Contents

INTRODUCTION 1

LEGAL BACKGROUND 1

WYRE FOREST PROCEDURES 1

BEFORE THE MEETING OF THE PLANNING COMMITTEE 2

AT THE MEETING OF THE PLANNING COMMITTEE 3
INTRODUCTION

The Government, and those participating in the planning process, have maintained a continuing desire to achieve greater openness and transparency, improve accountability and to engage the community more in the planning process. One area where this can be achieved is by enabling third parties to take part in the decision making process and to address the Council’s Planning Committee through a scheme of public speaking.

LEGAL BACKGROUND

Through the Town and Country Planning (Development Management Procedure) (England) Order 2010, Local Planning Authorities have a duty to publicise certain applications. Local Planning Authorities have a duty to consider any representation made as part of the process of determining applications. Although Article 6 of the Human Rights Act secures individuals the right to a fair and public hearing, there is no statutory requirement to allow third parties, other consultees or applicants to address Members of the Planning Committee as part of the process of determining planning applications. Wyre Forest District Council, however, recognises that it is as a mark of good practice to allow such public speaking at Committee.

WYRE FOREST PROCEDURES

This Practice Note explains the procedure for applicants (or agents), objectors and supporters to speak at Planning Committee meetings. It is based on simple rules, which the Council has formulated and developed over time in order to make the system as fair and easy to operate as possible.

The right to address the Planning Committee is open only to:

- **third party objectors** to the development;
- **third party supporters** of the development proposed;
- **in the absence of** any speakers in support of the development, **and only where there is a speaker opposing the development**, the applicant or his chosen representative.
The right to address the Planning Committee shall not be open to:

- applicants or their representatives unless as a ‘right of reply’ as described above
- statutory consultees (although these may from time to time be invited to address Committee by the Chairman)
- parish councils (the parish council right to address Committee is covered by the existing protocol which is described in the separate Development Control Practice Note No. 10).

All speakers addressing the Planning Committee will be required to follow the provisions outlined below, failure to do so may invalidate the right to speak:

**BEFORE THE MEETING OF THE PLANNING COMMITTEE**

- Third parties will be advised of their right to speak at the Planning Committee when letters are sent to them notifying them of the receipt of a planning application and when site notices are posted. There will be a further reminder of this right in the acknowledgement letter sent out to everyone who submits a written representation.

- Any person wishing to speak on an application must:

  1) notify the Case Officer dealing with the application in writing of your desire to speak, within 21 days of the date of the neighbour notification letter or Press/Site Notice; and

  2) register your wish to speak with Committee Services by telephoning 01562 732733 within the same 21 day time limit.

Failure to register to speak (as described above) will mean that you will not be able to speak at Committee and it may be that the application will be determined by Officers under delegated powers.

- If a third party has been advised that an application is not scheduled to be determined by the Planning Committee, and that person wishes to speak, it is important that they notify the Case Officer and register to speak within 21 days of the date of the neighbour notification letter or Press/Site Notice (as set out above).

- Interested persons wishing to speak will only be allowed to do so if they have submitted their comments in writing to the Case Officer dealing with the application.

- Only one person will be allowed to speak against and one person in support of a proposal.
The applicant or agent will **only** have the ‘right to reply’ to third party objectors **but will not have the right to speak if there are no other third party speakers**, nor if there is a third party already speaking in support.

Where more than one request to speak against or in support of a proposal has been received the right to speak will be offered to the first person to register their wish to speak **whose property has a boundary adjoining the proposal site**. In all other cases the right to speak will be offered on a “first come, first served basis”. Anyone registering to speak who does not meet these criteria will be given the name of the person who is going to speak so that they might co-ordinate their views into a single response. Ultimately the Development Manager and the Solicitor to the Council will decide who will be allowed to speak in the event of a disagreement.

If you have registered to speak, you will be advised in writing by Democratic Services whether you have the right to speak prior to the relevant Committee meeting. If you wish to telephone to check please do not do so until a week before the Committee meeting.

Anyone registering to speak but finding themselves unable to attend the meeting should let Committee Services know as soon as possible.

All people expressing a wish to speak at Committee will be notified to the Chairman of the Planning Committee at the briefing with officers prior to the meeting. At that time the running order of items on the agenda will be agreed so as to enable those involving public speaking to be considered first on their respective parts of the agenda.

**AT THE MEETING OF THE PLANNING COMMITTEE**

Agenda items involving public speaking will have presentations made in the following order:

- introduction of item by officers;
- representations by objectors;
- representations by supporters or applicant (or representative)
- clarification of any points by officers;
- consideration of applications by Councillors, including any questions to objector/supporter/applicant (or representative)

All speakers will have a **maximum of 3 minutes** to address Committee. You will be asked by the Chairman of the Committee to move to a designated seating area before you speak. The 3 minute limit will be strictly applied by the Chairman and depending on whether or not the Councillors have any questions to ask you, you will then be asked to go back to your seat in the public gallery.
• Speakers may only reiterate and further explain matters they have already made in writing to the Planning Officer; **no new matters may be introduced or will be considered by Committee.**

• Speakers should restrict themselves only to matters which are material to the determination of the planning application and should at all times act courteously to Members, Officers, the applicant and other interested parties. At no time should defamatory or other accusatory comments be made.

• Speakers **will not be allowed to circulate any written, photographic or illustrative material at the meeting and will not be allowed to refer to any visual aids** other than those already available at the Committee.

• Speakers will not be allowed to ask any questions of Members, Officers, the applicant (or his representative) or other speakers.

• The Planning Officer may add extra comment after each speaker to advise Councillors on matters raised before the application is debated by the Committee.

• If an application is deferred to enable more information to be supplied by Officers, or for Members to undertake a site visit, those speakers who have already made representations to Committee will not be allowed to make further representations either at the site visit or at the next meeting of the Committee at which the applications is to be considered.

At all times the discretion of the Chairman of the Committee will prevail. The meeting may be suspended or the Chairman may ask you to leave under Standing Orders at any time, if necessary, for the purpose of maintaining order at the meeting.