

Carlisle City Council

Report to:-	Development Control Committee		
Date of Meeting:-	23 August 2002	Agenda Item No:-	
Public	Operational	Delegated: Yes	
Accompanying Comments and Statements		Required	Included
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
City Treasurers Comments:		No	No
City Solicitor & Secretary Comments:		No	No
Head of Personnel Services Comments:		No	No
Title:-	Right to Speak		
Report of:-	Director of Environment and Development		
Report reference:-	EN. 090/02		

Summary:-

From 1 October 2002 the rules on documents being available for public inspection before meetings changes. Consequently the deadlines for Development Control reports will be amended and this in turn affects the deadlines for the Right to Speak.

Recommendation:-

That the third sentence of Paragraph 3.0 of the Scheme for Public Representations in Respect of Planning Applications be amended as detailed in Paragraph 2.3 of the Report.

Michael Battersby

Director of Environment and Development

Contact Officer: Alan Eales

Ext: 7170

To The Chairman and Members of Report EN. 090/02

The Development Control Committee

1. Introduction

1.1 From 1 October 2002 the rules on documents being available for public inspection before meetings changes. The current three clear day period is being replaced with a five clear day period.

2. Consequently, Development Control reports need to be despatched to Members nine days before the meetings rather than the present seven days. This will have a consequential effect on the deadline for the notification of the Right to Speak.
3. The first Development Control meeting affected will be the 4 October meeting and it is necessary to amend 'The Scheme for Public Representations in Respect of Planning Applications'

1. The Scheme for Public Representations in Respect of Planning Applications

2.1 At present the third sentence of paragraph 3.0 of 'The Scheme for Public Representations in Respect of Planning Applications' requires that anyone wishing to exercise this right must notify the Clerk to the Committee

"no later than midday 10 days prior to the day of the meeting at which the planning application is to be considered."

2.2 In effect the notification must be made by the Tuesday in the week preceding the Committee.

3. As the current three clear day period is being increased by two days to give a five day period the deadline for notification also needs to be increased. This is enable the Planning Scheduled to be ordered for the Right to Speak applications to be considered first. Unfortunately increasing the time by two days would require a deadline for a Sunday. It is therefore necessary to make the deadline the previous Friday, two weeks before the Committee.

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4. The third sentence of Paragraph 3.0 of 'The Scheme for Public Representations in Respect of Planning Applications' should therefore be amended to read:

"They must be made no later than midday 14 days before the day of the meeting at which the planning application is to be considered."

2.5 A copy of the revised Scheme is appended as Appendix 1.

3.0 Recommendation

3.1 It is recommended that the third sentence of Paragraph 3.0 of the Scheme for Public Representations in Respect of Planning Applications be amended as detailed in Paragraph 2.3 of the Report.

Michael Battersby

Director of Environment and Development

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APPENDIX 1

THE SCHEME FOR PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

THE SCHEME FOR PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

Introduction

The Development Control Committee at the meeting on the 2 February 2001 resolved to introduce this Scheme for Public Representations in Respect of Planning Applications.

Scheme Details

1.0 The provisions of this scheme shall only apply to the consideration by the Development Control Committee, or Council of: -

Applications under Town and Country Planning legislation for Planning Permission, Listed Building Consent, Advertisement Consent, the making of Tree Preservation Orders or Conservation Area Consent (subsequently referred to in this scheme as planning applications).

2.0 Members of the public shall be entitled to speak during the consideration of planning applications, and applicants or their agent(s) making the application on their behalf afforded the opportunity to respond to those representations, in accordance with the following provisions.

3.0 Any member of the public wishing to speak shall notify the Clerk of the Committee of the Town Clerks and Chief Executive's Department, or his appointed representative, accordingly. Notifications to speak may be in writing, by fax, by e-mail, DX or by telephone or by attending in person at the Civic Centre. They must be made no later than midday 14 days before the day of the meeting at which the planning application is to be considered. The application will be deferred, if requested by the applicant or agent, to allow for a response.

4.0 Any written or pictorial material, which a member of the public making oral representations wishes to be considered, must be lodged with the Committee Clerk by the deadline for registering to make representations. Where an objector, supporter or applicant considers there are factual errors in the officer's report on an application this should be clarified in writing by the stated deadline. A person making representations shall not be permitted to present to the Committee or Council any written or pictorial material that has not been lodged with the City Solicitor by the deadline.

5.0 All persons who make planning applications and all persons making representations in response to applications shall be provided with information regarding the Scheme of Public Representation. If any person wishes to speak at the Committee or Council, they should register their intention as soon as

possible with the Committee Clerk who will inform them of the date that the application will be considered by the Committee/Council. The Committee Clerk will also inform applicants of the right to respond under this scheme where objectors have registered the wish to speak. If the applicant or agent wishes to respond at the Committee or defer the application to the next meeting they must inform the Committee Clerk by midday two days before the meeting. If the application is to be deferred the objector will be informed of the position.

6.0 The Council acknowledges that for this Scheme to operate fairly and objectively an applicant, or any person supporting the application, should be afforded the opportunity through the Scheme to address the Committee or Council where there is a recommendation of refusal as well as any objector. The Scheme of Public Representation permits applicants or their agents or supporters to speak in such circumstances, although there may not be any representations made against the proposal by any member of the public.

7.0 The following procedure shall apply in respect of each planning application in respect of which a member of public has registered a wish to speak.

(i) Introduction of item by officers;

(ii) Presentation by those members of the public (or their nominated representative) or applicants/agents where an application is recommended for refusal who have registered to speak;

(iii) Where the representation made under (ii) concerns an objection to an application the applicant or agent shall be afforded the right of response;

(iv) Consideration by Councillors of the application, which may include clarification by the Chairman and Members of any points made during presentations or responses to them.

8.0 All parties making representations must confine themselves to planning and land use matters. No more than three minutes in total will be allowed for representations and three minutes for responses in respect of each application provided that: -

(i) Where more than one objector to, or supporter of an application, wishes to speak, the Chairman may, if she/he considers it appropriate to the effective achievement of the business of the meeting, require that a spokesperson be appointed to represent the voices of the objectors or supporters as the case may be;

(ii) The Chairman has the discretion to limit the representations made or responses by applicants or agents should the information being presented be a repetition of written or oral submissions previously made;

(iii) The Chairman may vary the order of representation if she/he considers that it is convenient and conducive to the business of the Committee or Council and will not cause any prejudice to the parties concerned.

(iv) Neither persons making representations nor applicants or agents will be allowed to question each other, Members of the Committee or officers.

9.0 The Chairman may suspend the operation of this scheme during the consideration of any application or for the remainder of the meeting if she/he considers it necessary so to do for the purpose of maintaining order at the meeting. The Chairman has absolute discretion in the interpretation of the scheme.

10.0 A planning application is sometimes deferred from one meeting of the Development Control Committee or Council to another. If the meeting has already considered representations from the public in accordance with this scheme, then neither applicants nor objectors shall have any right to make representations at the further consideration of the planning application at a subsequent meeting, unless the Chairman of that meeting considers that there have been significant amendments to the application.

11.0 Persons making representations, applicants and Elected Members of the of the City Council are reminded that all planning decisions are taken under the guidance of the Council's Supplementary Guidance Note for Dealing with Planning Matters. A copy of the Code is available from the Council on request.