

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

SUBJECT:

REVIEW OF THE PUBLIC PARTICIPATION SCHEME AT DEVELOPMENT MANAGEMENT COMMITTEE MEETINGS AND SITE INSPECTIONS AND THE SUBMISSION OF DOCUMENTS IN RELATION TO COMMITTEE ITEMS

Purpose of the Report

The purpose of this report is to recommend changes to:

1. the public participation scheme at Development Management committee meetings and site inspections
2. the protocol in relation to member requests for items to be considered by the committee
3. the submission of correspondence in respect of committee items.

Background

The Authority introduced public speaking at its Development Management committees in 2002 and has an agreed protocol in relation to the right to speak at these meetings.

In addition, the Authority allows public speaking at DM committee site visits.

Members of the Authority can request that planning applications are brought before the Development Management committee setting out their reasons for the request.

It is also accepted practice that correspondence received after the printing of the agenda is also put before Committee.

Current Situation

The Public Participation scheme has been successful in terms of:

1. providing the opportunity for applicants/interested parties to express their views
2. for agents/applicants to respond to interested parties concerns
3. for members to be provided with additional information and clarify points with all parties as necessary
4. to enable the service to be more transparent and accountable.

However, it is considered that the scheme requires some strengthening in terms of its delivery and process.

Site visit speaking

There is a serious discrepancy between those cases that progress to a site visit and those decided at Llanion HQ. Presently public participation is also allowed at these visits with no limit on numbers of speakers/time for speaking etc. It also takes place when weather and site topography can impede useful dialogue. In effect, applications which progress to a site visit have two opportunities for public speaking eg. the initial consideration of the case at Committee and the site visit. This is considered to be unfair and this imbalance between cases needs to be addressed.

Late submission of correspondence

The late submission of correspondence in relation to committee items causes difficulties for both officers and members in terms of understanding and digesting the contents of this correspondence and being able to effectively address the issues raised. Where legal or other complex issues arise at such a late point in the process it is impossible to address these adequately. The deferral of applications can be the result. Planning applications are required to provide for a public consultation period and late submissions are not conforming with this process.

Members' requests to bring applications to Committee

Members also, on occasion, request that applications are brought to committee as a result of issues raised by the applicant/third party interests. These requests are often raised late in the process (often too late to meet the first available committee date) and result in delays in processing applications and have a related impact on the targets for determining applications.

Other Authorities approaches to public speaking

Most Local Planning Authorities in Wales offer public speaking at committees with the majority limiting speaking to three or five minutes and restricted to one objector and one supporter on each case. With regard to the most relevant to this Authority particular consideration has been given to the other National Parks in Wales and Pembrokeshire and Carmarthenshire County Councils. Pembrokeshire County Council, Snowdonia National Park Authority and Brecon Beacons National Park Authority all restrict speaking to one supporter and one objector (Snowdonia allow the applicant to reply to speakers but restrict speakers to those who have written in on the application) and all limit speaking time to three minutes. In the event that there is more than one speaker and it cannot be resolved who will speak, Snowdonia and Pembrokeshire allow the speaker who registered first to speak.

Carmarthenshire allow two objectors and the applicant is only allowed to respond to these and cannot speak unless there are objections. Speakers are allowed five minutes each. Site visits are undertaken in private.

Proposals

Public Participation

A number of changes are proposed to improve the public participation scheme and to make it a fairer and more effective service. Appendix A sets out the recommended protocol for public participation. The main changes are:

1. In addition to a Community/Town Council representative, a local councillor and statutory consultees, the right to speak normally relates to only one person in support (ie applicant *or* agent *or* nominated representative or supporter) and one person against. Where more than one person wishes to speak they will be required to nominate a spokesperson on their behalf. In the absence of agreement the first registered to speak will be allowed to address the committee. Further speakers are permitted only at the discretion of the Chairman.
2. The time allowed will be extended to 5 minutes in view of the above.
3. Whilst the public may attend site inspections subject to the landowner's permission, no public speaking at committee site inspections will be allowed. Only points of clarification in relation to the site will be allowed. No debate or discussion will be entered into. Officers will also only present factual information in relation to the proposal at site inspections.
4. The deadline for notifying the Authority of the intent to speak will be changed to 10am (or first post) 3 working days prior to the meeting (normally the Friday before).
5. The Authority will no longer contact the applicant/agent or objectors where the other has declared an intent to speak to find out if they wish to speak. The onus is on the individuals concerned to advise the Authority of the wish to speak before the deadline. A speaker is always able to retract their request, or alternatively not take up the opportunity to speak.

