



# Doncaster Council

## **PLANNING COMMITTEE PROTOCOL**

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***Appendix 1 - Members - Referral to Planning Committee Request Form***

## **Purpose of the Planning Committee Protocol**

- (i) This Protocol has been adopted by Doncaster Metropolitan Borough Council (“DMBC”) to ensure the highest standards of probity in the performance of its planning function.
- (ii) Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a planning committee. Adherence to the Protocol is intended to build public confidence in the Council's planning system.
- (iii) The purpose of the protocol is:
  - (a) To state how the Members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
  - (b) To ensure a consistent and proper approach by all Members to the exercise of planning functions;
  - (c) To ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
  - (d) To ensure the probity of planning transactions and the high standards expected in public office; and
  - (e) To ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.
- (iv) The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. The Members Code of Conduct sets out the general principles the Council has adopted as its ethical values and this includes the 7 key principles based on the Nolan Committee on Standards in Public Life. This Protocol relating to planning matters is intended to be supplementary to The Members’ Code of Conduct (Part 5 Section 2 of the Council’s Constitution).
- (v) The provisions of the Code of Conduct continue to have full force and effect.
- (vi) The aim of this protocol is to provide more detailed guidance on the application of the guidance in relation to planning matters.
- (vii) Copies of this protocol will be made publicly available online and will be kept under review.

## **1. Introduction**

- 1.1 These rules apply to all meetings of the Council's Planning Committee in relation to the determination of planning applications and any other business dealt by the Planning Committee.
- 1.2 The determination of planning applications is a process involving the application of national, strategic, local and neighbourhood level planning policies within a legislative framework. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by third parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman. It is important that those involved in the determination of planning applications, and particularly officers and Members, act reasonably and fairly to applicants, supporters and objectors.

## **2. Planning Committee Consideration Criteria**

- 2.1 A planning application may be referred to the Planning Committee for a decision where the criteria set out in paragraphs 2.2(i) or 2.2(ii) is met.
- 2.2 All planning applications, other than those relating to the grant of a Certificate of Lawful Use or Proposed Lawful Use, and associated applications, consents and authority including those relating to listed buildings, conservation area consents, Tree Protection Orders (TPOs), enforcement actions and prosecutions are considered to fall within the delegation scheme and will be determined by the Head of Service or his/her designated officers unless:
- (i) Any Member of the Council submits to the Head of Planning, a "*Members - Referral to Planning Committee Request Form*" (see Appendix 1) or via an email to the Planning Department at [TSI@doncaster.gov.uk](mailto:TSI@doncaster.gov.uk) during the 21 day publicity period following validation of the planning application and clearly outlining what the material planning reasons are; or
  - (ii) The Scheme of Delegation requires that the matter should be decided by the Planning Committee.

## **3. Public Speaking Procedure**

- 3.1 This document sets out the procedures members of the public, Town and Parish Councils and Councillors who are not members of the Planning Committee must follow when addressing the Planning Committee.
- 3.2 If members of the public have written to support or object to an application or Tree Preservation Order (TPO) the Council will write to them about the date and location of the Planning Committee meeting where the application will be

considered<sup>1</sup>. Likewise, the Council will also notify all applicants (or their agents) whose applications are to be considered, those served with and who have commented on a TPO to be considered, and the Parish Council.

3.3 Anyone who has not made a representation on the application at the planning consultation stage, or who sent them in late, will still be able to speak at Planning Committee but the Council will not write to them about the date and location of the Committee meeting.

3.4 Anyone who supports or objects to an application does not have to speak at a Planning Committee meeting. Representations are reported to the Planning Committee either in writing or verbally so it is up to the individual whether to attend or speak.

### **3.5 Registering to Speak at Planning Committee**

3.6 Anyone who wants to speak at Planning Committee (which for the avoidance of doubt includes Ward Councillors, and Town or Parish Councillors) must register a 'Request to Speak' in advance, in either of the following ways:

- i) Filling out the "Request to Speak at Planning Committee" e-form on the Planning section of the Council's website; or
- ii) Emailing the Planning Case Officer or a member of the TSI team at [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk).

3.7 A 'Request to Speak' should be received at least 120 hours<sup>2</sup> (i.e. equating to the equivalent of 5 days) before the start of the Planning Committee meeting. Ward Members are encouraged to notify the Planning Department of their request to speak in line with the above timeframes, but may make such a request prior to the formal opening of the Planning Committee meeting.

Requests to speak will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Committee meeting and for each category of speaker (see Rule 3.9).

