

## Public Speaking And Giving Evidence



### Introduction

There may be times when the public want, or need, to speak on planning issues. This may be at a planning committee meeting, at a hearing or public inquiry. Examples of when this may happen are:

- o to support or object to a planning application being considered by the Council. It should be noted that in South Cambridgeshire, this opportunity only extends to parish council representatives. Neither applicants nor members of the public have the right to speak.
- o to support or object to a planning application which is the subject of an appeal
- o to support or object to policies or proposals in a new development plan or other policy document.

Such an experience can be frightening for many people. This Advice Note is therefore designed to help you try and overcome your fears and provide tips on how to improve the information or evidence that you give.

It covers the areas of what to expect; how to prepare statements or evidence; what to say and how to say it; and how to ask and answer questions.

### What to expect

The main point of any meeting or inquiry is to allow those making the decision to have all the facts in front of them. In this way, a fully reasoned decision can be made.

This part of the decision-making process is necessarily procedural. There are both similarities and differences between the various types of meetings. These are essentially as follows:

- o The Council's Planning Committee. This consists of elected district councillors, who will make the decision. They will be supported by professional officers, who will give the Committee information and advice. Meetings take place in the Council Chamber. Councillors do not have to comment on a particular item and a decision can therefore be made with little discussion in some cases.
- o Inquiries. These are conducted by an inspector appointed by the Secretary of State. In the case of an inquiry, it may involve the formal presentation of a written statement (known as a proof of evidence) and being questioned about it. Where the soundness of proposed development plan documents is being considered, the inspector may lead a formal hearing session along similar lines.
- o Round table discussions. This procedure is used to examine development plan documents. It allows a range of issues to be discussed with a number of participants representing different viewpoints in a relatively short time. The inspector will set an agenda and chair a discussion.
- o Hearings. These are less formal than an inquiry, and usually take place around a table in a committee room.

They are suitable for both an appeal against refusal of planning permission and site-specific issues arising from a proposed development plan document. Hearings are encouraged as a way of giving unrepresented developers and objectors the chance to present their case in a more relaxed setting. They are therefore suitable where the issues raised are simple, which can be met relatively easily by straightforward modifications.

The Council and the developer/objector will make up the main parties. They will usually be represented by counsel, such as a barrister or solicitor, where an inquiry or formal hearing is required. Both parties may each employ professional witnesses to help with their case.

### **How to prepare a statement or proof of evidence**

In most cases, some form of written statement or evidence will be required. Where it is not, it is still very useful to prepare one and submit it as part of your case. The structure and content of any written presentation is therefore very important.

The main objective in providing a statement or evidence is to put forward a clear and succinct case. Ask yourself, "How can I best assist the committee or inspector in a way that puts my case in the best possible light?"

The following points should be borne in mind:

- o Before you start, set out the issues or what you want to say. Only then should you start to write your argument based on these points.
- o Don't make assertions that you cannot support, as you may be questioned on them. If you cannot provide a satisfactory answer, this may weaken your credibility.
- o Your statement or evidence should be as brief as possible avoiding repetition

and long-windedness. Try to avoid things that are irrelevant or which are imprecise. Don't refer to matters that don't support your case.

- o If there are others on your side, try not to overlap. Even small differences can sometimes confuse the case you are presenting.
- o The style of written evidence is a matter for the individual. But try to sound professional. An overly aggressive presentation suggests arrogance or possibly attempts to hide weaknesses in the argument.
- o Appendices can be useful but should be kept to a minimum. They should be of, or folded to, A4 size. An appendix should not contain the whole document, but only those pages that are relevant to the case including the title page.
- o Always give your name, any relevant qualifications and the basis on which you are putting forward your views. Pages and paragraphs should always be numbered. This makes your statement easier to read and refer to.
- o If you intend to hand your statement in at an inquiry, make sure you have copies for the other main parties.

### **How to present your argument – General points**

- o Be comfortable. Dress according to the occasion. Make sure there is water to drink if possible.
- o Have a copy of your statement or notes in front of you. Also have a copy of the other sides' written material if you can.
- o Stick to planning issues and only those that are relevant to the matter in question.
- o Speak slowly. Speak clearly. Use the microphone if there is one, yet don't

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get too close to it or let it unduly distract you from what you want to say.

