

Review of ‘Protocol for the Operation of the Planning Committee’ and ‘Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions’.	28th November 2018
Planning Committee	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environments and Assets; Innovation and Transformation
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough. Embrace new technologies and processes where they can bring about better experiences for citizens and visitors.
Lead Officer	Head of Planning
Cost: (If applicable)	N/A

FOR DECISION

1.0 Background

- 1.1** The Protocol was previously reviewed and agreed on 25th October 2017 and took effect on 8th November 2017. The Scheme of Delegation was last revised on 7th November 2016.
- 1.2** Concerns relate to the increase in the number of requests to refer delegated planning decisions to Planning Committee for determination and the impact this is having on staff resources and length of Committee meetings (refer to Appendix 5 for number of referrals in 2018/19).
- 1.3** At the Planning Committee meeting held 12th March 2018, it was requested that the ‘Protocol for the Operation of the Planning Committee’ be reviewed via a workshop and a report brought back to Planning Committee for agreement.

2.0 Details

- 2.1** The workshop to discuss current issues regarding the current Protocol took place on 20th April 2018 with 11 Planning Committee Members in attendance.
- 2.2** Issues raised related to:
- Delay in processing applications
 - Agents/applicants requesting withdrawal of applications from Committee Schedule and presenting at a later date – should only be in exceptional circumstances
 - Circulation of information to Members outside of planning process

- Receipt of late information when Committee Reports completed and circulated to Members
- Number of Speakers at Committee meetings and new information presented
- Increase in the number of delegated applications referred to Committee and impact on staff resources
- Material planning reasons for referral
- Increase in number of applications deferred for site visit
- Length of Committee meetings
- Reference to other Councils Schemes of Delegation

2.3 A Report was presented to the Planning Committee on 22nd August 2018 to include a number of proposals to amend the Scheme of Delegation and Protocol. At the Committee meeting Members agreed to hold a further workshop to consider the proposals contained within the Report. A further workshop was held on 12th September 2018 with 7 Committee Members in attendance.

3.0 Proposed Options for Decision

3.1 Having considered the proposals contained within the Report presented to Planning Committee on 24th August 2018, Members at the workshop made the following comments:

3.2 Scheme of Delegation

PROPOSAL 1: *Rename the Scheme of Delegation to the ‘Scheme of Delegation for the Planning Department’.*

Officer’s Comment: The existing title ‘Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions’ is very long and cumbersome. The shortened title covers all functions of the Planning Department.

Members Comment at Workshop: Content with this proposal.

PROPOSAL 2: Part B bullet point 3 – amend to read:

Option 1:

‘Applications where an Elected Member has requested the application to be referred to the Planning Committee and the request is received within 6 weeks of validation of the planning application and accompanied with a statement outlining the material planning reasons for referral .’

Amend footnote 1 to read: ‘Applications for referral to Planning Committee exclude Pre Application Notices, Applications for works to Trees, Discharge of Conditions, Non Material Changes and Certificates of Lawful Development.’

Officer’s Comment: This removes the requirement for referrals to be supported by 2 Planning Committee Members and reflects the process of the top performing Councils. By moving the referral request to earlier in the planning process it will reduce delays at the end of the assessment as there would no longer be a necessity to circulate a contentious list, hold decisions for a week and prepare a Planning

Committee Report. It has the potential to improve the time to process referral applications by between 3-6 weeks. With 37% of applications being processed within the 15 week statutory target (2017/18 Annual Statistical Bulletin) this has the potential to improve this performance as every application impacts on the average processing time. The reason for this is due to the fact that the average processing time is calculated using the median.

Members Comment at Workshop: Content that any Member could refer an application to Planning Committee without need for two Members of Planning Committee to support. Content with Amendment to footnote 1. Concern that at 6 weeks they would not know what the Officer's recommendation on the application would be. Considered that all refusals should go to Planning Committee for determination and include caveat similar to Antrim & Newtownabbey Borough Council in that where information required to determine the application has not been submitted following a reasonable request those such applications will be delegated to officers to determine and cannot be referred to the Planning Committee. This is reflected in Option 2 below.

