

# **DEVELOPMENT AND REGULATION**

## **COMMITTEE**

### **PUBLIC SPEAKING ON PLANNING APPLICATIONS**



Essex County Council

# **Public Speaking at the Development and Regulation Committee on Planning Applications**

**Revised June 2021**

**This document explains the way in which applicants, their agents or members of the public may attend the Council's Development and Regulation Committee ('the Committee') and speak for a limited time on a planning application in which they have an interest. Please read the following text carefully as it explains in detail the Committee function and the procedures and restrictions that apply to public speaking.**

These procedures apply to everyone including residents, applicants, agents, developers, District and Parish Councils. Separate arrangements exist for elected County Council Members not sitting on the Development and Regulation Committee to address the Committee.

The first part of this document summarises the procedure to be followed if you wish to address the Committee in person. The second part of this document sets out the guidelines for public speaking in more detail together with more background to the Committee's consideration of planning applications at its meetings.

There is a separate document entitled 'Development and Regulation Committee Protocol' which sets out the way that the Committee conducts its business with particular emphasis on the elected Members' roles.

## **Summary on Public Speaking at the Committee Meeting**

If you wish to address the Committee, you should contact the Democratic Services Officer preferably by email at [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting. If you cannot email then you can telephone 033301 36601 or 033301 39825, between 9.00 am and 5.00 pm, Monday to Friday. However, it will not be possible to register you to speak after 5.00pm on the Tuesday before the Committee meeting.

You will need to provide us with the following information –

- **The application on which you wish to speak**
- **Your full name, address and contact number**
- **Confirmation that you have submitted in writing a representation on the particular application**

- **Whether you are in favour or against the application, and whether or not you also represent anyone else**
- **Whether or not your details may be passed on to any other person with a similar point of view in order to co-ordinate a single speaker.**

This procedure allows for the applicant or one other person to speak in support of the application and one other person to speak against the application. The District/Borough Council can speak on behalf of the relevant Parish Council unless that Parish Council's view is different, in which case the Parish Council may also speak. Requests to speak are dealt with on a 'first come, first served' basis. Therefore, if someone else has already asked to speak, for example against an application, and you wish to do likewise, you will not normally be able to do so. However, if the person registered to speak gives their consent, the Democratic Services Officer may be able to put you in touch with that person prior to the meeting.

Each person making a representation to the Committee will be allocated a maximum period of three minutes in which to speak. You may not ask questions and nor will you be questioned by the Committee except through the Chairman. If you represent other people, apart from your immediate household, for example neighbours, you will need to provide documentary evidence that those people have agreed to you making representations on their behalf. This evidence may take the form of a letter signed by them or other similar authorisation such as an email.

You are strongly advised to read the Officer's report on the application before deciding to make representations to the Committee. In this way you can be sure that you understand what is being proposed and what the officer recommendation is. The agenda and reports for the Committee will normally be published at least five clear working days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website, namely [www.essex.gov.uk](http://www.essex.gov.uk)

If you require any further advice about the application please contact the Planning Case Officer who will be identified at the beginning of the committee report, or for particular advice on the Committee's procedures please call the Democratic Services Officer on 033301 36601 or 033301 39825.

**Please note** – speaking to the Planning Officer(s) will **not** register you to speak. You must register separately with the Democratic Services Officer to speak as detailed above.

**All meetings of the Committee take place in County Hall, Chelmsford. If you are speaking at the meeting, you should make yourself known to the Democratic Services Officer at least 15 minutes before the start of the meeting so that your attendance can be noted.**

**If you are speaking at the meeting remotely please follow the following instructions:**

Online:

You will need the Zoom app which is available from your app store or from [www.zoom.us](http://www.zoom.us). The details you need to join the meeting will be published as a Meeting Document, on the Meeting Details page of the Council's website (scroll to the bottom of the page) at least two days prior to the meeting date. The document will be called "Public Access Details".

By phone:

Telephone from the United Kingdom: 0203 481 5237 or 0203 481 5240 or 0208 080 6591 or 0208 080 6592 or +44 330 088 5830 You will be asked for a Webinar ID and Password, these will be published as a Meeting Document, on the Meeting Details page of the Council's website (scroll to the bottom of the page) at least two days prior to the meeting date. The document will be called "Public Access Details".

