

APPENDIX A

Planning Committee 18th July 2022

Planning Committee Site Visits

1.0 Background

- 1.1 Planning Committee site visits associated with the determination of applications was suspended in March 2020 as a result of the Covid 19 Pandemic. Notwithstanding the Covid 19 Pandemic, planning committee continued to decide applications on a live streamed virtual basis via Microsoft Teams up to May 2021 (when the government ended the ability to hold virtual committees). Since then there has been a return to the face to face committee room arrangement for meetings, but without site visits. Reports have included more photographs in an attempt to illustrate context of sites however more recently the committee has sought to include videos of sites in the officer presentations.
- 1.2 Since 7 May, 2021 the opportunity to hold virtual planning committees under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came to an end. As a result, all active participants in meetings under the Local Government Act 1972 (such as planning committee) required attendance in person. This includes members of Planning Committee and those registered to speak (members of the public, applicants or agents).
- 1.3 All government restrictions relating to the Covid 19 Pandemic have now ended and business has generally returned to a pre-covid situation with risks being treated very much like for the flu. It is accepted that there will be more vulnerable groups including committee members and this will need to be covered by a specific risk assessment. A risk assessment questionnaire will be provided for

each committee member to complete in advance of recommencing committee site visits.

1.4 **Other Derbyshire authorities** have now returned to undertaking planning committee site visits and it is considered that Chesterfield Borough planning committee should also resume these. The following protocol sets out how site visits can be conducted successfully to achieve added value to the process but also taking account of the continuing concerns post Covid 19 Pandemic.

2.0 Why have site visits?

2.1 The purpose of the site visit is to enable Members of Planning Committee to understand more fully:

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

2.2 Site visits therefore generally add to the planning process improving its robustness and allowing a transparency to the benefit of all those involved in the process. However, they 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 impacts on the locality.

2.3 Site visits should only be held where:

- the impact of the development is particularly difficult to visualise, or
- planning committee requests it, or
- a ward member 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.

- 2.4 Site visits requested by ward councillors will not usually be appropriate unless one of the above factors also applies.
- 2.5 Site visits should not be undertaken to defer difficult decisions on controversial applications, or when applicants, objectors or constituents request them without good planning reasons.
- 2.6 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 8 (or 13) week period is significant as it is the date by which local authority performance is judged. It is also the trigger for an applicant to be able to appeal to the Planning Inspectorate against “non determination” of their application. If an appeal is made the local authority cannot continue to determine the application.

3.0 Arranging Site Visits

- 3.1 As soon as the committee agenda is known contact will be made by officers with the committee chair (or vice chair if not available) to agree the need or otherwise for a committee site visit on each item on the agenda.
- 3.2 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. While officers will attempt to arrange the visit in advance with relevant parties, there is no right to enter on private land without permission of the owner. If permission is not given the site will have to be viewed from public highway.
- 3.2 Ward councillors will be invited to attend the site visit.
- 3.3 A copy of the agreed Site Visit Protocol will be included on the Councils website and correspondence sent to all those notified of the site visit will draw attention to it.

3.4 Site visits will normally take place on the day of planning committee giving sufficient time for those involved to arrive back at the Town Hall at least 30 minutes before the start of the committee meeting. However, in some cases it might be more appropriate to hold a site visit on a day other than the day of the planning committee, for example where a site visit is likely to take considerable time, or where the total of site visits and/or their anticipated length mean it is impracticable to hold them on the same day.

3.5 Councillors should not carry out their own unaccompanied site visits. This is because they will not have the full information provided by the Planning Officer, there will be issues relating to permission for access to land, and in some circumstances (e.g., where a councillor is seen with applicant or objector) it might lead to allegations of bias.

4.0 Procedure at Site Visits

4.1 Site visits should be dealt with in a consistent and organised manner. Administrative and procedural arrangements on site should be understood so that the process is transparent and fair.

4.2 Site visits are part of the meeting of Planning Committee. Councillors intending to declare a personal interest should make this known to the Chair and Planning Officer on site. Councillors intending to declare an interest which would require them to withdraw from the meeting on the matter the subject of the site visit, should not attend the site visit. Otherwise they may attend.

4.3 Arrangements will be made for transport to sites from the Town Hall by Community Transport bus. Councillors should travel on the bus but may use their own vehicle. If they do so it should be at the same time as the Community Transport bus so that they arrive generally at the same time. If planning committee councillors are present at the site before the visit begins particular care should be taken to ensure that they maintain their objectivity and be seen as doing so. Hospitality or lifts should not

be accepted from applicant or objector as this could be seen to show favour.

- 4.4 Councillors and officers [and other people attending] should ensure that mobile phones are turned off or are on silent during the site visit.
- 4.5 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. This is because it is important that all councillors considering the matter have the same information before them. The exception to this is where, through a risk assessment process, individual members are not able to undertake the site visit (e.g., because of terrain or distance to walk). In such circumstances and by prior arrangement, such committee members will be provided with additional photographs/video to assist them in their understanding of the site and its context.
- 4.6 The Chair of Planning Committee will oversee the conduct of site visits. The visits will start promptly at the time notified to councillors and interested persons and the Planning Officer will note the names of all present.
- 4.7 At the request of the Chair, the Planning Officer will describe the proposal to councillors and will display plans or drawings of the proposal where necessary/appropriate. It is expected that councillors 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 councillors should take account of.
- 4.8 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 adjacent or objectors' properties or the location of components of the scheme. Member questions should be addressed to the Planning Officer through the Chair. **At no time during** the site visit should councillors debate or comment on the planning merits or otherwise of a proposal. 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 councillor's mind is already made up. Even comments on the scenery or locality could be perceived as a comment on the appropriateness of the proposal.

- 4.9 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 councillors. The site visit is not for further representations to be made however occasionally it may be appropriate for them to be asked, through the Chair, to point out important or relevant site features. However they should not be encouraged to express opinions. The Chair may ask any ward member present, if not a member of planning committee, for any comments.
- 4.10 In order to assist in ensuring that councillors receive the same information, they should keep together in one group with the Chair and the Planning Officer. They should not break away into small groups.
- 4.11 At the end of the site visit the councillors should leave the site promptly. If there are further site visits they will be transported to, or will drive to, the next location where the same procedures as above will apply.
- 4.12 The Planning Officer's record of councillors attendance at the site visits is given to the committee clerk for the purpose of the committee minutes.
- 4.13 The Planning Officer will briefly refer to the purpose of the site visit and the main aspects viewed when presenting the item in the committee meeting.