Option 2:

'An application recommended for refusal, except where information required to determine the application has not been submitted following a reasonable request.'

Amend footnote 1 to read: 'Applications for referral to Planning Committee exclude Pre Application Notices, Applications for works to Trees, Discharge of Conditions, Non Material Changes and Certificates of Lawful Development.'

Officer's Comment: Although the Head of Planning indicated at the workshop that all applications with a recommendation to refuse be determined by the Planning Committee would amount to only an additional handful of applications, having time to analyse the statistics, this approach would result on average in an additional 10 applications presented to Committee per month (see Appendix 1). The number of applications requested to be referred to Planning Committee from April to October this year has totalled 57 of which only 2 related to applications where the recommendation was to approve the proposed development. To automatically refer all refusal applications would have resulted in an additional 67 applications over this 7 month period.

From April to October, the Planning Committee has had 83 applications on the agenda for determination. Of these 60 are referred applications, 9 are major applications; 8 where the Council has had an interest and only 6 due to more than 5 objections from separate addresses.

This option would result in the length of the Planning Committee meetings more than doubling, against the request from Members to restrict the length of Committee meetings to 5 hours (2pm-7pm). This option would therefore require a second Committee meeting per month, with the potential of commencing at 10am and continuing to 6pm. Furthermore, this option will adversely impact on staff resources at

- SPTO level in terms of quality assuring Planning Committee Reports, preparing and presenting the applications to Planning Committee. It is

considered this additional workload would equate to the need for two additional SPTOs at a total cost of £94k per annum.

- put additional pressures on staff resources at PPTO, Head of Planning, legal advisers and Member Services in preparing for and attendance at 2 meetings per month resulting in additional resources required at PPTO and within Member Services.

It is not considered that this would be a workable or financially efficient option.

Option 3:

‘Applications where a Planning Committee Member has requested the application be referred to the Planning Committee.’

Amend footnote 1 to read: ‘Applications for referral to Planning Committee exclude Applications with recommendation to approve where there have been objections received from less than 5 property or email addresses, applications where the refusal reason includes road safety or flooding issues, Pre Application Notices, Applications for works to Trees, Discharge of Conditions, Non Material Changes and Certificates of Lawful Development.’

Officer’s Comment: This option will retain the existing process of providing a weekly contentious list of applications excluding those detailed above. It will improve performance for applications such as those with a recommendation to approve with less than 5 objections from separate addresses; only 1 of which has been referred to Planning Committee during this 7 month period. It will also allow Members to control the number of applications referred to the Committee for determination. However, Members that refer an application would be required to declare their interest in such applications and would not be able to participate in the discussions or determination of that application. Of the 57 applications referred to Planning Committee so far this business year, 23 have been referred by a Planning Committee Member.

PROPOSAL 3: Part C insert the following delegated matters –

- *Responding to consultations on planning matters on behalf of Council*
- *To instruct a solicitor or legal executive employed or instructed by the Council or other consultant in the preparation for and attendance at Planning Appeals, Independent Examinations and other Hearings.*
- *In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 or any successor, to*
 - *Consider and determine waste management plans.*
- *All other statutory powers connected to the exercise of the planning functions which have been transferred to Council and are not specifically listed, shall be deemed to be delegated unless otherwise provided for within this Scheme.*
- *Amend appointed officers to refer to grades only to allow flexibility due to staff changes.*

Officer’s Comment: The inclusion of the above additional points within Part C covers issues that have come before the Planning Department that are either minor in nature or require a quick turnaround not provided for under current consultation periods or periods for action.

Members Comment at Workshop: Content with this proposal.

PROPOSAL 4: Part D – amend address where copy of scheme is available to Causeway Coast and Glens Borough Council, Planning Department, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1 EY.

Officer's Comment: The address on the current Scheme is for County Hall and this amendment reflects the move of the Planning Department to Cloonavin.

Members Comment at Workshop: Content with this proposal.

