

Guidance on the rights of individuals
or groups to address a meeting of
the Planning Committee

Guidance for Individuals Wishing To Address a Meeting of the Planning Committee

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NORTH AYRSHIRE
COUNCIL

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Section 1: The Procedure

1. Categories of Application

1.1 Where there are significant formal written objections lodged with the Planning Authority to planning applications which fall within the undernoted categories, they will, on submission of a formal written request, be entitled to address the Planning Committee in support of their objections. The categories are as follows:-

- ◆ Major developments
- ◆ Applications by North Ayrshire Council
- ◆ Developments where the Council has a financial interest or which are located wholly or partly on land in the ownership of the Council.

*NOTE: Objectors to “Local and Householder Applications” shall **not** be entitled to address the Planning Committee.*

2. Notice to Applicants and Objectors

2.1 Objectors should submit their written request to address the Planning Committee no later than 10 clear days prior to the meeting they wish to address.

2.2 The Chair of the Planning Committee shall determine whether a request meets the requirements as set out in paragraph 1.1 above. His decision shall be final. In the event that the decision is to refuse to allow the representation to be made, reasons shall be given to the objectors in writing within three working days of receipt of the request.

2.3 When objectors formally indicate their intention to address the Planning Committee in support of their objections, the applicants will also be invited to attend the relevant meeting to respond to issues raised by the objectors. The objectors and applicants will receive notification of the date, time and location of the relevant Planning Committee meeting at least 7 clear days prior to the meeting.

2.4 A copy of the planning report which relates to the application will be forwarded, for information, to the objectors, applicants and members of North Ayrshire Council in the week prior to the relevant meeting of the Planning Committee.

2.5 The objectors and applicants may each be represented by no more than three persons when addressing the Planning Committee. Both require to confirm their attendance and to advise the Clerk to the Planning Committee of the names of those persons who will attend. A principal spokesperson should be identified where possible.

3. Procedure at Committee

- 3.1 Prior to the commencement of the representations, the Clerk to the Committee will outline the procedures.
- 3.2 The objectors to the application will be invited to speak first in support of their objections. The objectors may decide up to a maximum of 3 people, who will speak, and will be limited to a maximum period of 10 minutes in total to present their case. The objectors may elaborate on their previously submitted objections as contained in the planning report, but no new material can be introduced.
- 3.3 The applicants will then be invited to respond to the issues raised by the objectors in their presentation. The applicants will also be limited to a maximum of 3 people, who will be limited to 10 minutes in total to respond.
- 3.4 The use of audio-visual materials is permitted to both objectors and applicants.
- 3.5 The Chair will ask the objectors for brief final comments. These will be restricted to any points raised by the applicants, which were not addressed in the original submission by the objectors.
- 3.6 The Committee will then be invited to ask any questions of the objectors and applicants.
- 3.7 Thereafter the Planning Officer will speak to the relevant planning report.

4. Decision Making

- 4.1 The Committee will then proceed to consider the planning application with a view to its determination.
- 4.2 The Planning Committee has delegated authority to determine planning applications.

Section 2: Guidance Notes

1. Introduction

- 1.1 The following guidance notes are intended to assist parties who may wish to appear before the Planning Committee of North Ayrshire Council. They provide information about the Council's procedures and the planning process.

2. The Planning Process in North Ayrshire

- 2.1 The planning system guides the future development and use of land in the long-term public interest. Subject to certain defined exceptions, planning permission is necessary for:-

- The making of any material change of use of any building or land.
- The carrying out of building, engineering, mining or other operations on or under land.

- 2.2 North Ayrshire Council requires to notify his neighbours and in certain defined circumstances the application will also be advertised. Anyone can object to a planning application. The Council's Planning Committee considers all planning matters under the provisions of the Town and Country Planning (Scotland) Act 1997, the Countryside (Scotland) Act 1967, the Planning and Compensation Act 1991, the Local Government Etc. (Scotland) Act 1994, the Land Reform (Scotland) Act 2003 and the Planning Etc. (Scotland) Act 2006. The Committee generally meets every three weeks and has delegated authority to determine planning applications.

