

A GUIDE TO BASILDON COUNCIL'S PLANNING COMMITTEE

Who is on the Planning Committee and what does it do?

The Planning Committee is a council committee that meets in public to determine planning applications that have been submitted to the council, either by developers, businesses, organisations or individuals. The committee is made up of a number of Borough Councillors from different political parties, and reflects the political make up of the council. One or more representatives of other local bodies, for example Parish Councils, may be invited to sit on the committee in an advisory, non-voting capacity. The current membership of the committee can be found on the Council's website at www.basildon.gov.uk/meetings

Does the committee determine all planning applications?

Generally, the committee determines all major planning applications (this includes any proposed residential development of more than 10 dwellings), and other planning applications which have generated significant levels of public interest. The committee also determines any applications submitted by the council itself, and applications where the development would be contrary to council policy but the planning officer is of the opinion that there are over-riding factors and has recommended approval. All other planning applications are determined by Council officers, sometimes in consultation with the Chairman of the committee, under the Council's agreed delegation arrangements.

Where and when does the committee meet?

The committee normally meets in the St George's Suite, The Basildon Centre, St Martin's Square, Basildon, at 7.00pm on every other Tuesday. Meeting dates and venues are shown on the Council's website at www.basildon.gov.uk/meetings

What will be on the agenda?

Five clear working days before each meeting, the council will publish an agenda for the meeting at www.basildon.gov.uk/meetings. Copies of the agenda are also available to view at The Basildon Centre. The agenda will include a report on each of the planning applications to be determined at the meeting, written by one of the Council's planning officers. This report will set out the details of the application and the matters that the committee should take into account in determining the application, such as the results of consultation undertaken on the proposal and the relevant national and local planning policy. Based on their professional opinion, the planning officer will usually recommend in their report that the committee either grants or refuses planning permission, although the committee is free to determine a different outcome if it considers it appropriate.

All residents who respond to the consultation on a planning application will be advised by letter of the time, date and venue of the committee meeting where the application will be considered.

Details of all planning applications can be found on the e-Planning pages of the Council's website, www.basildon.gov.uk/planning.

Who can attend committee meetings?

Members of the public are welcome to observe committee meetings from the public seating area, unless it is likely that personal or sensitive information will be discussed in which case this will be indicated on the agenda.

On arrival at the Basildon Centre, you will find the St George's Suite on the first floor. This is the first meeting room to the right at the top of the stairs, opposite the lift. If the meeting is being held in an alternative venue, for example the Towngate Theatre next to the Basildon Centre, this will be advertised on the Council's website and on the agenda for the meeting.

You will not be allowed to hand in any additional material in support or against a particular planning application at the meeting, for example petitions or photographs. In the interests of fairness, additional material should be supplied to the relevant planning officer at least 2 days before the meeting. This will give all parties the opportunity to view it before the meeting.

Can I contact committee members before the meeting to urge them to support my view?

Lobbying of councillors is a normal and perfectly proper part of the political process – but if you do approach a member of the committee, they will not be able to commit to a final viewpoint before hearing all the evidence and debate at the meeting. Although councillors may be 'predisposed' towards a certain viewpoint, they need to keep an open mind until all the evidence has been heard as so-called 'predetermination' is illegal.

Can I speak at a meeting to give my views on a planning application?

Members of the public may speak at a committee meeting. Public speaking is at the discretion of the Chairman, who will adjourn the meeting for a short time for this purpose. This adjournment will usually follow the presentation of the planning application by a planning officer and will be before the members of the committee discuss the merits of the application prior to voting on it.

The written comments received during the consultation on the planning application will be summarised in the planning officer's report and may be verbally outlined at the meeting during the planning officer's presentation. In addition, all comments will be available to members of the committee in full before the meeting. If you responded to the consultation you do not, therefore, need to speak at the meeting to make sure the committee know your views unless you wish to do so.

If you do wish to speak on a planning application you should aim to arrive at the meeting venue at least 10 minutes before the start of the meeting but no more than 30 minutes beforehand. There is no requirement to register to speak before this time.

