

# THE DEVELOPMENT MANAGEMENT COMMITTEE – OPERATIONAL PROCEDURES

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## **1. Development Management Committee decision procedures**

See Article 8 for the Development Management Committee's Terms of Reference in the Councils Constitution.

The process of the Development Management Committee (DMC) is as follows:

- a. The appropriate Officer introduces the report*
- b. A discussion takes place including questions to Officers*
- c. If required, a presentation by the applicant, their agent and/or the local member occurs*
- d. If Members are minded to approve the Officer recommendation, they move straight to a vote*
- e. If members are considering rejecting an Officer recommendation, they should do so in the normal way with both the mover and seconder of any resolution to that effect recorded (subject to Section 2 below – Decisions Contrary to Officer Recommendation)*
- f. The proposer and/or the seconder should state explicit Material Planning Considerations as justifications for their wish to reject the officer recommendation.*
- g. These reasons will form part of the resolution and must be recorded by the minute taker*
- h. A further discussion may take place*
- i. The legal representative and/or the Planning Officer concerned should have the opportunity to comment on the matters raised under f. above.*
- j. The proposer of the resolution should sum up*
- k. A vote should be taken*
- l. Additionally, if an amendment is moved to the initial resolution this should be dealt with in the normal way again, if appropriate, stating Material Planning Considerations.*

## **2. Deferral process for applications presented to Development Management Committee**

The Development Management Committee and planning officers may on occasion need to defer an application at the Development Management Committee.

There are 4 main options in which a deferral could be made:

### **OPTIONS**

1. Site Inspection Panel.

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in accordance with the SIP protocol in the Development Management Committee Operational Procedures below.

2. For information reasons.  
i.e., to request new information to be fully considered or to request further information on a particular aspect of the case.
3. For 'cooling off'.  
This occurs where Members are minded to approve or refuse an application contrary to officer recommendation and or national and local policy and further time is required to consider the material planning considerations that would support the decision. See below.
4. New planning information  
New planning information brought to the attention of the members or planning officer post publication of the Development Management Committee agenda and papers (for example where an agent emails member of the Development Management Committee with additional information the day before the committee date)

**Deferring the application for 'cooling off'.**

The following protocol and process shall apply where Members are minded to make a decision which would represent a significant departure from national or local planning policies (i.e., scenario 3 above).

Where the Committee is minded to either approve or refuse a proposed development that would be deemed a **significant departure** to planning policies, contrary to officer recommendation, or local and national planning policy,

The item shall be deferred until a subsequent meeting so as to:

- allow further consideration of the matter, and
- for members to draw up detailed justified material planning reasons for the basis of the decision.

Where a decision to defer is taken in these circumstances, the Development Management Committee must set out the reasons for wishing to decide against the officer recommendation or local and national planning policy so that these can be taken into account for further consideration.

The case officer will prepare a further report that shall detail:

- the reasons put forward by the members, and indicate whether such reasons are, in their view, genuine,
- material planning reasons,
- discuss the land use planning issues raised.

At the subsequent meeting, Members will then need to consider these issues, and all relevant documents in making their decision.  
The decision must include detailed and justified material planning reasons for decisions contrary to officer recommendation and / or local and national planning policy.

The Planning Officer should be given the opportunity to explain the implications of the contrary decision.

### **Procedure**

The following procedure will also apply:

- a) Where a proposal is put to a meeting, which if successful would result in the determination of a planning application contrary to policy and/or the advice of the Authority's Officers, the names of the Members voting for, against and abstaining in respect of that proposal shall be recorded in the minutes.
- b) Where material considerations are considered by the Development Management Committee to justify a decision contrary to recommendation or policy.
- c) The DMC must give clear and cogent reasons for coming to that conclusion. These reasons must be based on sound evidence or reasoning which supports the planning material considerations.

The reasons must be clear and convincing based on sound evidence or reasoning which supports the planning material considerations, and demonstrate the justification for making decisions that are contrary to policy.

Officer recommendations, and if relevant the view of the courts, and detailed reasons are necessary to ensure that the reason for the decision is completely clear to all interested parties, including the public, and to explain what otherwise might appear to be inconsistency.

