

Planning Committee Protocols & Policies

Effective from May 2025

Planning Policy and Development Management Team
Staffordshire County Council

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Terms of Reference for Planning Committee

1. Background

- 1.1 Staffordshire County Council [Constitution](#) sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Section 8 of the Constitution explains that the County Council will appoint Committees (including the Planning Committee) to perform functions which cannot be dealt with by the Executive. The Committees will be appointed at the Annual Meeting of the County Council under Standing Order 24 – Committees in Section 11 (Procedural Standing Orders) of the Constitution.
- 1.3 The responsibilities and powers of the Planning Committee are listed below and any of their powers that are delegated to officers of the Council are recorded in the Scheme of Delegation to officers in Section 10 (Officers) of the Constitution.

2. Planning Committee

- 2.1 The [Planning Committee](#) will be responsible for the discharging of the following functions and delegated powers:
 - Deciding on consultations on planning, planning-related or environmental applications or policy documents from District Councils, adjoining authorities, Government Departments / Agencies and Statutory Undertakers / Public Utilities.
 - Deciding on consultations on Environmental Permits and policy documents from the Environment Agency.
 - Deciding on consultations on highway and highway-related matters from the District Councils.
 - Deciding on when to refer any District Council proposal for its own development which would be detrimental to the County Council's interests, or which would be contrary to the County Council's views.
 - Deciding applications for planning permission and whether to impose any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted and deciding any other terms to which any such approval, consent, licence, permission or registration is subject.
 - Deciding to refer applications to the Secretary of State when necessary, in accordance with the relevant statutory consultation arrangements.

- Deciding to make an order to revoke, amending, modifying or varying any approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject.
- Deciding applications to develop land without compliance with conditions previously attached.
- Deciding to grant planning permission for developments already carried out.
- Declining to decide applications for planning permission.
- Deciding applications for planning permission made by a local authority, alone or jointly with another person.
- Considering representations or offers received from any person upon whom a Planning Contravention Notice has been served and to decide on the action that should be taken in response to those representations.
- Deciding on reserved matters following the grant of outline planning permission; details submitted pursuant to conditions imposed by the planning permissions; minor material amendments and non-material amendments to planning permissions; details submitted pursuant to a Planning Obligation / Memorandum of Understanding (MoU); and modifications to a Planning Obligation / MoU.
- Deciding on the conditions, the plans or specifications related to the disposal of waste or spoil or the excavation of bulk material from borrow pits associated with HS2.
- Deciding on Environmental Impact Assessment screening and scoping opinions relating to applications for planning permission / scheme of conditions / planning or enforcement appeals.
- Deciding, giving approvals and agreeing certain other matters relating to the exercise of permitted development rights.
- Deciding to enter into agreement regulating development or use of land.
- Granting consent for the display of advertisements.
- Power to determine applications for hazardous substances consent, and related powers
- Deciding applications for the determination of conditions to which a mining site is to be subject in accordance with the Environment Act 1995 (as amended), or an old mining permission (interim

development order permission) is to be subject in accordance with the Planning and Compensation Act 1991.

- Deciding on requests to postpone the date for the submission of Schemes of Conditions under the Environment Act 1995 and making requests to extend the date for determination of Schemes of Conditions.
- Exercising the powers and duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 (and/or any amending or replacement legislation) for which the County Council are the Local Planning Authority.
- Executing urgent works
- Making limestone pavement orders.
- Exercising the County Council's powers relating to the preservation of trees.
- Deciding whether, and how, to enforce any failure to comply with an approval, consent, licence, permission or registration; or a condition, limitation or term to which such approval, consent, licence, permission or registration is subject; and any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Cabinet. This includes the following powers:
 - To issue a planning contravention notice, breach of condition notice, stop notice (full) or temporary stop notice and to serve a completion notice.
 - To require the discontinuance of a use of land.
 - To issue or withdraw an enforcement notice and to waive or relax any requirement of the notice.
 - To apply for an injunction restraining a breach of planning control.
 - To approve the commencement of legal proceedings for noncompliance with any notice.
- Deciding on the serving of Minerals Planning Orders including Modification, Revocation, Discontinuance, Prohibition, Suspension and Supplementary Suspension Orders and deciding on the referral to the Secretary of State where appropriate.

