

**REPORT TO THE  
PLANNING COMMITTEE**

**4<sup>th</sup> December 2018**

**GUILLOTINE FOR REPRESENTATIONS/AMENDMENT OF SUBMITTED PLANS AT PLANNING COMMITTEE-  
REVIEW OF POLICY**

**Purpose of the Report**

To enable Members to determine whether or not they wish to revise existing policy concerning the guillotine for representations/amendment of submitted plans that applies to the Planning Committee

**Recommendation**

**That the existing procedure be amended as follows:**

**For any application brought to the Planning Committee for determination the following rules shall apply**

- (a) **In order to allow Council Officers to be able to give a considered response, there will be a cut-off date of the close of business four working days prior to the meeting where an application is to be determined**
- **for any representations made about said application, save for representations made by the Council's statutory consultees, and**
  - **any information, such as reports and/or assessments in support of the said application.**
- (b) **In order that due consideration be given to an application, and that time for reflection on it be available to committee members, no alteration is permitted to plans submitted for determination from the close of business four working days prior to the meeting where the application is to be determined.**

**Reasons**

To ensure that the Planning Committee's procedures remain fit for purpose

1. **Background**

- 1.1 In July 2008 the Planning Committee agreed to a package of measures entitled "Reforms to Planning Procedures" of which the application of a guillotine on late submission of representations and amended plans arrangements. At the same time the Committee agreed to public speaking, withdrawal from the Planning Committee of "called-in" application, and a policy voting on planning applications where a site visit had been held.
- 1.2 The Committee at the same time agreed that the changes should be reviewed by the Planning Committee within a 6 month period.
- 1.3 A number of amendments to the protocol have subsequently been agreed as follows:
- At its meeting on 30<sup>th</sup> September 2008 the Committee considered and agreed a requested amendment to the Committee's protocol on public speaking.
  - At its meeting on the 21<sup>st</sup> April 2009 the Committee agreed, having considered a detailed report, that the current procedures for the operation of the Planning Committee be continued.

- At its meeting on the 31<sup>st</sup> March 2015 the Committee undertook a further review of its procedures. With respect to Public Speaking, or direct representation, to the Planning Committee certain amendments to the procedures were made.
- At its meeting on 25<sup>th</sup> April 2017 the Committee resolved that late representations from Parish Councils be considered to be subject to the guillotine procedure.

1.4 More recently, on 6<sup>th</sup> November 2018, the Committee agreed to amend the scheme for public speaking by agreeing that the site layout plan can be displayed whilst public speaking takes place.

## 2. Current procedure

2.1 The current procedure is for any application brought to the Planning Committee for determination the following rules shall apply:

- (c) In order to allow Council Officers to be able to give a considered response, there will be a cut-off date of the close of business four working days prior to the meeting where an application is to be determined for any representations made about said application, save for representations made by the Council's statutory consultees (which does not include Parish Councils)
- (d) In order that due consideration be given to an application, and that time for reflection on it be available to committee members, no alteration is permitted to plans submitted for determination from the close of business four working days prior to the meeting where the application is to be determined.

## 3. Discussion

3.1 The current Procedure sets a cut-off date after which representations and amended plans will not be reported to Committee and, as such, will not be taken into consideration in the determination of the application. This is to allow a considered response to be given to such late submissions. The policy is applied, on legal advice, having regard to the overriding requirement that a Local Planning Authority takes into account any material consideration relevant to the determination of a planning application, and it does not override where by reason of meeting publicity requirements a date after the cut-off date has been given for representations to be received by.

3.2 Representations are generally taken to mean those comments submitted by interested parties and consultees. The current Procedure therefore prevents representations, with the exception of those from statutory consultees (which does not include Parish Councils), from being taken into consideration by Committee when reaching a decision on that application. Supporting reports and assessments are not, indisputably, representations and as such it could be said that they are not caught by the guillotine. Such documents can, however, be technical and detailed and therefore sufficient time is also required for them to be properly considered. The reason for the application of a guillotine to representations applies equally to such supporting reports and assessments therefore.

3.3 It is recommended, for the avoidance of doubt and to ensure that proper consideration is given to such information, that it is appropriate to amend the current Procedures so that they explicitly include such supporting information as being subject to the guillotine.