

**To: Communities, Housing and Planning Policy Board**

**On: 22 May 2018**

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**Report by: Director of Development and Housing Services**

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**Heading: Review of Protocol for Planning Application Site Visits**

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## **1. Summary**

- 1.1. This report sets out a revised protocol for site visits in relation to planning applications which are the subject of determination by the Communities, Housing and Planning Board.
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## **2. Recommendations**

2.1 It is recommended that the Board:

- (i) Approves the protocol as set out in the attached appendix, as the procedure for the carrying out of site visits in relation to applications for planning and related consents.
  - (ii) Note that the amended protocol will allow Members who have not attended Site Visits to still take part in the decision making process on the relevant planning applications if they are satisfied that they have sufficient information on which to make their recommendation.
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## **3. Background**

- 3.1 The COSLA / Scottish Executive publication “Advice for Councillors Dealing with Planning Matters” recommends that planning authorities should provide elected members with guidance on the circumstances where site visits are appropriate, and how they should be conducted.

- 3.2 This stresses that it is the responsibility of Members to familiarise themselves with the location and context of any proposed development but it recognises that in exceptional circumstances formal site visits of the Board may be of help in reaching a decision.
  - 3.3 Members are asked to note that site visits should only be called for where the benefit is clear and substantial and in this respect when a site visit is called for by a member of the Board, a 'significant benefit' test will be applied
  - 3.4 This relates to considerations that site visits can cause delay in the decision making process, impose additional burdens on members' time, and can result in additional costs to the local authority as well as the applicant.
  - 3.5 As such, they should only be undertaken when the benefit is substantial and the impact of the proposed development is difficult to visualise from the plans and other supporting material.
  - 3.6 In this respect, members of the Board are provided with site photographs, submission drawings and supporting information for display during the meeting. It is hoped that this will provide the appropriate level of scrutiny of planning applications whilst limiting the need for site visits to take place.
  - 3.7 The revised protocol seeks to update a similar document that was approved by the former Planning and Property Board in January 2013.
  - 3.8 Members are asked to note that one amendment to the previous procedure is that Members may still take part in the decision making process on planning applications if they have not participated in the site visits.
  - 3.9 This recognises that individual Members will still need to satisfy themselves that they are aware of the relevant considerations that are required to inform their decision making process in relation to the relevant planning application.
  - 3.10 In the light of all of the above, it is recommended that the attached protocol (appendix) should be adopted as the agreed procedure for the carrying out of site visits in relation to planning applications.
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## **Implications of the Report**

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community/Council Planning** – N/A
4. **Legal** – None

5. **Property/Assets** – None
6. **Information Technology** – None
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report
8. **Health & Safety** - None
9. **Procurement** – None
10. **Risk** - None
11. **Privacy Impact** - None
12. **COSLA Policy Position** – None

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#### **List of Background Papers**

- (a) None
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**Author:** Fraser Carlin (0141 618 7933)



## Protocol for Site Visits

### Communities, Housing and Planning Policy Board

#### Who can request a Site Visit?

The Communities, Housing and Planning Policy Board can decide that a Site Visit be arranged if they consider it is essential in making a decision on a proposed development.

Individual Member/s can make a request for a Site Visit in line with Standing Orders.

The Communities, Housing and Planning Property Policy Board shall decide whether or not to hold a site visit and in deciding whether or not to do so, shall have regard to:-

- the scale and complexity of the matters under consideration;
- whether the proposals raise unique or unusual considerations;
- whether they are likely to have a significant impact on the wider community; and
- whether the impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs taken by officers

If the Communities, Housing and Planning Policy Board decide not to visit a site, they shall proceed to determine the application in the normal manner.

The member/s who requested the visit shall, and before the decision on the application is taken, decide whether they have sufficient information on which to properly participate in the decision making process and if not they shall take no further part.

#### How is a visit arranged?

If the Communities, Housing and Planning Policy Board decide to visit a site, in line with good practice, a record of the reasons for doing so will be taken, and this will be referred to on site.

The date and time of the site visit meeting shall be set by the Clerk in consultation with the Convener and will normally be carried out as soon as is practical.

The applicant and any parties who have submitted representations will be notified of the decision to visit the site and of their opportunity to attend and in the case of third parties, subject to the land owners agreement to enter on to the land.

Where a land owner does not agree to third parties entering on to land, the land owner/applicant will not be permitted to accompany the Members around the site.

Even where a site is readily visible from a public vantage point and permission is not necessary to access the land, the applicant and anyone making a representation must be notified that the site visit meeting is a public meeting.

Following the visit to the site, the application will be determined at a future meeting of the Communities, Housing and Planning Policy Board.

It should be noted that if a member is unable or chooses not to attend a site visit they may still take part in the decision making process if they are satisfied that they have sufficient information on the application to inform their recommendation.



## Protocol for Site Visits

### Communities, Housing and Planning Policy Board

#### Who can attend a Site Visit?

Any Member of the Communities, Housing and Planning Policy Board which considered the request to visit a visit can attend and may participate in the visit, along with representatives of the relevant Director and the Clerk to the Board.

Anyone with an interest in the application can also attend the site visit, but only for the purposes of viewing the proceedings.

On occasion, and where the purpose of the visit clearly requires it, Officers from other services may be invited to attend a site visit to clarify factual matters.

The Clerk to the Board will keep a record of the Members attending the visit.

#### How will a Site Visit be conducted?

Site visits must be treated as part of the Communities, Housing and Planning Policy Board's consideration of a planning application.

The purpose of the visit is solely to allow Members to acquaint themselves with the particulars of the site and its surroundings and any features on or adjacent to the site which may be impacted by / impact upon the proposed development.

Discussion on the merits of the proposal should not take place whilst at the site, nor should a decision be taken.

The Convener (or Vice-Convener chairing the visit) should open the meeting by explaining the purpose of the visit and the procedures to be followed.

If the applicant or any objectors are present, they should be advised that they are not permitted to address the Board on site, and that Members are not able to engage in any discussions regarding the merits of the proposals with any parties.

The Convener or any member of the Board may request that the representatives of the Director identify or point out any relevant aspects of the site and its surroundings, or to describe the proposed development.

At the end of the visit, the Convener will close the meeting.

The Convener is authorised to request that parties leave the site visit if anyone attempts to lobby Members, or to disrupt the proceedings in any way.

It shall be at the sole discretion of the Convener to terminate the site visit or instruct that it should be abandoned if he / she had reasonable grounds for doing so.

#### Practical Considerations

Representatives of the Director will identify any relevant health and safety issues for all site visits and any site specific health and safety instructions issued by the site owner / operator must be strictly followed.

Where appropriate, protective clothing will be provided and Members should be aware of the need to wear appropriate footwear.

However, any Member attending who has special access requirements, should notify the Clerk as early as possible to allow appropriate arrangements to be made.