- Receiving reports relating to Local Development Documents which are Development Plan Documents Agreeing to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.
- To determine objections to proposed Traffic Regulation Orders received from local member(s) of the County Council affected thereby.
- Authorising the Peak Park Authority to discharge the County Council's powers and functions under the Ancient Monuments and Archaeological Areas Act 1979 in respect of that part of the Peak District National Park which is within Staffordshire, without prejudice to the exercise concurrently by the County Council within that area of their powers under the Act.
- Screening and when necessary, making an 'appropriate assessment' of the implications of the development on the conservation of European sites; and in determining Regulation 77 applications in accordance with the Conservation of Habitats and Species Regulations 2017.
- Authorising developers under the terms of the Great Crested Newt District Licence granted by Natural England to Staffordshire County Council to carry out authorised development.

- 2.2 Where the Planning Committee are minded to refuse an application for planning permission which has been submitted on behalf of the Cabinet in respect of a County Council service, the application shall not be determined by the Planning Committee but shall be referred to a Special Ad Hoc Panel comprising five members of the Audit and Standards Committee who are not members of the Cabinet, the relevant Scrutiny Committee, or the Planning Committee.

Referring also to them (i.e. the Special Ad Hoc Panel) refusal of details submitted pursuant to conditions imposed by the Reg 3 planning permissions; minor material amendments and nonmaterial amendments to Reg 3 planning permissions; (refusal of) details submitted pursuant to a Planning Obligation / Memorandum of Understanding (MoU); and (refusal of) modifications to a Planning Obligation / MoU (where the Planning Committee or the Director of Economy, Infrastructure and Skills are minded to refuse the matters).

- 2.3 Meetings of the Planning Committee will be subject to the Procedural Standing Orders in Section 11 (Procedural Standing Orders) of this Constitution and, in addition the Committee has agreed to:
- A guidance protocol for members of the Committee;

- A public speaking protocol for the public who have made representations to speak at meetings of the Committee; and,
 - A protocol for when members of the Committee visit a site that is the subject of a committee report.
- 2.4 The protocols can be read in the sections below in this document and on the [Planning Committee Homepage](#).
- 2.5 In addition, the Planning Committee will establish a Countryside and Rights of Way Panel of seven members of the Committee with full delegated powers to deal with the matters detailed in the [Constitution](#) Section 8 paragraph 3. The Panel will be appointed at the first meeting of the Planning Committee in each municipal year. The Chairperson of the Planning Committee shall be the Chairperson of the Panel. The Vice-Chairperson of the Planning Committee shall be the Vice Chairperson of the Panel.
- 2.6 In addition, the Planning Committee with establish a Licensing Panel (if required) of five members of the Committee with full delegated powers to deal with the matters detailed in the [Constitution](#) Section 8 paragraph 4.
- 2.7 In addition, the Planning Committee will receive an annual report on the work of the Safety of Sports Ground team. This team is made up of officers from the Trading Standards team.

Planning Committee Members' Guidance Protocol

1. Introduction

- 1.1 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Planning necessarily affects land and property interests and as such is often highly contentious. It is important therefore that planning decisions are made openly, impartially, with sound judgement and for justifiable reasons.
- 1.2 The aim of this Guidance Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision of the Planning Committee has been unfair, biased, partial or not well founded in any way. The role of a Member of the Planning Committee (a Member) involves balancing representation of the interests of constituents and the community with the need to maintain impartial decision-making.
- 1.3 This Guidance Protocol applies to planning enforcement matters or site specific policy issues as well as to planning applications.
- 1.4 If a Member (or Local Member) (defined at paragraph 3.1 (a) and (b)) has any doubts about the application of this Guidance Protocol to their own circumstances they should seek advice from the County Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

2. Background

- 2.1 This Guidance Protocol was last updated in February 2013 due to the coming into force of the Localism Act 2011. Nothing in this document takes precedence over the Staffordshire County Council Members' Code of Conduct (the Code of Conduct can be found in [Section 3 of the Constitution](#)).
- 2.2 The Code of Conduct sets out general provisions and obligations for Members, which must be complied with in all decision making, and this Guidance Protocol is intended to explain and supplement the Code of Conduct specifically in the context of planning decisions.
- 2.3 If a Member (or Local Member) does not abide by this Guidance Protocol they may put the County Council at risk of proceedings on the legality or maladministration of the related decision and, if the failure is also likely to be a breach of the Code of Conduct, be the subject of a complaint to the Audit and Standards Committee.
- 2.4 This Guidance Protocol applies to Members of Planning Committee and Local Members attending the Committee to speak on reports relating to

applications in their area. (Note: Where a Local Member is not a Member of Planning Committee, they have no right to vote).

