speaking to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).**

- c) Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered public speakers to be taken before items where there are no registered public speakers. Where there are registered speakers for major applications these be taken first.)**
- d) Non-committee members are allowed to speak on Part A non-planning application items, limited to 3 minutes per contribution.**
- e) A maximum of two public speakers (to register 3 working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.**
- f) In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.**

**Development Management Committee (special meetings for non-planning application items)**

- g) Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.**

## **Recommendation 2:**

**That the following changes be made to future Development Management Committee agendas and meeting management:**

- h) No meeting on one day should exceed 2 sessions each of up to 3 hours in length. Where more time is likely to be needed, the business to be split into two meetings.**
- i) Meetings to be timetabled to include breaks and to list items as 'not before' a set time/ scheduled break to avoid unnecessary waiting for members of the public.**
- j) A new timing clock be sourced which allows changeable time limits and a bell/buzzer to sound at the end of the allotted time to alert the speaker that their time is up**
- k) Guidance on public speaking, including an overview of planning considerations which can and cannot be taken into account by the Committee to be shown on the projector screen 20 minutes before the meeting starts.**
- l) The public speaking guidance on agendas to include a list of the key planning considerations that can be taken into account by the Committee together with those that cannot.**
- m) The guide to the Development Management and Planning Inspections Committees and the relevant web-site pages to be updated to reflect the recommendations, if agreed, above.**

Any recommendations on changing the Constitution will require full Council approval.

### **a) Reasons for Recommendation**

To trial a change to the current public speaking arrangements and implement steps to reduce the length of Development Management Committee meetings.

### **b) Alternative Options**

Leave arrangements as they are.

### **c) Risk Considerations**

Well thought out public speaking arrangements can enhance democratic participation and the Council's reputation. However, repetition of the same issues or the introduction of non-planning related issues, which cannot be taken into consideration by the Development Management Committee in their decision making, can result in overly long meetings.

### **d) Policy and Budgetary Considerations**

Additional meetings, if such be recommended, involve additional officer and member costs and resources.

### **e) Date for Review of Decision**

It is recommended that Members trial new arrangements for a year and review them in May 2015.

---

## 1 Main Body of the Report

- 1.1 The Committee had considered public speaking and agenda management at its December meeting. That [report](#) sets out the basis and reasoning why it was felt necessary to address the length of the Development Management Committee and justification for the measures proposed to achieve this, and should be referred to in conjunction with this report. The Committee recommended that a working group be established to consider the issues further. This was agreed and set up by Council in February and met on 19 March 2014.
- 1.2 The Working Group was chaired by Cllr Ray Bloxham. The Group's remit was to consider public speaking arrangements and future agenda and meeting management for Development Management and Planning Inspections Committees. All members of the Working Group were in attendance, plus the Development Manager, Principal Solicitor and Democratic Services Officer.
- 1.3 The Group's main concerns were:
- the length of recent Development Management meetings [up to 11 hours] and the wait involved for applicants and public,
  - and the ability of a committee to remain focused and function at the optimum level for that period of time.

### Background and Current Public Speaking Arrangements

- 1.4 Following the Systems Thinking review of the planning service, and approval at Annual Council in 2008, public speaking was introduced at Development Management Committee for individual planning applications in January 2009. Over the first 12 months following the introduction of public speaking the length of the meetings did not increase significantly with them lasting on average 3 hours and 20 minutes and Members considering on average 8.6 applications per meeting. Over the last 12 months however the meetings have lasted on average 7 hours and 25 minutes and 13.4 applications have been considered per meeting on average. This represents a very significant increase in the length of meetings and the number of applications being considered despite there being no change in the meeting arrangements or the scheme of delegation. While the number of applications at committee overall has increased it is worth noting that the number of major applications being determined has also risen markedly since 2009 with 54 major applications being determined in 2009 compared with 90 in 2013. Although this has been affected by the lack of an up to date local plan and 5 year housing land supply it is considered that the economic recovery will mean that this level of work is likely to continue to grow.
- 1.5 Public participation is recognised as being at the heart of the Development Management process and public engagement is to be encouraged. However public engagement does not just mean being able to address the committee but rather it is the ability throughout the process to make their views known and to have those views taken into account by the decision maker. The main part of the public engagement is the ability to comment on the application during the initial consultation period. Officer reports to the DMC include a summary of written consultation responses received from neighbours and others and identifies the salient issues raised by those writing in. The main body of the reports seeks to focus on those matters that are relevant and which can properly be taken into account in the planning process.

