

Scheme For Public Speaking At Development Control Committee



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What is it?

The Scheme has been introduced to allow in certain circumstances persons who may be affected by a planning proposal to attend and speak at the Committee where the application is decided. It does not apply to every application the Council receives and operates on the basis that where a planning proposal is referred to the Development Control Committee, persons who have registered a “right to speak” can attend and set out their concerns about the proposals.

How does it work?

Most decisions on planning applications are “delegated” to be dealt with by Senior Officers under powers given by the Council. However, any application that attracts more than three written or verbal objections from separate households or addresses within the 21-day publicity and consultation period is referred to Committee if the views made in representations are contrary to the prospective decision that could have been made under the Scheme of Delegation. Any City Councillor may also request that a particular application be referred to Committee for determination.

The publicity and consultation period begins from:

- the date of a Site Notice or
- the date of publication of any Statutory Notice in the local Press or
- the date of any letter of notification sent to neighbours.

Who can speak?

Provided written notice is given within the 21-day publicity and consultation period that they wish to speak if the application is to be decided by the Development Control Committee, any member of the public who has objected to an application can appear at that Committee meeting. Alternatively, they can nominate someone, such as a solicitor or planning consultant, to do so on their behalf. The number of objectors who can speak in respect of any one application is, however, restricted to five on a “first-come, first-served” basis.

Similarly, the Scheme allows a Ward or other Councillor to attend and speak for or against an application provided they give written notice within the 21-day publicity and consultation period although they must also state clearly whether they are opposing or supporting the proposals .

Parish Councils that have indicated a wish to speak against the proposals when submitting their comments on a planning application within the 21 day consultation period will be entitled to speak only if the application is referred to the Development Control Committee for determination. That will normally be as a result of the receipt of more than three written or verbal objections from the public. It can also arise where the recommendation of a statutory consultee is contrary to the prospective decision that could have been made under powers delegated to Officers by the Council's Constitution. Where a

Parish Council raises objections on grounds that are non-material to planning and land use considerations or that relate to matters that are not supported by the observations of the relevant “technical” or other specialist consultee, the “Right To Speak” will not apply.

In all circumstances where someone attends to speak against an application, the applicant is entitled to appear at Committee to respond. If the applicant doesn't wish to speak in person a representative, such as the Agent for the application if one is used, or a solicitor or planning consultant can be nominated instead.

What do I need to register?

If you intend to comment on a planning application that you think affects you, and you would like to speak should that application go before the Committee, you simply need to give written notice of that wish within the 21-day publicity and consultation period. You should also outline the basis of the representations you intend to make since comments that are not proper planning considerations cannot be taken into account when an application is decided. Guidance as to what constitutes relevant planning and land use considerations follows later.

**Write to: The Head of Planning & Housing Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG**

You can also e-mail your comments to the address listed at the end of this Note but you should also provide a postal address in your comments.

If possible, in all correspondence, please quote the application reference number.

At the end of the 21-day period within which comments can be made it will become clear whether the application is to be referred to Committee rather than being decided under “Delegated Powers”. If it is going to be considered by Committee it will usually be possible to identify at that stage which meeting the application will go before. You will be notified in writing of the date and time of the meeting and asked to confirm if you plan to attend.

At the same time the applicant or agent if one is used, will be given written notice of the application being put before Committee. The arrangements for attendance to respond to comments made by objectors will also be explained, including the date and time of the meeting.

How long do I have to speak?

All persons who have registered to speak are given three minutes to make their submissions. Where there are several objectors to a proposal it will often be better for those objectors to get together and nominate a single spokesperson. Provided they give notice of that intention the Chairman of the Committee

has the discretion to allow an extended time period for the representations to be made.

Similarly, whether several speakers object in turn to an application or they combine their views through a single spokesperson given a little longer to explain their concerns, the applicant (or someone nominated to act for the applicant) will, at the Chairman's discretion, be accorded a longer period to respond.

What happens on the day?

The Committee's business is organised so that applications where persons are attending specially to speak on the proposals are dealt with first.

At the beginning of the meeting the Chair or a Council Officer will briefly explain the procedures for speakers to step forward to speak and how important it is for speakers to listen carefully for their name being called.

The Case Officer who has been dealing with it normally introduces each application and he/she will update the Committee with any additional information received since the Committee Report was issued. Plans and photographs of the site may be displayed and the Officer will normally conclude with a recommendation.

The Chairman will then invite the first objector to step forward to the seat assigned for public representations and will explain the entitlement to three minutes duration. It is very important that speakers use that time to deal with their planning-related objections and avoid straying into matters the Committee cannot consider such as ownership disputes, private covenants, loss of view or loss of value. At the end of their three minutes, each speaker vacates the chair and returns to the public seating areas.