3. Members entitled to participate in Planning Committee meetings

- 3.1 The following Members are entitled to participate in Planning Committee meetings:
- a) Those Members directly appointed to the Planning Committee (either at Annual Council or by way of a change of membership by the relevant political group leader and registered with the County Solicitor and Monitoring Officer; and,
 - b) The Local Member for each Division to which report(s) on an agenda relate. Local Members are permitted to address the Committee on reports relating to applications in their own Division only before the Committee deliberates on the report and to clarify any issues raised by responding to Committee Members questions, but such Local Members are not entitled to vote on the item in question.

4. Disclosable Pecuniary Interests

- 4.1 If a Member (or Local Member) has a disclosable pecuniary interest (as set out in [Appendix 1a of the Code of Conduct](#)) in a matter before the Planning Committee they must act in accordance with the Code of Conduct by notifying the Chairperson of the Planning Committee and leaving the meeting room until consideration of the matter is concluded and not participate in the discussion or the vote taken unless a written dispensation has been given by the County Council.
- 4.2 If a Member (or Local Member) has a disclosable pecuniary interest in an item they may record it by notifying the County Solicitor and Monitoring Officer beforehand. Even if the Member does not attend the meeting the interest will be recorded and added to the Minutes.
- 4.3 If during a Planning Committee meeting it becomes apparent to a Member (or Local Member) that they have a disclosable pecuniary interest in a matter which is to be or is being considered at the meeting that is not included on the register of interests then;
- a) they must disclose the interest to the meeting (and act in accordance with paragraph 4.1 above), and
 - b) unless the interest is the subject of a pending notification, they must notify the County Solicitor and Monitoring Officer of the interest within 28 days.

- 4.4 Examples of disclosable pecuniary interests would include ownership of land by a Member (or Local Member) or their partner which is the subject of an application to Planning Committee, or the employment of a Member's (or Local Member's) partner by an applicant for planning permission.

5. Other Relevant Interests

- 5.1 A Member (or Local Member) will have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the Planning Committee where:
- a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of the Member, their family or a person with whom he has a close association, or an organisation or body he belongs to, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which the Member has been elected; and,
 - b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Members' judgement of the public interest.
- 5.2 A Member (or Local Member) who has an Other Relevant Interest as described above shall make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. There is an element of judgement in deciding whether a Member has an Other Relevant Interest.
- 5.3 If a Member has an Other Relevant Interest in the item, they shall be entitled to speak but not vote and will leave the room after speaking.
- 5.4 If a Member has an Other Relevant Interest in any item in the Schedule of Delegated Items dealt with by the Director of Economy, Infrastructure and Skills and Deputy Chief Executive, the interest and the nature of the interest should be declared by the Member.
- 5.5 If the Member (or Local Member) is also a Cabinet Member for the County Council then when any County Council development proposal submitted in the name of the Cabinet is under consideration they should declare their Cabinet Membership, leave the room after speaking and should take no part in any vote. If the Member has a disclosable pecuniary interest for which they have no dispensation from the County Council, they cannot speak and must leave the room whilst the Committee considers the matter.

6. Pre-determination and Predisposition

- 6.1 Members will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they

have been lobbied. Under [Section 25\(2\) of the Localism Act 2011](#) a Member is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because:

- a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and,
 - b) the matter was relevant to the decision.
- 6.2 This provision recognises the role of Members in matters of local interest and debate, but Members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).
- 6.3 If a Member has made up their mind prior to the meeting and is not able to reconsider their previously held view, then they will not be able to vote on the matter. The Member should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes. The Member will be entitled to speak on the matter at the Planning Committee.

7. Lobbying

- 7.1 Members and Local Members may often be asked or tempted to form a judgement about a particular application, proposal or plan. However, it is important that a Member should not be vulnerable to an accusation of partiality because they have prematurely committed themselves one way or the other. Members should wait until all the information is available and presented to them at Planning Committee before reaching a final opinion on a matter.
- 7.2 When being lobbied about particular applications or proposals or policies/plans whether by telephone, text, social media, in writing or by email, a Member must avoid expressing an opinion which may be taken as indicating that they have already made up their mind (predetermination).
- 7.3 Members (or Local Members) are able to give procedural advice, e.g. suggesting that those who are lobbying them should speak/write to the case officer dealing with the planning matter.
- 7.4 There is nothing to prevent a Member expressing a preliminary opinion or giving preliminary support to a particular matter or indicating, directly or indirectly, what view they took or might take on the matter. The Member should make it clear that they will only be in a position to take a final

decision after having heard and/or seen all the relevant information, evidence and argument put before the Planning Committee.

