Appendix B

Amendments to Planning Committee Appendix

Part 6.8 - Appendix: Planning Committees

1. Preamble

- **1.1** Part 3 (Meeting Procedure Rules) and Part 6 (Council Bodies) set out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- **1.2** If there is any conflict between the wording of Parts 3 and 6 and this Appendix, this Appendix will prevail.

Back to top

---

2. Role and Conduct of Councillors and Officers

- **2.1** Councillors and Officers have different, but complementary, roles in the planning process and it is important that an open, respectful and transparent relationship is developed based upon mutual trust and understanding of each other's positions. It is important for the overall standing of the Council that they work as an effective team.
- **2.2** Members of the Planning Committee have different roles to those of other Councillors. Councillors who are members of the Planning Committee determine the more significant and contentious planning applications received by the Council. In doing so, these Councillors and nominated substitutes perform a quasi-judicial role and are required to consider all planning proposals against the wider public interest.
- **2.3** When considering planning applications, Councillors need to ensure that only material planning considerations are taken into account. In reaching a decision, Councillors should ensure they understand, consider and take account of the relevant material considerations connected with the application and should not favour any person, group or locality or put themselves in a position where they may appear to do so. In order to ensure that decisions are taken on planning grounds and are sound it is incumbent on all Planning Committee Members to give full consideration to reports prepared by Officers and familiarise themselves with all relevant national planning policy and guidance (including the National Planning Policy Framework), Development Plan policies and other material considerations well in advance of the consideration of a development proposal at the Planning Committee itself.
- **2.4** Planning Committee Members must take steps to ensure that in their discharge of their Planning Committee duties the distinction between this role

and their role as Ward Members is constantly made clear. If Members wish to act in the latter capacity they must make that clear at the outset.

- **2.5** Officers are employed by the Council. Instructions may only be given to Officers by the Council, its Executive or a Committee or by way of delegated powers. Officers involved in the processing and determination of Planning matters must act in accordance with the Officers Code of Conduct (see paragraph 13.5 of Part 13 of the Constitution) and with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct and any other applicable guidance. Officers are required to act impartially at all times in determining applications and providing advice at the Planning Committee. Officers will be expected to conduct themselves in all they say and do in a manner which totally preserves this position of impartiality.
- **2.6** It is not appropriate for Councillors to direct, or seek to influence, Officers to determine an application in a particular way. A Councillor must not use improperly their position as a Member to confer on, or secure for himself or any other person, an advantage or disadvantage.
- **2.7** Councillors must not favour, or discriminate against, any person, company, group or locality nor put themselves in a position where they appear to do so.

Back to top

---

3. Establishment

- **3.1** The Council is a Local Planning Authority ("LPA") and has established a Planning Committee ~~and two Area Planning Committees (the Eastern Area Planning Committee and the Western Area Planning Committee).~~
- ~~**3.2** The Eastern Area Committee covers the following Wards:~~
  - ~~Aldermaston;~~
  - ~~Basildon;~~
  - ~~Bradfield;~~
  - ~~Bucklebury;~~
  - ~~Burghfield and Mortimer;~~
  - ~~Pangbourne;~~
  - ~~Thatcham Central;~~
  - ~~Thatcham Colthrop and Crookham;~~
  - ~~Thatcham North East;~~
  - ~~Thatcham West;~~
  - ~~Theale;~~
  - ~~Tilehurst Birch Copse;~~
  - ~~Tilehurst South and Holybrook;~~
  - ~~Tilehurst and Purley.~~
- ~~**3.3** The Western Area Committee covers the following Wards:~~
  - ~~Chieveley and Cold Ash;~~
  - ~~Downlands;~~
  - ~~Hungerford and Kintbury;~~
  - ~~Lambourn;~~
  - ~~Newbury Central;~~
  - ~~Newbury Clay Hill;~~

~~• Newbury Greenham;~~
~~• Newbury Speen;~~
~~• Newbury Wash Common;~~
~~• Ridgeway.~~