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<sup>1</sup> All correspondence will be with the organiser where any objection/support is part of an organised campaign or petition.

<sup>2</sup> This allows for adequate notification for Planning Committee Meetings to be held on different days/times e.g. *exceptional planning meetings* as required.

### 3.8 **Right to Speak Process at Planning Committee**

3.9 At Planning Committee, the Chair will introduce the item and ask speakers to address the Planning Committee. Time allocated to each category of speaker below is five minutes in total, not five minutes for each speaker in the category<sup>3</sup>.

Ward Members will be afforded up to a maximum of 10 mins in total<sup>4</sup>.

The five categories and order of speakers is as follows:

- i) **Objector(s)**
- ii) **Town or Parish Council Representative(s)** - The Council expect the Parish Council representative to express the single, corporate view of that Council.
- iii) **Ward Councillor(s)** - not sitting as a Planning Committee Member. In the case of a Member of the Planning Committee wishing to speak either in support or opposition of an application, that Member must declare an interest and be excluded from any discussion and decision on the application.
- iv) **Supporter(s) who are not associated with the applicant or application** (for the avoidance of doubt this cannot include family of the applicant or agent).
- v) **The applicant and/or agent**

To assist the process those wishing to speak are requested to ensure they express their views clearly and concisely within the time allocated and any matters raised are relevant to the application.

3.10 The Chair of the Planning Committee may intervene, or vary the order of speakers, in the interests of efficiency. Exceptionally, the Chair may increase the time available, for example if an application straddles a Ward boundary or if a large number of people wish to speak or in conjunction with an *exceptional*

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<sup>3</sup> At the discretion of the Chair, the allocated speaking time for any speaker may be increased (See 3.10)

<sup>4</sup> For Wards which have three Members – the 10 mins will be split amongst all 3 Members. For Wards with two Members, both will have up to a maximum of 5 mins each.

*planning meeting* where it may be necessary to provide more technical information to ensure that an informed decision is reached. Exceptional planning committee meetings, which involve full public participation, provide the mechanism to allow additional time for more complex/technical applications to be fully considered by the Planning Committee. In such cases the time will be increased equally for each of the groups. Normally, no notice will be given.

3.11 Those addressing the Planning Committee will not be able to ask questions or join in the debate after their speaking time has elapsed. Members of the Planning Committee may ask questions to speakers on points of fact and clarification but must not enter into a debate on any issue raised.

3.12 Speakers must not interrupt other speakers, nor interrupt the Planning Committee's debate.

### **3.13 Items on the agenda**

3.14 Items on the agenda will be dealt with, however there is a possibility that the applicant may withdraw the application, that the Planning Committee may defer consideration, for example to obtain further information or attend a site visit, or the Committee may decide after 3 hours that the meeting will conclude and all remaining items thereon be referred to the next meeting of the committee.

3.15 The Planning Committee agenda is available 5 working days in advance of the meeting at the Civic Office, Waterdale, Doncaster, DN1 3BU. Alternatively, the reports can be viewed at the Council Chamber Section on the Doncaster Council's website at <http://www.doncaster.gov.uk/>

3.16 Speakers are advised to familiarise themselves with the contents of the relevant Planning Committee report in the Committee Agenda prior to addressing the Planning Committee in order to avoid taking up Planning Committee time in repeating the Officer's comments.

3.17 The Planning Case Officer will ensure that planning applications to be determined by the Planning Committee for consideration are notified to Ward Members at the earliest opportunity to ensure they have the option to participate should they feel it warranted.

### **3.18 Requests to Speak - deferrals**

3.19 If an application is considered by Planning Committee and deferred to a future Committee, each category of speaker will be restricted to the speaking times detailed above.

Requests to speak on a previous Committee will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Planning Committee meeting.

### **3.20 Presenting new information**

3.21 If speakers wish to present documents, photographs or other material to the Planning Committee, the material must be submitted to TSI at [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone 01302 736000 **by noon the day before the meeting is to take place**. The speaker will be informed if the material can be presented to the Committee. The Council will consider the information to ensure that there is no issue of impropriety, i.e. showing people or events in an unfavourable way, or defamation/slander for example.

3.22 Any PowerPoint or visual information must be provided in a PDF format and emailed to the Planning Case Officer in advance of the meeting, as the Council's equipment cannot accept external hardware. If the proposed material is deemed acceptable by the Council it will be loaded into the presentation for the item for consideration, and the Case Officer will bring up the images as requested by the speaker during their presentation to the Committee.