It is considered that these changes will clarify how the system will operate whilst allowing for a fairer system for all concerned and enabling a more efficient service to be carried out.

Submission of Correspondence (emails and post)

It is intended to change the protocol in relation to the submission of correspondence for committee items. All applicants/interested parties are notified that their applications will be reported to committee and this is generally carried out when the agenda is printed. It is intended to advise applicants/interested parties when the reports are written that their

applications will be reported to committee and advise that no further correspondence will be accepted after 10 am (or the first post), 3 working days prior to the meeting (this will correlate with the date for notification of public speaking).

Any correspondence received after this date will be acknowledged with a response that it will be placed on the file but the information will not be taken into account. This will give a minimum of 5 working days for any further correspondence to be sent in which is considered to be a reasonable amount of time for submission.

This does not prohibit e-mail/correspondence with members of the committee and it is at members' discretion whether they wish to take account of further information. However, for consistency, it is advised that the same protocol be adopted by members in this respect.

Member Requests for applications to be decided at Committee

It is at the discretion of the Chief Executive, Director of Conservation and Planning or Head of Development Management as to whether these member requests should be brought to the committee. The accepted practice has been to agree to these where 'material planning reasons' are given. (This is similar to the requirements for Community Councils' requests).

This can however have the effect of delaying the process, as these requests are inevitably made late in the eight week process when the likely outcome of the application is known. It is considered that any such requests should be made on the basis of the merits of the case rather than as a reaction to an aggrieved applicant/third party and it is therefore recommended that any such requests for a "call-in" should be made within 21 days of the receipt of a valid application.

Members are in receipt of a weekly list of applications and will therefore be able to identify any cases that may warrant a committee decision. Should such a request be made, a standard form should be used (attached at Appendix B) and be based on sound planning reasons and with regard to the Development Plan policies. These requests should be made to the Head of Development Management or Director of Conservation and Planning. Such requests are only open to members of the Authority.

Legal and Financial Implications

As these measures are intended to alter the protocol for public speaking rather than introduce any new requirements it is not considered that there will be any legal or financial implications arising from these proposals.

Risk considerations (equalities and welsh language policy)

The measures proposed are intended to introduce a fairer system for public speaking that is equal to all. In addition, this Authority offers a full translation system for anyone wishing to speak in Welsh and as such the proposed measures conform with this Authority's commitment to bilingual working.

Conclusions

It is considered that the changes to the public participation process and procedures for submission of correspondence and member “call-in” requests will result in a fairer and more transparent service, whilst also enabling applications to be dealt with as quickly and effectively as possible. It is recommended that the new procedures be brought in for any new applications registered from January 1st 2012.

Recommendation

That the committee endorses the following:

1. Approval of the protocol for public participation set out in Appendix A.
2. The deadline for submission of correspondence in relation to committee items be 10am, 3 working days (or first post of that day) prior to the committee date, and also that committee members take the same stance when correspondence is send to them personally.
3. Approval of the form set out in Appendix B in relation to member “call-in” requests and that any such requests must be made within 21 days from the receipt of a valid application.
4. That the new procedures take effect for any new applications registered from January 1st 2012.

Background Documents

Pembrokeshire Coast National Park Authority Terms of Reference and Other Procedures
Pembrokeshire Coast National Park Authority Public Participation at Development Management Committee Meetings

For further information contact Vicki Hirst, Head of Development Management

Your Right to Speak at Development Management Committee Meetings

As part of our commitment to openness and transparency, this Authority has adopted a policy of allowing members of the public to address the Development Management Committee when planning applications are being determined.

