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Making Representations on a Planning Application

Listening to peoples' views is a vital part of the planning applications process. Torfaen County Borough Council welcomes representations on planning applications, for example from Members of the Public, Community Council, Interest Groups etc, and takes them into account when deciding applications.

This guidance note explains how to make comments on a planning application, what happens to them and what opportunities are available to make comments in person at Planning Committee.

How are planning application details publicised?

Once a valid planning application has been received, the details of the application are made available to view on our website [Planning Public Access Service](#) or at the Civic Centre, Pontypool. Applications are publicised by sending letters directly to neighbours living closest to the application address, by displaying a notice at or near the site, by placing a notice in the local newspaper or a combination of all three. The type and level of publicity will depend on the scale and impact of the development proposed.

How do I comment on an application?

You can comment on any application that is open for consultation. Anyone who wishes to comment may do so by:

- ❖ submitting comments online by clicking [Planning Public Access Service](#) and searching on the address or the application number,
- ❖ emailing planning@torfaen.gov.uk Please quote the reference number of the planning application on your correspondence, or
- ❖ writing to the Group Leader (Development Management), Economy & Environment, Torfaen County Borough Council, Civic Centre, Pontypool, Torfaen NP4 6YB quoting the planning application number on your correspondence.

Any comments must be received by us within 21 days of the notification letter, site notice or press advert.

Decisions on applications are posted on the Council's Public Access website and can be found by clicking <https://planningonline.torfaen.gov.uk/online-applications/>

You may also track the status of any applications of interest by registering on Public Access.

Please include your name and address with your comments (we accept email addresses) so the Council has a way of contacting you regarding your comments if necessary.

Please note, you are entitled to comment on any application regardless of whether you have received a letter from us notifying you of the application.

Will my comments be made public?

Your comments will not be published on our public access website, but are subject to Freedom of Information requests and may, therefore, need to be disclosed if a request is received. Also a summary of your representation will be reported within the Planning Committee Report. Any personal details will be removed before disclosing any information. If you need to include information of a personal or confidential nature, please make sure that you highlight this at the beginning of your letter or email and it will be removed before the letter or email is disclosed.

You are responsible for any statements you make, so please ensure that your comments are not offensive, inflammatory or libellous.

Who makes the decision on the planning application?

The majority of planning applications are decided by professional planning officers under the Council's scheme of delegation which is set out in the Constitution. However, some applications are reported to the Planning Committee, for example, because of their complexity, scale or there is significant public interest. The Planning Committee makes the final decision on these applications following a report and recommendation by the Development Management Group Leader.

The Planning Committee consists of elected Council Members from throughout the County Borough and can be looked up on the Council's website.

Where and when is the Planning Committee held?

The meeting is held usually every 4 weeks, on a Wednesday morning, in the Council Chamber, Civic Centre, Pontypool and online. However, it is **essential** that you check the date and time if you wish to attend as these could change. There is limited room in the Public Gallery due to Fire Regulations, so places are available on a first come, first served basis. People who are addressing the committee will be given priority. There is an Induction Loop within the Chamber and all speakers use microphones. It is possible to address the committee in Welsh or English, but 2 clear working days notice will be required for instantaneous translation facilities.

The agenda for the Committee is published online at least 3 clear working days before the date of the Planning Committee.

All the agendas and committee dates can be found on the Council's website by clicking on the following link: <http://modern.gov.torfaen.gov.uk/ieListMeetings.aspx?CommitteeId=136&LLL=0> or by emailing Democraticservices@torfaen.gov.uk. If you do not have access to the internet you can contact Democratic Services on Tel: 01495 742018 who will be pleased to help you access the information you need.

Can I make my comments in person to the Planning Committee?

As stated above, the majority of planning applications are decided by an appropriate officer in accordance with the Council's scheme of delegation which is included as appendix 9 in the Council's Constitution. Public speaking rights do not apply to delegated applications which are dealt with by an authorised officer rather than Planning Committee. The expected decision level (committee or delegated) of an application can be found on the Council's Public Access website or by contacting the Case Officer.

To address the Planning Committee personally you will need to have:

- (a) previously submitted written representations on the application within 21 days of the date of the notice in which the application was publicised and;
- (b) contacted Democratic Services (see contact details below) to tell us that you wish to speak. You must give your **name, address, contact telephone number and/or email address** and the **application number**. As the meetings are usually held on a Wednesday at 10.00am, you would need to register to speak by 10.00am on the

Monday before Planning Committee is due to be held. If you would prefer, you can nominate someone else to speak on your behalf.