3.23 The submission of paper documentation or other materials on the day of the meeting by applicants, agents and persons making representations to the Committee is not permitted and cannot be circulated in the meeting.

3.24 Examples of relevant issues in considering planning applications (**material considerations**) may include:

- The Local Plan
- The National Planning Policy Framework and other Government planning policy advice
- Highway safety and traffic considerations
- Landscape impact
- Local amenity
- Noise/Air Quality
- Privacy (overlooking etc.)
- Conservation
- Archaeology
- Design/Character
- Trees/hedgerows

- Case law and relevant previous decisions

3.25 The Committee must only consider material considerations when determining planning applications.

3.26 Examples of issues which are irrelevant when determining planning applications (**non-material considerations**). This list is not exhaustive but gives examples of the types of issues that are not relevant when determining applications:

- Business competition
- Ownership disputes
- Reduction in property values
- Restrictive Covenants
- Moral objections
- Personal circumstances or private rights
- Matters controlled by other legislation e.g. Buildings Regulations, Licensing.
- The applicant's motives for making an application.
- Loss of trade elsewhere.
- Construction issues e.g. standard of workmanship, length of time taken to do work.
- Precedent e.g. unrelated decisions that have been made before.
- Complaints about procedures in dealing with applications.

3.27 An application submitted after development has been carried out has to be determined on its own planning merits like any other.

## **4. Pre-Committee Matters Including Site Visits**

### **4.1 Site Visits**

The site visit is for the Members of the Planning Committee to see aspects of an application site that cannot be fully understood through photographs, plans or by other means in the report or at the Planning Committee meeting. It is a fact finding exercise for the Planning Committee. The prospect of a Planning Committee site visit should not deter Members from looking at a site themselves from any public vantage points in the same way that any other member of the public may do.

4.2 Although the site visit is a formal part of the decision making process, it is not where decisions are taken.

### 4.3 Requests for site visits

A site visit may be initiated in one of two ways:

- i) At a Planning Committee, any Planning Committee Member may propose that a decision on an application be deferred to allow a site visit to take place. If seconded and voted upon by a majority of Members, a site visit will take place. **Members proposing a site visit must state planning reasons for visiting the site and how this will assist the Committee in determining the proposal.** These reasons will be recorded in the minutes. If an application is deferred for a site visit (or a site visit is required in advance of the Committee Meeting). Attendance at the site visit is strongly encouraged, especially so by those Members who proposed and seconded the motion to defer an application's consideration for a site visit.
- ii) If before a planning application is put on the Planning Committee Agenda the Head of Planning and the Chair agree that a Planning Committee site visit should be conducted sometime before that Planning Committee meeting. If a site visit is conducted prior to the item being heard at the Planning Committee then the item cannot be again deferred for a further site visit unless there are new planning matters to be considered on the site. Attendance at the site visit is again strongly encouraged for all Planning Committee Members.
- iii) The use of site photos/site video footage may be displayed to the Planning Committee meeting where this will assist Members in their considerations. This may also be necessary in certain unforeseen scenarios (e.g. pandemic/severe inclement weather etc.). However, wherever possible, all efforts should be made to attend the site visit in person and the use of such technology should not be used as a reason to not attend the visit.

### 4.4 Reasons for a site visit may include:

- i) The material available at the meeting is insufficient to understand the impacts of the proposal on the site and its surroundings;
- ii) Where the characteristics of the site and its surroundings are unusually complex e.g. relationships between buildings or levels;
- iv) The proposals raise issues on site that need to be experienced, e.g. noisy or smelly processes on or near to the site.

### 4.5 Information provided at Planning Committee is designed to allow Members to make informed decisions. Decisions to have a site visit should not be taken simply to defer making a difficult decision on a controversial application, or because applicants or objectors have requested them.

## 4.6 Arrangements for the site visit

- 4.6.1 Planning Committee site visits will take place before the application is considered by the Planning Committee. The date, time and order of site visits will be circulated to Planning Committee Members, local Ward Members and the Parish Council. Prior to the visit, officers will also send out a 'Site Visit Scoping Note' along with any other necessary supplementary information to assist in the proper running of the visit. Any Councillor needing assistance with transport to the site visit should contact [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk) or telephone 01302 734854 no later than 24 hours before the site visit is due to take place.
- 4.6.2 A Planning Committee minibus will be utilised wherever possible to ensure that the Planning Committee attend the site visit as a group. However, there may be occasions where this is not feasible e.g. recent COVID pandemic/social distancing requirements; or it would require a Member of the Planning Committee to travel into the Civic Office, which would add unnecessary journey by having to travel outside of, or past the site to actually be visited etc.). Meeting times and locations as detailed in the 'Site Visit Scoping Note' should be adhered to and the Planning Committee Members should avoid any contact with applicants/agents/members of the public/other Ward Members whilst awaiting the start of the site visit.
- 4.6.3 If access onto the site is necessary, the applicant or agent will be informed of the site visit and asked to ensure that access is available.

