

PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

- 1.1. The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a meeting of the Planning Committee.
- 1.2. This protocol is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Council during the consultation period.
- 1.3. To reflect on-going uncertainty / possible necessary changes to the format of a Planning Committee meeting at short notice, this protocol it is divided into Part A and Part B. Part B addresses situations where due to health and safety issues there are limitations on arrangements for attendance at meetings.
- 1.4. Subject as provided for below, Part A of the protocol will apply to every meeting of the Planning Committee. However, at the discretion of the Head of Planning in consultation with the Chair, Part B of the protocol will apply in place of Part A to any meeting of the Planning Committee. In considering whether Part B of the protocol should apply, regard will be had to any relevant extant risk assessment of BCP Council as to the need for social distancing / other health and safety measures at Planning Committee meetings.
- 1.5. So far as circumstances reasonably permit, a final decision as to whether Part B of this protocol will apply to a specific meeting of the Planning Committee will normally be made by the Head of Planning in advance of the publication of the agenda and a note of this decision placed on the agenda. In the event that the Head of Planning makes such a decision after an agenda has been published or revises an earlier decision after this date, then so far as reasonably practicable, the Council will seek to provide notice of any such decision. Such notice may take the form of information being placed on the Council's website and/or seeking to contact any parties who via written notice to the Democratic Services Unit have been given the opportunity to speak at or have a statement read out at the meeting.
- 1.6. **Any person who wishes to seek clarification as to which Part of the protocol applies to a meeting of a Planning Committee or generally as to public engagement at the Planning Committee can contact the Democratic Services Unit by email at democraticservices@bcpcouncil.gov.uk**

2. Broadcasting and recording of Planning Committee

- 2.1. Meetings of the Planning Committee may be audio recorded and / or filmed by the Council for live or subsequent broadcast. * Further details regarding access to information and the recording of meetings including by members of the public is available in the Council's Constitution and may be requested from the Democratic Services Unit. The Constitution is available on the Council's website. A useful link in this respect is:

3. Call in by a councillor

- 3.1. So far as practicable, any councillor who has referred an application to the Planning Committee for decision will normally be expected to speak at the meeting to explain their reason(s) for the call in.

4. Order of presentation of an application

- 4.1. The running order in which planning applications are heard will normally follow the order as appears on the agenda unless the Planning Committee otherwise determines.
- 4.2. In considering each application the Committee will usually take contributions in the following order:
- (a) presenting officer(s);
 - (b) objector(s);
 - (c) applicant(s) /supporter(s);
 - (d) councillor who has called in an application / ward councillor(s);
 - (e) questions and discussion by voting members of the Planning Committee, which may include points of clarification from officers, leading to a decision.

5. Guidance on what amounts to a material planning consideration

- 5.1. As at the date of adoption of this protocol, the National Planning Portal provides the following guidance on material planning considerations:
- 5.2. “A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.
- 5.3. Material considerations can include (but are not limited to):
- *Overlooking/loss of privacy*
 - *Loss of light or overshadowing*
 - *Parking*
 - *Highway safety*
 - *Traffic*
 - *Noise*
 - *Effect on listed building and conservation area*
 - *Layout and density of building*
 - *Design, appearance and materials*
 - *Government policy*
 - *Disabled persons' access*
 - *Proposals in the Development Plan*
 - *Previous planning decisions (including appeal decisions)*
 - *Nature conservation*

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.”

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing

6. Chair’s General Discretion

- 6.1. The Chair has absolute discretion as to how this protocol shall be applied in respect of any individual application so far as it relates to the conduct of the meeting including whether in any circumstance it should be waived, added to or otherwise modified. This discretion includes varying the speaking time allowed and the number of speakers. Where a decision has been taken to adjust any part of this protocol the Chair will normally aim to identify such change at the start the meeting of the Planning Committee. In the event of any uncertainty as to the interpretation or application of any part of this protocol a determination by the Chair will be conclusive.

7. Updates

- 7.1. Any updates on planning applications to be considered by the Committee will be published by Democratic Services as soon as reasonably practicable after 12 noon on the day before the meeting.

Note

For the purpose of this protocol:

- (a) reference to the “Chair” means the Chair of Planning Committee and shall include the Vice Chair of Planning Committee if the Chair is at any time unavailable or absent and the person presiding at the meeting of a Planning Committee at any time that both the Chair and Vice Chair of Planning Committee are unavailable or absent;
 - (b) reference to the Head of Planning includes any officer nominated by them for the purposes of this protocol and if at any time the Head of Planning is unavailable, absent or the post is vacant / ceases to exist, then the Development Management Manager or if also unavailable / absent or that post is vacant/no longer exists then the next most senior officer in the development management team (or any of them if more than one) who is first contactable;
 - (c) reference to ‘ward councillor’ means a councillor in whose ward the application being considered at a meeting of Planning Committee is situated in whole or part and who is not a voting member of the Planning Committee in respect of that item;
 - (d) a “wholly virtual meeting” is a meeting of the Planning Committee where no one including officers and councillors physically attend the meeting; and
 - (e) a meeting will not be held as a “wholly virtual meeting” unless legislation permits.
- * Any electronic broadcasting and recording of a meeting by the Council is dependent upon it being reasonably practically able to do so at the time of the meeting. A meeting other than a wholly virtual meeting may proceed even if it cannot be electronically broadcast and / or recorded.

