

## **SITE VISITS PROTOCOL FOR THE PLANNING BOARD AND THE LOCAL REVIEW BODY**

***This Protocol applies equally to the Planning Board and the Local Review Body, and references in it to the Planning Board should be read as references to the Local Review Body, as the case may be, subject to the additional section at the end of the Protocol which includes Additional Considerations only applicable for Local Review Body Site Visits.***

### **Site Visits**

The Planning Board may decide to undertake a site visit following consideration of an item of business.

The date and time of the site visit will be set by Committee Services in consultation with the Chair, and where practicable the rest of the Planning Board, and will be carried out as soon as practicable after the Planning Board meeting, subject to the consent of any third party landowners/occupiers being first secured.

The primary purpose of the site visit is for Elected Members on the Board to view the site and gain a better understanding of the proposed development.

Only those members of the Planning Board who were present (including any attending in a substitute capacity) when the Planning Board decided to undertake a site visit may partake in that said site visit.

A site visit is a formal procedure which is carried out without influence of third parties. It must be treated as part of the Planning Board's consideration of the application in question and it is important that it is undertaken in a way that is demonstrably fair and unbiased. Members should always operate with the principles of the Councillors' Code of Conduct in mind. In particular, members will want to ensure that, in their actions on site, they demonstrate objectivity, integrity, honesty and respect. They should be alert to the potential perception that one party may be able to unfairly influence their considerations.

As such, no discussion on the merits of the proposal should take place on the site visit, nor should a decision be taken.

The Chair or Vice-Chair will lead the site visit and in their absence members present will vote for one of their number to act as Chair.

The running order of the site visit will follow these guidelines:

1. The Chair/Vice-Chair will formally open the site visit and set out the reasons for it, based on the minute of the Planning Board.
2. Planning/Roads Officers will then be invited to outline the proposed development and the main considerations relating to it.
3. Members will then view the site, relevant buildings and surroundings as necessary.
4. Members will be offered the opportunity to ask questions of, or seek clarification from, the Planning/Roads Officers.
5. As the site visit is a formal matter, the Legal Adviser to the Planning Board will also be present at the site visit.

6. When Members are satisfied that they have gained sufficient information from the site visit, and any questions to officers have been answered, the chair or nominated officer will draw the site inspection to a close.
7. A note will be made of the site visit, by the legal advisor, which will be minuted at the meeting of the Planning Board at which the application is next considered.

The applicant and/or their representative will only be invited to facilitate access to the site. Any health and safety instructions issued by officers, the site owners/occupiers or their representatives must be strictly followed. Where appropriate, protective clothing will be provided, and members should be aware of the need to wear appropriate footwear.

The applicant and/or their representatives will not be permitted to accompany the Planning Board on their site visit. Equally, no members of the public, including the applicant and those who have made representations, and/or their representatives, will be permitted to accompany the Planning Board on their site visit or enter into discussion with the site visit party regarding the merits or otherwise of the application. The site visit is not to be treated as an opportunity to debate the merits of the proposal.

Should any members of the public attempt to lobby members or disrupt the site visit in any way, then the Chair may ask officers to intervene; if this fails they may terminate the site visit if they have reasonable grounds for so doing. If such an event occurs, an alternative date and time for a site visit will be arranged.

Only those members who have attended the site visit, and all other occasions on which the Planning Board have considered the application in question, will be permitted to participate in the final vote on the matter.

### **Site Visit Criteria**

It is recommended that site visits are only used where the expected benefits are substantial, having regard to relevant policy and other material considerations. A 'substantial benefits' test should be applied in every case.

Site visits will be likely to deliver substantial benefits if the impact of the proposed development is difficult to visualise or comprehend, i.e. where lack of clarity with the application 'on paper' makes visual assessment of the site essential; for larger, more complex applications; where the proposed development raises unique or unusual considerations; or where the proposed development is likely to have a significant impact on the wider community.

Elected Members should also take into account the following considerations:-

Sits visits can:

- (1) cause delay to the decision making process;
- (2) in respect of applications being determined by the Planning Board, potentially lead to an appeal to the Directorate for Planning and Environmental Appeals on the basis of 'non-determination';
- (3) in respect of applications being determined by the Planning Board affect the Planning Service's performance in respect of its 2 month target (from the validation date), and 4 month target (from the validation date) for major developments; and
- (4) lead to additional costs both to the Planning Service and possibly to the applicant(s).

Site visits are not appropriate for the following cases:-

- (1) to consider objections based on disputes about boundaries or between neighbours;
- (2) to consider objections made on competition grounds;
- (3) to consider objections made on grounds which are not material planning considerations; and/or
- (4) where members of the Planning Board have already visited the site within 6 weeks, other than in exceptional circumstances.

The reason for a site visit will be clearly stated at the Planning Board and recorded in the minutes.

Following a site visit having been undertaken, the application will be determined as soon as reasonably practicable, and most likely at the next meeting of the Planning Board, or sooner if felt requisite by the Chair.

### **Additional Considerations for Local Review Body Site Visits**

There are additional considerations which are only relevant for site visits by the Local Review Body, and which also need to be taken into account.

Regulation 16 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 makes it clear that an inspection may be accompanied or unaccompanied by the applicant and any other party the Local Review Body considers should attend.

In deciding whether a site inspection should be accompanied or unaccompanied the Local Review Body should consider whether the further information required can be obtained on the basis of an unaccompanied inspection. Situations where it may be preferable for a site visit inspection to be accompanied are:

- To obtain physical access to the site or premises. If this involves the Local Review Body meeting the applicant, then consideration should be given to an accompanied site inspection in order to avoid any perception of bias;
- Where there is a need to view or access the site from private land or property (for example, from a neighbour's home), the Local Review Body may seek an accompanied inspection to avoid any suggestion that they have been unduly influenced by that contact; and/or
- Where the presence of parties is necessary to identify or explain a particular feature of the site, development or location.

If an inspection is to be accompanied, reasonable notice of the date and time of the inspection must be given to the applicant and any interested parties.

**Approved by the Environment & Regeneration Committee on 31<sup>st</sup> August 2023**