

EAST RENFREWSHIRE COUNCIL

PLANNING APPLICATIONS COMMITTEE

10 February 2016

Report by Director of Environment

LATE REPRESENTATIONS

**1.0. INTRODUCTION**

- 1.1 This report is to seek Members approval for dealing with late representations to planning applications that are presented to the Planning Applications Committee for determination.

**2.0 BACKGROUND**

- 2.1. The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 sets out the notification requirements that the Council has to carry out for planning applications.
- 2.2 The Regulations require the Council to give notice of the submission of a planning application. The Notice to Neighbours gives a period of 21 days for any representations to be made to the planning authority. Similarly any press advertisement that is required also states a time period for any representations to be made to the planning authority which is either 14 days or 21 days depending on the proposed development in question.
- 2.3 The practice of our Planning Service is currently:
- (a) for delegated decisions representations are accepted up until the decision is made on the planning application in question; and
  - (b) for applications to be decided by the Planning Applications Committee, the Committee Reports (Reports of Handling) contains a summary of the representations along with the planning officer's assessment of each point made.

The Report has to be with Committee Services one week before the Committee date in order to be sent out to Members in advance of the meeting. This means that any representations that are received between the reports being sent to Committee Services and the Planning Applications Committee have to be reported verbally at Committee. This also means that these representations will not be assessed in the Report of Handling and Members do not get to read them in advance of the meeting.

**2.0 MAIN ISSUES**

- 2.1 A number of planning applications, particularly recently, have had very late representations which have had to be reported verbally at the Planning Applications Committee. The majority of these representations have not raised any new issues that have not already been assessed in the Report of Handling. Sometimes later representations have been received after the Committee reports have been published (some with additional comments to those submitted earlier) which do not agree with the recommendation or consultation responses, and the writer critiques the Report of Handling or to raise new issues to delay the decision. The Report of Handling is the Planning Service's assessment of the application against the development plan and any material planning considerations and includes a recommendation to the Members. The consultation responses are the primary source of information on technical matters. The purpose of the Report of Handling is not to provide the opportunity for a further round of representations.

- 2.2 It is acknowledged that representations may not always be able to be made within 21 days from receiving the planning application particularly if the application is large or complex in nature. All of the applications reported to Committee since January 2015 have been looked at and the shortest timescale from registration to Committee was 7.9 weeks with most being considerably longer than that. It is considered that these timescales allow plenty of time for representations to be made and to be included in the Report of Handling.
- 2.3 The practice in other councils varies. Some council's adhere strictly to the 14 or 21 day deadline. Some accept representations up until the application is determined while others have a deadline after which they will not be accepted. Within our benchmarking group, one Council accept representations up until the Committee meeting whilst three Councils set the deadline as the date when the Committee Report is finalised.
- 2.4 It is therefore considered that any representations that are received by the Planning Service after the Report of Handling has been completed and sent to Committee Services are not accepted (i.e. one week before the date of the meeting of the committee).
- 2.5 If agreed the guidance on the Council's website will be updated accordingly.

### **3.0 CONCLUSIONS**

- 3.1 It is not proposed to change the practice for delegated decisions and representations will continue to be accepted up until the decision is made.
- 3.2 For Committee decisions, it is proposed that representations will only be accepted up until the date that the Report of Handling has been completed and sent to Committee Services (i.e. one week before the date of the meeting of the committee).
- 3.3 It is not considered that this change will significantly alter the public's ability or capacity to make their views known.
- 3.4 If agreed, the guidance on the Council's website will be updated accordingly.

### **4.0 RECOMMENDATION**

- 4.1 Members are asked to agree the change referred to in paragraph 3.2 above in dealing with late representations to planning applications to be determined by the Planning Applications Committee.

Director of Environment  
January 2016