

CHICHESTER HARBOUR CONSERVANCY

PLANNING COMMITTEE – CONSTITUTION AND TERMS OF REFERENCE

The Planning Committee is appointed by the Conservancy to act on its behalf in respect of planning matters affecting Chichester Harbour Area of Outstanding Natural Beauty and to make recommendations to the relevant Local Planning Authority (LPA). The Planning Committee holds meetings in public.

Objectives

On behalf of the Conservancy:

- To consider and make recommendations to the relevant LPA on planning applications; and
- To consider and make recommendations to the relevant bodies on external planning policy documents; and
- To undertake and act on behalf of the Conservancy in respect of the Conservancy's participation in the planning system.
- To undertake such other tasks as the Conservancy may from time-to-time direct.

Frequency of Meetings

- Meetings will be held approximately every six weeks. The Chairman may call additional meetings of the Planning Committee at any time.

Membership

Membership: Twelve, representing a balance of interests within the Conservancy and Advisory Committee. At least two-thirds must be Members of the Conservancy.

Quorum: Four.

Term of Appointment of Members

One year. Members to be appointed by the Conservancy at its Annual Meeting.

Appointment of Chairman and Vice-Chairman

The Planning Committee shall appoint the Chairman and Vice-Chairman from within its Membership annually at the first meeting of the Planning Committee following the Conservancy's Annual Meeting.

The maximum term for a Member to serve as Chairman normally will be limited to three years (subject to annual appointment) but may in exceptional circumstances be extended by up to a further three years.

The maximum term for a Member to serve as Vice Chairman normally will be limited to three years (subject to annual appointment) but may in exceptional circumstances be extended by up to a further three years.

Roles

- The role of the Chairman is to ensure that the Terms of Reference are adhered to; that the Rules of Debate set out in the Conservancy's Standing Orders are applied; and that the Code of Conduct for Members is observed.
- The Chairman is also to act as a first point of contact for the rest of the Planning Committee and to liaise with Chichester Harbour Conservancy staff on matters relating to agendas for meetings and any related issues of concern.
- The Vice-Chairman will substitute for the Chairman in his or her absence; and act as a Planning Committee Member at all other times.
- Members are expected to read all papers, seeking clarification on any issues before the item is debated, to ensure that all their decisions are properly informed.
- Members are to ensure that the Chichester Harbour Management Plan (2019-2024), incorporating the Conservancy's Planning Principles, are considered when appraising planning applications.
- Members are to act in an objective, fair, impartial and open-minded way, and in the best interests of the Conservancy and AONB when considering reports.
- Members are encouraged to vote on a motion and avoid abstaining.
- In the event of a split decision, the Chairman will have the casting vote.
- Should they so wish, any Member of the Conservancy or Advisory Committee may attend and participate in meetings, albeit without voting rights.
- Minutes of the previous will be published on the Conservancy's website after they have been accepted as a true and accurate record by the Planning Committee in the subsequent meeting.

Responsibilities

- Members are to have regard to Section 21 of the Chichester Harbour Conservancy Act 1971, which lays down Chichester Harbour Conservancy's function as follows:
 - (1) *It shall be the function of the Conservancy, subject to the provisions of this Act, to take such steps from time to time as to them seem meet for the conservancy, maintenance and improvement of:*
 - a) *The harbour, for the use of pleasure craft and such other vessels as may seek to use the same;*
 - b) *The amenity area, for the occupation of leisure and recreation and the conservation of nature:*

and the facilities (including, in relation to the harbour, navigational facilities) afforded respectively therein or in connection therewith.
 - (2) *In the fulfilment of the function with which they are charged by subsection (1) of this section, the Conservancy shall have regard to the desirability of conserving the natural beauty and amenity of the countryside and of avoiding interference with fisheries.*
- Members are to have regard for the primary purpose of AONB designation to conserve and enhance natural beauty.
 - (1) In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

(2) Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

- Members are to have regard for other environmental designations in and around Chichester Harbour, as listed in the Management Plan (2019-2024).

Conflicts of Interest

- Members must declare at the start of the meeting any pecuniary, personal or prejudicial interest they may have in relation to items on the agenda, or at any time during the meeting if it becomes apparent that this may be required when the particular item or issue is considered, and which may affect his or her further participation in the meeting.
- Any Member who declares a pecuniary or prejudicial interest in any given item must withdraw from the meeting during discussion of that item and will not be permitted to comment as a Member of the Planning Committee nor vote on the application. A Member to whom this provision applies may, however, make a presentation to the meeting as a Member of the Conservancy or Advisory Committee in common with any other Member of the relevant Committee but shall then leave the meeting.
- Members appointed to the Planning Committee shall not also be Members of the Statutory Planning Committees of Chichester District Council or Havant Borough Council. This is to protect Members so he or she cannot act as a consultee in one capacity, at the Conservancy, and decision-maker in another, at the LPA, over the same planning application.
- Members are also reminded to declare if they have been lobbied in relation to items on the agenda. The Chairman will determine whether this may affect his or her further participation in the meeting.

