

Protocol for Planning Committee Site Visits

Chesterfield Borough Council

1. Background

This protocol is intended to guide members of the planning committee when carrying out site visits as part of the determination process of planning or other applications.

It is also intended to inform other stakeholders with an interest in planning applications e.g. applicants, objectors, agents, Parish Councils, with regard to procedural matters.

It is important that site visits are dealt with in a consistent and organised manner and that administrative and procedural arrangements on site are understood so that all parties involved in the process are dealt with transparently and fairly.

2. Legal Position

The purpose of the site visit is to enable Members of the planning committee to:

- more fully understand the details of a development proposal in the context of the application site and the surrounding land and buildings;
- more fully understand issues raised by interested parties.

Site visits can cause delay to the planning process and are only necessary when a benefit to the planning process can result. Their purpose is to enable committee members to see the application site, its physical features and the context in which it is set, to visualise the proposed development, and to assess its impact on the locality.

Site visits should be held where:

- the impact of the development is particularly difficult to visualise, or
- planning committee requests it, or
- there is good reason why the comments of applicant and objectors cannot be adequately expressed in writing, or
- the right to address the committee has been requested (where objectors have raised issues relating to impact and amenity), or
- the proposal is particularly contentious.

Site visits requested by ward councillors will not usually be appropriate unless one of the above factors also applies.

Site visits should not be undertaken to defer difficult decisions on controversial applications, because applicants or objectors request them or so that members can placate their ward constituents.

The decision to undertake a committee site visit will involve prior consultation with the committee chairperson.

Members are reminded that the Town and Country (General Development Procedure) Order 1995 (Article 20) requires planning authorities to determine applications within 8 weeks of receipt or 13 weeks for a major application. The significance of the 8 (or 13) week date is twofold. First, it is the date by which local authority performance is judged. Second, and most importantly, it enables the applicant to appeal to the Planning Inspectorate against "non determination" of applications, at which point the local authority cannot continue to determine the application.

Site visits are part of the meeting of the planning committee. Councillors intending to declare a prejudicial interest and withdraw from the meeting on the matter the subject of the site visit, should not attend the site visit. If the interest is not prejudicial the councillor may attend the site visit.

Only planning committee members who attend the site visit will be permitted to remain at the meeting to consider the item the subject of the visit. It is important that all members considering the matter have the same information before them. Those planning committee members who do not attend the site visit will be permitted to remain in the committee room during the item concerned.

3. Arranging Site Visits

When a site visit is considered necessary, Planning Services will notify the applicant or their agent together with other interested parties such as objectors of the time and date of the site visit, requesting they be in attendance only on sites where access to private land is required.

Officers will have arranged the visit in advance with relevant parties however there is no right to enter on private land without permission of the owner, and if permission is not given the site will have to be viewed from public highway.

Ward members will be invited to attend the site visit.

A copy of the agreed Site Visit Protocol is to be sent to all those notified of the site visit.

Site visits will normally take place on the day of planning committee giving sufficient time to arrive back at the Town Hall at least 30 minutes before the start of the committee meeting.

Some members of Planning Committee may find attendance at some site visits difficult due to a disability. Where this is the case officers will discuss with the member a reasonable adjustment to enable the member to participate without necessarily attending on site (e.g. viewing photographs of relevant features with an explanation by the planning officer). However it is acknowledged that viewing the site first hand is the best way of understanding the issues which triggered the need for a site visit.

4. Procedure at Site Visits

The Chairperson of the planning committee will oversee the conduct of site visits. They will start promptly at the time notified to members and interested persons.

Councillors should either travel to the site at the same time as (or with) the planning officer attending the visit or meet the officer on site. If present at the site before the visit begins particular care should be taken to ensure that they maintain their objectivity. Hospitality or lifts should not be accepted from applicant or objector as this could be seen to show favour.

Members and officers should ensure that mobile phones are turned off or are on silent during the site visit.

At the request of the Chairperson, the planning officer will describe the proposal to members and will display plans or drawings of the proposal. It is expected that members will already be familiar with the planning officer's report. The planning officer will indicate matters of fact in relation to the proposal and surrounding land which members should take account of.

Members of the planning committee may ask the planning officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties or the location of parking spaces. Member questions should be addressed to the planning officer through the Chairperson. **At no time during** the site visit should members debate the planning merits or otherwise of a proposal. Members should not discuss the merits of the application as the proper time for this is in the committee room after presentation of the officers report and any additional representations. To do so might imply that the members mind is made up. Even comments on the scenery or locality could be perceived as a comment on the appropriateness of the proposal.

The public right to address planning committee does not arise until the item is reached on the committee agenda. At no time during the site visit will the applicant, their agent, any objector or any other member of the public be allowed to address members. The site visit is not for further representations to be made however occasionally it may be appropriate for them to be asked, through the chairperson, to point out important or relevant site features however they should not be encouraged to express opinions. The chairperson may ask any ward member present, if not a member of planning committee, for any comments.

In order to assist in ensuring that members retain their objectivity, they should keep together in one group with the chairperson and the planning officer and not break away into small groups.

At the end of the site visit the members should leave the site promptly. If necessary they will drive or be transported to the next site visit where the same procedures as above will apply.

The Planning Officer will keep a record of members attendance at the site visits and pass this information to the committee clerk for minute purposes.