3. Determination of Applications

- 3.1 The Planning Committee has limited discretion in the determination of applications. In terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the Committee must determine applications having regard to the provisions of the Development Plan and to any other material consideration. The Development Plan consists of the Ayrshire Joint Structure Plan and the relevant Local Plan. Material considerations are those which relate to the suitability of the land for the use identified in the particular application. Such considerations can include Scottish Government Policy, Draft Local Development Plans, the environmental impact of the proposal as well as issues of design, amenity, infrastructure and access. There is a presumption in favour of developments which accord with the Development Plan. If a proposal accords with the Development Plan and there are no material considerations that outweigh the provisions of the Development Plan, permission should be granted. Conversely, if the application does not accord with the Plan, it should be refused unless there are material considerations, which outweigh the Development Plan.

- 3.2 Accordingly in determining any planning application, the Planning Committee must: -
- Identify any provisions of the Development Plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the Plan as well as the detailed wording of Policies;
 - Consider whether or not the proposal accords with the Development Plan;
 - Identify and consider relevant material considerations, for and against the proposal;
 - Assess whether these considerations warrant a departure from the Development Plan.
- 3.3 The weight to be attached to any relevant material consideration is for the judgement of the Council as Planning Authority.
- 3.4 Further general guidance on the planning system can be obtained from the Scottish Government website at www.scotland.gov.uk/topics/Built-Environment/planning. A Scottish Government publication, SPP1 on the Planning System contains much useful general information on the planning system and can be viewed on the Scottish Government website, or copies obtained by writing to Victoria Quay, Edinburgh EH6 6QQ.
- 3.5 Free and independent planning advice to individuals and communities is also available from Planning Aid for Scotland. This is a voluntary organisation run by qualified planners, whose aims are to ensure that everyone has access to planning advice, and to educate people to understand the planning system and their participatory role within that system. They can be contacted at www.planningaidscotland.org.uk, or at Tel. 0131 220 9730.
- 3.6 Prior to a matter coming before the Planning Committee, Planning Officers of the Council prepare a full report on the application. This report details the nature of the application and its situation, the consultations and objections which have been received, the relevant Development Plan Policies and the relevant material considerations. The report also contains the Planning Officer's analysis of the tests contained in paragraph 3.3 above, a note of the key determining issues and a recommendation. That report is available to Members of the Planning Committee and the public at least three clear days prior to the Committee meeting. Where persons wish to address the Committee, the report will be available six days in advance. Reports can be viewed on the Council's website at www.north-ayrshire.gov.uk. Copies can also be obtained by contacting Committee Services.

4. Addressing the Planning Committee

4.1 The Council's procedures allow objectors to address the Council's Planning Committee in certain circumstances. These procedures are designed to give the community an opportunity of amplifying its objections to major applications or applications where the Council has an interest. Accordingly the procedure is only available in relation to major applications, or applications in which the Council has an interest. The right to address the Planning Committee does not apply to all applications. It only applies if

- Persons wishing to address the Committee have previously sent a written objection to the particular application
- Where there have been significant formal written objections lodged with the Planning Authority.
- The planning application is for a major development or one in which the Council has an interest. The exact categories are set out in the procedures.
- A request has been made to address the Committee.
- The request is submitted no less than 10 clear days prior to the Planning Committee, which will determine the application.
- Only objectors can request to address the Planning Committee. Applicants cannot address the Committee unless in response to objectors.

4.2 Even if objectors intend to address the Planning Committee, it is extremely important that objectors set out their objections in full and in writing and submit these to the Council's Senior Planning Services Manager within the period specified in the relevant neighbour notification or advert (These should be sent to the Senior Planning Services Manager, North Ayrshire Council, Cunninghame House, Friars Croft, Irvine KA12 8EE). This ensures that the objections are taken into account when the Planning Officer's report to Committee is being prepared. It should also be noted that objectors are not entitled to raise any new matters when they address the Planning Committee. Thus, all matters on which an objector wishes to address the Committee must be included in the written objections forwarded to the Senior Planning Services Manager.

4.3 While the Council makes every effort to determine applications within 2 months, the timescale for determining complex or major applications is often harder to plan. As previously mentioned, objectors require to give notice of their request to address the Committee at least 10 days prior to the Committee. To ensure that objectors do not miss this deadline it is recommended that they either lodge their request to address the Planning Committee at the same time as they submit their written objection, or keep in touch with the Council's Development Management staff to find out when an application is likely to go to Committee (Telephone 01294 324319).

