

Report to	<b>South Downs National Park Authority</b>
Date	<b>19 February 2013</b>
By	<b>Director of Planning</b>
Title of Report	<b>Protocol for Planning Committee Site Visits</b>
Purpose of Report	<b>To seek authority to make changes to the existing protocol in relation to Planning Committee site visits.</b>

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**Recommendation: That the Director of Planning, in consultation with the Chair of Planning Committee, make the necessary changes to the Local Protocol for Members and Officers Dealing with Planning Matters to give effect to changes to the existing protocol on site visits, specifically allowing Parish Councils to attend Member Site Visits in an observing capacity.**

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## **1. Introduction and Background**

- 1.1 The Local Protocol for Members and Officers Dealing with Planning Matters (“the Protocol”) was adopted by the South Downs National Park Authority (the Authority) in 2011. It is an advisory document that sits alongside other documents that concern probity in public office as they relate to planning and must be observed by Members and Officers who are involved in determining planning matters.
- 1.2 Determining planning applications is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. Much is often at stake, particularly the financial value of landholdings and the quality of their settings, and opposing views are often strongly held by those involved. It is important therefore that planning decisions affecting these interests are made openly, impartially, with sound judgement, for justifiable reasons and in a fully informed manner.
- 1.3 One part of the administrative process is the site visit. Site visits are advisable when the complexity or technical aspects of a proposal, or public concern at the issues raised is such that Members understanding would substantially benefit from a site visit. A site visit is not a formally convened public meeting and as such does not form part of the formal consideration of the application. Section 6 of the Protocol sets out how site visits are currently undertaken and in particular states that site visits are not open to the public, applicants and objectors (**Appendix I**).
- 1.4 The purpose of this report is to consider whether there would be benefit in allowing other interested parties to attend site visits.

## **2. Proposal**

- 2.1 The Protocol as adopted doesn’t enable an applicant or his advisor to attend a site visit. In some circumstances, for example to enable access or for health and safety it is essential that the applicant is present on site and this can lead to a public perception of bias. It can also be helpful for the applicant to hear questions that are being asked by Members so that they can ensure that the case officer is as fully informed as possible prior to consideration by the Planning Committee. In recent site visits an applicant or agent being on site, albeit separate from the main party, has become usual.

- 2.2 It is proposed therefore that the Protocol be amended so that an applicant or his advisor is invited to attend a site visit so that they can ensure safe access and understand the fact finding nature of the site visit.
- 2.3 In order to ensure that the process is fair to all parties it is proposed that if an Applicant or his advisor is to be present a representative from the local Parish Council should also be invited to attend to observe the proceedings and understand the fact finding nature of the site visit. This will avoid allegations of bias and will again ensure that the local Parish Council is as informed as possible prior to determination of the application at Committee. In the event that the Parish Council is not objecting to an application but there is a main body of objectors, for equity purposes, a representative from the main body of objectors will also be invited to attend to hear what is said by the case officer and Members.
- 2.4 It is proposed that the role of the parties will be to observe Members on the site visit and to hear what is said. The rules on public participation, which apply to meetings held in public, will not apply. If however any party wishes that particular things are pointed out to Members these should be raised directly with the case officer prior to the visit. It may not always be possible to visit other areas or specific properties but case officers will ensure Members are aware of all pertinent issues where raised prior to the formal Committee meeting.
- 2.5 The revised Site Visit Protocol is attached as **Appendix 2** to this report.

### **3. Conclusion**

- 3.1 It is felt that there will be benefit in allowing interested parties to attend site visits to understand the fact finding nature of the visit. The attendance of third parties in an observing capacity is not unusual and the current mode of operation is relatively rare, due in the main to the perception matter raised earlier. The current Protocol should therefore be amended to outline how this will operate. In the first instance the Applicant or his Agent will be invited to attend and if they do so the local Parish Council will also be invited. If the local Parish Council is not objecting to an application but there is a main body of objectors a representative from this group will be invited to attend.

### **4. Resources**

Additional administrative resource will be needed to ensure that all parties are invited and arrangements are made for meeting etc. It is not anticipated that these will be significant and can be met from existing resources.

