

PUBLIC PARTICIPATION ON PLANNING APPLICATIONS

How does the public get involved in commenting on planning applications?

People with a material planning interest (except applicants and their agents), are given the opportunity to speak to the Planning Committee directly about a planning application which the Committee is considering.

What is a material planning interest?

You would have a material planning interest if you are directly affected by the proposals e.g. a neighbour.

I am an applicant/ agent for an applicant. Can I speak to the Planning Committee?

As the applicant or agent you have the automatic right of reply if someone else decides to speak on your planning application.

Can I only speak about planning applications?

Generally, the public can ask to speak about any item on the agenda, although there are a few exceptions. Some examples of a speaking item are listed below –

- Planning applications;
- Amended plans for a previously approved planning application;
- Tree Preservation Orders; and
- Applications for Diversion/Extinguishment of Public Footpaths.

What items am I not allowed to speak on?

The items which are not open to public participation are, generally, items where the Committee is being asked to receive or note information being presented to them. However, the following are also excluded from public participation –

- Enforcement Action items; and
- Applications for grants.

How do I apply to speak on a planning application?

You must provide written notice of your wish to speak to the Committee about a planning application in writing which must be received by the Democratic and Member Services Manager (contact details below) by noon, on the last working day before the meeting at the latest

How do I know the date of the meeting that the planning application will be going to?

It is up to the person wishing to speak and/or the applicant to find out the date of the relevant meeting. To help, the Council publishes a Calendar of Meetings on its website www.southlakeland.gov.uk and Planning Officers will be pleased to advise you on which date the application will be heard.

In general, meetings of the Planning Committee are held each month and agendas for each meeting are published five working days beforehand. The agendas detail the specific planning applications which are to be considered and include written reports from the Planning Officer. The agendas can either be viewed by calling into Reception at the Council offices in Kendal or Ulverston or viewed on the Council's website www.southlakeland.gov.uk

What if I miss the deadline to make a request to speak?

Late requests are not permitted. However, you could write to the Planning Officer in advance and outline any concerns you have and ask them to make them known to the Committee.

What information do I need to give you in my application to speak?

You need to tell us the following information when you make a request to speak –

- Your name, address and day time telephone number
- The reference number of the planning application and its address

- Whether you are objecting, supporting or only commenting on the application

You also need to let us have copies of the following –

- Your speech
- Any written or other material, including photographs and models, you wish to refer the Committee too when you will be making your presentation

I want to speak on behalf of a group of people who share my views. Can I do this?

Yes, a group can select a person to put their points to the Committee. However, in order to do this the people concerned must submit their written authority to the Democratic and Member Services Manager before the meeting starts.

But it is important to note that there are specific categories of people who, because of their close relationship, cannot be classified as a group. These are –

- A partner or member of your family
- Business associates
- Members of the same organisation

I have submitted a planning application. How do I know if someone has asked to speak about it?

It is up to you to find out if someone has asked to speak to the Planning Committee on your application. Having said that, we will do our best to try to contact you if we can. To find out if someone is speaking on your application you should telephone 01539 717434 after noon on the last working day before the meeting.

Where and at what time are the Planning Committee meetings held?

Meetings are usually held in the Council Chamber at South Lakeland House, Kendal. The public entrance to the building is opposite Woolworths on Highgate.

The meetings usually start at 10 a.m. but you are advised to arrive about ten minutes before the start of the meeting. This allows time for staff to record that you are present and answer any last minute questions you may have about the procedure.

People who are attending the meeting and the disabled are able to sit in the lower public gallery. As seating in the lower gallery is limited anyone wishing to attend to observe the meeting will be directed to the upper public gallery.

How long will I have to wait until the Committee comes to the item I am speaking on?

Unfortunately, we cannot give you an exact time as this depends on how many speaking items are before yours and how long the Committee takes to reach decisions on them. However, to keep waiting time to a minimum, all Public Participation items are taken at the start of each meeting.

Planning applications are taken in the order they appear on the schedule attached to the agenda.

How long can I speak to the Committee?

You can speak to the Committee for up to three minutes and, if you are representing a group, up to five minutes.

Applicants/ agents are allowed three minutes to respond after speakers have had the opportunity to speak to the Committee. However, this may be extended for up to five minutes where more than one person has spoken, subject to the discretion of the Chairman.

I am an applicant (or agent) and want to talk to the Committee about my application. Can I do this?

Applicants/ agents only have the right to reply, so, you will only be allowed to speak if someone has spoken to the Committee about your application.

What happens if the Committee are being recommended to visit the site before making a decision the application?

You will be given the choice of either speaking at that meeting or deferring making your speech until the Committee meets again after the site visit. However, you will not be able to speak at both meetings.

If you are the applicant/ agent, as you have the right of respond, you can reply to any speech made, but you do not have the right to defer your response to the later meeting.

I have requested to speak on a planning application. What can I expect to happen at the meeting?

When the Committee comes to the item you are speaking on, the following will normally happen –

- Members of the public who have made a request to speak on the item will be asked to address the Committee (where there is more than one person who has requested to speak, they will normally be heard in the order that their requests were received)
- The applicant (or their agent) will be given the right to respond
- The Planning Officer will present their report
- The Committee will debate the item and make a decision.

Can I ask questions at the meeting or, will anybody ask me questions?

You will not be allowed to ask questions to the applicant, agent, officers or Councillors.

The Committee will not put questions to speakers, applicants or agents at the meeting unless the Chairman needs clarification on a particular point.

I have spoken on a particular planning applicant and the Committee decided to defer making a decision on it until the next meeting. I have thought of something else I wanted to say. Can I ask to speak again?

Once you have spoken to the Committee you cannot speak about that planning application again unless the application has been changed or amended and these details have been received which means that the Planning Officer needs to carry out further consultation on it. However, you will only be able to speak about the amended details and not about the principle of the application generally.

I have registered to speak on a planning application but something has come up and I now can't attend the meeting. What can I do?

Unfortunately, the Committee will not be able to defer making a decision on the application because you are unable to attend. However, you could give someone written authority to speak on your behalf; or you could ask the Planning Officer to ensure that the Committee is made aware of the main issues you had intended bring up.

I am an applicant/ agent. I know that people have registered to speak on my application but I can't attend the scheduled meeting date. Can it be postponed to make sure I have the right to reply?

No, unfortunately, the Committee will not be able to defer making a decision on the application.

Can I produce documents, photographs or models at the meeting?

This is not normally allowed. But, in exceptional circumstances and only with the prior approval of the other party, this can be permitted. However, due to the cost and staffing implications, it is not possible to provide photocopying facilities. You should also bear in mind that it is unreasonable to expect Members to be able to give careful consideration to large amounts of written or other material whilst listening to a presentation from a speaker. Because of this, the circulation of lengthy handouts and other materials at the meeting will not be acceptable.

My question is not listed here. Who can help?

Please contact the Democratic and Member Services Manager if your question is about the public participation procedure and the Development Control Support Team if your question is about the planning process.

Points to Note

Public participants taking part in meetings and debates are not subject to the rule called privilege. This means, each individual who makes a presentation or addresses the committee should make themselves aware of the laws of defamation and slander.

Disruptive behaviour may result in the meeting being adjourned and/or the individual being asked to leave the meeting/ building.

The use of video, tape recorders and cameras are not permitted during meetings unless the express permission of the Chairman has been obtained before the meeting starts.

All mobile phones must be switched off during meetings.

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