

Code of Good Practice in Planning

1. INTRODUCTION

- 1.1 The way in which planning decisions are made is subject to a great deal of public and media interest. Planning decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers, and therefore on many occasions will be contentious. Because of this it is important that the system of making decisions is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.
- 1.2 This Code of Practice has been drawn up to set out clearly the way in which the Council deals with planning and other applications.
- 1.3 It complements the statutory Local Codes of Member and Officer Conduct which address a range of aspects of members' and officers' conduct in carrying out official duties. All Members of the Council have given a written undertaking to observe the Code. Further information on the provision of the Code can be obtained from the Council's Monitoring Officer, telephone 01394 444336, or e-mail hilary.slater@suffolkcoastal.gov.uk

2. BASIC PREMISES

- 2.1 The basis of the planning system is the consideration of private proposals against wider public interests. The Town and Country Planning Acts provide that decisions on individual proposals should be made in accordance with the Development Plan unless material planning considerations justify a departure from those policies. The Development Plan for Suffolk Coastal District consists of the Suffolk Coastal Local Plan incorporating First and Second Alterations and the Suffolk Structure Plan.
- 2.2 Within the context of the legal provisions, the successful operation of the planning system relies on ensuring that Members and Officers act in a way which is not only fair but is clearly seen to be so. The respective roles of members and officers is set out in this Code of Practice.
- 2.3 The Government has placed a high priority on speed in the determination of planning applications and the practice contained in this code has to take account of this Government priority.

3. DECISION MAKING ON PLANNING APPLICATIONS

The Role of Committee Members

- 3.1 Members of Development Control Committee or Development Control Sub-Committees, in making decisions on planning applications, will:
- Act fairly and openly;
 - Approach each application with an open mind;
 - Carefully weigh up all the material planning considerations; Ensure that reasons for decisions are clearly stated.

- 3.2 The planning system exists to balance the consideration of private proposals against the wider public interest. Members must take into account the interests of all of the District, together with the Government's national planning priorities, and will act in a way which is not only fair, but is clearly seen to be so.
- 3.3 Members will be free to vote on planning applications however they consider appropriate within the context set by the Town and Country Planning Acts, and shall not have pre-judged the outcome prior to their consideration at the committee or sub-committee meeting of all relevant available information. Members should not, prior to the meeting, give an undertaking as to the stance they will take on the determination of a planning application, e.g. at a Town or Parish Council meeting, or to an interested party. They should indicate that any view they might put forward might change in the light of the planning officers report and the sub-committees discussion.
- 3.4 Committee members will also have a role (see 3.5 below) on behalf of their ward to present local views, but members must make it explicit when acting in that role. The decision-making role and its impartiality must not be prejudiced by any such action.

The Role of Members

- 3.5 The representational role of members is a key part of the planning process. Subject to compliance with the terms of the Members' Code of Conduct, in fulfilling that role members will be given the opportunity in respect of all applications to:
- Respond in writing to officers on the merits of the application;
 - Attend any committee site meetings for applications within their ward;
 - To make representations to the determining committee.
- 3.6 Members shall not give instructions to officers, nor should they place pressure on officers in order to secure a particular recommendation on an application.
- 3.7 Members can expect officers to give them every help and assistance in answering questions relating to planning matters.

The Role of Officers

- 3.8 In respect of applications to be determined by a committee or sub-committee Officers will:
- Provide professional and impartial advice;
 - Make sure that all information necessary for a decision to be made is given, including the substance of any objections and the views of those consulted;
 - Set the application in the context of the Development Plan and all other material considerations;
 - Provide a clear and accurate written analysis of the issues;
 - Give a clear recommendation;

- Be responsible for carrying out the decisions of the Development Control Committee and Sub-Committees.

3.9 In respect of decisions that are taken under delegated authority the case officer for the application will prepare a brief written resume of key issues and a recommendation. This written report will be considered by a senior officer, given the appropriate delegated authority by the Head of Planning Services , who may exercise that authority to determine the application. In no circumstances will the case officer determine the application.