- 7.5 If a Member is also the Local Member they may be in a difficult position. In that situation the Member may decide to make up their mind on a matter before it comes to Planning Committee. If they do, they will be able to speak but will lose the right to vote at the Planning Committee. This is because it would not be possible to argue convincingly that they have carefully weighed all the information, evidence and arguments presented when the matter came before the Planning Committee.
- 7.6 Members must not organise support for or opposition to a particular proposal or plan, or lobby other Members. If they do any of these things then they will be seen to have made up their minds before the Planning Committee meeting and will thus be unable to vote on the matter at the meeting of the Planning Committee.
- 7.7 The striking of the balance in such cases is ultimately the responsibility of the individual Member and in doing so regard needs to be paid to the Code of Conduct. It is the responsibility of the Member alone to decide what view to take.
- 7.8 A political group meeting should not be used to decide how Members should vote.
- 7.9 Members should not put pressure on any officer for a particular recommendation, or to exercise a delegated power in a particular way; such activity can amount to bullying and may be reported to the County Solicitor and Monitoring Officer. (The Protocol on [Officer / Member Relationships](#) also refers.)
- 7.10 If a Member has been subject to excessive lobbying or pressure e.g. by being offered gifts, they should notify the County Solicitor and Monitoring Officer.
- 7.11 A Member should not meet applicants/agents or objectors or supporters, either prior to or after the submission of a planning application, unless organised by an officer and with an officer present. Members will be aware that such meetings or presentations can be a form of lobbying where debate should not take place.
- 7.12 A Member approached (including by telephone, text, social media, in writing or by email) by an applicant, objectors or interested party to discuss issues relating to a particular matter is advised to notify the case officer dealing with the planning matter. This will be recorded on the relevant planning file by the case officer. The Member should advise those making the approach that this action will be taken.

7.13 Unless a Member has a disclosable pecuniary interest in the matter these arrangements do not prevent them from:

- a) being able to listen/receive viewpoints from residents or other interested parties;
- b) making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and where the Member makes it clear they are keeping an open mind;
- c) seeking information through appropriate channels; or
- d) being a vehicle for the expression of opinion or speaking at the meeting as a Member (or Local Member) provided they explain their actions at the start of the meeting/item and makes it clear that, having expressed that opinion, they will make up their own mind only after having heard all the facts and listened to all the debate at Committee.

8. Applications by the Cabinet

8.1 A Member (or a Local Member) who is also a Member of the Cabinet and is present at a meeting of the Planning Committee at which an application made by or on behalf of the Cabinet is to be considered, may well be so committed to the particular development in their role as a Member of the Cabinet that they may not be able to demonstrate an ability to take account of counter-arguments before a final decision is reached. Also in some cases, they may be seen as an advocate on behalf of the authority.

8.2 In these situations, the Member may attend the Committee, and having declared their Cabinet Membership can argue for the development proposed but should leave the room after speaking and take no part in any vote. This is to ensure that they are not seen as attempting to improperly influence the meeting. However, if the Member has a disclosable pecuniary interest in the application, in respect of which they have no dispensation from the County Council, they cannot speak and must leave the room whilst the Committee discusses and votes on it.

9. Receipt of Written Information

9.1 Any letters or emails or other written information received by Members should be given to the case officer dealing with the planning matter and the case officer will arrange for them to be acknowledged and recorded.

10. Confidential Information

10.1 Members (or Local Members) should seek advice from the County Solicitor and Monitoring Officer if they are in receipt of confidential information and feel they need to respond to that information.

11. Pre-Application Discussions

- 11.1 Members should not engage in pre-application discussions on planning applications except where they form part of a presentation by an applicant to the Committee. Members must maintain an impartial listening role and avoid expressing an opinion or giving advice. However, they may seek clarification of any issues, provide local information and identify any issues which may need to be addressed as part of a planning application.

Planning-Committee - Public Speaking Protocol

1. Introduction

- 1.1 Staffordshire County Council is committed to extending the level of public involvement in the operation of its Planning Committee. Since March 2012 we have been broadcasting the meetings live to the internet. We also record the meetings for later viewing. From the date of the meeting recordings are kept for 12 months (refer to web page www.staffordshire.gov.uk/planning - '[Planning Committee Homepage](#)'), and for 6 years on YouTube (refer to the Staffordshire County Council webcast archive channel).
- 1.2 For the avoidance of doubt making representations direct to Committee DOES NOT include speaking in connection with:
 - (a) planning enforcement matters
 - (b) proposed litigation
 - (c) financial interests or other Member interests
 - (d) matters delegated to the Director of Economy, Infrastructure and Skills
- 1.3 In addition there is no right to make representations on reports which are included on the closed part of the agenda; namely matters which are exempt from public disclosure as defined in the paragraphs [Part 1 of Schedule 12A Local Government Act 1972 \(as amended\)](#).
- 1.4 This Protocol, previously updated and republished following approval of a report to the Planning Committee in December 2012, therefore sets out the broad parameters within which "public speaking" (making representations direct) may take place at the County Council's Planning Committee in connection with planning applications being considered by the Committee.

