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**TITLE: SITE VISIT PROTOCOL**

Committee: Planning Committee

Date: 7 January 2015

Author: Planning Manager, Sue Wheatley and Monitoring Officer, Amanda Apcar

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1.0 ISSUE

1.1 To consider and adopt the revised Site Visit Protocol.

2.0 RECOMMENDATION(S)

2.1 That Planning Committee adopt the revised Site Visit Protocol, attached as Appendix 1 of this report.

3.0 BACKGROUND/OPTIONS

3.1 An issue arose recently regarding a Member's interest at a Site Visit. The Site Visit Protocol has therefore been amended to ensure a clear and concise process is included in the Protocol for declarations of interest at Planning Committee site visits.

3.2 Attached as Appendix 1 is the revised Site Visit Protocol.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Site Visits are specifically referred to in the Council's Constitution within the Guidance on Planning for Members. In particular, the Constitution states that the Planning Committee has adopted a 'Site Visit Protocol' which will be followed at all formal committee site visits.

4.2 Members need to be aware that this process must be consistently applied to avoid potential complaints and challenges to decisions in the future.

4.3 In addition to a clear and concise process being incorporated into the Protocol regarding declarations of interest at site visits, the other main amendment to the Protocol refers to the recent management re-structuring that has occurred within the Council. Reference to the Head of Planning and Sustainable Development has been removed from the Protocol and replaced with the role of Planning Manager.

4.4 The Site Visit Protocol was last presented to Council for adoption in 2006 and it therefore seems an appropriate time to review the Protocol.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There could be considerable financial implications for the Council if the Site Visit Protocol is not consistently applied, resulting in challenges to decisions via judicial review.

5.2 An Equality Impact Assessment (INRA) is not required.

6.0 APPENDICES

6.1 Appendix 1 - Revised Planning Committee Site Visit Protocol.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Constitution	Room 011A The Grange Ely	Sue Wheatley Planning Manager <a href="mailto:sue.wheatley@eastcambs.gov.uk">sue.wheatley@eastcambs.gov.uk</a>
	Room 112 The Grange Ely	Amanda Apcar Monitoring Officer <a href="mailto:amanda.apcar@eastcambs.gov.uk">amanda.apcar@eastcambs.gov.uk</a>
		(01353) 665555



## EAST CAMBRIDGESHIRE DISTRICT COUNCIL

### PLANNING COMMITTEE SITE VISIT PROTOCOL

- The decision on whether to organise a formal Planning Committee site visit rests with the Planning Manager.
- At the formal site visit – which will take place at a date and time fixed by the Planning Manager.
  - Members will view the site from the nearest public space. In exceptional circumstances, and only with the consent of the relevant landowner, the Committee may view the site from elsewhere.
- At the site visit, the Chairman may, at his/her absolute discretion, ask one representative of the Applicant, Objectors or Parish/Town/City Council present to point out any particular characteristics of the site and its surroundings they would like to bring to Members' attention. Where this occurs, such questions will be put and the answers given in the presence of all other representatives in attendance.
- The purpose of a site visit is for Members to gain factual knowledge and make a visual assessment of the development proposal, the application site and its relationship to adjacent sites.
- Members should avoid discussion of the merits of an application at such meetings. Furthermore, Members of the Committee should not express their opinion on the merits of the application during site visits.
- Members are strongly advised to attend such organised site visits and not to visit sites on their own. Attending the organised site visit allows everyone to hear the answer to Members' questions and prevents Members from being approached by the Applicant/Agent, Objectors/Supporters or any representatives of the local community.
- Members may be unable to avoid being approached by objectors/supporters present at the site, for particularly contentious applications. Where Members are approached, they should explain that the purpose of their visit is to view the site and its surroundings and that they cannot enter into any discussion about the merits of the application and cannot accept any written or other material.

- It is essential that Members and Officers ensure that anyone who sees them visit the site is not led to believe that a decision has been taken on the visit, or that conclusive views have been reached.
- Members should **not** take part in informal site visits with the Applicant, Objectors or Parish/Town/City Councils other than in exceptional circumstances and only then with an Officer present.

### INTERESTS

- Prior to vacating the Site Visit Minibus, Members should declare any interests in accordance with the Members Code of Conduct regarding the application site to the Planning Manager. The Planning Manager will formally record these.
- Only the Member can have a full appreciation of the nature of his or her interest and the responsibility for applying the test to any particular interest must therefore rest with the Member.
- Members should disclose the type and nature of the interest, unless the Monitoring Officer has agreed that the interest can be classed as 'sensitive'.
- If a Disclosable Pecuniary Interest is declared a Member **must not** leave the Site Visit Minibus or have any involvement with the application to which the Disclosable Pecuniary Interest has been declared.
- Members with a pecuniary interest should not speak or vote in the decision making process. If they insist on so doing the decision reached by the Planning Committee may be held to be void if challenged in Court on the basis of being contrary to the rules of natural justice.
- If a Prejudicial Interest is declared, a Member **must not** leave the Site Visit Minibus or have any involvement with the application to which the Prejudicial Interest has been declared, unless the Member has obtained a dispensation from the Authority's Monitoring Officer.
- If a Member has declared an interest in accordance with the Members Code of Conduct at the Site Visit, this does not negate the need to declare the interest at the relevant Planning Committee meeting.
- Members who indicate before a meeting of the Planning Committee that they have reached a conclusive view on an application, should carefully consider whether their continued involvement in determining the application would prejudice the integrity of the planning process. Their continued involvement could amount to maladministration.