- 1.6 It is also considered that the length of the Development Management Committee meetings is in itself a barrier to public engagement in the meetings in that those wishing to speak at meetings often have to wait several hours for their item to be heard and in some cases are not able to wait that long so have to leave before the item is considered.
- 1.7 Reminder of current arrangements - Members of the public wishing to speak enter their name on the sheets located near the entrance to the Council Chamber. There is currently no requirement to register the wish to speak before the day of the meeting. All individual contributions are limited to a period of 3 minutes – interested groups of objectors or supporters are asked to appoint a spokesperson for the group, although in reality this rarely (if ever) happens.
- 1.8 The Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time. Speakers are also asked not to come to the microphone if their points have already been covered. In reality this can be difficult to manage as speakers come with prepared speeches which they want the Committee to hear in full and the points are not often stated in the same way so that the Chairman can easily identify repetition. Even where the speaker is asked to move on, they often say that the point is slightly different to those that have been made before or that there is a new element to the same point.
- 1.9 The Working Group considered the public speaking arrangements in place at other Devon councils, neighbouring councils and example of authorities further afield. The table below provides a summary of approaches adopted by those councils:

Council name:	Summary of council's approach to public speaking at planning meetings
<b>a)Devon Councils</b>	
Exeter City	Only one speaker in support and one opposed to the application – must request to speak by 5pm on the Thursday before the meeting (Monday evening meeting)
Mid Devon	30 minutes is allowed for public questions at the beginning of the meeting in addition one spokesperson in support of the application and one in objection will be allowed to speak for 3 minutes prior to each application being considered. Members of the public wishing to speak are requested to contact the Committee administrator before the meeting starts.
North Devon	Inform Committee administrator before the meeting and fill in a slip provided at the meeting. Time limited to 3 minutes – normally one spokesperson should be chosen to represent those speaking for the application and one for those making representations against. The applicant or his agent then responds.

Plymouth City	Requests to speak must be received by 4.30 pm 2 working days before the meeting. If there is more than 1 objector or supporter, they will be asked to agree a spokesperson amongst themselves. Details of the nominated spokesperson must be received by Democratic Services by 4.30 pm 1 working day before the meeting. One objector and 1 supporter may each speak for a maximum of 5 minutes.
South Hams	Notice of intention to speak is required – by 12 noon on the Monday prior to the meeting (held on Wednesday). One objector may speak (3 minutes maximum or 5 minutes for a major application). If there is more than one supporter, one person must be chosen as a spokesperson.
Teignbridge	<p>Notify wish to speak by 12 noon on Thursday prior to meeting (meet on Tuesday morning).</p> <p>Major Applications - Up to two objectors may speak for 5 minutes each. Up to two supporters may also speak for 5 minutes each.</p> <p>The time between objectors and supporters is balanced so that a supporter will have a total of 10 minutes if there are two objectors speaking and vice versa</p> <p>Other Applications - One objector and one supporter may speak for a maximum of 3 minutes each.</p> <p><a href="#">Guide on how to speak at Planning Committee Meetings</a></p>
Torbay	<p>Register at least one hour before the meeting. Normally only 1 objector and 1 supporter speaking for a maximum of 5 minutes each.</p> <p>Applications for which members of the public have registered to speak as a supporter or objector are taken first.</p>
Torridge	<p>Up to 4 members of the public can address the Committee on a specific application – 2 objectors and 2 either applicant/agent/supporter. Given 3 minutes each. Must request wish to speak in writing to arrive 2 days before the scheduled meeting – by 2pm. Asked to complete a form with their full details. If more than 2 people wish to speak against or for, they must nominate a spokesperson. Lists of speakers will be posted on website in advance of meeting.</p> <p><a href="#">Guide to public participation at plans committee</a></p>
West Devon	<p>Give notice no later than 3 working days before meeting is held. 1 supporter and 1 objector - if there is more than 1 supporter or objector, a spokesperson must be nominated. Able to speak for 3 minutes each.</p> <p><a href="#">Guide to public participation</a></p>