2. Who can speak?

- 2.1 In order to strike the right balance for Members between the need to fully consider all the written and visual information before them and listening to the oral representations, those who can speak is restricted to a representative from any objectors, supporters and Parish Council(s) who have made written representations on any planning application to be determined by the Planning Committee.
- 2.2 An objector is anyone who has been consulted by the County Council on a proposal and has submitted written representations objecting to the proposal.
- 2.3 A supporter is the applicant or anyone else who wishes planning permission to be granted for a particular proposal.

- 2.4 For the avoidance of doubt where Officers recommend refusal of a planning application someone who originally objected to the proposal continues to be classed as an objector. Also, for the avoidance of doubt the right to speak at Planning Committee is for the benefit of the public. Where officers consider that someone who wants to speak is doing so on behalf of a statutory or non- statutory consultee, they do not have the right to speak.
- 2.5 An objector, a supporter and the Parish Council(s) can make oral representations to Planning Committee on a proposal under consideration if they have first submitted written comments during the processing of the planning application.
- 2.6 An objector, a supporter and the Parish Council may nominate a representative to speak on their behalf. If the successful nominated speaker has already indicated that they wish to speak but is for one reason or another unable to attend the meeting, a pre-arranged substitute speaker may speak on their behalf. The Council must be notified of the change prior to the meeting commencing.
- 2.7 If there is more than one request to speak by either an objector or a supporter the Council works on a first come first served basis.
- 2.8 Failure to take up the right to make oral representations by any party and for whatever reason will not preclude the Committee from making a decision on the planning application at a meeting.

3. When will speaking occur during the meeting?

- 3.1 After the Chairperson introduces the agenda item and an officer describes the proposal, BUT before any Member debate into the planning merits of the matter under consideration, public speaking will commence. The order of speaking will be:
 - 1. The Objector
 - 2. Parish Council(s)
 - 3. The Supporter

4. How long does each speaker have?

- 4.1 Each speaker will have a maximum time limit of 5 minutes to speak and under the Chairperson there will be a traffic light system which will show green for the first 4 minutes, amber for the last minute and red when the 5 minutes have been completed. The Chairperson of the Planning Committee may at their absolute discretion, and in exceptional circumstances, extend this time limit.

- 4.2 At the end of the 5 minutes, the speaker will be instructed by the Chairperson to cease and no further oral representations by that speaker will be allowed.

5. What will be the order of business for dealing with each application?

1. The application title, applicant and location read out by Chairperson.
2. The Planning Officer will make a short presentation including photographs and where necessary update the written report with any information received after its completion.
3. The speaker for each group (objector/Parish Council(s)/supporter) will be invited to speak in the order referred to in paragraph 3 above.
4. Where appropriate or necessary the Planning Officer will respond to comments raised during public speaking.
5. Member Debate, starting with the Local Member if in attendance, including questions to officers.
6. Members may question the Local Member on points of clarification.
7. The Chairperson may question the speakers on points of clarification requested by the Members.
8. Decision taken.
9. Speakers will be sent written notification of the Planning Committee's decision.

(PUBLIC SPEAKING ONLY RELATES TO THAT ITEM SHOWN IN THE BOX)

6. Notification of intention to speak

- 6.1 You will be notified in writing 2 weeks before the Committee meeting of an intention by officers to report the proposal to Committee. If you wish to make oral representations to the Committee either by attending the meeting in person or via Microsoft Teams*, or wish to nominate someone else to speak on your behalf, you must then make a request by email to Member and Democratic Services (desu@staffordshire.gov.uk) BEFORE 5.00pm on the Monday preceding the Thursday Planning Committee. Where there is a Bank or Public Holiday in the intervening period the letter of notification will set out the final date and time when requests will be considered by the Council.

[*Microsoft Teams is an on-line meeting application that is used by the County Council and is free to download and use by anyone speaking to the Planning Committee. Instructions on downloading and using Microsoft

Teams will be provided by Member and Democratic Services if you register to speak. In all other respects our normal public speaking arrangements, described below, will continue to apply.]