PART A

8. Application of Part A

- 8.1. A meeting of the Planning Committee to which Part A of this protocol applies may, so far as capacity allows, be attended in person by any member of the public to the extent as provided for in the Council's adopted Access to Information Procedure Rules as set out in the Constitution.
- 8.2. In circumstances where Part A applies, an opportunity will normally be provided for persons attending a meeting of the Planning Committee to speak at it in relation to an application being considered at that meeting to the extent as provided for in this protocol.

9. Speaking at Planning Committee

- 9.1. Any applicant, objector or supporter who wishes to speak at a Planning Committee meeting must register a request in writing with the Democratic Services Unit by 12 noon at least one clear working day prior to the date of the meeting. A person registering such a request should:
 - (a) make clear as to the item(s) on which they wish to speak;
 - (b) provide contact details including a telephone number and/or email address at which they can be reached; and
 - (c) identify whether they support or oppose the application.
- 9.2. There will be a maximum combined time of **five** minutes allowed for any person(s) objecting to an application to speak. A further combined **five** minute maximum will also be allowed for any supporter(s). Up to **two** people may speak during each of these allotted times (the applicant(s) and any agent for the applicant(s) will each count as separate speakers in support). No speaker may speak for more than half this time (i.e. **two and a half minutes**) unless:
 - (a) there is no other speaker who has also been allotted to speak for the remainder of the five minutes allowed; or
 - (b) the other allotted speaker expressly agrees to the speaker being entitled to use more than half of the total speaking time allowed.
- 9.3. If more than two people seek to register a wish to speak for either side, an officer from the Democratic Services Unit may ask those wishing to speak to appoint up to two representatives to address the Planning Committee. In the absence of agreement as to representatives, entitlement to speak will normally be allocated in accordance with the order when a request is received. However, in the event of an applicant(s) and / or the agent of the applicant(s) wishing to speak in support of an application such person(s) will be given the option to elect to speak in preference to any other person registered to speak in support.
- 9.4. A person registered to speak may appoint a different person to speak on their behalf. A person may at any time withdraw their request to speak; however, where such a request is made after the deadline date for receipt of requests then the available slot will not be made available for a different speaker.

- 9.5. The same person may not register to speak both in support and against an application. If such requests are received, the person submitting the request will be invited to elect to speak either in support or against. In the event of a person not making such an election then all the requests by that person will be treated as invalid in relation to that application.
- 9.6. A Parish or Town Council representative who wishes to speak must register as an objector or supporter and will be subject to the same provisions for speaking as any other objector or supporter (as the case may be).
- 9.7. Any ward councillor shall be afforded an opportunity to speak on an application at the Planning Committee meeting at which it is considered. Every ward councillor who wishes to speak will have up to **five** minutes each.
- 9.8. At the discretion of the Chair, any other councillor not sitting as a voting member of the Planning Committee may also be given the right to speak on an item being considered at Planning Committee. Every such councillor will have up to **five** minutes each.
- 9.9. Any member of the Planning Committee who has referred an application to the Committee for decision but who exercises their discretion not to participate and vote on that item as a member of the Planning Committee (whether because they consider they may have a predetermined view or otherwise), may have or be given the right to speak as a ward councillor or otherwise in accordance with the provisions of the Part, but must not participate in any discussion or vote as a member of the Planning Committee. Such a member will normally be invited to leave the room after speaking until consideration of that application has been concluded.
- 9.10. During consideration of a planning application at a Planning Committee meeting no question should be put or comment made to any councillor sitting on the Planning Committee by any applicant, objector or supporter whether as part of a speech or otherwise.

10. Content of speeches and use of supporting documentation

- 10.1. Speaking must be done in the form of an oral statement, which should only refer to planning related issues as these are the only matters the Planning Committee can consider when making decisions on planning applications. Speakers should direct their points to reinforcing or amplifying the planning representations already made to the Council in writing. Guidance on what constitutes planning considerations is included as part of this protocol. Speakers must take care to avoid any statement that might be libellous, slanderous or otherwise abusive to any person or group, including the applicant.
- 10.2. In the interests of fairness, no applicant, objector or supporter will be allowed to produce at a meeting of the Planning Committee information or documentation of any kind (including any photograph or other visual aid), that has not already been submitted as part of a prior representation or submission in relation to the application at a time that pre-dates the publication of the agenda for that Planning Committee meeting. Any person seeking to rely on such information should draw this to the attention of Democratic Services in advance of any reference being made to it.