3.10 The District Council recognises that Chartered Town Planners and other Chartered Professional Officers shall not make or subscribe to any statements or reports which are contrary to their own professional opinions and the appropriate Professional Institute's Code of Conduct.

4. DISCUSSIONS WITH APPLICANTS

4.1 Pre-application meetings with prospective applicants are encouraged, but will normally only involve officers. They may involve members acting in a representative role where approached by a prospective applicant, such meetings should not normally involve members of the committee or sub-committee which may be making the decision on the intended application. Exceptions are where the committee or sub-committee has by resolution determined that a pre-application meeting shall exceptionally involve members and where the meeting is limited to providing advice on the proper process to follow, involving which officer to contact for further advice. Committee members may also wish to pass applicants on to a neighbouring District Councillor.

4.2 Where pre-application meetings involve members appointed by committee a note of the discussion will be taken and will be made available for public inspection subject to the usual rules about Access to Information, when an application is submitted. At least one officer will be present at all such meetings. The same provisions will apply where following a determination of an application consideration is being given to a fresh application.

4.3 It will be made clear at pre-application meetings that:

- Only officers' initial and provisional views can be given, based upon the provisions of the Development Plan and other material planning considerations;
- No decisions can be made which would bind or otherwise compromise the decision of the Council;
- A written note will be made of all substantive meetings. A follow-up letter should be normal practice when documentary evidence has been left with the Council;
- A note will be taken of telephone conversations where express advice on the planning merits of a proposal has been given. The meeting note and the follow-up correspondence shall be placed on the relevant file, should an application materialise following initial discussions.

5. CONSULTATION AND LOBBYING

5.1 The Council is required by legislation to give certain publicity and consult certain key parties on particular planning applications. The Council supplements the statutory

requirements with its own practice on consultation. Attached as Appendix A is a statement of the Council's current practice of consultation on planning applications.

- 5.2 In all instances interested parties are asked to make their representations in writing in order that a true record of the representation can be placed on the appropriate file for public inspection and to be used in informing the decision making process. Representations can be submitted electronically or submitted in hard copy form.
- 5.3 It is quite common for applicants and other interested parties to wish to discuss a proposed development with members before an application is determined. This can aid the understanding of issues involved. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, members of the determining committee may choose as a matter of principle not to meet applicants or interested parties. Where they do choose to meet relevant parties they will:
- Not express an opinion which could be taken as firm support or opposition to a proposal;
 - Not organise support or opposition for a proposal or lobby other members;
 - Inform lobbyists or objectors of the importance of their views being submitted in writing to the Council;
 - Advise the Chairman of the Development Control Sub-Committee or the Head of Planning Services of the existence of any party that appears to be trying to exercise undue or unreasonable pressure on members of the Council.

6. **COMMITTEE PROCEDURES**

- 6.1 Development Control Committee and Area Development Control Sub-Committee papers will be available, in accordance with the Access to Information Act provisions, at least five clear working days prior to the meeting.
- 6.2 All applications presented to the committee or sub-committee for determination will have a full written report from officers, including the substance of objections, and the views of those who have been consulted on the planning merits of the proposal, a clear explanation of the relevant Development Plan policies, site related history, any other material planning considerations, a reasoned consideration of the proposal and a clear recommendation.
- 6.3 Any material planning information which is received after the written report has been prepared but more than 24 hours before the start of the committee / sub-committee meeting will be presented orally by officers. Information received within 24 hours of the start of the meeting will only be presented where it is brief and can be readily conveyed to the committee / sub-committee.
- 6.4 The Head of Planning Services will have the discretion to withdraw any item from the agenda of the committee or sub-committee subsequent to the preparation of the report, but prior to a discussion by the committee or sub-committee if the circumstance of the application has changed within that period.