- d) The reasons given for decisions will be recorded in the minutes.

### **3. Decisions Contrary to Officer Recommendation**

See section 2 above.

Where the Development Management Committee is minded to either approve or refuse an application, which is contrary to the Officer's recommendation and / or local

and national planning policy, and which, in the opinion of the Corporate Lead Officer – Economy and Regeneration could involve:

- A significant departure from the adopted Development Plan
- A significant risk of costs being awarded against the Council at any subsequent planning appeal, legal challenge, Welsh Government call-in or Ombudsman investigation

the item shall be deferred ( under option 3 above) until a subsequent meeting with an additional report, to include any additional information providing clarity or aiding further understanding and specifying the material planning considerations that justify such a departure for this application outlined by the members.

The Welsh Government Development Management Manual para 9.6.17 states:

- Where necessary, planning committees should defer applications by using a ‘cooling off period’ to the next committee meeting when minded to determine an application contrary to an officer recommendation.  
This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval.

Where Members resolve to take a decision, contrary to an officer’s recommendation, which the Chief Executive or Corporate Lead Officer for Economy and Regeneration identifies as constituting a significant departure from an approved plan or policy of the Authority, or as otherwise having significant implications for the Authority, the decision shall be deferred until a further meeting of the Committee (See Deferral process outlined above).

#### **Cooling off period.**

The ‘**cooling off period**’ is in order to allow time to reconsider, manage the risk associated with the action, and ensure Officers can provide additional reports and draft robust reasons for refusal/necessary conditions for approval.

#### **Cooling Off Group (COG)**

During the cooling off period a Cooling-off group will meet to consider the application and consider the following:

- Points raised by members who are minded to support the application
- The need for additional information
- The significance of the departure in terms of the LDP and national policies
- Whether material considerations are sufficiently evidenced so as to outweigh the existing policy
- The risks associated with the decision e.g. call in, judicial review, costs, reputational damage.

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The Cooling-off Group will comprise of 7 politically balanced group of the Development Management Committee.

The COG will not make decisions, but will use its best endeavours to make recommendations to the DMC, addressing the point above.

These recommendations will be reflected in the case Officers report.

Where Members resolve to take a decision, contrary to an officer's recommendation, which the Corporate Lead Officer - Economy and Regeneration identifies as constituting a significant departure from an approved plan or policy of the Authority, or as otherwise having significant implications for the Authority, the Corporate Lead Officer - Economy and Regeneration may withdraw the application prior to decision in order to ensure its deferral under the Cooling off period process outlined above.

**Applications which are determined contrary to officer recommendations**

Applications which are determined contrary to officer recommendations must be supported by clear and convincing reasons based on material planning considerations.

Where Members resolve to take a decision, contrary to an officer's recommendation, which the Chief Executive or Corporate Lead Officer for Economy and Regeneration identifies as constituting a significant departure from an approved plan or policy of the Authority, or as otherwise having significant implications for the Authority, the decision shall be deferred until a further meeting of the Committee (See Deferral process outlined above).

If, ultimately, the Committee's decision is contrary to the Officer recommendation, there shall be taken a full minuted record of Members' reasons for rejecting the Officer recommendation, together with a recorded vote

**Determination**

The Development Management Committee must set out the reasons for wishing to decide against the officer recommendation.

The Development Management Committee members should adhere to these rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified.

A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file.

Where deciding the matter contrary to the recommendation, there may a risk of costs on appeal, the Committee will take a recorded vote when deciding the application.

The Case Officer further report shall detail the reasons put forward by the Members, indicate whether such reasons are, in their view, genuine and material planning considerations and discuss the land use planning issues raised.



In the case where Members wish to add or amend conditions which are recommended by Officers, the Officers should be invited to draft such a condition and bring this back for approval at the subsequent meeting unless the drafting is straightforward and can be agreed at the initial meeting.

### **Appeals**

Where Officers are unable to defend such decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute 'RTPI') they shall make this point known to the Development Management Committee before the final vote is taken. In such cases, the Development Management Committee, who shall nominate (at least) two of its Members who voted contrary to the recommendation to appear at any appeal and explain the Development Management Committee's decisions and the reasons for them. These should, normally, be the proposer and seconder of the proposal which was contrary to the Officer's recommendation.

