

**TEIGNBRIDGE DISTRICT COUNCIL
PLANNING COMMITTEE
16 March 2021
PART I**

Report Title	PLANNING ADVISORY SERVICE RECOMMENDATIONS: IMPROVING OUR PRACTICE
Purpose of Report	To provide background information for Members on our current practice, the PAS recommendations and relevant LGA advice
Recommendation(s)	It is recommended that Planning Committee: 1. Accept the recommendations made by PAS and 2. Consider options for implementation of the recommendations
Financial Implications	Email: finance@teignbridge.gov.uk
Legal Implications	There are no legal implications to this report. Deputy Monitoring Officer Email: legal@teignbridge.gov.uk
Risk Assessment	If no changes are made to our Committee practice, there is a possibility that our decision making processes could become less robust and more open to challenge however this report itself does not give rise to any different risk. Business Manager – Strategic Place Email: rosalyn.eastman@teignbridge.gov.uk
Environmental/ Climate Change Implications	There are no Environmental / Climate Change Impact implications to this report. Business Manager – Strategic Place Email: rosalyn.eastman@teignbridge.gov.uk
Report Author	Business Manager – Strategic Place Email: rosalyn.eastman@teignbridge.gov.uk
Executive Member	EM for Planning Cllr G Taylor
Appendices / Background Papers	Teignbridge "mini" planning peer challenge

1. INTRODUCTION / BACKGROUND

1.1 Following a resolution of Full Council in Spring 2020, the Planning Advisory Service reported in December 2020 on what they termed a “Mini Peer Challenge”. This report made five recommendations:

- Review size of planning committee
- Improve arrangements for site visits
- One team approach and ownership to planning committee arrangements
- Tailor arrangements where necessary, for example speaking arrangements

- Joint officer councillor training to cover planning; political awareness – the art of the possible

1.2 This report does not provide a specific recommendation to Members at this point but rather outlines details for Members in relation to our practice, and best practice advice in relation to:

- 1.2.1 The size of planning committee;
- 1.2.2 Site Visits;
- 1.2.3 Speaking arrangements at committee; and,
- 1.2.4 Joint Member / Officer Training.

2. REPORT DETAIL

The size of Planning Committee

The current position

- 2.1 In Spring 2020, Planning Committee was composed of 21 Members. It has since been reduced in size to 17 Members. This is still larger than comparable committees.
- 2.2 Other South West Council's Planning Committees are sized as per the table below.

No. of Members Overall Members	No. of Members on Planning Committee
42	11
31	10
31	12
47	15
48	16
50	27 temporarily 13 looking to reduce
57	13
60	16
59	15 looking to reduce to 11
123	4 x 15
60	15
54	8
36	9
42	15

The Pas Recommendation

- 2.3 PAS suggest that:

“Lastly as a general observation the size of the Teignbridge planning committee (at 21) is large for a district council. It is entirely a matter for the council to decide on but compare (for example) to Ipswich at 13. Bigger committees are more difficult to manage, train, and keep consistent.”

Committee Site Inspections

The current position

- 2.4 If necessary, Officers undertake site visits before making a recommendation in relation to a planning application. All applications for Committee consideration will have been visited by the Case Officer.
- 2.5 At present, all Planning Committee Members are invited to site visits in relation to Major planning applications and a “team” approach is used for applications deferred from committee for a site inspection.

- 2.6 Site inspections for Major applications usually take place in the month before the meeting at which the application is to be heard, but circumstances beyond officers' control mean that this does not always happen.
- 2.7 There are clear advantages to undertaking site inspection in relation to major applications for planning permission that require committee consideration prior to initial committee consideration as it can avoid determination of applications being delayed unnecessarily.
- 2.8 Site visits are not open to the public and no debate on the merits of the proposal takes place on site.
- 2.9 The site's characteristics are noted and the scheme described by a Planning Officer, with support from DCC Highways (or other consultees) if required.
- 2.10 Representatives of the Town or Parish Council are invited to attend as there may be local knowledge that can help Committee Members to understand the characteristics of the site. Their views will already have been provided as part of the statutory consultation process.
- 2.11 Notes of Site Visits are not currently made but verbal reports are given by attendees as part of the debate on the subject application.

