



## Policy concerning planning application petitions and public speaking at Planning Committee

**This note advises on the procedures for submitting a petition in respect of a planning application and the circumstances and practice where there is an opportunity to speak at the Council's Planning Committee meeting.**

**The practice was first adopted at the full Council on 16<sup>th</sup> May 2016**

### **Background**

The Council allows the opportunity for the public to address the Planning Committee in cases where a petition of objection or support has been submitted in respect of a current application *and* where the final decision on that application is to be taken by the Planning Committee, rather than where the application is decided under delegated authority (by officers).

*Note: Representations on planning applications can also be made by individuals or other bodies but those individual objectors to, or supporters of, a planning application are not permitted to address the Committee.*

### **Publicity for planning applications**

Publicity for planning and other applications is undertaken in several ways:

1. By the posting of public "Pink Notices" on and around the application site.
2. By advertisement in the local press where there is a statutory requirement to advertise particular applications.

3. On a published Weekly List of applications posted on the Council website and sent to all Parish and Town Councils.
4. By way of the "My Alerts" system used to notify those residents who subscribe, of any planning application within 400 metres of their property.

### **When a petition may be submitted**

Petitions will only be accepted for planning (and other related) applications that are specifically the subject of statutory publicity.

*Note: Matters that are not subject to publicity include: minor amendments to existing permissions; applications to discharge conditions; notifications from Statutory Undertakers; Householder Prior Notification applications; applications for works to trees in Conservation Areas; applications for the display of advertisements and determinations of lawfulness relating to a proposed use or development.*

### **The grounds a petition may cover**

Any petition must raise material planning matters relevant to the application. The Council cannot deal with non-planning issues. For examples of material planning considerations see

**[https://www.planningportal.co.uk/faqs/faq/4/what\\_are\\_material\\_considerations](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations)**

### **The definition of a petition for the purposes of this procedure**

For the purposes of this procedure a petition (which may contain objections to, or support for, a planning application) shall be one that contains 10 or more signatories.

*Note: Petitions submitted in respect of speaking at Planning Committee are distinct from the Council's general Petition Scheme which operates independently from this scheme and deals with all non-planning related matters.*

### **What form should a petition take?**

Petitions should:

1. Relate to material planning matters relevant to the application.  
*Note: The Council reserves the right to reject any petition which in its opinion contains comments that are deemed to be potentially libelous, defamatory, threatening, abusive or contravenes the provisions of the Equality Act 2010*
2. Be submitted to the Service Manager — Strategy and Planning and make clear reference to the relevant planning application number.
3. Contain a point of contact (Head Petitioner).
4. Contain names and addresses with original signatures. If a petition is submitted 'on-line' the original must also be submitted as an original hard copy.  
*Note: Any petition submitted will become a public document and will be published on the internet, although all signatures will be redacted from the petition before it is posted publicly on the Council's website.*
5. Be an original copy (and not a photocopy) and,
6. If the petition contains multiple sheets, each sheet of signatures should include the application number and the same reasons for objection/comment/support as the front page.

### **Presentation of a petition**

Any petition opposing or supporting an application should be presented clearly and succinctly. Although there is no prescribed format the Appendix sets out a suggested guide to the essential information. Each page should use the same format to relate all signatories to the same grounds of objection or support.

### **Timescale for submitting a petition**

The statutory period for public consultation on planning and related applications is normally 21 calendar days from the date of the relevant statutory advert. Petitions (affording the possibility of speaking at the Planning Committee) will only be accepted within this period.

*Note: The contents of any late petition will still be considered when the planning application is decided even if there is no opportunity for public speaking.*

*Note: where an application is subject to both a (pink) site notice and a notice in a local newspaper on different dates the 21 day period shall be taken as the latter date.*

### **Submission of a petition**

Petitions may be submitted on-line via [planning@rother.gov.uk](mailto:planning@rother.gov.uk) or sent to:

Service Manager - Strategy and Planning  
Town Hall  
Bexhill on Sea  
TN39 3JX

However, where a petition is submitted by email the original copy of any petition of objection or support must also be posted or delivered to the above address.

### **Consideration of a petition**

Under the Standing Orders of the Council many planning applications are decided under delegated powers by an authorised planning officer, rather by the Planning Committee. However the contents of all petitions accepted will be considered as part of the determination of the particular planning application wherever a final decision is being made.

Invitations for petitioners to address the Planning Committee in person will only be sent where the application is a matter to be determined by the Committee. This means that where an application is to be determined under delegated authority and has not been referred to the Planning Committee, there will be no opportunity for petitioners to address the Planning Committee.

### **Invitation to address the Planning Committee**

In cases where the application is to be considered by the Planning Committee only the Head Petitioner(s) or a nominated representative for the petitioners as well as

the applicant's agent (or the applicant where no agent is employed) will be invited, by letter/email, to speak at the Planning Committee meeting. This invitation will normally be made about one week before the Committee meeting when the agenda is published. At that time speakers will also be advised of the procedures for speaking at the committee.

Where two (or more) petitions of objection have been received relating to the same application, and the matter is being reported to Committee, the Head Petitioners will be invited beforehand to decide together on a single spokesperson to present the case for both.

Where a petition of support has been received and the matter is being reported to committee, the Committee will hear the petition in support, together with the applicant, even if there is no petition against the proposal.

If either a petitioner or the applicant/agent invited to address the Planning Committee chooses not to speak at the meeting, the Committee may still hear the other party.

### **Procedure at Planning Committee**

- At the Planning Committee the application will be called. After any introduction by the planning officer, the Committee Chairman will invite the Head Petitioner (or representative) *objecting* to the application to address the Planning Committee for a maximum of five minutes. The speaker should direct their presentation to the Committee, reinforcing or amplifying representations already made to the Council in writing on the petition. New material should not be introduced and new documents cannot be presented to the Committee. At the end of the five minutes allotted speaking time the Chairman will permit Members to ask questions of the speaker relating to any points made. Members present, who are not members of the Planning Committee may also ask questions at the direction of the chairman of the Committee.
- The process will then be repeated for any petition *supporting* the proposal and finally for the applicant/agent who will have the opportunity to explain the proposal, also having regard to the objections raised. After each presentation the Chairman may

permit Members to ask questions of the speaker relating to any points made

- Following the opportunity for public speaking no further representations can be made and the Committee will then debate the application in public and proceed to make a decision.

*Note: The adopted practice only allows representatives to address the Planning Committee directly. There is no opportunity for objectors/supporters to cross examine one another councillors or officers.*

*Note: Where a matter is deferred to a subsequent Planning Committee neither the petitioners nor the applicant will be invited to address the Committee a second time unless the reason(s) for deferral raise(s) completely new issues and representations have been made on these new issues as a result of any further public consultation.*

# APPENDIX

## Suggested format of a petition

Application Reference:	
Address of application:	
Name of contact (Head Petitioner)	
Contact (address, daytime telephone number and email):	

Type of petition <b>[OBJECT or SUPPORT]</b>
Grounds of objection/support

Name	Address	Signature