

Planning Committee Guidance for Somerset Council

Telephone: Customer Services 0300 123 3335

Visit our Website at www.Somerset.gov.uk

*Members of the public are welcome at all meetings of the Planning Committee
This leaflet explains the format of the meetings and how you can have your say.*

What are the Planning Committees?

The Council has a Strategic Planning Committee and four area-based Planning Committees which collectively determine planning applications, including Waste and Minerals, across the Somerset Council local government area:

- Planning North (covering the former Sedgemoor District Council area)
- Planning East (covering the former Mendip District Council area),
- Planning South (covering the former South Somerset District Council area)
- Planning West (covering the former Somerset West & Taunton District Council area.)

The Planning Committees each consist of 13 elected Members from across the County. The majority of applications dealt with by Planning Committee will be at the relevant area-based Planning Committee.

There is also a sub-Committee of the Executive called the Planning Policy Sub-Committee. This consists of Executive/Cabinet members. This has been established to progress the Local Plan and other policy documents e.g. Statement of Community Involvement, Supplementary Planning Documents and determine Community Infrastructure Levy CIL funding priorities.

When are the reports available?

The following groups/people will be notified at least 5 days before the relevant Planning Committee meeting by email or letter:

- Anyone who has written to object, support or comment on the proposal
- The Parish, Town or City Council
- Divisional Members (local Councillors) (non-Committee Members)
- The Applicant/Agent

The agenda and reports for the Committee meeting are published at least 5 clear working days before the meeting and can be viewed on our website at [Committee structure - Modern Council \(somerset.gov.uk\)](http://www.somerset.gov.uk).

Can I speak?

The Applicant/Agent, Parish, Town or City Council, Divisional Members and objectors or supporters are able to address the Committee.

The order of speaking will be:-

- Those speaking in support of the proposal - 15 minutes shared between a maximum of 5 speakers of 3 minutes each
- Those speaking to object to the proposal - 15 minutes shared between a maximum of 5 speakers of 3 mins each
- The Parish, Town or City Council(s) - 3 minutes each
- The Councillor(s) (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications. Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)
- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon, two working days before the Committee meeting, either by email to democraticserviceteam@somerset.gov.uk or by telephone on 01823 357628.

For those speaking to object or support the proposal, the 5 speaking slots for each category will be allocated on a first come first served basis. If there are numerous speakers in each category it is advisable to make arrangements for one person to make a statement on behalf of all.

The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually a link the link is available on the relevant webpage of the meeting.

If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, you should arrive at the meeting place about 15 minutes before the start time.

When joining virtually you should consider joining the meeting early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. Please note that we will mute all public attendees to minimise background noise.

It is not possible to estimate the exact time an application will be heard. It is normal practice to arrange the agenda based on the likely public interest in the items and whilst the Chair will seek to follow the agenda, the order of items can be varied if the Chair deems it appropriate.

Conduct of public speakers (including Virtual)

- All public speaking must be conducted in a polite and respectful manner
- Speakers are requested to refrain from making personal comments relating to Members or Officers of the Council.
- When speaking, keep your points clear and concise.

If there is any disturbance which makes orderly business impossible the Chair may adjourn the meeting for as long as they think necessary. If a member of the public interrupts proceedings the Chair will warn the person concerned and if the interruption continues the Chair will order their removal from the meeting room.

What if your Divisional Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is **not** an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made.

Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that the meeting will be recorded, and the recording will be made available on the Council's website.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore, unless you are advised otherwise, by taking part in the Council meeting during public participation you are consenting to being recorded and to the use of the sound recording for access via the website or for training purposes.