If a Councillor has given notice of an intention to attend to speak in support of or opposition to an application the Chairman will invite those submissions.

When all the people outlined have spoken, including any Ward or other City Councillor who is appearing in support or opposition to the application, the Chair invites the applicant or anyone representing the applicant to address the Committee to respond. Once that presentation has been made, the speaker returns to the public seating area.

That is the end of all representations made by the public or applicant or anyone who is speaking at Committee on their behalf. Under no circumstances will speakers be permitted to question each other or the Committee or Officers.

Can I use visual or other presentational aids?

You can support your case with photographs, plans or other illustrative material so long as the display material is lodged with the Head of Planning & Housing Services at least two days before the Committee meeting. Digital photographs, video and drawings/plans can be displayed on the overhead screen but again must be provided at least two days prior to the meeting so they can be integrated with other presentational material. Suitable formats include PDF, Powerpoint and JPEG, which can be supplied by e-mail or CD/DVD.

You cannot distribute any written or pictorial material to the Committee members on the day of the meeting. If you have material or information that you wish each individual Committee member to be given, this should be provided to staff 10 days before the Committee meets so it can be distributed with other Committee papers and a copy provided to the applicant. It is helpful, where speakers prepare their presentations in writing, for a copy to be provided for or left with the Committee Clerk attending the Committee.

Deferrals of applications by Committee

Sometimes planning applications are deferred from one Committee meeting to a later meeting in order that further information can be evaluated, or late amendments can be consulted upon, or where the Committee believes it should visit a site before deciding an application.

Where these circumstances arise and it is apparent that deferral would be beneficial, the Chairman will offer the registered speakers the opportunity to either speak at that initial meeting or reserve the right to speak when the application comes back to Committee for determination at a later meeting.

The scheme only allows speaking on one occasion unless there have been significant, material amendments to the proposals that raise new issues not previously able to be addressed.

What happens if I ask to speak but there are less than four objectors to the application?

At the end of the 21-day publicity and consultation period if there are less than 4 objectors you will be notified in writing that the application will be decided under the Scheme of Delegation

and be given the opportunity to meet with the Case Officer and tell him or her your concerns. The Case Officer as part of the assessment of the proposals will carefully consider your comments and they will be fully addressed in the Summary of the Reasons for the Decision. You will be informed in writing of the decision, including any conditions that are imposed if permission is granted, and given a copy of the Summary of Reasons for the Decision so you will be able to see the weight able to be assigned to your comments in determining the application.

What are relevant planning and land use considerations?

Some examples are:

- Conflict with national and local planning policy
- Adverse impact on your living conditions, such as through loss of privacy or overshadowing
- Landscape intrusion
- Inadequate access or lack of parking
- Detrimental to the character of a Listed Building or harmful to the character and appearance of a Conservation Area
- Over-development of the site
- Inappropriate land use in the area including unsociable operating or opening times

Some matters which are not relevant planning and land use considerations

- Loss of view
- Loss of value
- Commercial competition
- The applicant's character or reputation.

Special provisions relating to tree preservation orders

Proposals for the making of Tree Preservation Orders often attract local interest in the particular area where the Order is being considered. That can result in objections or support for a Tree Preservation Order and, in some situations, both.

The Council's Constitution delegates the making of Orders to the Director of Development Services and Head of Legal Services unless there are objections to the proposed Order, in which case it must be referred to the Development Control Committee for confirmation. Where this arises, the Council allows members of the public, who wish to speak in opposition to an Order being made and also anyone in favour of the Order, to be given the opportunity to speak at the Committee considering the matter. Where a proposed TPO is unopposed, it is not appropriate to

refer the matter to Committee. Accordingly, supporters of a proposed TPO will only be allowed to speak if the proposal to make the Order has to be referred to Committee because of objections.

The Council is required to notify a landowner and neighbouring landowner of an intention to make a TPO. It can also publicise proposals to make a TPO through the display of a Site Notice and, in some circumstances, through publication of a Notice in the local Press and the public has 28 days in which to make representations. In order to exercise a Right to Speak, it is necessary to make that request within the 28-day period specified in notification letters and Notices.

Anyone exercising the right to address the Committee under these arrangements will be given 3 minutes in which to present their comments on the proposed Order. Opponents of a proposed Order make their representations first, followed by anyone who wishes to speak in support. No questions will be allowed by anyone making representations.

Arrangements for giving notice of wish to speak on a proposed TPO are set out under “What Do I Need To Do to Register?”

Further information

If you need to clarify the “Right To Speak” scheme or wish to discuss particular arrangements associated with a planning application that concerns you, please contact the Case Officer whose name, telephone number and e-mail address appears in all correspondence. General enquiries can also be made through the Development Control generic e-mail address:
dc@carlisle.gov.uk

Carlisle City Council’s Right to Speak Scheme (Adopted
13/01/09)



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