

DEVELOPMENT MANAGEMENT COMMITTEE
26th January, 2011

REPORT OF SOLICITOR

SUBJECT: HUMAN RIGHTS IMPLICATIONS

The Human Rights Act 1998 provides that, from the 2nd October 2000, the rights set out in the European Convention on Human Rights will be accessible direct in the British courts. Members will recall that the rights concerned have been the subject of Reports to the full Authority meetings held in June and September 2000.

The Act requires that, as far as is possible, existing legislation must be read and given effect in a way which is compatible with Convention rights. Furthermore, it will be unlawful for public authorities to act in a way which is incompatible with Convention rights.

In the planning sphere, relevant rights can attach both to applicants for planning permission, and also to third parties who may be adversely affected by a proposed development.

Consequently, it is essential that the way the Authority decides planning issues is characterised by fairness, and that the Authority strikes a fair balance between the public interest, as reflected in the Town and Country Planning legislation, and individual rights and interests.

Accordingly, the reports of the Development Management Officer that follow have been prepared with express and due regard to Convention Human Rights. In particular:

1. In assessing each application every effort has been made to consider, and place before Members, all the arguments put forward:
 - (a) by those seeking planning permission;
 - (b) by those opposing the grant of planning permission;
 - (c) by those suggesting conditions deemed appropriate if permission is to be granted.

2. Each planning application to be considered by the Committee is the subject of an individual Appraisal and Recommendation. These embrace a balancing of any competing interest.