

Subject:	Protocol for Public Representations at Planning Committee		
Date of Meeting:	5 December 2018		
Report of:	Executive Lead for Strategy, Governance & Law		
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Ward(s) affected:	All		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Committee is being asked to agree that developers seeking to vary or discharge completed s106 planning obligations should be given the opportunity to address the Committee when the request or application comes before the Committee for determination. This will require an amendment to the Protocol for Public Representations at Planning Committee.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees that the Protocol for Public Representations at Planning Committee ("the Protocol") is amended as per the attached Appendix to allow developers or their agents to address the Committee when their request or application to vary or discharge a completed s106 planning obligation is before the Committee for determination.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 S106 of the Town and Country Planning Act 1990 provides for planning obligations to be entered into by persons interested in land. Planning obligations are usually entered into in connection with a planning application and can secure, for example, affordable housing and transport or recreational contributions. S106A of the Act provides that such obligations can be modified or discharged either by agreement at any time or by application following the statutory procedure set down in the Act when the planning obligation sought to be modified or discharged is at least five years old.
- 3.1 The Protocol was adopted a number of years ago and grants certain public speaking rights in connection with planning applications. In addition to determining planning applications the Committee is required, on occasion, to determine requests or applications for the variation of completed s106 planning obligations and could as well be asked to discharge obligations. At present there is no formalised opportunity for developers to address the Committee in support of such requests or applications.
- 3.2 It is considered that extending public speaking to s106 variation and discharge requests and applications would be beneficial to the Committee as it could allow

Members to gain a fuller understanding of why the request or application has been made than may be understood from the request or application itself.

3.3 The attached Appendix shows the recommended changes to the Protocol in bold text (paragraph 9.). It is proposed that developers, or their agents, be allowed a maximum of three minutes to address the Committee and that Members may ask questions of clarification on what has been said.

3.4 If agreed, the amended Protocol can be adopted with immediate effect since, under the terms of the Council's Constitution, any changes to the Protocol may be agreed by the Planning Committee.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The alternative option would be to retain the Protocol as currently drafted and not to introduce a procedure for developer speaking rights on s106 variation and discharge requests.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None has been undertaken in view of the nature of the report.

6. CONCLUSION

6.1 That the Protocol should be amended to allow developer speaking rights in support of requests and applications to vary or discharge completed s106 planning obligations.

SUPPORTING DOCUMENTATION

Appendix:

1. Proposed amended Protocol for Public Representations at Planning Committee

Background Documents

1. Current Protocol for Public Representations at Planning Committee (Part 8.6 of the Brighton & Hove City Council Constitution)