Back to top

---

4. Membership

- **4.1** ~~Each Area~~ The Planning Committee shall consist of ~~nine~~ 11 Members drawn across the District ~~from the Wards covered by the committee~~ and reflecting the political balance of the Council.
- ~~**4.2** Each Area Planning Committee shall also have Substitute Members drawn from the Wards covered by the committee, but to sit a Substitute Member must be a Member of the same political group as the Member they are substituting for.~~
- ~~**4.3** The District Planning Committee shall consist of 11 Members reflecting the political balance of the Council - the Portfolio Member responsible for Planning plus five Members from each of the Area Planning Committees.~~
- **4.2** The Chair of the Planning Committee shall be elected at Annual Meeting of the Body (Part 3 Meeting Rules para 4.1.3) and shall not be the Executive Member responsible for Planning.
- **4.4 3** The ~~District~~ Planning Committee shall also have Substitute Members, but to sit a Substitute Member must be a Member of the same ~~political~~ opposition or minority group ~~and of the same Area Planning Committee~~ as the Member they are substituting for (unless there are no Substitute Members of the same political group allocated to the Committee, in which case a Substitute Member may be from one of the other political groups).
- **4.5** Before serving on any Planning Committee, each Committee Member or Substitute Member must receive such formal training (and refresher training) in the planning system as the Service Director with responsibility for Planning shall determine in consultation with the Portfolio holder with responsibility for Planning. The training shall include visits, or a review of sample implemented planning permissions, to assess the quality of the decisions and the development, ideally on an annual or more frequent basis.

Back to top

---

5. Scope of Role - Statutory

- **5.1** Section 101 of the Local Government Act 1972 allows an LPA to arrange for the discharge any of its functions by a committee, sub-committee, or an officer or by any other local authority.
- **5.2** The Town and Country Planning Act 1990 is the principal statutory instrument for the determination of planning applications and associated casework. The planning application process is also governed by various other Acts of Parliament, Regulations, Orders, and Directions. Applications

for planning permission must be determined in accordance with a with the Town and Country Planning Act 1990, and other associated planning legislation.

Back to top

---

6. Scope of Role - Planning Principles

- **6.1** To the extent that Development Plan policies are material to an application for planning permission the decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 - these provisions also apply to appeals).
- **6.2** The Development Plan is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the Development Plan, unless the local planning authority decides that the neighbourhood plan should not be made.
- **6.3** A material planning consideration is one which is relevant to making the planning decision in question. The scope of what can constitute a material consideration is very wide. However, in general planning is concerned with land use in the public interest, so the protection of purely private interests will not normally be material considerations.
- **6.4** Law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.
- **6.5** Any application which constitutes a departure to the Development Plan, in the terms of the legislation, must be advertised as such. If such an application is to be approved the material considerations leading to this conclusion must be clearly identified.

Back to top

---

7. Scope of Role - ~~Area~~ Planning Committee

- **7.1** ~~Each Area~~ The Planning Committee will consider applications for planning permission and other Development Management casework where the Scheme of Delegation requires a committee decision ~~and the application site is within the Ward covered by that Committee (refer to Section 3).~~

Back to top

~~8. Scope of Role - District Planning Committee~~

- ~~**8.1** The District Planning Committee will consider, on behalf of the Council, applications for planning permission and other Development Management casework where:~~
  - ~~**8.1.1** The Chairman of an Area Planning Committee determines it is appropriate for the decision to be made by the District Planning Committee, rather than the Area Planning Committee.~~
  - ~~**8.1.2** an Area Planning Committee has referred the application to the District Planning Committee for determination following a majority vote;~~
  - ~~**8.1.3** an Area Planning Committee has considered the application but the Service Director or Service Lead with responsibility for Planning, or the Development Manager, has determined that the decision:~~
    - ~~**8.1.3.1** has a possible conflict with a policy that would undermine the Development Plan; or~~
    - ~~**8.1.3.2** is of a district wide public interest; or~~
    - ~~**8.1.3.3** there is a possibility for claims for significant costs against the Council.~~
- ~~**8.2** Where a decision of an Area Planning Committee has been referred to the District Planning Committee as above, that decision shall not take effect until the District Planning Committee has considered it.~~