## 4.7 Attendance at the site visit

- 4.7.1 If an application is sufficiently important to warrant a site visit then all Members are strongly encouraged to attend.
- 4.7.2 The persons entitled to be present at all times during the site visit are Members of the Planning Committee and appropriate Council Officers.
- 4.7.3 Local Ward Members and Parish Council representatives may join the site visit group **but only to observe and listen**. Where this happens the representative(s) will not be permitted to address the Planning Committee or its Members unless asked to identify physical features such as boundaries or access points.
- 4.7.4 The land owner or their agent or the applicant may need to accompany Members on the site visit. Where this happens **that person will not be permitted to address the Planning Committee or its Members** unless asked to identify physical features such as boundaries or access points.

4.7.5 Members of the public may attend and listen to the proceedings where these are conducted in public areas, but they have no right to enter private land or buildings without the land-owners permission.

#### **4.8 Conduct at the site visit**

4.8.1 The following procedural rules will be observed in the holding of all Planning Committee site visits:

4.8.2 Officers will arrange the site visit in advance with relevant parties. There is no right to enter on private land without permission of the land owner. Where appropriate, officers will obtain permission from the land owner or his/her agent for those invited to attend the site visit to enter the land. If permission is not given for Members and Officers and other interested parties to enter, the site will have to be viewed from the public highway/areas.

4.8.3 The Chair (or Vice Chair) will control proceedings throughout.

4.8.4 The Chair will explain that the purpose of the site visit is to obtain information relevant to the determination of the application. The Chair will summarise the proceedings and the constraints as set out below.

4.8.5 The Chair will introduce the Planning Officer who will describe the proposals to Members with reference to matters of fact and features on the land and the submitted plans/drawings and summarise the relevant issues and material considerations. It is expected that Members will already be familiar with the planning officer's report where one has been provided.

4.8.6 Members may ask the Planning Officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties or the location of the planned development.

4.8.7 Other officers may be present to provide specialist/expert advice where required (e.g. Highways Engineers, Tree Officers, Environmental Health Officers etc.).

4.8.8 Members will then be invited through the Chair to ask any questions of fact or seek clarification from the Officers present. Members should not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Planning Committee meeting. Discussion on the merits of the application will not be permitted, and Members should refrain from making comments on the proposal.

- 4.8.9 Representatives of objectors and/or supporters may be invited/allowed to attend the site visit as interested parties. However, the right of a representative to address the Planning Committee does not arise until this item is reached on the agenda during the relevant meeting of the Planning Committee. Presentations from interested parties should on no account be made. However, occasionally it may be appropriate for interested parties to be asked, through the Chair, to point out important or relevant site features. At no point during the site visit will debate or comment on the planning merits or otherwise of the proposal be permitted, as the proper time for such debate/comment is at the relevant meeting of the Planning Committee.
- 4.8.10 Ward Councillor(s) may attend the site visit however, any Ward Councillors will refrain from debating, lobbying or commenting on the planning merits or otherwise of the proposal. Ward Councillors will be permitted to make their representations at the relevant meeting of the Planning Committee in due course.
- 4.8.11 During the site visit, no separate discussions regarding the application must take place with officers or Members and either applicants, objectors or supporters. In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the Chair and the Planning Officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.
- 4.8.12 During the site visit, Officers and Planning Committee Members will not accept any representations (including verbal presentations, documents, letters or petitions) from applicants, objectors or supporters. Any representations should be sent to the Planning Department and these will be reported at the relevant meeting of the Planning Committee.
- 4.8.13 No hospitality will be accepted by Officers and Members from the applicant or any other interested party present at the site visit.
- 4.8.14 The Planning Committee Members present at the site visit will sign an attendance sheet.
- 4.8.15 The Chair (or Vice Chair) will conclude the site visit. Members will leave the site promptly, as a group, and refrain from talking to the applicant, objectors or other interested parties. No indication of the views of Members or the likely outcome of the Planning Committee's deliberations on the application will be given. To do so might imply that a Member's mind is already made up.