The right to speak

The right to address the Committee is only available at one meeting of the Committee and extends to:

The local councillor for the area

A representative of the Community/Town Council in whose area the site is situated

Any statutory consultee

The applicant *or* the applicant's agent *or* other representative in support of the proposal

An objector to the proposal (where one or more wish to speak one person will need to be nominated to speak on behalf of all; in the absence of agreement the first registered will be allowed to speak)

Please note the right to speak does not apply to Committee Site Visits

Notification

Anyone wishing to speak must notify Admin Support, Development Management at the address overleaf, in writing, by fax or by e-mail, (a pro-forma is enclosed for your convenience) no later than 10am, or receipt of the first post, 3 working days before the meeting – Under the present arrangements this will mean by 10.00am on the Friday morning preceding the Committee Meeting commencing 10.00am on the following Wednesday.

All requests to speak should identify clearly the application in question and specify the name of the person who wishes to speak. A summary of the points to be addressed should also be included. This should be based on planning reasons only and if you would like advice on what constitutes such reasons please contact the office.

You may address the Committee in English or Welsh, at your discretion. The advance notice should specify which language you wish to use when addressing the Committee.

As there will be many items on the agenda, we cannot advise you at what time the application in which you are interested will be heard. In all cases you should report to Reception 30 minutes before the start of the meeting for a briefing on the Agenda order etc.

General

1. Determination of an application will not be postponed because an individual who has indicated a wish to speak is not ready to do so when the application is announced or is unable to attend the meeting.
2. In the case of dispute, the Chairman's ruling is final.
3. The use of video or tape recorders or cameras at the meeting is not permitted.

Procedure at the Meeting

1. An individual is permitted to speak for a maximum of five minutes.
2. Only those persons who have given advance notification will be entitled to speak. Late requests will not be accepted.
3. Those invited to speak will be called on to do so by the Chairman when the relevant part of the agenda is reached. See General point 1 above.
4. Those who speak are urged to speak as succinctly as possible, without repeating points that are already known to Committee members and without over-running the time allotted to them by the Chairman. It is important to restrict discussion to planning issues. It is in everyone's interests to present views courteously and with proper respect for the opinions of others.

5. The procedure at the Development Management Committee meeting will be as follows (subject to the Chairman's discretion):-
- a) Chairman announces the application
 - b) Planning officer describes the application, the matters to be considered and provides a recommendation with visuals of site and plans as necessary
 - c) Representations will usually be heard in the following order:
 - i. Local County Council Member
 - ii. Community/Town Council Representative
 - iii. Statutory consultees
 - iv. Objectors
 - v. Applicant or Agent or representative in support
 - d) The Chairman may seek clarification on any points raised after each representation, as deemed necessary.
 - e) Planning Officer makes final comments and recommendation
 - f) Debate and decision by the Committee (officers will respond to points as necessary)

Contacting the Authority

To notify the Authority that you wish to speak in respect of a planning application please contact Admin Support, Development Management, in writing at:
 Pembrokeshire Coast National Park Authority, Llanion Park, Pembroke Dock,
 Pembrokeshire, SA72 6DY
 By Fax on 01646 689076 By e-mail to dc@pembrokeshirecoast.org.uk

Remember to include the following in your correspondence:

The name of the person who will be speaking
 Details of the matters to be raised, where appropriate
 The language you wish to use when addressing Committee.

NOTE: Speakers should bear in mind that in making their presentations to Committee they have no special protection from the laws governing slander, libel or defamation.

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY



PUBLIC PARTICIPATION AT DEVELOPMENT MANAGEMENT COMMITTEE MEETINGS

For more information
 telephone Development Management on 0845 345 7275

**MEMBER REQUEST FOR CONSIDERATION OF AN APPLICATION AT
DEVELOPMENT MANAGEMENT COMMITTEE**

Please note that requests must be made no later than 21 days after the receipt of a valid application and should be returned to the Head of Development Management

Application Number

Proposal

Site Address

Reasons for Request (must be based on sound planning reasons and with regard to Development Plan policies)

Name

Date

Signed

Request Agreed/Not agreed

Signed

Date