Back to top

---

9. Committee Site Visits

- **9.1** Where deemed necessary, by the Chairman ~~of the relevant~~ the Planning Committee and Development Manager, Committee Site Visits may be conducted to enable Planning Committee Members to view application proposals in context, and to inform their assessment of the impact of a proposal on the application site and surrounding area. Committee Site Visits are not to be used to debate the merits of the application.
- **9.2** A Committee site visit is a formal meeting of the relevant committee and the same rules apply to chairing it as apply to a Meeting.
- **9.3** Committee site visits should be by those Planning Committee Members able to attend, with Officer assistance. Others attending (ward members, town or parish council representatives, applicant/agent, supporters, and objectors) do so at the discretion of the Meeting Chairman. At the direction of the Meeting Chairman, other attendees may ask Members to observe specific aspects of the site and its surroundings, or ask for clarification of

factual matters, but must not express opinions or other representations regarding the merits of the application.

Back to top

---

10. Planning Committee Briefings

- **10.1** On occasions it may be appropriate for officers, applicants, or prospective applicants, to give a presentation to Planning Committee at an earlier stage before the application is considered by the Planning Committee for a decision. This gives an opportunity for applicants to explain their development proposals and/or to provide an opportunity for Members to raise questions in connection with the proposals.
- **10.2** When considering a request for a briefing, the complexity of the proposal should be considered. Planning Committee briefings should be restricted to more complex proposals.
- **10.3** The Chairman of the Planning Committee must approve any request for a briefing in consultation with the Development Manager and the Monitoring Officer, or their representatives.
- **10.4** To avoid any perception of influence it is advisable that any briefing must take place at least three weeks before the meeting of the Planning Committee that will hear the application. Briefings should avoid discussion, although questions of clarification are appropriate. The Chairman of the Committee will manage the briefing. Officers will be present to record proceedings and answer any questions of clarification.
- **10.5** Consideration should be given to inviting Ward Members, Parish Council representatives and other interested parties.

Back to top

---

11. Discussions before Decision is made

- **11.1** Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the planning process. Such pre-application discussions will normally take place at Officer level and Members shall wherever possible refer requests by applicants and third parties for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.
- **11.2** All Councillors have a role to play in helping consultation between their constituents and developers. Such consultation can be a huge benefit to all parties but can easily be seen as part of a lobbying process by the applicant if care is not taken. Planning Committee Members in particular must be careful to adhere to the rules regarding predetermination and predisposition.
- **11.3** This section covers any discussions taking place before a decision is made not simply prior to the application being submitted. It does not affect

discussions between Councillors and Officers nor does it impact on any pre-application planning advice provided by Officers under the adopted policy.

- **11.5** Planning advice given by Officers should be consistent, based on the Development Plan and material considerations.
- **11.6** The Councillor's role is to feedback responses from the community. If invited to attend pre-committee discussions, all Councillors should speak first to the Planning Officer handling the application.
- **11.7** If such a meeting is held, a written note should be made of the meeting, particularly if contentious. Where the meeting includes a Planning Committee Member, at least one Officer should attend any such meetings and a follow up letter from the Councillor is advisable summarising the discussion.
- **11.8** If an Officer is unable to attend and the meeting has to go ahead the Councillor should make written notes and forward a copy of these to the Development Manager as soon as possible. This is also advisable for all Councillors who are not a member of the relevant planning committee.
- **11.9** All Councillors should also note that potentially contentious telephone discussions should also be recorded in writing, preferably immediately after the conversation so recollection is fresh and should be reported to the Monitoring Officer.
- **11.10** Where a meeting concerns a major development, it is preferable that the meeting takes place on Council premises with Officers present and notes of discussions are made.
- **11.11** At all times Planning Committee Members should be mindful of general rules regarding predetermination.

Back to top

12. Lobbying

- **12.1** It is recognised that lobbying is a normal and perfectly legitimate element of the process of considering planning applications. If a Councillor, who is not on the Planning Committee to determine an application, wishes to support a particular viewpoint then that Councillor has a right to appear at the relevant Planning Committee and seek permission to address the meeting provided that they have registered to speak in accordance with paragraph 16 below.
- **12.2** It is, however, important that Councillors protect their impartiality and integrity in planning matters. Planning Committee Members will not breach the Code by listening to or receiving viewpoints from residents or other interested parties provided that they make it clear that they are keeping an open mind. However expressing an intention to vote one way or another before a Planning Committee meeting would prejudice impartiality and potentially open the Council to challenge.