4.8.16 If Members require further information or clarification of any aspect of the development, the officer(s) attending the site visit will be asked to ensure that such information is available by the time the application is considered by Members at the relevant meeting of the Planning Committee.

#### **4.9 After the site visit and at the subsequent Committee(s)**

4.9.1 The application will be reported to the next available Planning Committee for debate and determination.

4.9.2 To ensure openness and transparency the Chair/Officer will provide feedback to the meeting on the key issues arising/identified from the site visit.

#### **4.10 Pre-Committee Briefings**

4.10.1 Pre-committee briefings will be held with **all Planning Committee Members**. The purpose of the pre-committee briefing is to update Members on the applications to be presented at the next Planning Committee meeting and to go through any amendments/speakers etc. following dispatch of the formal agenda.

4.10.2 No decision shall be taken at the pre-committee briefing and no debate or views are to be given on the merits of an application as Members must remain open in their minds and have the ability to reach an informed view at the formal Planning Committee meeting once all the information has been presented, speakers have spoken and the debate has been had.

4.10.3 The pre-committee briefing will allow a reasonable amount of time for officers to prepare responses to any queries or information requirements that Members may have to avoid any frustrations at the actual formal Planning Committee meeting.

4.10.4 The use of virtual technology (i.e. MS Teams) will be utilised to facilitate the ease of holding such briefings and attendance.

### **5. Committee Agenda**

5.1 The Committee's agenda will include the following parts for planning reports:-

- Applications for consideration – these items attract public speaking rights.
- Items for decision – non-planning application matters that require consideration by Committee – there are no public speaking rights.
- Items for information: reports for information only.

5.2 Each planning application for decision is the subject of a written report with an officer recommendation. In addition to the report, officers will present the item

for consideration together with illustrative material to explain the scheme. The planning application itself is available to view on Public Access at <http://www.doncaster.gov.uk/services/planning/planning-applications-online-public-access> under the relevant application number and Members are encouraged to view this information for themselves.

- 5.3 The Planning Case Officer will also present to the Committee, pre-committee amendments contained within the Pre-Committee Amendments document which is available on the Council's website wherever possible before the Committee. The pre-committee amendments will consist of list of registered speakers, any late representations received, an update of any amendments to any conditions required and any required updates to the report.
- 5.4 Any additional material from the applicant, Town or Parish Council, Ward Member, supporter(s) or objector(s) to the proposal or technical consultees should not be distributed to Planning Committee Members unless this has been approved in accordance with para. 3.21 above.

## **6. Order of Proceedings**

- 6.1 Generally, Planning Committee meetings take place at the Civic Building, Doncaster, however virtual Planning Committee meetings may also be utilised where situations require it and powers are given for this to happen. The time of the meeting is stated on the agenda papers and published in the Diary of Meetings on the Council's website.
- 6.2 At the discretion of the Chair, the order of business on the agenda may be varied at the meeting and with the agreement of the Committee.
- 6.3 The procedure for considering each item shall be as follows:
- The Planning Case Officer shall provide an update on any pre-committee updates and then proceed to introduce the application.
  - Public speaking in accordance with the Public Speaking Procedure (as set out in paragraph 3.9 of this Protocol will take place).
  - The Head of Planning and/or the Planning Officer will address, where necessary, any issues raised during public speaking and respond to questions from Members of the Planning Committee.
  - The Planning Committee will then move into debate on the merits of the application and reach a decision.
  - Advice may be provided by the Head of Planning and/or the Planning Officer and/or the Legal Officer at any time as necessary.

## **7. Decision Making**

7.1 In coming to a decision on a planning application, a Planning Committee Member must:

- Come to the meeting with an open mind;
- Not communicate with anyone (except officers, other Planning Committee Members and public speakers through the Chair) orally, electronically, in writing or by any other means during the proceedings of the Committee;
- Come to a decision only after due consideration of all the information reasonably required to base a decision upon;
- Not vote on a proposal unless they have been present to hear the whole debate including the officer's presentation and any public speaking; and
- Ensure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the Development Plan, that they identify and understand the planning reasons leading to their conclusion and that they consider any professional advice given.
- Reasons must be given before a Secunder to the proposal is sought and the vote is then taken and recorded.

## **8. Voting Procedures**

8.1 Members must be present for the entire Planning Committee item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

8.2 The Chair of the meeting will bring the Planning Committee to a vote where he/she considers that there has been sufficient debate on the item. All items on the agenda will require a decision making on them and cannot be undetermined.