PLEASE NOTE YOU WILL NOT BE INFORMED OF THE DATE OF THE PLANNING COMMITTEE SO THE ONUS IS ON YOU TO CHECK DATES OF PLANNING COMMITTEES VIA THE WEBSITE OR BY CONTACTING DEMOCRATIC SERVICES.

The council's public access website displays the status of applications. The committee date appears once the status changes to '*PENDING DECISION (RECOMMENDATION MADE)*.' By registering your details you can be alerted to changes in the status of an application.

If you do not have access to the internet you can contact the Case Officer to find out when an application is likely to be reported to Planning Committee.

The applicant will be given the opportunity to speak **only** if someone has registered to speak against the application.

Can I speak on any item on the agenda?

You can only speak on an application where you have previously made comments in writing. You will not be entitled to speak on applications for 'Lawful Development Certificates' or any items which are for information only.

How long can I speak for?

Each speaker will be allowed to speak for up to **five minutes**. If there are more than three people wishing to speak on one planning application, a nominated spokesperson must be appointed to speak on their behalf. This spokesperson will be able to speak for up to **ten minutes**. Please call Democratic Services the day before of the Committee to find out how many people wish to speak. If there are more than three speakers, we will make a room available before the Committee so that potential speakers can meet to elect a spokesperson. If you want to speak online please contact Democratic Services for further information on how to do this.

You will be **timed** during your speech, so please be aware that you will be stopped if you overrun your time.

In the event speakers speak in opposition to the application, the Applicant will be allowed to speak for up to five minutes (or 10 minutes if there is a spokesperson representing a number of people).

Please note that the Chair of the Planning Committee has discretion to extend or curtail Speaking Rights at the Committee Meeting.

What issues can I raise when I speak?

You should only refer to the comments that you raised in your original correspondence to Planning or something that is contained in the Planning Officer's report. Your comments must be confined to material planning considerations only, and be specific to the relevant planning application that you have made written representation on. These speaking rights are designed to allow you to explain your previous written comments more fully. The Chair of the meeting may stop you speaking if you do not follow these guidelines.

Speakers need to be careful about saying something defamatory in public about a person which is not true, even if they believe it to be true as there may be a risk of legal action. Speakers should be very careful about any criticism of people and should not make comments about individual applicants, objectors, supporters or others involved in an application. Speakers are strongly advised to avoid such comments when speaking at Committee.

Can I use visual aids or circulate information directly to Committee Members?

If you wish to use visual aids to illustrate your points, you may do so provided the material is submitted the day before the date of the Planning Committee. The material will be checked by planning officers. The Chair of the Planning Committee has absolute discretion over whether to allow the illustrative material to be used. You will not be able to hand out illustrations, photos or other documentation to Members at the Committee.

Will the meeting be public?

Yes, the Committee meeting will be open to the press and public whilst you are speaking and your name and a brief summary of your comments will be included in the minutes, which will be made public and published on the Council's website. All Planning Committees are broadcast live over the internet. As the information you give verbally will be recorded and placed

into the public domain both in written and visual form you should think carefully about the type of information you discuss specifically if it relates to personal information about either yourself and your family.

What happens at the Planning Committee?

- The Planning Officer presents the application.
- The Chair will then ask the speakers to come into the chamber to address the Members.
- The Chair will call upon the Ward Councillor(s) to speak (if they want to)
- The Chair will give the applicant/agent an opportunity to respond to the comments subject to the above guidance.
- Officers will comment on any remarks made if necessary.
- There is no opportunity for Members to question the speakers.
- Members of the Committee will debate the application, taking into account information in the Planning Officer's Report, representations made, advice from officers and any other material considerations before making a decision. Members may decide to defer the application for further information or to carry out a site visit to clarify details on site. In this case, the application will usually be decided at the next available Committee meeting.
- You can only address the Planning Committee once unless, following a deferral, the application is amended or further information is submitted.

How to contact us and give notice that you wish to speak

If you wish to speak at the Planning Committee or have any questions about your rights to speak please contact Rachel Beale in Democratic Services by telephoning 01495 742018, Emailing democraticservices@torfaen.gov.uk

Or by writing to: Rachel Beale, Democratic Services, Torfaen County Borough Council, Civic Centre, Pontypool, Torfaen NP4 6YB.

Please quote the application number on all correspondence

PLEASE NOTE THAT ANY QUESTIONS SPECIFICALLY ABOUT A PLANNING APPLICATION SHOULD BE DIRECTED TO THE CASE OFFICER

Web site address: www.torfaen.gov.uk

Public Access: <https://planningonline.torfaen.gov.uk/online-applications/>