<b>b) Neighbouring Councils</b>	
Cornwall	Need to complete a public speaking registration form or phone – requests to speak must be received by no later than 12 noon 2 working days before the planning meeting. Speakers permitted are an objector, a representative from the local council and the applicant or supporter. Objector and supporter must register to speak. Spokesperson arrangements detailed. Speakers given a maximum of 3 minutes each but time may be increased for major applications to allow a second speaker to speak for 3 minutes.
South Somerset	At the Area Committee Chairman’s discretion, members of the public are able to speak for up to 3 minutes on agenda items.
<b>c) Other examples</b>	
Cheshire West and Chester	Require written representations 14 days prior to the committee meeting. One in support and one against may speak plus a local council representative and applicant or agent. Need to appoint a spokesperson if more than one objector/supporter wishes to speak. Allowed a maximum time of 3 minutes each.
East Cambridgeshire	Must register in advance – first come first served. The first registered objector and first registered supporter will be given the details of subsequent people wishing to speak and they will then organise between themselves how the five minute slot will be used.
King’s Lynn & West Norfolk	One speaker from each side unless major application when 2 speakers allowed. To speak for a maximum of 3 minutes unless a major application when 5 minutes allowed. Request by 12 noon on the working day before the meeting.
Preston City	Any person directly affected by proposals, including applicants, objectors or supporters (or their representatives) may request to speak. Each request will be considered by the Chair. Maximum of 3 speakers for each item for a maximum of 3 minutes each. Spokesperson arrangements. Requests to speak made using on-line form. Request to speak does not guarantee speaking as this at the Chairman’s discretion.

It is worth noting that many of the authorities listed above handle far fewer applications per year than East Devon. The following table compares the number of applications in total and the number of major applications determined by each Devon authority during the year ending Dec. 2013.

Council	Number of applications	Number of major applications
East Devon	2066	90
Exeter	839	38
Mid Devon	1118	33
North Devon	1160	30
South Hams	1509	32
Teignbridge	1200	43
Torbay	1026	29
Torridge	810	42
West Devon	517	13

With levels of delegation being similar between all of the Devon authorities it is clear from this table that the workload of the Development Management Committee at East Devon is much greater than other similar committees in Devon. The other authorities all seek to manage public speaking in some or all of the ways recommended by this report despite having much smaller numbers of applications to consider.

#### Public Speaking Arrangements – Working Group’s key recommendations

- 1.8 The purpose of the Working Party’s recommendations was to address the length of DMC meetings and to offer the public realistic arrangements for them to have their say on planning applications. Under that remit the Working Group felt that the principle of limiting the number of public speakers, in line with the approach of the majority of other local planning authorities and published practice guidance on public speaking in planning committees, should be introduced but on a trial basis. It was considered that a higher number of speakers should be allowed on major applications where there is likely to be a greater number of issues to consider and a higher number of affected residents whose views need to be considered.
- 1.9 In addition there should be pre-registration of public speakers together with the other identified measures to try and structure the agenda to make the best use of committee time and to limit the waiting time experienced by members of the public and the applicant.
- 1.10 There are a number of reasons why these recommendations are considered to be necessary and appropriate:
- To avoid repetition from many of the same issues being highlighted by speakers but in slightly different ways. Instead those that speak will be expected to act as representatives of those in opposition or support of the application and to emphasise key points rather than simply reiterate those already made in written representations.
  - The representations received through the consultation process are all documented in the committee report and addressed in the officer’s analysis and therefore speakers are often reiterating points that Members will already be aware of and be considering. Furthermore the comments on each application can all be read in full by Members through the Council’s web-site and therefore having these comments read out at committee is unnecessary.