Speaking

Upon entering the online meeting you will join as an 'Attendee'. Please ensure that when you join the Webinar meeting you enter your full name so that you can be identified as a Public Speaker. If you are joining by telephone, please make sure that we know the number from which you are calling before the meeting. The meeting host will move you to become a 'Panellist' to allow you to speak at the meeting. Please mute your microphone until you are called to speak. You can tell if your microphone is muted because there will be a red symbol next to your name and the picture of the microphone will have a line through it.

The Chairman will invite you by name to put your question. To control your microphone, click on the button at the bottom left of the screen (if you can't see it, it will appear if you move the mouse there) and click on the microphone icon to unmute, in order to put your question.

Once your question has been asked and any questions specifically asked of you have been answered please mute your microphone again. The meeting host will then move you back to an Attendee where you will be able to observe the rest of the Council meeting. You can then click 'leave meeting' when you are ready to leave.

If you wish to watch the meeting, you can do so on YouTube by following this link: <https://tinyurl.com/yynr2tpd> . Please note you will not be able to take part through this link.

## **Public Participation in Meetings of the Development and Regulation Committee**

The County Council is committed to extending public participation in the planning and development control process, and therefore provides members of the public with the opportunity to address in person the Committee on those planning applications under its consideration.

This initiative came into operation at the Development and Regulation Committee meeting held in September 2002 for the specific consideration of planning applications. It does not apply to any other issues to be considered by the Committee.

Advice on the full guidelines explaining how the procedures work are sent to the applicant/agents and third parties who have expressed an interest in speaking on a planning application. This information sets out details of the procedures that will be in operation at each Committee meeting.

### **General - Planning Applications**

Consultation takes place on all planning applications processed by the Council. Depending on the development proposed this includes statutory organisations, interest groups, and the general public. All written comments received in respect of applications are taken into account before decisions are made on the applications. In the case of objections from the general public all these are reported to the Committee.

There are instances when an objector may feel that by being able to address the Committee their views will be given greater weight, be presented more clearly and they could raise issues that have arisen since their written objections were submitted.

Likewise, developers may wish to address the Committee to respond to comments made by objectors, promote the benefits of their scheme or to respond to the Officer's recommendation.

It should be noted that not all planning applications are determined by the Committee. A large number of non-controversial applications are dealt with by Officers under powers delegated to them by Council particularly when no objections have been received under the consultation processes or the Chairman of the Committee agrees that an application can be determined under officer delegated powers when two or fewer objections are received. In such cases interested parties may submit their comments in writing but there is no opportunity to speak before Committee when delegated decisions have already been made.

## **Development and Regulation Committee - Meetings**

The Committee normally meets the fourth Friday of each month (although this may vary slightly throughout the year) at 10.30 a.m. to consider all planning applications that have not been determined under delegated powers.

The agenda and reports for the Committee will normally be published at least five clear days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website, [www.essex.gov.uk](http://www.essex.gov.uk).

The Committee will normally make one of the following decisions on applications placed before them.

- approve with or without conditions, and with or without requirements to enter into legal agreements;
- refuse;
- refer to the Secretary of State with a recommendation to approve;
- defer for a site visit;
- defer for further information.

To be able to hear as much information as is practicable will assist the Committee's Members in making informed judgements on proposed development. Public speaking is intended to aid this process and to ensure that the Council's procedures accord with Human Rights Legislation and the principles of Best Value.

## **Procedures for Public Speaking**

Public speaking will only be permitted where you are the applicant or agent, the District or Parish Council, or you have submitted previously in writing your comments to the County Council on the planning application to be considered, and the procedure for registering to speak has been complied with.

Under normal circumstances public speaking will only be permitted when a planning application is considered for the first time by the Committee. Therefore if the application is deferred a further address to the Committee will not be permitted unless new and significant factors have arisen.