7. Procedure following receipt of request to speak

- 7.1 Member and Democratic Services will notify you of whether your request to speak was successful and will add your name to a list to be placed before the Committee.
- 7.2 If attending in person, you will need to report to the venue of the Committee meeting 30 minutes before the start of the Committee meeting.
- 7.3 If attending virtually, via Microsoft Teams, Member and Democratic Services will have notified you of the relevant meeting link and you are requested to join the meeting 15 minutes before the start of the Committee meeting. Member and Democratic Services will have requested that you submit your speech before the meeting so that, in the event of a technical difficulty preventing you from addressing the Committee, it can continue to be read to the Committee by Member and Democratic Services until the 5 minutes has passed.
- 7.4 Member and Democratic Services will advise you on the day of any procedures that you need to be aware of.
- 7.5 If you or your nominated speaker are likely to be delayed or unable to join/attend the meeting, then please contact the Member and Democratic Services officer who provided you with the meeting instructions. Please note that it will not be possible to defer the planning matter under consideration due to public speakers being unable to attend.

8. Conduct of speakers

- 8.1 The County Council will provide information and advice in writing to any party wishing to make representations to the Planning Committee.
- 8.2 Oral representation can only be made to the Planning Committee if what is said falls within the following categories:
 - The representations, or answer to a question from the Chairperson, are relevant to town and country planning considerations affecting the application.
 - The representations, or answer to a question from the Chairperson, are directly relevant to the particular application.
 - The representations, or answer to a question from the Chairperson, are a statement of fact (even though they may be based on subjective evidence).

- The representations, or answer to a question from the Chairperson, are a statement of personal/professional opinion. If it is personal opinion of the speaker or someone else this must be stated. If it is the speakers or someone else's professional opinion, again this must be stated.
- 8.3 The Chairperson will have the discretion to interject if the speaker departs from the four criteria. Any representation considered by the Chairperson deemed to be defamatory, offensive or to relate to an individual officer or Member will not be permitted and the speaker will be informed accordingly.
- 8.4 No facilities for presentations may be used and no documentation may be passed to the Committee.
- 8.5 No written statements may be introduced or circulated at the meeting in addition to any oral representations. Written statements submitted, as a substitute to oral representations, will not be accepted. No new written material may be introduced at the meeting. Any new information should be submitted to the Planning Officer so that it can be incorporated into their report to Planning Committee, which is published on the [Planning Committee Meeting webpage](#) 6 working days prior to the Committee meeting.
- 8.6 All speakers are encouraged to write down the points they want to make so that they can read this out during their allotted time.
- 8.7 During presentations, speakers must conduct themselves in an orderly manner or they will be asked to leave the meeting.
- 8.8 The Chairperson has the last say on any matter and can refuse to allow a speaker to continue at any time if they consider fit.

9. Will I be questioned and can I ask questions?

- 9.1 Any party making oral representations may be questioned on points of clarification by the Chairperson of the Planning Committee.
- 9.2 Any party making oral representations cannot direct questions at officers, Members of the Planning Committee or other speakers and must not interject or speak again unless asked to respond to a direct question by the Chairperson of the Planning Committee.
- 9.3 To avoid statements being misunderstood it should be made very clear whether the words spoken are matters of fact or opinion and any scope for ambiguity should be minimised by the speaker.

10. Items which reach Planning Committee but are then deferred before a decision is made

- 10.1 Planning Committee may wish to defer consideration of a planning application to either seek further clarification/information from the applicant or to visit the site. When the matter is reported back to Committee the order of business will remain as set out in Paragraph 4 above. For the avoidance of doubt this means that the same speakers will be allowed to speak again.
- 10.2 If the opportunity to speak was not taken up by an objector or supporter when the proposal was first considered, there will be an opportunity for someone to speak as an objector or supporter on a first come first served basis next time round. However, if someone did decline to speak second time round then there will be an opportunity for someone else to speak on a first come first served basis.

Planning Committee Policy on When to have a Site Visit

1. Planning Committee Site Visits should only take place where:-
 - a) The visual, verbal and written material is insufficient to convey a clear impression of the impacts and affects on the site and its surroundings.
 - b) Specific impacts/effects such as landscape, visual amenity, highways and proximity to properties need to be inspected because of the site's location, topography and/or relationship with other sites/facilities which cannot be addressed in text form.
 - c) The proposals raise new or novel issues on site which need to be inspected.
2. Site visits should not be undertaken simply at the request of the applicant, objectors or other interested parties whether expressed in writing or during public speaking.
3. The arrangement and conduct of all visits should be in accordance with the [Committee's Site Visit Protocol](#).