Back to top

---

13. Ward Members

- **13.1** Ward Members have a central role in helping to represent the views of local people and other stakeholders at both pre-application and planning

application stage. Ward Members bring strong community leadership, extensive local knowledge and an up-to-date understanding of current issues.

- **13.2** Planning Officers have to act impartially at all times, but will provide support and advice to Ward Members on planning matters in order for them to play this community leadership role. Ward Members should not direct, or seek to influence, Officers' to make a particular decision.

Back to top

---

14. Only One Forum

- **14.1** Members of the District Council may consider applications at parish level and form a view on the basis of evidence available at that time. At district level they may consider the same application but, with additional information and advice from Officers, may well change their mind.
- **14.2** At district level, Councillors may also be members of both the Area Planning Committee and the District Planning Committee (DPC). At DPC they may consider the same application but, with additional information and advice from Officers, may well change their mind.
- **14.3** It is suggested that Councillors who sit at parish or town level, or consider an application at both the Area Planning Committee and DPC, indicate to the meeting that while they have a personal interest by way of their membership of the Parish/Town Council / Area Planning Committee as a Councillor, any comments made at the previous meeting(s) are made in relation to the information before them at that meeting. Councillors are not pre-judging the matter and will want to consider carefully all material likely to be available at whichever level the application is being considered. When the matter is considered by a Planning Committee for the District, the Councillor will weigh up all the information at that time and consider the matter afresh.

Back to top

---

15. Planning Applications by Councillors, Officers or the Council

- **15.1** These can, by their very nature, arouse suspicions of impropriety. It is vital they are handled in a way that ensures there are no grounds for accusations of favouritism.
- **15.2** If it is a Council application it will be treated in the same way as a private developer. The same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and that they should be determined against the same policy background. Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted.

It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as actually doing so.

- **15.3** If the application is made by an Officer within the Planning Service, or another Service or Officer that works closely with Planning, the Planning Service Lead or Development Manager (as appropriate) shall take reasonable steps to ensure there are no grounds for accusation of favouritism. This could include the application being dealt with by a Planning Officer in another team. Where the determination is made under delegated authority, the Officer exercising delegated authority should do so in consultation with the Monitoring Officer.
- **15.4** If it is a Councillor application they are entitled to speak to Officers both prior to and at Committee in the same way as any member of the public. They will have a Disclosable Pecuniary Interest and should refer Member Code of Conduct [Part 13 Constitution]. However, they shall not seek improperly to influence the decision and shall play no part in the debate itself as a Councillor nor be able to vote.
- **15.5** The Council's Monitoring Officer shall be informed of all applications by Councillors and Officers and will register such applications.
- **15.6** The Scheme of Delegation provides stricter terms for applications by Planning or senior staff, or by Councillors to be considered by Committee ~~where recommended for approval.~~

Back to top

---

16. Meeting Procedure - Registering to Speak

- **16.1** Members of the groups below may address the Committee during consideration of any application (but only provided that they have first registered to speak as set out below):
    - **16.1.1** Parish/Town Council representative(s);
    - **16.1.2** Adjoining Parish/Town Council representative(s);
    - **16.1.3** Objectors;
    - **16.1.4** Supporters;
    - **16.1.5** Applicant or their agent.
- **16.2** Apart from the applicant or their agent, applications to speak must be by persons or on behalf of bodies that have made written representations on an application as part of the consultation process.
- **16.3** The deadline to register to speak at a Meeting is 16:00 on the last working day before the Meeting. Requests must be made to the Planning Service in writing to the given address (preferably by email) and an acknowledgement from the Planning Service received.
- **16.4** Those registering to speak must provide:
    - the name of the person wishing to speak;
    - a contact telephone number;
    - the application they wish to speak on;
    - the capacity in which they are registering.
    - Whether they are attending in person or remotely via video conferencing

- **16.5** Persons registering to speak should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson if necessary.