## **4. Code of practice for Development Management Committee site visits (Site Inspection Panels SIPs)**

### **Purpose of a Site Visit**

Site visits can be useful in identifying important site features relevant to a proposal that may be impossible to convey in a written report or by photographs, plans and drawings. However, site visits can cause delay in the planning process and should only be used where there is an expectation of clear potential benefit.

The purpose of a site visit is a fact-finding exercise in order to understand the context for a proposed development. It is not to be viewed as an alternative forum/venue for debate on the merits of any application.

It is not part of the formal consideration of the application. Site visits should not be used as a forum for debating the application.

Members of the public have an opportunity to put forward their views through written representations and/or the Public Speaking Scheme at the Development Management Committee when all Members are present and where the matter will be determined.

All contributions at site visits should therefore be directed to matters of fact. Applicants / Agents and members of the public will not normally be in attendance.

The Site Inspection Panel will comprise of 5 members of the DMC, including the chairman and vice chairman of the committee, the immediate past chairman of the

committee and two other members on a monthly rota basis. The Local Ward Member will also be invited to attend to observe.

### **Deciding whether a Site Visit is appropriate**

Site visits will generally only be considered necessary where:

- 1 the proposal is particularly complex or;
2. the impact or effects of the proposed development are difficult to visualise from the plans and any supporting material including slides or photographs which form a part of the Officer presentation.
3. Where the proposal is likely to have a major visual impact which could only be fully appreciated on site
4. Where the likely impact of the proposed development on adjoining development is such that it can only be fully appreciated on site
5. To gain a better understanding of the policy issues against which the proposed development is to be judged
6. Where the proposed development is likely to have a major impact over a wide area
7. Where there are significant objections to the proposed development which could only be fully taken into account by visiting the site (a large number of objections in itself is not sufficient justification).

When a site visit is proposed at a meeting of the Development Management Committee, the proposer will identify which of the criteria listed above or other good planning reason applies.

Members of the DMC will first vote on whether to see the visual presentation, before considering whether a site visit is necessary.

If it is decided to see the presentation, then it will be shown, with a factual commentary by Officers, but without the merits of the application being discussed.

In all cases a formal vote will be taken on whether to hold a site visit and if the vote is in favour of a site meeting the motion shall include the reasons for the visit.

The Authority through the Corporate Lead Officer - Economy and Regeneration, with the approval of the Chair of the Development Management Committee, may also authorise a site visit where s/he considers one of the criteria listed above applies and that to wait for the next available Committee meeting would unnecessarily delay the planning application.

The Authority through the Corporate Lead Officer - Economy and Regeneration, with the approval of the Chair of the Development Management Committee, may also authorise a site visit where s/he considers it would be beneficial that all members of the DMC should attend.

In such instances as those above Members will be provided with a draft report which sets out the key issues to be considered on site and will record the reasons why a site visit is considered necessary.

#### **Procedure at a Site Visit**

- (a) The Authority's Planning Services will send a written invitation to every invited Member of the Development Management Committee (the SIP panel), and the Local Ward Member enclosing a copy of the relevant Committee report.
- (b) The Planning Officer will obtain the owner's permission to enter the site, if necessary, and will invite consultees whose comments are pertinent to the planning issues under consideration (e.g., Highways, Natural Resources Wales).
- (c) The Planning Officer will describe the application and outline the relevant policies and planning considerations.
- (d) Invited consultees will advise on relevant matters of fact.
- (e) It will not usually be expected that the applicant and/or agent will be asked to attend; if there is a specific need to do so then they will be asked to only answer any questions raised by Members at the meeting.
- (f) The Site Inspection Panel is not a forum for debate of the application and serves only to view the site in person.
- (g) The SIP must be conducted in accordance with principles of natural justice.
- (h) Anything stated or seen must be heard and seen by all present.
- (i) The Chair will bring the site inspection to a close.
- (j) Immediately before or after the formal site inspection it may also be appropriate for Members to view the site from other vantage points.
- (k) The Authority's Standing Orders will apply generally over such matters as rule of debate.
- (l) The Chair may adjourn the inspection at any time, in the event of disturbance to orderly conduct.

