

6th AUGUST 2015

REPORT OF HEAD OF REGULATORY SERVICES

ARRANGEMENTS FOR SITE INSPECTIONS FOR PLANNING APPLICATIONS

1. PURPOSE OF THE REPORT

- 1.1 This report is intended to invite the Committee to consider suggestions made by Parish Councils regarding the conduct of site inspections.

2. RECOMMENDATION

- 2.1 **That the Committee recommends amendments to section 5 of the existing arrangements (reproduced as Appendix A to this report).**

3.0 BACKGROUND

- 3.1 Members will recall discussing the arrangements for site inspections at the meeting of 16th February 2015 and 2nd April 2015. This resulted in amendments to the site inspections procedure that was then forwarded to Governance Committee on 29th June 2015, for inclusion within the Constitution.

- 3.2 However in the meantime the bi-annual meeting of the Parish Council Liaison meeting has met (on 22nd June 2015) and the following suggestions were agreed:

- (i) That the notification letter of planning applications going to Planning Committee has the date in it and if possible timings of site inspections included
- (ii) That Planning Committee to consider the amendments to the procedures as follows:
 - Parish Councillors to be informed when site inspections taking place
 - Parish Councils may send a representative who has been trained as an observer to site visits who can raise to the Chairman any additional vantage points which the Members may wish to consider, however, this is to take into account Bullet 2 on the briefing note and the Chairman has ultimate control over the visit and what occurs.

4. KEY ISSUES

- 4.1 There is no difficulty with the first of these requests. Such information was provided as part of the notifications up until changes were made in 2014/15 and continues to be so for landowners for the purposes of gaining access. In practical terms this requires only the amendment of the 'standard' notification that Parish Councils receive in advance of Committee meetings.

- 4.2 Part (ii) represents a movement closer to procedures before 2014 when site inspections included invitation to Parish Councils and other interested parties and participation within the site inspection exercise. Appendix 1 to this report is a n emended version of the existing protocol with this provision illustrated.

- 4.3 It is considered that the request can be accommodated in practical terms, but the Committee will wish to consider whether it wishes to return to a situation where parties other than the Committee itself was involved in site inspections. This was the key change made in 2014, after many years of the inclusion of objectors (all), supporters (all) as well as the Parish Council.
- 4.4 The Committee should also be aware of the possible impact upon perceptions of equity and natural justice. This provision would allow involvement of a Parish Council which is not made equally available to other types of interested parties and where one of those has a different position than the Parish Council (e.g an applicant, when a Parish Council is in opposition to his/her proposal, there may be a perception that they are receiving 'unfair advantage' in procedural terms (despite the fact that provision made to limit involvement top factual matters).

CONCLUSION

- 4.5 It is necessary to submit this recommendation to the governance Committee and subsequently to Full Council for consideration as part of the next available review of the Council's constitution.

APPENDIX A: PROPOSED AMENDMENTS TO THE ARRANGEMENTS FOR SITE INSPECTIONS (CONSTITUTION PART 5, APPENDIX 3)

CONDUCT OF THE SITE INSPECTION

1. Site visits will be carried out prior to the Committee Meeting and will not constitute a part of the meeting.
2. The site visit will consist of an inspection by Members of the Planning Committee and the Ward Member(s) only, accompanied by the Head of Regulatory Services (or their representative). The inspection should be uninterrupted (ie. without participation of the applicant/agent and or objectors/supporters or any representatives of the local community) although they may be present.
3. The Chairman will invite the Head of Regulatory Services (or his representative) to describe the proposal. She/he will explain:
 - What is proposed
 - Where it will be positioned on the site (including details of access, windows)
 - What physical features that will be affected by the proposal (e.g. any trees or hedges requiring removal, any demolition etc.)
4. Members of the Committee will be invited to ask any questions of clarification of the Head of Regulatory Services (or their representative), but should not express their opinion on the merits of the application, nor enter into any debate on the merits of the application with other Members.
5. For particularly contentious applications objectors/supporters may be at the site (or gathered on public land nearby) and will be looking to make representations verbally to Members or to hand out material to support their case. In these instances Members (supported as necessary by officers) should explain that the purpose of their visit is to view the site and its surroundings and that they cannot enter into any discussion in respect of the merits of the application, and cannot accept any written or other material. However Members may wish to receive suggestions of further vantage points from the persons present.
6. If the applicant/agent needs to be present to provide access to the site they should be requested to allow Members to view unaccompanied. An exception to this would be where the applicant/agent is required to show the Members around – for instance for security purposes or where the inspection involves looking inside an occupied building. In such cases the applicant/agent will be asked not to speak on any issues concerning the merits of the application.
7. The Chairman will ask the Committee if they wish to view the site from any other vantage points.
8. The Chair will invite the Parish Council representative, if present, if he/she recommends viewing the site from any other vantage points.