Notes:

In this policy the term 'applicant' means the relevant applicant(s) for planning permission, the relevant landowner(s), if different, and, where the site visit relates to a matter other than a planning application, it means the person(s) using the land in question and the owner(s) of that land.

This policy was first approved by the Planning Committee on 11 October 2007.

Planning Committee Site Visit Protocol

1. Administrative Matters

- 1.1 A Committee site visit will only take place in accordance with a duly minuted decision of the Committee based on the approved '[Policy for Committee Site Visits](#)'. It should only be necessary if the impact of the proposed development is difficult to visualize from the plans and any supporting material, including photographs or there is a good reason why the comments of the applicant and the objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 1.2 Dates for site visits will be identified promptly by the County Solicitor and Monitoring Officer in consultation with the Director of Economy, Infrastructure and Skills and Deputy Chief Executive and the Chairperson of the Committee.
- 1.3 The applicant will be notified in writing of the date of the site visit by the County Solicitor and Monitoring Officer 7 days prior to the site visit taking place and will be invited to attend with an agent if desired.
- 1.4 The Director of Economy, Infrastructure and Skills and Deputy Chief Executive will ensure in liaison with the applicant that access (including for the disabled) is made available to the Committee in order to inspect the site. If there is any constraint on access, then a site visit will not be carried out.
- 1.5 A copy of the Director of Economy, Infrastructure and Skills and Deputy Chief Executive report which led to the Committee deciding to undertake a site visit shall be despatched 3 clear days before the meeting to every member of the Planning Committee and the Local Member(s).
- 1.6 For reasons of health and safety, and security, members of the Planning Committee will notify the County Solicitor and Monitoring Officer in advance of their intention to attend the site visit. Members should not seek to gain access to a site independently of the Committee visit.
- 1.7 The Council will normally only invite the following persons to attend a site visit:
 - a) The applicant and/or their agent.
 - b) Officers of the County Council.
 - c) The Local County Council Member(s)Members of the public will not be allowed on any site visit.

2. Conduct of Site Visits

- 2.1 The Chairperson of the Planning Committee (or their nominee) will outline the purpose of the site visit which is to inspect land and property which is to be subject to a planning decision.
- 2.2 The Director of Economy, Infrastructure and Skills and Deputy Chief Executive or their representative will describe the proposal and may refer to matters raised in the officer reports by other parties.
- 2.3 The Chairperson will give the applicant and/or their agent an opportunity to clarify any issues to identify any features on the site which are relevant to the Committee's consideration and to respond to any questions raised by members of the Planning Committee.
- 2.4 The Chairperson will invite the Local County Council Member(s) present to raise any issues which are relevant to the Committee's consideration.
- 2.5 The applicant and/or agent may not address the Members present about the merits of the case. If any such attempt is made, the Chairperson will then warn the applicant and/or agent that Members cannot consider their comments.
- 2.6 No decision will be made at a site visit by the Committee and the Chairperson will make this clear at the beginning of the visit.
- 2.7 A written note of the visit will be made by an officer present, placed on the relevant planning application file, and reported to the Committee when they consider the planning issue in due course.
- 2.8 Documents, letters or petitions concerning the planning proposal or the site visit from any party will not be accepted at any site visit. Such documents letters or petitions should be sent directly to the Director of Economy, Infrastructure and Skills and Deputy Chief Executive and will be referred to in their report(s) to the Committee.
- 2.9 Once the site has been inspected the Chairperson will formally close the site visit.
- 2.10 Once closed no further discussions will take place.

3. Role of Members

- 3.1 The Chairperson shall ensure that the Members inspect the site as a group. They must ensure that they see or inspect all relevant matters so they can fully understand the proposals before them.
- 3.2 Members travelling independently shall meet at the agreed meeting location and shall not engage in any discussion with the applicant and/or agent until the Chairperson/Officers arrive.

- 3.3 Members may ask questions, through the Chairperson, of the applicant and/or agent on the site.
- 3.4 Members should not enter into discussions of the merits of the proposal with the applicant and/or agent or other Councillors during the site visit.
- 3.5 Members shall be seen to be perfectly scrupulous and fair to all parties at all site visits.