Normally only one speaker will be allowed to address the Committee from each of the following categories:

- District/Borough Council (These Councils may speak on behalf of the relevant Parish Council unless that Parish Council's view is different, in which case the Parish Council may also speak).
- Objector

- Applicant
- Supporter

The Democratic Services Officer must be notified two working days in advance of the Committee meeting. This can be by e-mail or telephone. You must leave your name, address, a day-time contact number and details of the application. **Please note** that speaking to the Planning Officer(s) will **not** register you to speak. You must register separately with the Democratic Services Officer to speak.

Requests to speak will be dealt with on a 'first come, first served' basis. Therefore if someone else has already asked to speak, for example against an application, and you wish to do likewise, you will not normally be able to do so. However if the person registered to speak gives their consent, the Democratic Services Officer may be able to put you in touch with that person prior to the meeting and it will be for you to liaise with that person to decide how your views are presented.

The applicant and/ or supporter will have a right to speak whether or not an objector wishes to be heard.

All those persons wishing to address the Committee must confirm who they are representing, and any interests that they may have in the outcome of the planning application.

Each person making representations will be allocated a maximum period of three minutes in which to speak (advice on how to comment on proposals is set out below). You may not ask questions. If you represent others, apart from your immediate household, for example neighbours, you will need to provide documentary evidence that those people have agreed to you making representations on their behalf. This evidence may take the form of a letter signed by them or other similar authorisation such as an email.

All speakers are requested to submit a brief written summary of the points that they intend to make at the meeting to the Democratic Services Officer at least two working days prior to the meeting. This will enable steps to be taken to ensure that any points they wish to raise about the planning application or challenge in the committee report, may be addressed by the Committee at the meeting. Furthermore, such summaries are useful for the preparation of the minutes and any subsequent report.

Similarly, if a speaker has any additional material that they wish the Committee to take into account as a part of the case they are presenting, then that material should be passed to the Democratic Services Officer at least two days before the meeting so that it may be passed on to all Committee Members to consider in advance of the meeting. All speakers are discouraged from handing to the Committee or presenting any material, including photographs, on the day of the meeting.

You are strongly advised to read the Officer's report on the application before deciding to make representations to the Committee. In this way you can be sure that you understand what is being proposed. The agenda and reports for the Committee will normally be published at least five clear days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website, [www.essex.gov.uk](http://www.essex.gov.uk)

If you require any further advice about the application please contact the Planning Case Officer who will be identified at the beginning of the committee report, or for particular advice on the Committee please call the Democratic Services Officer on 033301 36601.

### **Order of Discussion at Committee Meeting**

The discussion on applications will be in the following order:

1. The Chairman of the Committee will announce the application
2. The Chief Planning Officer or his representative will present the item, and will add any further information relevant to the application and report.
3. The Chairman will invite the District/Borough and/or Parish Council to address the Committee.
4. The Chairman will invite an objector to address the Committee.
5. The Chairman will invite the applicant/agent to address the Committee.
6. The Chairman will invite a supporter to address the Committee.
7. The Chairman will invite the local County Councillor to address the Committee. Any non-committee county councillor wishing to address the Committee at one of its meetings is limited to three minutes subject to the discretion of the Chairman.
8. The Chief Planning Officer or supporting officers will be asked to respond to any factual matters raised by any of the foregoing speakers.
9. The Committee will then debate the application and ask questions of the officer, consider the material planning considerations in the usual way and reach a decision, without any further public involvement. The Chief Planning Officer or supporting officers may be called upon to clarify any factual issues raised.

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



Those non-County Council participants addressing the Committee will be advised when they have spoken for their allotted three minutes and will be expected to wind up at that point.

**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 and responded to any questions specifically asked of them.

### **Points for public speakers to remember in addressing the Committee**

In addressing the Committee you are requested to restrict your comments to issues which are material planning considerations and relevant facts. Advice on what constitutes a material planning consideration may be obtained from the planning officers in the Development Control Group.

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

- Any policy in the County Council's Development Plans (i.e. the Structure Plan, Minerals Local Plan, or Waste Local Plan), or the relevant Local Plan for your District or Borough.
- Government planning policy guidance, circulars, orders and statutory instruments

The following list highlights some of the issues that may **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)

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This document has been produced by the Democracy Team, Legal and Assurance, Essex County Council. June 2021.