- 6.5 Where an application is determined in accordance with an officers' report the decision will be as set out in that report subject to any amendments which officers or members may put forward at the meeting.
- 6.6 Where the committee or sub-committee disagrees with the officers' professional advice, the reasons for rejecting a report's recommendation will be clearly stated at the meeting and recorded in the minutes. Members need to be sure that when they do not follow officers' professional advice, their decisions are based on sound planning reasons. Members shall be aware that they may be required themselves to justify their decision at appeal. Where Members support an application contrary to the Officers professional advice and that application is a Departure for the Development Plan the application will be referred up to the Development Control Committee for its consideration.
- 6.7 The Council considers that there are benefits in allowing public speaking at Planning / Sub-Committee meetings. A summary of the adopted practice is set out in Appendix B.
- 6.8 Where a planning obligation is required in respect of a development proposal, the officers' report to the committee / sub-committee will set out the reasons for this and indicate any principal terms that the obligation might contain. If the committee / sub-committee requires additional or amended obligations they shall be clearly specified by the committee / sub-committee and in all cases the detail will also be recorded in the minutes of the meeting.
- 6.9 A register is kept of planning obligations entered into and an annual report will be made to the Development Control Committee summarising progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.

7. SITE VISITS

- 7.1 All sites are investigated by officers as part of the application process. However, there may be circumstances when members will wish to visit specific sites, for example, to understand local conditions and the relationship of a proposed development and the surrounding area, where these features cannot be assessed from the submitted drawings, illustrative material or from outside the site.
- 7.2 Formal site visits will be held when there is a clearly identified material benefit from holding one and the committee or sub-committee so requests that a visit be held.
- 7.3 All members of the relevant Development Control Sub-Committee (including substitutes who may attend at a subsequent meeting) will be invited to attend the site visit, together with the ward or ward members. Where a proposal would have a significant effect on an adjoining ward, the adjoining ward members will also be invited.
- 7.4 All members attending formal site visits by the Development Control Sub-Committee shall be accompanied by an appropriate officer of the Council.
- 7.5 The site visit is not part of the consideration of the merits of an application and therefore public rights to attend the meeting do not apply. However, a representative

of the town or parish council will be invited to the site visit along with the applicant or his / her agent.

- 7.6 If access to private land is necessary, then officers will secure the prior agreement of the landowner.
- 7.7 The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site and ask questions through the Chairman or the officer to seek clarification. A written record will be kept of the site visit and placed on the planning file.
- 7.8 No discussion of the merits of the case will be permitted, and all questions from members will be carried out through the Chair or at the Chairman's discretion directed at the relevant officer.
- 7.9 The Chairman may ask the applicant (or agent), the representative of the town or parish council, or the owner on whose property the site visit is being conducted if there are any parts of the site that have not been visited that they consider should be seen by the members. The Chairman will then determine as to whether to accede to any requests for that part of the site or area to be visited.
- 7.10 The visiting party will stay together as a group. No lobbying by applicants, town or parish council representatives or objectors will be allowed. If an applicant or group persists in attempting to lobby, the Chairman may determine to curtail the site visit and return on another occasion.
- 7.11 The members of the committee / sub-committee, when on site visits, should not make any comments that could create an impression to an outside party that they had already formed a firm position on the merits of the application. The decision on the application should not be made until the formal meeting of the Development Control Sub-Committee and the members will have before them all the necessary information to be able to make an informed decision. There may be occasions when questions raised by members have not been able to be answered or require further investigation in which event officers will pursue these matters and report back on them to the appropriate committee or sub-committee meeting.
- 7.12 Exceptionally, a member of the Development Control Sub-Committee may not be able to attend a site visit or may wish to see a site that is the subject of a report to the Committee. When visiting sites on their own, members should normally seek only to view the site from a public area, and should deal with any lobbying that may occur at the visit in accordance with Section 5 of this Code of Practice. Members may wish to seek advice before undertaking unaccompanied site visits that necessitate access to private property.

8. DISCLOSURE OF INTERESTS AND HOSPITALITY

- 8.1 Members and officers are required to comply with the requirements of the Suffolk Coastal Code of Conduct, including registration of their interests and making appropriate declarations - whether a "personal" or "prejudicial" interest.
- 8.2 Members and officers are discouraged from receiving hospitality from people with an interest in their planning proposal. If receipt of hospitality is unavoidable, members

and officers will ensure that it is of the minimum level and will declare its receipt as soon as possible, in a hospitality book, which in the case of members is retained by the Council's Monitoring Officer, and in the case of officers by the Head of Legal and Democratic Services. When hospitality is offered but not accepted this will also be entered into the hospitality register.