8.3 The Committee will vote on the recommendation set out in the report, unless a motion is made and seconded to depart or defer from the recommendation set out in the report.

8.4 If a Planning Committee Member wishes to amend the recommendation (such as an additional or amended condition) they will need to move this proposal which must be seconded prior to any vote on the recommendation. Reasons for the amendment to the motion must be given prior to the vote.

8.5 For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour.

In the event of votes being equal then the Chair has an additional casting vote (which can be exercised whether or not the Chair voted in the first instance).

### **Decisions contrary to the Recommendation**

- 8.6 If the Committee votes to overturn the recommendation of the Planning Officer by way of a “minded to approve or refuse the planning application” motion, the Member proposing the motion to overturn the recommendation must outline the reasoning and material planning considerations relied upon for reaching such a decision. Such reasoning should explain, as and when appropriate, why it is proposed to depart from the development plan, the departure from policy or policy interpretation relied upon and/or what material planning considerations are being attributed determining weight (see paragraph 3.24 as a general guide). The receipt of the reasoning and material planning considerations from the Member proposing the motion will ensure that the Committee is fully aware of the reasoning and material planning considerations upon which such a motion is based.
- 8.7 Planning Committee decisions contrary to Planning Officer recommendation may be subject to appeal or to legal challenge. Members should therefore ensure that the planning reasons for the decision are set out and based on proper planning reasons prior to any resolution being made and voted upon thereafter. The Planning Officer should always be given the opportunity to explain the implications of the Planning Committee’s decision.
- 8.8 Examples of relevant material planning considerations which can be considered are detailed at paragraph 3.24. The Committee must only consider material considerations when determining planning applications.
- 8.9 Examples of matters which are irrelevant when determining planning applications (non-material considerations) are detailed at paragraph 3.26.
- 8.10 The Planning Committee must, before voting on the motion, receive advice from the Head of Planning (or his/her representative) and if necessary the Legal Officer at the meeting as to the form of a new motion. That advice will be based upon the material planning considerations that will have been discussed by the Planning Committee in debate.
- 8.11 Once the Planning Committee has received the advice of the Head of Planning (or his/her representative) and Legal Officer, they can proceed to a vote. A detailed minute of the Planning Committee’s reasons to go against the officer’s recommendation will be recorded.

## **9. Following the Committee Meeting**

- 9.1 The decisions of the Planning Committee must be recorded in the minutes of and published on the website (for interested parties who cannot attend).
- 9.2 If an application for planning permission has been refused, or permission has been granted with conditions imposed, an applicant can appeal to the Planning Inspectorate.
- 9.3 The decision notice issued by the Planning Department will be accompanied by information on how to appeal. There is no 'third party right of appeal', so only the applicant may appeal against a decision made.
- 9.4 Audio and visual recordings of each meeting will be made by the Council. These recordings will be posted on the Council's webpages. All comments made by speakers appearing before the Committee, whether elected representatives, planning agents or members of the public will be included within the recording following the meeting.

## **10 Review & Monitoring and Training**

- 10.1 The effectiveness of this Protocol will be monitored in the following ways:
- Officers will produce an 'Annual Review', which will be presented to the Planning Committee for consideration/agreeing; and
  - An annual report will be prepared for the Standards Committee on any formal complaints made under the Council's complaints procedure in relation to the functioning of the Planning Committee, and where the Ombudsman has decided to investigate.
- 10.2 It is recommended that participating Planning Committee Members continue to attend relevant training on planning matters as required and/or provided in association with the Head of Planning.

## APPENDIX 1:

### Members - Referral to Planning Committee Request Form

Please use this form to request that a planning application is referred for consideration by the Planning Committee.

Applications can be referred to the Committee if an elected Member of the Council makes representations to the Head of Planning during the 21 day publicity period of the application, which details the material planning reasons for requiring the application to be heard by Planning Committee.

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**To: Head of Planning**

**REQUEST FOR APPLICATION TO BE REFERRED TO PLANNING COMMITTEE**

Application Number \*

Location \*

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#### **Proposal**

I would like to request that the application described above be reported to Planning Committee \*

My reason(s) are as follows:

*(Please note that these must be valid planning reasons – see Para. 3.23 of the Protocol for a general guide)\**

Councillor name: \*

Date: \*

Please submit your request to TSI at [tsi@doncaster.gov.uk](mailto:tsi@doncaster.gov.uk)