- 10.3. Anyone who wishes to provide any photograph, illustration or other visual material to be displayed on screen during a representation must submit this to Democratic Services at least **two** clear working days prior to the date of the meeting in a format previously agreed in writing by an officer from the Democratic Services Unit for the purposes of that representation. Electronic information provided after this time or in a format not agreed will not be accepted. The maximum number of items to be displayed must not exceed five. Further, the ability to use any such electronic presentational material is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Every person making a representation should therefore ensure that it is not dependent on such information being displayed.

11. Submission of statement as an alternative to speaking

- 11.1. A councillor or member of the public who has been allocated an opportunity to speak at a meeting of the Planning Committee in relation to an item may as an alternative to attending in person submit a written statement to be read out on their behalf. Any such statement:
- (a) must not exceed 450 words in total;
 - (b) must have been received by the Democratic Services Unit by noon at least **one** clear working day prior to the date of the Planning Committee;
 - (c) when submitted by a member of the public will be treated as amounting to two and a half minutes of the total time allotted for speaking;
 - (d) may so far as circumstances allow be withdrawn at any time prior to the Planning Committee meeting by giving notice to the Democratic Services Unit; however, where such withdrawal occurs after the deadline date for registering a request to speak has passed then an alternative slot will not be made available;
 - (e) may not normally be modified after the deadline date for registering a request to speak has passed unless such modification is requested by an officer from the Democratic Services Unit; and
 - (f) will normally be read out aloud by an officer from the Democratic Services Unit having regard to the order of presentation identified in this protocol.

12. Assessment of information

- 12.1. The Council reserves the right to check any information / documentation provided to it for use at a Planning Committee meeting including any statement and to prevent the use of such information / documentation in whole or part, in particular, if it:
- (a) is considered that it contains information of a kind that might be libellous, slanderous, abusive to any party including an applicant or might result in the disclosure of any personal information for which express consent has not been given; and/or
 - (b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.
- 12.2. The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether any such information / documentation should

not be used. If circumstances reasonably permit, an officer from the Democratic Services Unit may seek to request a person modify such information / documentation to address any issue identified.

13. Questions to persons speaking

- 13.1. Questions will not normally be asked of any person speaking as a councillor, objector or supporter who is not speaking as a voting member of the Planning Committee in relation to an item. However, the Chair at their absolute discretion may raise points of clarification.

PART B

14. Application of Part B

- 14.1. Where a decision has been taken that Part B of this protocol applies to a meeting of the Planning Committee then subject as provided for in this Part B the provisions below shall apply whether or not the meeting is a wholly virtual meeting.
- 14.2. Unless a meeting of the Planning Committee is a wholly virtual meeting, a meeting of the Planning Committee may, so far as capacity allows, be attended in person by any member of the public to the extent as provided for in the Council's adopted Access to Information Procedure Rules as set out in the Constitution.
- 14.3. A meeting of the Planning Committee will only be held as a wholly virtual meeting during such time as a decision has been taken by BCP Council that committee meetings of the Council may be held in this way. In the event of there being a discretion as to whether a meeting of the Planning Committee shall be held as a wholly virtual meeting, then the Head of Planning in consultation with the Chair shall be able to determine whether such a discretion should be applied.
- 14.4. In circumstances where it is known in advance of the publication of an agenda of a meeting of the Planning Committee that Part B will apply to that meeting then, so far as reasonably practicable, a note will normally be placed on the agenda identifying this to be the case and explaining if that meeting is to take place as a wholly virtual meeting.
- 14.5. Reference to attendance at a meeting in this Part B can, unless the meeting is a wholly virtual meeting, mean attending in person or virtually. However, unless the meeting is a wholly virtual meeting, where reference is made to a councillor attending a meeting this can mean attending virtually only where the Chair at their discretion considers this appropriate. In that event, facilities will be made available for the virtual attendance and speaking at the meeting of the Planning Committee of such councillor(s).