Meetings in Public

- Any member of the public may attend any meeting of the Planning Committee as an observer. At the Chairman's discretion, a member of the public may be invited to participate in the meeting should they be able to provide matters of fact to inform the decision-making process.

Deputations

- If a member of the public wishes to make a deputation, they must contact the Executive Officer by email at least 72 hours before the meeting. They must also indicate the case(s) of interest to them and their reason for making representation (objector or supporter). A strict time limit of 3 minutes will be applied.
- Those making a deputation are authorised to read a statement. It is not permitted to introduce new materials, such as photographs and drawings.
- Ordinarily a maximum of three people in each of the objector and supporter categories will be permitted. In exceptional cases, the Chairman might choose to allow extra speakers. Speakers will be agreed on a first come first served basis.
- Members will ask their questions through the Chairman including any requests for specific information from those making a deputation.

Consulted Delegated Decisions

Consulted Delegated Decisions take place for applications of strategic importance that are submitted for consultation with a deadline in between the regular meetings of the Planning Committee and where Chichester Harbour Conservancy's staff are unable to

attain a deferment of the deadline from the Local Planning Authority. Strategic importance means: a) affecting a large area; or b) affecting a large number of people; or c) is deemed to have atypical features or specific impact on the AONB.

- The Principal Planning Officer will distribute details of the planning application and her or his report by email or otherwise to all the Members of Planning Committee for consideration.
- The Principal Planning Officer will invite comments from Members of the Planning Committee to be received by a specified date.
- The Principal Planning Officer will consider all the views received and may, at her or his sole discretion, amend their report accordingly, in consultation with the Chairman and Vice Chairman.
- Any decision or action taken through this process will be reported to the subsequent meeting of the Planning Committee.

Any Member of the Planning Committee shall be entitled to ask for an urgent meeting of the Planning Committee to consider the planning application. Any decision to direct the planning application to an urgent meeting will be taken by the Chairman or Vice Chairman (in the absence of the Chairman) in consultation with the Principal Planning Officer.

Fully Delegated Decisions

Fully delegated decisions take place for applications of a non-strategic importance that are submitted for consultation at any time.

- The Principal Planning Officer will respond to these cases in accordance with the Chichester Harbour Management Plan and Planning Principles.
- The Principal Planning Officer will provide an update to Planning Committee meetings on all recent fully delegated decisions responses.
- A Member may request that any given fully delegated decision is redirected to the full Planning Committee. The decision to redirect will be taken by the Principal Planning Officer in consultation with the Chairman and the Planning Committee.

Site Visits

The purposes of site visits are:

- To better appreciate location and context of application site within (or adjacent to) the AONB, including setting and character of immediate area.
- To benefit Members who are not familiar with the relevant part of the AONB.
- To understand any site characteristics that would be better comprehended from a viewing than by considering plans only.

A site inspection may result from any one of the following:

- A request by a Member, in writing, to the Chairman and Executive Officer outlining the reasons for their request.
- The Principal Planning Officer requires one in the interests of supplementing the decision making.
- The Planning Committee resolves for a site visit following a deferral of a decision (if within the deadline for responding to the LPA).

Conduct of Site Visits:

- Site visits are solely for the purpose of viewing the site, understanding its location and immediate environs to be able to put the development proposal into context, and discussing the facts of the application.
- Site visits will normally be held on the Monday ahead of the Planning Committee meeting and will commence promptly at the time provided by the Executive Officer.
- Site visits will be led by the Principal Planning Officer with the assistance of the Chairman.
- On occasion, other Officers may be invited (e.g., the Ecologist) to attend a site visit to clarify factual matters.
- Third parties (such as applicants / agents, other interested parties) are excluded from the site visit. The opportunity for them to address Members of the Planning Committee will be given at the actual meeting.
- No decisions will be made at the site visit by the Committee and the Chairman will make this clear at the beginning of the visit within the opening speech.
- The Principal Planning Officer will give a brief presentation on the site, the setting of the proposed development and the specific reasons for the site inspection. They will also advise whether the applicant or objectors have requested that the Committee view the site from other locations and how that is to be dealt with.
- All Committee Members need to ensure that they can hear the presentation and the questions and answers. Members must always stay as a group.
- The Chairman will seek confirmation that Members are satisfied they have seen everything they need to decide and will draw the site inspection to a close.
- Members of the Committee should politely avoid engaging in private conversations with any third-party present (e.g. a member of the public using a footpath at the time of the visit).
- For the purposes of factual record, attendance at a site visit will be recorded by the Executive Officer including the locations visited. This will be recorded on the subsequent minutes of the Planning Committee.

Version History

- 1.0 Approved by CHC on 1 July 2014.
- 2.0 Revisions to Consulted Delegated Decisions approved by CHC on 17 October 2016.
- 3.0 Multiple revisions proposed by Members in 2018. The original document with tracked changes is available from CHC.
- 4.0 Approved by CHC on 28 January 2019.
- 5.0 Added to the sections on Membership, Roles, Responsibilities, and Conflicts of Interest. Created new sections on Deputations and Site Visits. 14 November 2022.