

Knights



**Attending planning committee
Tips and Tricks**

Tips and Tricks



Early-stage consideration

Do we want to be at committee or not?

When I say early stage – I mean pre submission. A good planning strategy from the outset will target whether you want to be at committee or not. You might not have a choice – check scheme of delegation. You might be better off with the politicians.

Benefits of planning committee

- Opportunity for a second chance to get the decision you want (i.e. to overturn the officer's recommendation if they are minded to disagree with your stance).
- Members may take a more pragmatic approach to the officer's more technical considerations.
- Attendance of Council's legal advisor can potentially deliver a better considered outcome.
- Opportunity to directly address the decision-maker in person.

Disadvantages of planning committee

- Decisions can be more political and less technically informed than delegated decisions.
- Opportunity for opposing parties to get their points across as well (emotive).
- Very short time available to present your point.
- Limited ability to inform the process once the debate begins.
- Elongated decision-making process (particularly if deferred)
- Reduced certainty in the outcome.
- Overturned recommendations for refusal may be more difficult for officers to defend at appeal.
- Approved schemes may include unreasonable conditions (particularly if they overturn a recommendation to refuse).

Planning Committee or Delegated Authority?

Delegated powers to officers:

LPA's will have a scheme of delegation which enables most planning applications to be determined by officers (i.e. approved if in accordance with the Development Plan or refused if contrary to the Development Plan).

Planning Committee

Members will determine planning applications that either fall outside of the scheme of delegation (i.e. not in accordance with the development plan but material considerations exist) or where they are called in by Members (for a valid planning reason). These are typically major or contentious proposals.

National Scheme of Delegation In the Infrastructure Bill

This is all part of the Government's aspiration to modernise planning committees by seeking to minimise that amount and type of planning applications that are decided by Members as opposed to under officer delegated powers. I would expect this to ensure that planning officers have the ability to determine the vast majority of planning applications, particularly those where the principle of development is already established, in order to streamline the planning system and ensure an efficient decision making process. This ties into the Government's aspiration to limit the power of NIMBYs to try and stall the process and instead putting faith in the expertise of the qualified planning officers to make informed and considered decisions. From a Council perspective – committees are very expensive! They should be avoided. Think about the local scheme of delegation and tightening it up.

What to do in advance of the meeting?

- Preliminary work to get the officer's recommendation to align with your desired outcome (i.e. recommending approval for your client's scheme).
- Provide a summary of your case to the officer so that it can be cut & pasted into the report (or supplementary report).

Immediate lead up to committee

Draft report is available for review etc
Register to speak

What to do in advance of the meeting?

- Send briefing note to Members in advance of the meeting to get the salient points across.
- Find out how long you have to present & if there is an opportunity to answer Members questions.
- Attendance of Members site visit (if possible).
- Carefully draft your presentation to focus on the key issues.
- Find out the order of the speakers

Tips and Tricks



In the “room”

Planning Committee Process

- Officers will write their committee report with a recommendation to Members (i.e. approve with conditions or refuse with reasons).
- Report is publicly available 1 week before the committee meeting.
- Applicant, objectors and parish councillors will be informed and given opportunity to speak at planning committee.
- Members will review report (and supplementary reports) in advance.
- Members may visit the site in advance.
- Attendance at committee (in person or virtually) where the decision process takes place.
- Scheme presented by officers to Members.
- Applicant, objectors and (non-Planning Committee Member) Councillors have the opportunity to present their case to members.
- Members debate the proposal, with officers answering questions and providing clarification via the Chair.
- A decision is made via a vote.

So let's break that down

Preliminaries

Stuart points

- Are members conflicted?
- Know the difference between pre-disposition and pre-determination.
- In addition know what DPI's are and check how each Council deals with these.
- Know the grey areas in between – I had a Cllr who liked to declare his 1000 Tesco shares. He was always very clear that this was below the DPI threshold. He liked to stop there as that's all he thought he needed to do. But in stopping there he has left open the question of bias. He should either not declare as it is below the PI limit or make clear that he continues to have an open mind.

Public speaking

Objectors/applicant/ward member

- Early engagement with the officer to help to inform the decision (at the beginning of the planning process).
- Who should attend?
- Consider your audience and the issues involve:
 - Technical presentation?
 - Planning balance presentation?
 - Hearts & Minds presentation?
- Can you get a local councillor on board to support you? – How do you go about this and when in the process (i.e. early on)
- Timing (typically 3 – 5 mins) – Be concise and to the point.
- Practice the presentation in advance to make sure you get your key points across in the allotted time.
- Be professional and courteous.
- Address the chair.
- Don't use it as an opportunity to moan.
- Can any useful photographs be issued to the officer to assist their presentation?