The PAS Recommendation

- 2.12 PAS suggest that:

"This "Site Inspection Team" approach is confusing, as is having such a long delay between a site visit and a record of it. Either a visit is necessary in order to make a robust decision (in which case all committee members should go) or it is not. We suggest that a simpler approach is adopted, with a clear statement of the issue the visit is responding to and short notes of the meeting shared very shortly after. The Council can consider how much "teeth" they want this approach to have – i.e. unless members can demonstrate they understood the issue they should not be allowed to vote on the application."

- 2.13 Local Government Association Advice reinforces this and notes:

- *"Visits should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies and material considerations already"*
- *The purpose format and conduct should be clear at the outset and adhered to throughout the visit*
- *Where a site visit can be "triggered" by a request from the ward councillor, the "substantial benefit" test should still apply*
- *Keep a record of the reasons why a site visit is called*

A site visit is only likely to be necessary if:

- *The impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers.*
- *The comments of the applicant and objectors cannot be expressed adequately in writing*
- *The proposal is particularly contentious*

Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there.

Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might

be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.”

Public Speaking

The current position

- 2.14 At present, up to two people may speak in support of or as objectors to a scheme.
- 2.15 This is limited to 3 minutes each for smaller applications and 5 minutes each for Major applications.
- 2.16 In the interests of fairness, if 2 objectors wish to speak, a single supporter would be offered the same amount of time (i.e. 6 or 10 minutes) to speak.
- 2.17 If more than this, objectors are asked to work together to keep public speaking time to the maximum limits with no more than 2 people speaking for / against each proposal.
- 2.18 To inform discussions, a review of adjoining authority websites has been undertaken to identify public speaking practice. There are inevitable differences in relation to the manner in which objectors must register to speak but by and large representors are encouraged to collaborate or appoint a spokesperson where possible or a “first come first served” approach is taken.
- 2.19 This quick review shows that Teignbridge is by no means an outlier or unusual in limiting the number of speakers who may address committee at present.

Council	No of objectors	Time per speaker
Teignbridge major	2	5
Teignbridge minor	2	3
Torbay	1	5
SH major	1	5
SH Minor	1	3
WD	1	3
ECC	1	3
EDDC majors	5	3
EDDC minor	2	3
Mid Devon	1	3

The PAS Recommendation

“Arrangements for speaking at planning committee could be improved. ... It is appropriate to have some flexibility around arrangements for speaking. The Council currently requires objectors to organise themselves if there is more than two objectors or supporters. Similarly the Council allows the same number of speakers regardless of the application. It would seem more appropriate to allow more speakers in some situations, such as contentious major applications, to allow local voices to be heard. If there are multiple objectors, applicants can be allowed additional time to respond to ensure fairness.”

- 2.20 The LGA Probity In Planning Advice suggests:

“In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the local planning authority in writing.

New documents should not be circulated to the committee as councillors may not be able to give proper consideration to the new information, and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. Late

information might lead to a deferral. This should be made clear to those who intend to speak.

Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.”

Joint officer councillor training

- 2.21 Members currently receive mandatory annual training in relation to the planning system and membership of Planning Committee. This training provides an opportunity for Members to be updated on changes in Planning law and practice that have taken place over the past year and a chance for all parties to remind themselves of the requirements of Membership of the Planning Committee. Whilst this is particularly important for new Members of Committee, it is a useful opportunity for all.
- 2.22 In addition to this mandatory training, Officers deliver topic-specific training on subjects such as permitted development rights, enforcement, design etc during the year subject to demand / and resources.

PAS Recommendation

“We have recommended joint training to start bridging the gap between officers and councillors, but it might require something more proactive and holistic, an example of which is mediation.”

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

- 3.1 There are no financial implications to this report.

3.2 Legal

- 3.2 There are no legal implications to this report.

3.3 Risks

- 3.3 If no changes are made to our Committee practice, there is a possibility that our decision making processes could become less robust and more open to challenge however this report itself does not give rise to any different risk.

3.4 Environmental/Climate Change Impact

- 3.4 There are no Environmental / Climate Change Impact implications to this report

4. ALTERNATIVE OPTIONS

- 4.1 N/A

5. CONCLUSION

- 5.1 Committee is recommended to consider the recommendations of the PAS Report and how our Committee practice could develop.