4. Role of the Chairperson

- 4.1 The Councillor chairing the meeting must ensure the meeting on site is run in a fair and orderly manner.
- 4.2 They must ensure all questions and comments are made through the Chairperson.
- 4.3 They should be guided by advice from officers present but must ensure the site has been adequately inspected, which may include inspection from third party locations or elsewhere.
- 4.4 They must formally open and close the site visit and ensure Members are fully aware of matters arising at the visit.

Notes:

In the protocol the term 'applicant' means the relevant applicant(s) for planning permission, the relevant landowner(s), if different, and, where the site visit relates to a matter other than a planning application, it means the person(s) using the land in question and the owner(s) of that land.

This protocol was previously updated and republished following approval of a report to the Planning Committee in March 2010.

Planning Committee Chairperson's Site Inspections

Administrative Matters

1. The County Council's Scheme of Delegation authorises the Director of Economy, Infrastructure and Skills:

To arrange for a site visit to be held in connection with any development management matter where in the opinion of the Deputy Chief Executive and Director for Economy, Infrastructure and Skills the consideration of that matter would be facilitated or enhanced by such visit; and on any such site visit to arrange for the attendance of the Chairperson of the Planning Committee and such Members of the Planning Committee as may be appropriate, and the local member(s) of the County Council affected by the matter, and where the Deputy Chief Executive and Director for Economy, Infrastructure and Skills considers it appropriate, for the relevant District Council and/or Parish Council to be represented, provided that no decision in relation to that matter shall be taken on the site visit.
2. Dates for site visits will be identified promptly by the Director of Economy, Infrastructure and Skills (Director E,I&S) in consultation with the Chairperson of the Committee.
3. The applicant will be given as much notice as practicable of the date of the site visit prior to the site visit taking place and will be invited to attend with an agent if desired.
4. The Director E,I&S will ensure in liaison with the applicant that access is made available so that the site can be inspected. Where problems arise or for health and safety reasons access is not possible then the Director will ensure that the site can be seen from a safe vantage point.
5. The Director E,I&S will if appropriate invite the relevant District Council and/or Parish Council(s) to be represented at the site meeting.

Conduct of Site Visits

6. The Chairperson of the Planning Committee (or their nominee) will outline the purpose of the site visit which is to inspect land and property which is to be subject to a planning decision or a future planning proposal.
7. The applicant's proposals for the site will be set out orally by the Director E,I&S or their representative.
8. The Chairperson will give the applicant and/or their agent an opportunity to expand upon the Director E,I&S' comments, to identify any features on the site which are relevant to the Committee's consideration and to respond to any questions raised by members of the Committee.

9. The Chairperson will invite any other representative present to raise any relevant issues and concerns.
10. There will be no debate at the site visit about the planning merits of the case.
11. No decision will be made at a site visit, and the Chairperson will make this clear at the beginning of the visit.
12. A written note of the visit will be made by the officer present and placed on the relevant planning application file and reported to the Committee when they consider the planning issue in due course.
13. Documents, letters or petitions concerning the planning issue or the site visit from any party will not be accepted at any site visit. Such documents, letters or petitions should be sent directly to the Director E,I&S and will be referred to in their report(s) to the Committee.

Notes:

In this protocol the term 'applicant' means the relevant applicant(s) for planning permission, the relevant landowner(s), if different, and, where the site visit relates to a matter other than a planning application, it means the person(s) using the land in question and the owner(s) of that land.

This protocol was previously updated and re-published following approval of a report to October 2007 Planning Committee.

Policy on Requests for the Deferral of the Determination of Planning Applications

1. The County Council will only accept a request for the deferral of the determination of a planning application prior to its consideration by the Planning Committee where the following criteria are met:
 - a. the request is received in writing by the case officer dealing with the planning matter no later than 12.00 noon on the day before the Committee meeting; and
 - b. the basis for the deferral request and all supporting information is set out in full (requests for extensions of time to enable the applicant to submit further information in support of the deferral will not be accepted); and
 - c. the deferral request will not lead to the determination of the application being delayed beyond the next suitable Planning Committee
2. The only exception will be where the request proposes a significant amendment to the application. An outline of the nature of the intended amendment and an explanation of the reasons for making it must be submitted with the deferral request. The full details of the amendment must be submitted within 28 days of the request being accepted by the Committee, failing which the Committee reserve the right to determine the application on the basis of the original submission as it stood before the applicant's request was made.
3. Under no circumstances will the County Council accept a second request for deferral of an application.
4. The County Council will not object to applicants formally withdrawing applications before they are determined whether they are applications being considered for the first time or following an accepted deferral request.