### **5. Operational procedures for members of the public addressing the Development Management committee**

The Council has decided to give third parties the right to speak at Development Management Committee (“the Committee”).

This document explains the procedures which the Development Management Committee will adopt when a member of the public makes a written request to address the Committee

#### **a) Which matters can be drawn to the Committee’s attention?**

A wide range of issues may be drawn to the Committee’s attention, however under the relevant Planning Acts, decisions regarding planning applications must be in accordance with:

- the law,
- development plans and
- national guidelines,

unless other planning considerations are important enough to justify a decision which is to the contrary.

The Council cannot refuse planning permission for the sole reason that objections have been presented, and cannot approve an application for the sole reason that a number of people support it or because there are no objections.

#### **Material planning considerations**

The matters you raise must pertain to relevant planning considerations, e.g.

- Relevant legislation and the policies in the relevant development plans and national planning guidelines
- Relevant case-law and decisions on previous planning appeals before an Inspector
- The impact on the character and appearance of the area, e.g. site, scale, size, height and design
- The impact on the amenities of neighbouring residents, e.g. hours of use, overlooking, excessive impairment and traffic noise
- The impact on highway safety, e.g. poor visibility, the safety of pedestrians, parking, density of use.
- Land stability issues, drainage issues and fire precautions

### **Non-material planning considerations**

No attention may be given to matters which are not material planning considerations and which are private matters, e.g.

- Impact on land values, hygiene and the layout internal areas (these are mainly dealt with under legislation which is separate from Planning, e.g. Building Regulations)
- The applicant's personal characteristics, including age, race and language
- Disagreement regarding the ownership of the affected land
- Private rights of way and drainage and private easements and covenants
- The impact of the proposal on property value
- Commercial competition, e.g. between shops, restaurants, garages etc.
- Loss of views

### **New Planning information**

Should applicants / agents or any other person acting on their behalf draw attention to new information (such as by emailing/ lobbying in person/ written correspondence) after the publication of the Development Management Committee agenda and papers, the planning application will be deferred to a subsequent meeting. In accordance with Option 4 above.

It is unacceptable and inappropriate to bring to light new information at the eleventh hour that has not had the formal scrutiny procedures as is applied to a planning case file, and thus any such correspondence/ communication will result in an automatic deferral of the application.

### **b) How to make a request to speak at the Committee?**

The procedure to be followed in making a request is the same for everyone who wishes to speak at Committee.

Persons who can speak include:

- Applicant or agent,
- Objector,
- Town and Community Councils

It is the responsibility of the individual who wishes to speak to find out whether the particular application on which they wish to speak is to be submitted to the Committee or considered under delegated powers.

Information can be obtained by contacting the Planning Service on 01545 572135 or through the Council's website [planning@ceredigion.gov.uk](mailto:planning@ceredigion.gov.uk);

**Persons wishing to speak must submit a written request to speak to the Clerk to the Committee as soon as possible and no later than midday on the ~~Tuesday~~ day before the Committee** (which usually meets on a Wednesday).

The contact details for the Clerk are Democratic Services, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, Ceredigion, SA46 0PA (e-mail address: [democracy@ceredigion.gov.uk](mailto:democracy@ceredigion.gov.uk))

The following information must be provided:

- name;
- contact details, including a daytime telephone number;
- e-mail if available;
- details of the planning application;
- ~~p~~Planning- reference number;
- ~~y~~Your interest i.e. applicant/agent; objector or Town / Community Council; ~~and~~;
- whether you wish to attend the meeting in person or remotely.

You will only be permitted to speak if the application is on the Committee's agenda.

An individual who wishes to speak will be informed by telephone, in writing or e-mail of the details of the meeting.

Reports on the Committee agenda may be found on the Council's website [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

[Ceredigion County Council Browse meetings - Development Control Committee](#)

Or inspected at the meeting.

The applicant/agent will be informed, if s/he has not asked to speak at the Committee, should a notice be received from an objector expressing the desire to speak, so that s/he may also exercise his/her right to respond at the Committee.