Back to top

---

17. Meeting Procedure - Representations and Time Limits

- **17.1** In addition to those listed above, and further to the Meeting Rules of Procedure, the Ward Councillor(s) shall be entitled to speak on any application affecting their Ward.
- **17.2** Further, when the Committee considers an application affecting more than one Ward, the Chairman, with the agreement of the Committee, may allow additional speakers from the relevant Ward(s).
- **17.3** The total time allowed for speeches in respect of each of the groups of speakers shall not exceed five minutes or such longer period as the Meeting Chairman may allow with the consent of the Committee.
- **17.4** Where more than one person is entitled or has registered to speak in any of the groups of speakers, the five minute period shall be shared between them. In such circumstances, speakers are encouraged to appoint a spokesperson, but if no spokesperson is nominated, the speakers will be heard in the order in which they have registered until the five minute period has elapsed.
- **17.5** Where there is more than one Ward Councillor speaking:
    - **17.5.1** where they each seek the same outcome, they will share a speaking time of five minutes;
    - **17.5.2** where they seek a fundamentally different outcome, each speaker or group will be allowed five minutes.
- **17.6** When there is a linked application (for example, in the case of linked applications for planning permission and listed building consent on the same property), they will generally be treated as one agenda item such that speakers may only speak once.
- **17.7** material on the planning file that a speaker wishes to refer to must be highlighted or provided to the Planning Officers at least five clear working days before the Meeting (Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002). Officers will facilitate reasonable requests to display requested plans, photographs, or supporting documents which are on the planning file and have been requested in advance of the meeting, but this will not include presentations slides.
- **17.8** No new material may be produced or referred to at the Meeting unless lodged under 17.7.
- **17.9** The Committee may only ask those speaking for clarification of points raised. Members may not ask any other questions, nor may they elicit information that the speaker may have omitted.

Back to top

---

18. Meeting Procedure - Order of Representations etc

- **18.1** The following procedure shall apply in respect of each item as relevant in the circumstances (but the Meeting Chairman may change the order at their discretion, or invite any representative to clarify a factual issue at any time):
    - **18.1.1** introduction of item by Officers;
    - **18.1.2** representations by Parish/Town Council representative(s);
    - **18.1.3** Members' questions to Parish/Town Council representative(s);
    - **18.1.4** representations by Adjoining Parish/Town Council representative(s) (where agreed by the Meeting Chairman);
    - **18.1.5** Members' questions to Adjoining Parish/Town Council representative(s);
    - **18.1.6** representations by objector(s);
    - **18.1.7** Members' questions to objector(s);
    - **18.1.8** representations by supporter(s);
    - **18.1.9** Members' questions to supporter(s);
    - **18.1.10** representations by applicant or agent;
    - **18.1.11** Members' questions to applicant or agent;
    - **18.1.12** representations by Adjoining Ward Councillor(s);
    - **18.1.13** Members' questions to Adjoining Ward Councillor(s);
    - **18.1.14** representations by Ward Councillor(s);
    - **18.1.15** Members' questions to Ward Councillor(s);
    - **18.1.16** Members' questions to Officers.
- **18.2** Questions raised as part of the above process may only seek to clarify a statement made and not to introduce new business.

Back to top

---

19. Meeting Procedure - Debate and Decision

- **19.1** Once all submissions and questions have been dealt with, Committee Members shall then debate the application.
- **19.2** For the avoidance of doubt, subject to the Councillors' Code of Conduct, Ward Councillors on Planning Committees may take part in the debate and/or vote on an application affecting their Ward.
- **19.3** After a reasonable period of debate, a Member of the Committee may propose that the Committee approve, refuse, defer or reference up to District Planning Committee an application before it (a "Proposal"), and:
- **19.4** Where the Proposal is for approval, the Proposing Member may adopt the planning conditions and/or obligations suggested by Officers, or they may vary, remove or add conditions (with reasons) which they consider justified on planning grounds. They may also elect to delegate to Officers to determine appropriate conditions/obligations. Where the Proposal to approve is contrary to Officer recommendation, it is advisable that the Proposing Member states their reasons for this.