- 8.3 In the event that significant hospitality has been offered and accepted by officers or members this should be declared at the relevant committee / sub-committee meeting.

9. DISTRICT COUNCIL APPLICATIONS

- 9.1 Where the District Council wishes to carry out development which requires planning permission it will need to make an application for its own development before development may be carried out. The appropriate application will be submitted by the Chief Executive or his duly authorised nominee, and will be dealt with by the Council as Local Planning Authority in the same way as those submitted by private applicants.

- 9.2 No District Council application will be determined under delegated authority, but will be determined by the Development Control Sub-Committee or Development Control Committee.

10. APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS

- 10.1 All applications which are submitted by or on behalf of members, or any officers of the Council or their spouse / partner in their private capacity, will be reported to the Development Control Sub-Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

- 10.2 The member / officer concerned will inform the Head of Planning Services of the submission of their application to ensure that the above mentioned procedure can be adopted.

- 10.3 No member or officer concerned will take part in the processing or determination of the application, and if normally present at the determining sub-committee meeting, will declare a prejudicial interest in the normal manner and leave the meeting for the consideration of that item of business.

11. TRAINING

- 11.1 To facilitate the effective working of the planning system, all members of the Council will be offered training in the principles of the planning system and the planning procedures followed by the District Council. The precise contents of this training will be determined from time to time by officers in consultation with members.

- 11.2 Members of the Development Control Committee and Development Control Sub-Committees will have undertaken training on current planning procedures and the principles of the planning system. When significant changes to the planning system or policy applicable to the District occurs updated information or training as appropriate will be provided to all members of the Development Control Committee and Development Control Sub-Committees – information / training which all members of the Council will be invited to benefit from if they so wish.

- 11.3 Members who have not participated in appropriate training can not be Members of the Development Control Committee or Development Control Sub-Committees. Only in the most exceptional cases when there are no trained members available and a committee or sub-committee would be potentially inquorate, should a member who has not received training take part in making a decision on a planning application. A record of member training in planning will be maintained.
- 11.4 As part of the annual monitoring role of the Development Control Committee, the training and provision of information undertaken and provided each year will be reviewed.

12. COMPLAINTS

- 12.1 If there is concern that the Code of Practice set out in this document has not been adhered to you should contact your local ward councillor or you should write to the Head of Planning Services at the Council Offices, or e-mail philip.ridley@suffolkcoastal.gov.uk. In the event the concern is a matter that relates to the Council's Statutory Code of Conduct for Members or Officers, then concern should be made in writing to the Monitoring Officer at the Council Offices, or e-mail hilary.slater@suffolkcoastal.gov.uk.
- 12.2 The Council has adopted a Complaints Procedure which may be followed in the event that the initial enquiry is not resolved to the complainant's satisfaction. A copy of the Complaints Procedure is available on the Council's web-site, or from the Council Offices.

STATUTORY PUBLICITY

Nature of Development	Publicity Required
Development where application accompanied by environmental statement	Advertisement in newspaper and site notice
Departure from development plan	Advertisement in newspaper and site notice
Affecting public right of way	Advertising in newspaper and site notice
Major Development	Advertisement in newspaper, site notice and neighbour notification as appropriate
Minor Development	Site notice and neighbour notification as appropriate
Development affecting the setting and character of a listed building	Advertisement in newspaper and site notice
Development affecting the character or appearance of a Conservation Area	Advertisement in newspaper and site notice
Agricultural permitted development where Local Planning Authority indicates a need for its prior approval	Site notice posted by developer
Telecommunications	

INFORMAL PUBLICITY ARRANGEMENTS

The planning officer dealing with a case has discretion to notify a neighbour direct, or not, as he or she considers desirable having regard to adopted guidelines. Notification is carried out having regard to the following guidelines:

- (i) Notification will take place when, in the opinion of the inspecting officer, demonstrable harm may be caused to the amenities of a neighbouring property resulting in:
 - a) loss of privacy;
 - b) loss of peaceful enjoyment;
 - c) loss of daylight or sunlight;
 - d) adverse visual impact;
 - e) or other adverse effect.