It is only the applicant, his agent, or those who have already submitted written objections or observations within the 21-day consultation period who may make a request to address the committee.

Items will not be deferred simply because a person who has requested to speak cannot attend Committee on a particular date.

### **c)The procedure at the Committee**

Those who do speak will be allowed a maximum period of 5 minutes each to speak.

This includes:

- Applicant/ agent,
- Objector,
- Town and Community Council representatives
- Local ward Member

Each will be entitled to speak for 5 minutes maximum.

If more than one objector wants to speak, objectors will be either encouraged to appoint one spokesperson or split the 5 minutes available.

The Chair of the Committee will have the absolute discretion to rule in such matters.

The appropriate order for speaking is as follows:

- case introduced by officer,
- objector,
- applicant or agent,
- Town and Community Councils,
- Local Ward Member,

The matter is then opened up for discussion,

- Committee Members then make comments.

Unless the Chairperson of the Committee states otherwise, the planning applications will be considered in the order in which they appear on the agenda, and it will not be possible to defer an application because you cannot attend or because you are not ready to speak when the Chairperson presents the application. Information regarding the order on the agenda is available from the Planning Section.

Persons wishing to speak must be present at the Committee meeting between 9.45 and 10am and introduce themselves to the Clerk of the Committee. The Committee usually commences at 10.00 am. The Clerk will explain the arrangements and where person wishing to address the DMC will be seated when they speak.

When invited by the Chair of the Committee, persons wishing to address the Committee may speak once, **for up to five minutes**,

The importance of adhering to the time limit is emphasised.

In accordance with the Council's Welsh Language Standards, persons wishing to speak are entitled to speak in Welsh or English. There is no need to repeat all the points made in any letters, as these will have already been sent to members before the Committee. The focus should be on the main points of concern, or the points supported.

The circulation of any written material or photographs will not be permitted.

After speaking, the Committee will discuss the matter.

Persons addressing the DMC should not join in this discussion.

No message should be left in the remote Chat facility.

The committee may seek clarity from the Local Ward Member (LWM) on issues arising and thus the LWM may address the DCC further if invited by the Chair.

The Chair may ask a question/questions if further explanation of the points raised will be required.

There will be no opportunity for members of the public (including the objector, applicant and agent) and Town and Community Councils) on a deferred item to speak at a second or subsequent meeting of the Development Management Committee

## **6. Membership of the Development Management Committee:**



The Development Management Committee shall be composed of 15 members of the Council In accordance with its Terms of reference as set out in the Constitution. These may include Cabinet Members.

#### Quorum

No business is to be transacted at a meeting of a Development Management Committee unless **at least half** of the total number of members of the committee, rounded up to the nearest whole number, is present. Substitute members will not be permitted.

#### Simple Majority

Applications will be determined by a simple majority of those Members voting and present in the meeting at the time the recommendation or proposal was made.

Members must be present throughout the discussion in order to vote on a matter.

#### Chair' Casting Vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

### **7. OUTCOME – Communication**

The Planning Service will inform the applicant/agent of the decision after the date of the Committee meeting and will inform everyone who has written to the Council of the outcome of the application.

### **8. The role of the Local Ward Member (LWM)**

The role of the Local / Ward member in Development Management Committee is dependent on whether they are a member of the committee or not.

If they are not, they are welcome to speak on the application in accordance with the procedure set out above representing the wider views of their constituents affected by the application.

LWMs cannot vote on the application and must observe the specified time limits, however they may remain at the table or as a panellist should the chair wish to ask further questions during the course of the debate.

When an application is presented that involves the Local Ward Member, who is also a member of the Development Management Committee, the said member cannot vote on an application and should 'step down' from the committee 'table' and join the Ceredigion County Council Constitution - Part 4 Rules of Procedure

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public gallery from where they may wish to address the committee on their constituents' behalf.

This is so that it is clear that the LWM is not part of the Committee.

## **9. Useful Documentation**

Welsh Government Development management manual:

<https://gov.wales/development-management-manual>

Planning Policy Wales

[Planning policy Wales | GOV.WALES](#)