5. Preparing to Address the Planning Committee

- 5.1 As previously mentioned, the Council is obliged to determine applications having regard to the relevant provisions of the Development Plan and material considerations. These are set out in the Planning Officer's report, which the Members of the Planning Committee will have read prior to the meeting. Persons addressing the Planning Committee should be aware that the Council requires to determine planning applications against these criteria and objectors may wish to structure their submissions accordingly. Accordingly, it is recommended that parties acquaint themselves with the issues contained in the planning officer's report prior to addressing the Committee. If parties disagree with any of the analysis therein, such as the weight to be attached to their particular objection, then it would be helpful to the Committee to be addressed on this point.
- 5.2 As detailed in the procedure, a maximum of 3 persons can speak in support of objections. The presentation must be limited to 10 minutes in total (not 10 minutes per person). Similarly, an applicant's response to the issues raised by the objectors in their presentation, is to be limited to a maximum of 3 persons and 10 minutes in total. Where possible, details of the persons who will form a deputation, including an agreed spokesperson, should be provided to the Clerk to the Planning Committee as soon as possible prior to the meeting. It is important that parties notify the Clerk of any subsequent changes to the deputation prior to the meeting.
- 5.3 The use of audio-visual materials is permitted at the Planning Committee. If you require the provision of any equipment (multimedia, overhead projector and screen, laptop, flip-charts etc) then you should make early contact with the Clerk to the Planning Committee in order that appropriate arrangements may be made. You should also seek advice from the Clerk of the Planning Committee should you wish to circulate any documents or photographs at the meeting.
- 5.4 The Clerk to the Planning Committee is happy to discuss the administrative arrangements for addressing the Planning Committee and can be contacted at 01294 324133.

6. At the Committee Meeting

- 6.1 The rules for addressing the Committee are set out in the procedure. The following points should also be borne in mind.

- 6.2 Applicants are invited to respond to issues raised by the objectors in their presentation. It is important that applicants submit all material in support of their application to the Chief Development Management Officer as soon as possible. This ensures that it is taken into account when the Planning Officer prepares the report to Committee. The applicant's right to address the Committee is in response to issues raised by objectors. Applicants should not use the opportunity to outline their development, unless this is necessary in order to respond to issues raised by the objectors in their presentation.
- 6.3 After the submission by the applicants the objectors are asked if they wish to make brief final comments. These are restricted to points raised by the applicants, which were not addressed in the original submission by the objectors. This is not an opportunity to summarise or reiterate information, which has already been submitted by the objectors. Any submission should arise directly from a point raised by the applicants.
- 6.4 If the Council decides to refuse an application, or grant subject to conditions, the applicant has a right of appeal to the Scottish Ministers. If an application is to be refused by the Council there requires to be clear planning reasons for such refusal. These reasons require to be based on Development Plan Policies or material considerations. At any appeal the Council requires to substantiate these grounds of refusal. If the Council decides to grant an application, objectors do not presently have any right of appeal, other than a limited right to raise Judicial Review proceedings in the Court of Session.
- 6.5 Where a Planning Authority has some interest in an application and where the proposal involved a significant departure from the development plan; and/or an objection has been made by a Government Agency, the application may require to be referred to the Scottish Government for determination.

7. Conclusion

- 7.1 The right to address the Planning Committee should not be viewed as a Right of Appeal or Public Inquiry. The Council is obliged to consider all relevant provisions of the Development Plan and the material considerations. It is obliged to consider these regardless of whether they are raised by objectors or applicants. Indeed, prior to the Committee the Members will already be aware of the provisions of the Development Plan and the relevant material considerations, as detailed in the Planning Officer's report. Accordingly it should be borne in mind that the address by objectors and applicants is only part of the decision making process. Applications will be determined on the basis of information contained in the report to the Committee, as well as information provided by parties who address the Committee.

Section 3: Useful Contacts

Scottish Government Built Environment
Victoria Quay
Edinburgh EH6 6QQ
Tel 0845 774 1741

Requests for Planning Policy documents in writing to above address
www.scotland.gov.uk/topics/Built-Environment/planning

Planning Aid for Scotland
11a South Charlotte Street
Edinburgh EH2 4AS
Tel 0131 220 9730
www.planningaidscotland.org.uk

Development Management Section (Planning Service)
North Ayrshire Council
Cunninghame House
Friarscroft
Irvine KA12 8EE
Tel 01294 324319

Clerk to the Planning Committee
Committee Services
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