15. Use of statements

- 15.1. The provisions below provide a mechanism for members of the public to submit statements to be read out at a meeting in relation to individual planning applications. Members of the public attending a meeting will not normally be given the opportunity to speak at the meeting on such matters and no facilities will usually be made available to enable this.
- 15.2. Any person who wishes to provide a written statement to be read out on their behalf at a meeting of the Planning Committee must arrange for this to have been received by Democratic Services by 12 noon at least **one** clear working day prior to the date of the meeting. A person submitting such a statement should:
 - (a) make clear as to the item to which the statement relates;
 - (b) provide contact details including a telephone number and/or email address at which they can be reached; and

- (c) identify whether the statement is in support of or opposed to the application.
- 15.3. A maximum of two statements from members of the public objecting to an application will be considered by the Planning Committee and a maximum of two statements from supporter(s) (a statement from the applicant and any agent for the applicant will each count as a separate statement in support). Each statement may consist of up to 450 words.
- 15.4. Statements will be accepted on a first come, first served basis. Statements will not normally be accepted once the limit has been reached. However, in the event of an applicant and / or the agent of an applicant wishing to submit a statement in support of an application such person(s) will be given the option for their statement(s) to be read out in preference to any other statement submitted by a person in support. Applicant(s) / supporter(s) and objectors with similar views are encouraged to co-ordinate in advance in the production of statements.
- 15.5. So far as circumstances allow, a person may at any time prior to the Planning Committee meeting seek to withdraw a statement by giving notice to the Democratic Services Unit; however, where such withdrawal occurs after the deadline date for receipt of statements then the available slot will not be made available for a different statement.
- 15.6. A person shall not normally be able to modify a statement after the deadline date for submission of statements has passed unless such modification is requested by an officer from the Democratic Services Unit.
- 15.7. The same person may not submit more than one statement. If more than one statement is received, the person submitting the statement will be invited to elect which statement should be read out. In the event of a person not making such an election then all the statements by that person will be treated as invalid in relation to that application.
- 15.8. A Parish or Town Council representative who wishes to submit a statement must identify whether their statement is being made as an objector or supporter and will be subject to the same provisions for statements as any other objector or supporter.
- 15.9. Statements relating to a planning application will be read aloud by an officer from the Democratic Services Unit. Statements will be read out having regard to the order of presentation identified in this protocol.
- 15.10. Any ward councillor will also be given the opportunity to attend and speak at the meeting on an application at the Planning Committee meeting at which it is considered.
- 15.11. At the discretion of the Chair any other councillor not sitting as a voting member of the Planning Committee may also be given the right to attend and speak on an item being considered at Planning Committee.
- 15.12. Any councillor who virtually attends to speak on an application at a meeting of the Planning Committee and who is not a voting member of the Planning Committee in relation to that item should also submit a written version of what

they intend to say to Democratic Services at least **one** clear working day prior to the date of the meeting. Statements may consist of up to 900 words. In the event of a councillor not being able to access the meeting at the appropriate time for any reason, this statement will be read out on their behalf to ensure their views can be taken into account. Accordingly, the inability of a councillor to actually speak at the meeting will not prevent an item being determined.

- 15.13. Any member of the Planning Committee who has referred an application to the Committee for decision but who exercises their discretion not to participate and vote on that item as a member of the Planning Committee (whether because they consider they may have a predetermined view or otherwise), may speak as a ward councillor or otherwise in accordance with the provisions of this Part, but must not participate in any discussion or vote as a member of the Committee.

16. Content of statements and use of supporting documentation

- 16.1. Every written statement that is submitted by any person in accordance with this Part of the protocol should refer to planning related issues as these are the only matters the Committee can consider when making decisions on planning applications.
- 16.2. Statements should be directed towards reinforcing or amplifying the planning representations already made to the Council in writing. Guidance on what constitutes planning considerations is included as part of this protocol.
- 16.3. In the interests of fairness, no documentation of any kind will be allowed to be presented at the time that a statement is being read out (including any photograph or other visual aid), that has not already been submitted as part of a prior representation or submission in relation to the application at a time that pre-dates the publication of the agenda for that Planning Committee meeting.
- 16.4. Anyone submitting a written statement who wishes to provide any photograph, illustration or other visual material to be displayed on screen while their statement is being read aloud must submit this to the Democratic Services Unit at least **two** clear working days prior to the date of the meeting in a format previously agreed in writing by an officer from the Democratic Services Unit for the purposes of that statement. Information provided after this time or in a format not agreed will not be accepted. The maximum number of items that may be displayed is five. Further, the ability to have any such presentational material displayed is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Anyone submitting a statement should therefore ensure that their statement is not dependent on such information being shown.
- 16.5. The Council reserves the right to check any information /documentation provided to it for use at a Planning Committee meeting including any statement and to prevent the use of such information / documentation in whole or part, in particular, if it:
- (a) is considered to contain information of a kind that might be libellous, slanderous, abusive to any party (including an applicant) or might result in the disclosure of any personal information for which express consent has not been given; and/or

(b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.

16.6. The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether the whole or any part of any such information / documentation should not be used. If circumstances reasonably permit, an officer from the Democratic Services Unit may seek to request a person modify the information / documentation to address any issue identified.

For use by the Planning Committee as from 11.1.22