- o Is the person you are addressing writing down what you say? If yes, it means you are probably making a valid point. Speak too fast and both he and your audience may miss some important point you are making.
- o Try to maintain eye contact with your audience. This keeps their attention and gives them the impression you are talking with authority.
- o Try to answer any questions in as few words and as straightforwardly as possible. Questions may be asked informally or formally, depending on the situation.
- o Read your argument to a friend before it is formally presented. Let them critically assess the strengths and weaknesses in it. In this way, you can make any changes before it is too late.
- o At the end of the day, there is no substitute for experience or knowledge of the subject. This will give you the necessary confidence to present your views as you would like them to be heard

#### **Speaking at the Planning Committee**

The Committee is usually very busy. It often sits for much of the day. Not unnaturally, members get tired. The time given for Parish Council representatives to speak will be limited. Three minutes is the maximum. It is therefore essential that you use this time effectively.

In addition to the general points above, the main points to bear in mind are:

- o It is easier to read from a prepared statement, even if there is no need to submit it formally.
- o It is often better to concentrate on one strong, main point rather than making several weaker ones. This gives those

making the decision something positive to think about

- o Keep it impersonal and polite. Don't tell Members what they should do or offer general criticism of planning officers. If the planning officer has made a factual mistake politely point it if it is relevant to your case.
- o The Committee chair may be prepared to let you speak sooner or later when the item is being discussed. If this is later, you may have a clearer idea if the Committee are on your side. In such cases, you should be prepared to adjust or cut short your presentation accordingly.
- o Parish Council representatives should not give their personal views. They should not speak if they have a personal interest in the matter. This aspect is covered in more detail in the section on pre-determination in advice note 6.

#### **Speaking at Inquiries**

Inquiries are usually very formal. The aim is to be seen as a credible witness and one whose information is given full weight by the planning inspector.

The purpose of the inquiry is to test the facts and opinions that you and others are presenting. It will highlight any defects or omissions in your argument and ensure the inspector is clear as to what you are seeking to achieve.

There may be weaknesses in your case, but bullyboy tactics from advocates are rare. It is usually a sign of weakness in their case. Your evidence is to help the inspector, so he is there to help you. A major difference between planning application and development plan inquiries is the nature of the evidence. Unlike planning applications, development plan inquiries rarely involve the detailed merits of proposed schemes.

When speaking, the main points to bear in mind are:

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- o Make sure you know exactly what is proposed. Be familiar with the development plan and government advice and what other people have said.
- o Listen to others speak or being questioned. This may enable or require you to make new points in support of your case.
- o When giving evidence, expect to be questioned. The secret is to anticipate any questions you may be asked. Don't ignore any weaknesses in your case as you are likely to be questioned on them.
- o When answering questions, stay calm. Don't get angry with the questioner. Don't feel you need to rush your answers.
- o Think about the question. You must do all you can to answer it fairly. If you don't understand it, don't be afraid to get it repeated or rephrased.
- o If you don't know the answer to a question, say so. Guesswork may lead to a further awkward question and put you in a situation where you cannot properly defend what you have already said.
- o A common technique is to be asked questions which only require a yes or no answer. This enables the questioner to narrow down the difference between you – i.e. the extent of your support or objections. This approach can sometimes lead you into a corner where you are forced to agree certain aspects of a proposal.
- o Try and answer questions with a "yes/no, but..." response. This allows you to qualify your position.
- o You may want to ask questions of other witnesses. This can be very difficult with a witness who has put forward technical information, as they

will undoubtedly be experienced in their subject. It is important, however, as it helps balance your own case.

- o When asking questions, the same principles apply as for answering. Try for yes/no or simple one word answers. Make sure it is a question and not simply a restatement of your own case.
- o Where your evidence is primarily for the benefit of the inspector, try and give your answers to questions to him, rather than the questioner. Turn towards or direct your voice to him. This also helps you if you feel uncomfortable by the presence or attitude of your questioner.

#### **Further Help and Advice**

Officers in the planning department are always on hand to offer advice.

Consultants can be employed to provide you with expert information or to speak for you in public. If you cannot afford professional fees, the East of England Planning Aid service and/or the Bar Pro Bono Unit may be able to help. The relevant contact details are set out in Advice Note 11.

*Please Note: This advice note is intended as a general guide. It should not be relied upon, or taken to be a full interpretation of the law.*