- The Working Group considered that given that the elected ward members were also available to represent the views of the community at committee meetings that it was only necessary to hear from a sample of those who had commented on the application to understand the community's views.
- The recommendations are in line with the Planning Officers Society guidance note: "Public Speaking in Planning Committees" and the procedures at the majority of other nearby local authorities many of whom have fewer applications to consider.
- Pre-registration of speakers would enable the agenda to be structured to enable those that wish to speak to have the relevant item heard early in the meeting making it more convenient for residents to speak and/or listen to the item being debated.
- Reducing the overall length of the Committee meetings is considered to be more conducive to ensuring a good debate and good decision making.
- The proposed changes bring the public speaking arrangements more in-line with those of other authorities in Devon.

1.11 It is worth noting that the arrangements as proposed remain more generous than all other Devon authorities and in fact more generous than most other local authorities nationally. However the arrangements will permit the Development Management Committee to conduct its business in a more appropriate and efficient way. The Working Party believes that their considered recommendations achieved an appropriate balance between public involvement and efficient conduct of the committee.

### **Background Papers**

- [Planning Officers Society Practice Guidance on Public Speaking in Planning Committees](#)
- [Public speaking and future agenda management report consider by the Development Management Committee on 17 December 2014](#)
- [Papers circulated to the Working Group providing example of public speaking arrangements operated by other local planning authorities.](#)

### **Legal Implications**

The initial report sets out the legal comment, for ease it is repeated below:

*The legal implications are set out in the report. In essence the planning system (including either limited or no public speaking at planning committees) has been held to be compliant with the Convention on Human Rights. Accordingly it is at each Council's discretion as to what to permit in terms of public speaking at its planning committees. We are generous compared with the other Devon authorities (and probably nationally) and so, as stated in the report, the proposed recommendations represent an appropriate balance.*

### **Financial Implications**

No specific financial implications have been identified other than officer time which is covered by existing budgets.

Ed Freeman – Development Manager  
Ray Bloxham, Chairman of the Working Group

Development Management Committee  
1 April 2014

# Agenda Item 10

## Overview and Scrutiny Committee

15 May 2014



### Overview and Scrutiny Committee Forward Plan 2014/15

Date of Committee	Report	Lead Officer
12 Jun 2014	Chief Executive update on joint executive arrangement and strategic management team New waste contract development  Sustainable Communities Act and local consultation update  Office relocation update	Chief Executive  Streetscene Manager & Recycling Manager  Community Engagement and Funding Officer  Deputy Chief Executive
14 Aug 2014	National Parks research findings and debate	
11 Sept 2014	Devon & Cornwall Constabulary representatives Community Safety Partnership update *	
16 Oct 2014		
13 Nov 2014		
14 Jan 2015	Draft budget and service plans for 2015/16	
22 Jan 2015		
26 Feb 2015		
26 Mar 2015	Draft Overview and Scrutiny Annual Report	

\* A request has been made for the Police and Crime Commissioner for Devon to attend

#### Work for scoping and allocation to the Forward Plan:

Proposed date	Topic
June or August 2014	Shared ICT Services
As and when available	Updates from Portfolio Holders
Start once Inspector's final report published	Review of production process of Local Plan
When available	NHS England to discuss the provision of GP services

<b>Proposed date</b>	<b>Topic</b>
On completion of TaFF	Business Task and Finish Forum final report
ongoing	Budget Task and Finish Forum reports
pending	Trees Task and Finish Forum