

## PLANNING COMMITTEE

Report subject	<b>Planning Committee Site Visit Protocol</b>
Meeting date	30 May 2019
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Wards	All Wards
Status	Public Report
Classification	For Decision
Executive summary	This report sets out a proposed protocol for Planning Committee site visits, explaining the purpose of site visits in exceptional cases, the process for agreement to any visits, and the protocol to be followed during a site visit.
<b>Recommendations</b>	<p><b>It is RECOMMENDED that:</b></p> <ol style="list-style-type: none"> <li>1. The Planning Committee adopt this report as its Site Visit Protocol.</li> <li>2. A review of the Site Visit Protocol is carried out in not less than 6 months and a report is considered by the Planning Committee to consider any changes that are considered necessary.</li> </ol>
Reason for recommendations	The Planning Committee is exercising a quasi-judicial role on behalf of the Local Authority when considering applications for permission. It is important that any actions they carry out are robust, clearly set out and beyond doubt so as to avoid complaint of maladministration or potential judicial review.

## **Background**

1. The Planning Committee will consider applications as required by the Constitution and on occasion will authorise the need to undertake a site visit. The purpose of this report is to set out clearly the purpose of such site visits, the timing and procedure for arranging such site visits, and the protocol for Members of the Planning Committee and other Councillors whilst attending the site visit. This protocol is set to ensure both consistency and to potentially avoid any later possible challenges of unreasonable behaviour etc where a site visit occurs.

## **Proposed Protocol**

### **Purpose of the site visit**

2. It is presumed that members of the Planning Committee will have familiarised themselves with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
3. In exceptional cases (such as the impact of the proposal is difficult to visualize from the plans and any supporting material, including photographs, as being unable to see the site from a public vantage point, or that there are other substantial benefits in carrying out a site visit), members of the Committee may suggest that the Planning Committee visit the site, or adjoining sites if relevant.

### **How decisions on a site visit are reached**

4. Where prior to the Committee, and following release of the Planning Committee agenda papers, members of the Committee consider that exceptionally a site visit of the Planning Committee is necessary such requests should be made to Democratic Services prior to Chairman's briefing. At the briefing the Chairman, in consultation with officers, will consider whether this exceptional case is made, or alternatively seek further visual information from the officers to support the Committee in the absence of a formal Planning Committee site visit.
5. Where a site visit has not occurred prior to the Planning Committee meeting members of the Planning Committee can during the debate seek to postpone the decision on any given application until a site visit of the Planning Committee is arranged. In these cases, members of the Planning Committee will need to clearly set out firstly why a site visit is considered necessary when this was not identified prior to the Planning Committee meeting and secondly whether deferral can allow for officers to source additional information that would negate the need for a site visit.
6. The site visit by members of the Planning Committee forms part of the Planning Committee process, allowing Planning Committee members to view the site and where appropriate adjoining properties.

## **Arranging the Visit**

7. Where a site visit has been agreed to be undertaken following the Chairman's briefing this will be arranged to precede the Planning Committee and a schedule for the visit will be agreed between the Chairman and officers. This will identify the timetable for the meeting and invited attendees.
8. Planning Services will then notify the applicant or their agent of the time and date of the proposed site visit and seek their authority for Members of the Planning Committee, Ward Councillors and officers to visit the site, where this cannot be achieved from a public point of access. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.
9. All members of the Planning Committee will be invited to attend the site visit.
10. On occasion, officers of other services such as Transportation Services will be invited to attend a site visit to clarify factual matters.
11. Councillors have no right of entry to private land except by permission of the owner and they should not enter a private site until all are present and an officer has made contact on the site visit with the landowner/operator/applicant.
12. In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from the public highway or from other adjacent land with the owner's permission.
13. Where the Planning Committee postpones the decision on the application until a site visit is arranged any visit will be organised immediately prior to the next Planning Committee in accordance with the above criteria.

## **Conduct of the Visit**

14. The purpose of the site visit is to enable members of the Planning Committee to familiarise themselves with the site and its surroundings in order to understand the issues more clearly when considering the application at the Planning Committee. It is presumed that members of the Planning Committee will have familiarised themselves prior to the site visit with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
15. Whilst it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party (including Ward Councillors and other Councillors) should be avoided and they will be advised that lobbying of members of the Planning Committee is unacceptable. Presentations by applicants will not be permitted.
16. As the site visit is part of the process of the Planning Committee considering an application, it is chaired by the Chairman and formally

opened and closed. This will provide clarity as to when the site visit has formally commenced. Until the Chairman closes the site visit this protocol and procedures will be adhered to.

17. At the request of the Chairman, the planning officer will describe the application to the assembled Councillors and display appropriate plans or drawings of the proposal. (It is expected that Councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land, which will be material once the proposal, is debated.
18. Questions from Planning Committee members should be addressed to the planning officer and be of a factual nature, for example distances to adjoining or objectors' properties or the landscape features to be retained. If during the site visit it is necessary to seek information from the applicant or agent, at the discretion of the Chairman an officer will undertake this.
19. At no time during the site visit should Councillors debate or comment on the planning merits or otherwise of a proposal.
20. The role of the Ward Councillors (if not a member of the Planning Committee) will be limited to drawing attention to features of the site that he/she considers relevant to the committee in understanding the site, its surroundings and the proposal. The Councillors will not be permitted to make representations on the merits or otherwise of the application.
21. If members of the public attend the site visit they can only be allowed on the land with the permission of the land owner. Presentation or lobbying by members of the public will not be permitted.

### **General**

22. Members of the Planning Committee should keep together, and it is essential that they should not allow themselves to be lobbied by anyone or enter into a discussion about the application or express any opinion about the application.
23. Members of the Planning Committee should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chairman during the visit.
24. The Planning Committee will not make any formal decision at the site visit and no individual member of the Planning Committee should express a view of the merits of the application during the site visit.
25. The application will usually be one of the first items on the Agenda of the following Planning Committee meeting where the merits of the application will be debated.
26. Where it is considered that a site visit is necessary it is essential that all members of the Planning Committee are present and where members of the Planning Committee are unable to attend the site visit they will be unable to vote on the application.

27. The decision of the Chairman, (in consultation with the planning officer where appropriate), on all matters concerning site visit protocol is final.

### **Record of the Visit**

28. A record of the visit will be made by an officer and retained on the planning application file. The record will include the timetable for the meeting, attendees and what was viewed on site.

### **29. Notes:**

- a. Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- b. Where appropriate, protective clothing e.g. high visibility jackets, hard hats will be provided for Councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- c. In the interests of sustainability and highway safety, car-sharing will be available, and members are encouraged to make use of this.
- d. If a Councillor attending the site visit has special access requirements or wishes the Committee to visit other addresses (eg. an objector's home), early notification to the case officer will allow arrangements to be made

### **Summary of financial implications**

30. Within budget

### **Summary of legal implications**

31. None

### **Summary of human resources implications**

32. None

### **Summary of environmental impact**

33. None

### **Summary of public health implications**

34. None

### **Summary of equality implications**

35. None

### **Summary of risk assessment**

36. None

### **Summary of Human Rights act issues**

37. None