### **3. Risk management**

- 3.1 There are no particular risks associated with this report. By being open and transparent in the manner proposed the Authority is reducing any risk of challenge by a third party.

### **4. Human Rights, Equalities, Health and Safety**

- 4.1 There are no implications arising from this report.

### **5. External Consultees**

- 5.1 None.

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Appendices

1. Current Site Visit Protocol
2. Revised Site Visit Protocol

SDNPA Consultees: Chief Executive Officer, Director of Corporate Services, Director of Planning, Director of Strategy and Partnerships, Director of Operations, Chief Finance Officer, Deputy Chief Finance Officer, Monitoring Officer.

Background Documents None

## **6 SITE VISITS**

6.1 If a site visit is undertaken its purpose is for Members to gain knowledge of the development proposal, the application site and its relationship to adjacent sites. It is not a formally convened meeting that is open to the public, applicants and objectors. Members and officers may not discuss the merits of the application at the site visit with each other or with other persons.

6.2 The Director of Planning will ensure that all correspondence in relation to site visits clearly identifies the purpose of a site visit and the format and conduct of the visit. Written procedures setting out the purpose and conduct of site visits shall be maintained by the Director of Planning and Monitoring Officer and communicated to all parties. Responsibility for ensuring compliance with those procedures at the site visit rests with the Director of Planning or his/her representative.

Informal site visits

6.3 It is often helpful if Members familiarise themselves with a site before the application is debated by the Committee. However, Members should be aware that the Code of Conduct, and this Protocol, apply to them should they become involved in any conversation with a member of the public while visiting a site. Members are reminded that they have no legal right to enter private land without the permission of the owner or occupier.

## **6 SITE VISITS**

- 6.1 Site visits will be carried out in accordance with agreed procedures and are:
- a) fact finding exercises to aid a Members knowledge of the development proposal, the application site and its relationship to adjacent sites,
  - b) to enable the case officer to point out relevant features,
  - c) to enable Members questions of fact to be asked on site for clarification,
  - d) NOT part of the formal consideration of the application and therefore public speaking rights do not apply and the merits of the application should not be discussed by Members or Officers
- 6.2 A site visit is not always necessary however is advisable when the complexity or technical aspects of a proposal or public concern at the issues raised is such that Members understanding would substantially benefit from a site visit. It is not a formally convened public meeting however Members should declare any interests to the Chairman or a Member Services officer before the site visit commences. Where a Member has a discloseable pecuniary interest or whose presence would give rise to allegations of bias or the appearance of bias they should not attend a site visit and not take any part in the consideration of the application.
- 6.3 A site visit will be organised by Member Services officers, will attended by the case officer for an application and will take place following publication of the report to Committee. All Members of the Planning Committee will be invited to attend the site visit. The case officer will lead the site visit.
- 6.4 An applicant or his planning advisor will be invited to accompany a site visit and will generally be expected to do so in the case where the safety of visitors to sites must be observed. Where the applicant or his planning advisor is to accompany a site visit, a representative from the local Parish Council, and a representative from a body of objectors if the Parish council are not objecting to an application, will be invited to attend to hear what is said.
- 6.5 Members must not engage in individual conversations with the other parties attending the site visit in order to ensure that all parties are treated fairly and equitably. A list of those attending a site visit will be held by Member Services.
- 6.6 The role of the parties is to observe the Members on the site visit and to hear what is said. The site visit is not a formal meeting and as such the rules about public participation do not apply. Parties will be reminded that they are in attendance to observe only. If any party have any particular things that they would like pointing out to Members these should be raised directly with the case officer prior to the visit.
- 6.7 The Director of Planning will ensure that all correspondence in relation to site visits clearly identifies the purpose of a site visit and the format and conduct of the visit. Written procedures setting out the purpose and conduct of site visits shall be maintained by the Director of Planning and Monitoring Officer and communicated to all parties. Responsibility for ensuring compliance with those procedures at the site visit rests with the Director of Planning or his/her representative.

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member of the public while visiting a site. Members are reminded that they have no legal right to enter private land without the permission of the owner or occupier.