At the meeting

- Get there early (the agenda can change on the day).
- Meeting lengths are unpredictable.
- Dress professionally (provide a positive first impression).
- Know the scheme thoroughly (to respond to questions).
- Bring a hard copy of your presentation (large lettering when emphasis on key words).
- Take your time when presenting to let the message sink in.
- Your speech will be timed to make sure it does not overrun.
- You may be asked questions after your speech. Respond positively and assertively.
- Take notes of the meeting (this will be useful if the application is deferred to a later meeting or if the application is refused and you need to consider an appeal or resubmission or judicial review). Important for a lawyer or planning agent to attend to review how decision can be challenged.

Tips and Tricks



Officer report

See separate video content

Debate

Need to second a proposal before the vote is taken

Decision

How to deal with Members proposing to overturn a decision (i.e. are conditions reasonable) – is there a delegated authority to officers to devise conditions.

Follow ups

If approved – how. Are conditions as drafted in OR; does a s.106 now need to be secured?

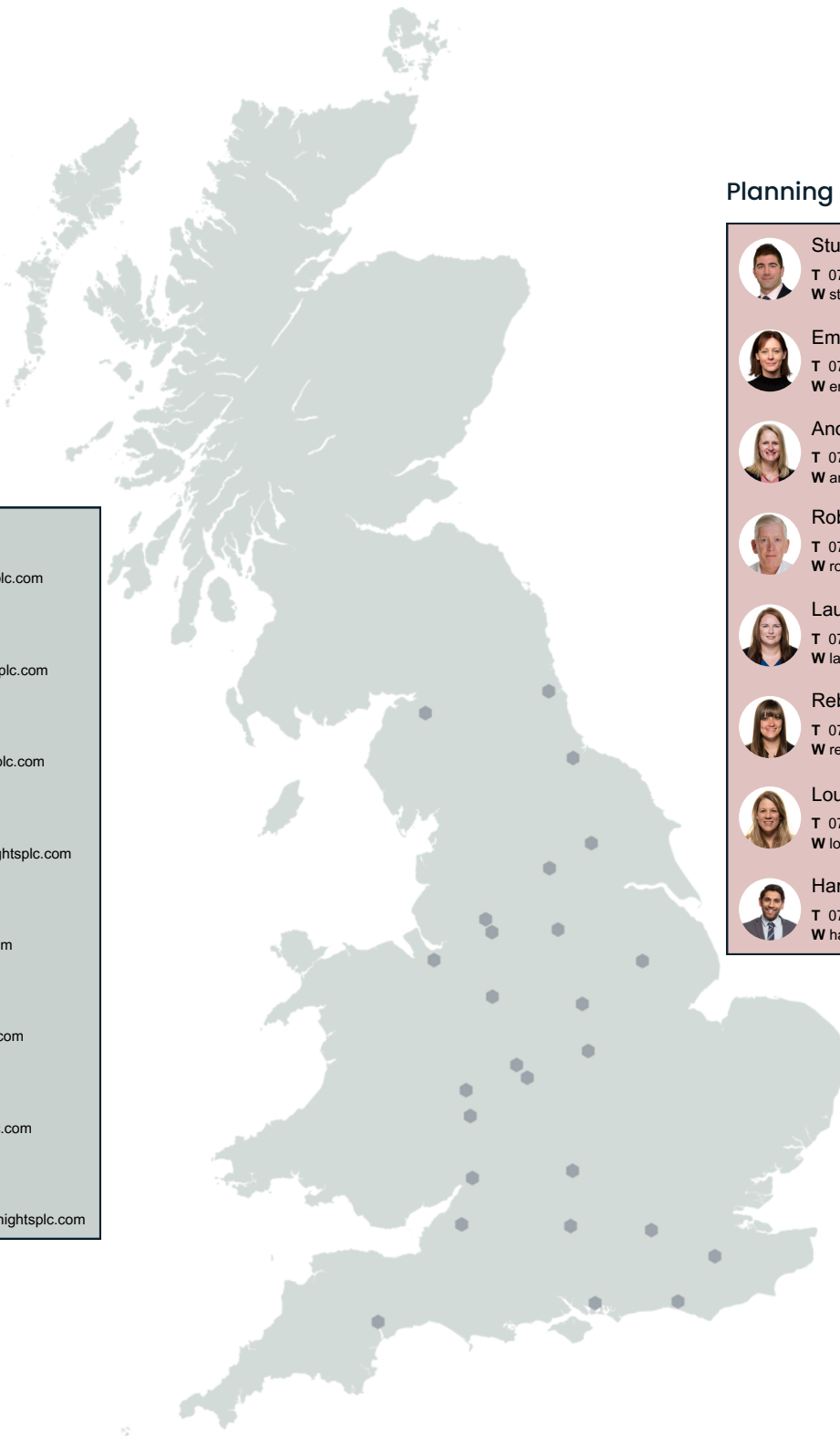
If deferred – why. What do you need to do – prep for a site visit or supply more information?

If refused – why. Is it clear? Any immediate actions – JR?





YOUR DEDICATED TEAM

Knights









National coverage



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