- **19.5** Refusal reasons suggested by Officers (where in accordance with Officer recommendation), or they may vary, remove or add reasons which they consider justified on planning grounds. Where the Proposal is contrary to, or at variance with, the Officer recommendation, the Proposing Member must give full clear reasons for their Proposal.
- **19.6** Where the Proposal is for deferring or referencing to District Planning Committee, the Proposing Member must give reasons.
- **19.7** Any Proposal must be formally seconded to proceed.
- **19.8** At any stage of the debate any Committee Member (including the Proposer and Seconder) may:
    - **19.8.1** seek Officers' guidance as to the wording of a Proposal or Condition or a reason for refusal or any other issue affecting the matter being considered;
    - **19.8.2** propose an amendment to a Proposal (eg adding a fresh Condition or a fresh reason for refusal) and, if the Proposer and Seconder agree, the Proposal shall be amended accordingly.
- **19.9** The making of a Proposal shall not necessarily halt debate - the Meeting Chairman shall decide when the debate has concluded and when a vote is to be taken.
- **19.10** Once the Meeting Chairman decides that the debate has concluded they will:
    - **19.10.1** seek a Proposal if none has yet been put; and
    - **19.10.2** put the Proposal to the vote; and
    - **19.10.3** if the Proposal is not carried, seek (an) alternative Proposal(s), such that the application before the meeting is determined.
    - **19.10.4** notwithstanding Part 3 Meeting Rules para 11.7, a Proposal may be repeated in a Planning Committee following further debate.

Back to top

---

20. The Role of the Chairman

- **20.1** Agenda management is vital to the smooth running of the meetings. The Chairman is key to this. Each Chairman will discuss with the appropriate Democratic, Legal and Planning Officer before the Committee the items on the agenda and will query, where necessary, matters referred up and site visits called.
- **20.2** The rules of debate as set out in **Part 3** Meeting Rules para 16.1, 16.2 shall apply.
- **20.3** If there are equal numbers of votes for and against the Chairman will have a second or casting vote. There will be no restriction on how the Chairman exercises their vote.

Back to top

---

21. Implementing Planning Committee Decisions

- **21.1** Where an application has been decided by Planning Committee, Officers will implement the Planning Committee's decision by coordinating the completion of any outstanding tasks (e.g. legal agreements or technical matters delegated to officers) and issuing the decision notice.
- **21.2** The Development Manager has delegated authority to make minor amendments to committee decisions, in consultation with the Chairman/Vice Chairman of the Committee. This authority can be exercised before or after the decision notice is issued.

Back to top

---

22. Appeals and Legal Challenges

- **22.1** In the event that planning permission is refused, either under delegated powers conferred on the Development Manager or by the Planning Committee, an applicant may exercise their right of appeal. Planning decisions may also be subject to Judicial Review or other legal proceedings.
- **22.2** Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Counsel or Consultants to appear for the Council.
- **22.3** In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the Royal Town Planning Institute ("RTPI") Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.
- **22.4** Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public inquiries. In doing so they should state whether they are acting in their local Ward Member capacity or, representing the Council's case.
- **22.5** From time to time a Planning Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. Where there is a subsequent appeal and Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the RTPI) it may be appropriate for Members of the Committee to attend any subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision. Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence on behalf of the Council.
- **22.6** Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call in the application to Planning Committee for determination.
- **22.7** If an appeal is lodged before determination by a planning committee (a "non-determination appeal"), the Council is no longer the decision maker, but it will have an opportunity to provide its position on the appeal to the

Planning Inspectorate. Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority to adopt a position for the appeal, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence)..

- **22.8** During the appeal process, there may be occasions where an immediate decision is required regarding the Council's position (for example, new evidence on a material consideration). Where Inspectorate timescales permit, reasonable efforts will be made to bring the application to committee to adopt a position on the appeal. Where Inspectorate timescales do not permit, the Development Manager will exercise delegated authority on the specific matter, subject to consultation with the relevant Committee Chairman (or Vice Chairman in their absence).