On entering the meeting room you may be approached by a council officer and asked if you wish to speak on a particular application. If you are not approached, make yourself known to a council officer who will ensure that your name is added to the list of speakers. It is important that your name is on this list as you will not be allowed to address the committee otherwise. If you are unsure whether or not you will wish to speak, it is better to add your name to the list, and then decline the Chairman's invitation to give your views. This is often the case when an earlier speaker has already made the point that a later speaker was intending to make. At the appropriate time you will be asked by the Chairman to come forward to a table at the front of the public seating area to give your comments. You will have a maximum of 3 minutes to make your points and a timer on the table will indicate the amount of time remaining. To help you, this will indicate when there are 30 seconds remaining.

So that you make the best use of the time available to you, please bear in mind the following points:

- Only comments relating to planning matters can be considered by the committee, for example conflict with national and local planning policies; impact on the living conditions of neighbours; impact on visual amenity and character of the area; parking and highway issues; and environmental effects.
- Comments that are not valid planning issues include moral objections; race and religion; perceived effect on property values; and the protection of the business interests of one individual against the activities of another.
- You should not ask direct questions as committee members or Council officers cannot engage in conversation with you. Committee members may pick up on some of the points raised by members of the public and seek clarification from the planning officer when they are discussing the application.

It should be noted that members of the public are permitted to film or audio record meetings of the Council held in public. Should anyone be filming or audio recording the meeting when you come forward to give your comments, the Chairman will ask if you are happy for them to continue and if you are not, they will be asked to stop while you are speaking. The Council's Protocol on the Use of Media Tools at Meetings Held in Public is available at [www.basildon.gov.uk/Political Structure and Decision Making](http://www.basildon.gov.uk/Political%20Structure%20and%20Decision%20Making) (see Related Documents at the end of the web page).

Once members of the public have given their comments on the application, the Chairman will reconvene the meeting and the committee members will question the planning officer and discuss the merits of the application. No further public comment will be allowed.

The report includes a recommendation of the planning officer that I don't agree with. Can my comments make a difference to the result of the vote?

The planning officer's recommendation is based on their professional opinion of the weight that should be given to the relevant planning issues. The committee members will use this as the starting point for their deliberations and will take the following factors into account before they make a decision on the planning application:

- Whether the development proposal complies with national and local planning policies.
- The individual planning merits of the proposals.
- Any relevant comments from consultees.
- The comments of members of the public given at the committee meeting.

In considering these factors, each committee member will make a judgement on the degree of importance they wish to give to each factor before they reach a conclusion. Having gauged the views expressed by committee members during the discussion, ordinarily the Chairman will ask the committee to vote on one of the following three motions:

- That planning permission be granted, subject to any specified conditions.
- That planning permission be refused, for specified planning reasons.
- That consideration of the application be deferred to a future meeting of the committee, for specified reasons, such as to enable additional information to be sought or a site visit to be held.

The motion that the Chairman puts forward will not necessarily be the same as the planning officer's recommendation on the committee report. If an equal number of votes are cast for and against the motion, the Chairman will have an additional casting vote. If a motion to grant planning permission is lost because it does not receive enough votes, this does not mean that the application is refused; it simply means that the application remains undecided. In this situation, a member of the committee could put forward a motion to refuse planning permission for specific reasons. The motion would then be seconded, discussed and possibly amended, and voted upon.

What happens after the meeting?

Once a decision has been made at the meeting, this will be recorded in the minutes of the meeting which will usually be available at www.basildon.gov.uk/meetings within 5 working days of the meeting.

Only the person who made the planning application has the right of appeal against the decision to the government agency, the Planning Inspectorate. Neighbours and other interested parties have no right of appeal although they can challenge the lawfulness of the decision by seeking a Judicial Review in the High Court.

If you commented on the original application your comments will be forwarded to the Planning Inspectorate and you will be invited to submit further comments. In addition, you will be invited to any hearing that is held by the appointed Planning Inspector to hear the appeal. More information about the appeals process can be found on the e-planning pages of the Council's website, www.basildon.gov.uk/planning.

If you have any questions about this guide or would like further information or advice, please contact Committee and Member Services on 01268 207953 or email committeeandmemberservices@basildon.gov.uk.