- (ii) The person notified will be the occupier of the neighbouring property affected by the proposals;

- (iii) 'Neighbouring property' is any residential property having a boundary contiguous with, or abutting, an application site but does not include a property separated from the site by a public highway;
- (iv) Notification will not be undertaken simply because a neighbour's outlook over adjoining property is affected or because a solely private interest is involved e.g. a private right of way;
- (v) Where application proposals affect properties over a wider area, the local town / parish council will be able to express a local view but where the impact could be substantial, consideration will be given to advertising the application by press advertisements as an item of general interest.

N.B. This protocol will become effective from 1 October 2003

PUBLIC SPEAKING PROCEDURES FOR DEVELOPMENT CONTROL SUB-COMMITTEE MEETINGS

RECEIPT OF A PLANNING APPLICATION

When acknowledging an application the Council will indicate that in the event that the application is to be reported to one of the two Area Sub-Committees there will be a potential for public speaking. In advance of knowing whether the matters in question are to be reported to a sub-committee meeting it would be inappropriate to advise applicants or agents of the precise details of the scheme.

PROCEDURE WHEN AN ITEM IS SCHEDULED TO BE REPORTED TO A DEVELOPMENT CONTROL SUB-COMMITTEE

Progress on applications can be monitored on-line by visiting the Council's website – www.suffolkcoastal.gov.uk. This will indicate if the application is going to be considered by the Sub-Committee and, if so, when. The following would normally be permitted to speak:

- (i) representative of town / parish council;
- (ii) applicant or representative;
- (iii) objector / interested party;
- (iv) relevant ward members.

The intention is that only one person would speak from each of the above parties. It will not be necessary to make any prior arrangements to speak and people will be invited to turn up on the day, before the start of the meeting and make their wish to speak known to the Democratic Services Officer or his / her assistant.

PROCEDURES AT SUB-COMMITTEE MEETINGS

Interested parties will be invited to attend sub-committee meetings from 8.30 am onwards so that the Democratic Services Assistant can ascertain who wishes to speak, and upon which item. This information will be relayed to the Chairman via the Democratic Services Officer and it will then be a matter for the Chairman to determine any re-ordering of the agenda in conjunction with the Democratic Services Officer. The instructions will be clear that anyone who arrives after 9.00 a.m. will not be in a position to insist upon speaking on an item. It is assumed that ward members would also wish to attend at the start of the meeting to alert the Chairman to their wish to speak and to avoid an item being brought forward in their absence.

ORDER OF SPEAKING

The order of debate will be as follows:

- (i) Introduction by Planning Officer;
- (ii) Representations by applicant or representative;
- (iii) Representations by objector or interested party;
- (iv) Representations by relevant town or parish council (in exceptional circumstances the Chairman may allow more than one parish council to send a representative by prior agreement where a development proposal is of such magnitude that it affects several parishes);

- (v) Ward member(s);
- (vi) Development Control Sub-Committee general debate.

DURATION OF SPEAKING

Speakers, other than Ward members, will be given a maximum of three minutes to speak in presentation, with the Chairman having absolute discretion as to how many and in what form questions are allowed over and above the three minute presentation. No speaker will be given a second opportunity to speak to ensure equality of representation. All questions should be based upon matters of fact only, and channelled exclusively through the Chairman. There will be no general debate, including those engaged in public speaking, given that the purpose of allowing public speaking is to make appropriate representations and to tease out matters of fact.

ILLUSTRATIVE MATERIAL

If a speaker wishes to refer to illustrative material, which they wish to be displayed at the meeting, then this must be provided to the officers in advance of the meeting so that appropriate arrangements can be made for its display.