3.3 Protocol for the Operation of the Planning Committee

PROPOSAL 5: Preliminary Matters – subject to decision on Proposal 2,

Option 1:

remove bullet point 2 and amend bullet point 1 to include insertion of date of expiry for referral to Planning Committee for determination.

Officer's Comment: Including the expiry date for referral of planning applications to Planning Committee on the weekly validated list will assist Members in determining those applications that remain within the referral period.

Members Comment at Workshop: Members rejected this proposal as it related to Option 1 of proposal 2.

Option 2:

Subject to decision on Proposal 2, update bullet points and footnote accordingly.

Officer's comment:

This section of the Protocol must accord with the Scheme of Delegation in relation to those delegated applications that are referred to the Planning Committee for determination.

PROPOSAL 6: Frequency of Planning Committee Meetings paragraph 4.1 – insert *'Meetings will commence at 2pm and conclude no later than 7pm. Any items on the agenda that have not been considered at that time will be adjourned for consideration at a reconvened meeting.'*

Officer's Comment: It is important that Members are fully engaged on each agenda item and therefore extending the meeting beyond 7pm may result in Members and Officer's concentration lapsing.

Members Comment at Workshop: Content with this proposal.

PROPOSAL 7: Referral of Delegated Applications to Planning Committee – subject to decision on proposal 2, update accordingly. Insert *'The request must be emailed to planning@causewaycoastandglens.gov.uk prior to 10am on the Monday following the issuing of the contentious list.'*

Officer's Comment: This amendment is required subject to agreement on Proposal 2 to reflect the change to the referral process. Furthermore, removal of the option to write to Head of Planning to request referrals is to ensure that all requests are received via the Planning email account as this is monitored daily and will ensure that they are actioned appropriately and in a timely fashion.

Members Comment at Workshop: partially accepted. Accepted referrals no longer need to be supported by 2 Members of the Planning Committee. Insertion should read 'The request should be emailed to planning@causewaycoastandglens.gov.uk by 10am on the Monday following the issuing of the contentious list.

PROPOSAL 8: Format of Planning Committee Meetings – insert section after paragraph 6.1

'Declaration of Interests

Members will be required to declare an interest on any item on the agenda and remove themselves from the Chamber for the duration of the consideration of that item. The Member(s) will only be invited back into the Chamber to speak on the application if they have registered to do so and must leave again thereafter. Otherwise they must remain outside of the Chamber until invited back prior to consideration of the next agenda item.'

and renumber all other paragraphs accordingly.

Officer's Comment: Members who have declared an interest in an agenda item must leave the chamber to allow the remaining Members to consider the item and reach a decision on the issue.

Members Comment at Workshop: Content with this proposal.

PROPOSAL 9: Format of Planning Committee Meetings Elected Members questions point (iv) and (vi) – include in both sections: 'Members should normally only speak once on any application to ensure Committee business is dealt with in an efficient manner.

Officer's Comments: This amendment is required in order to ensure that all Members get the opportunity to seek clarification on an application if necessary and to ensure that questioning and debate on applications are not protracted in order that all items on agenda are dealt with within the allocated time for the meeting.

Members Comment at Workshop: Rejected this proposal.

PROPOSAL 10: Format of Planning Committee Meetings point (x) Elected Members Decision – *amend to 1st paragraph to read:*

'A Member must make a proposal and this must be seconded by another Member before a vote can be taken. The Chair has the casting vote.'

Amend paragraph 2 to read:

'The Chair should ask the Committee if it is ready to vote on an application and provide a reminder of the proposal. The Planning Officer and/or Legal Adviser may advise Members on the implication of the vote in either direction.'

Replace remaining paragraphs with:

'Elected Members must be present in the Council chamber for the entire item, including the Officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.'

Members can add conditions to an approval decision or add reasons for refusal to a refusal decision but they cannot amend the application (for example amend the layout or reduce the number of units). Any additional conditions or reasons for refusal must be proposed and seconded before being voted on by Members. Members should be aware of the legal test for conditions as these can be appealed to the Planning Appeals Commission and challenged through the courts – they should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. The Planning Officer and/or Legal Adviser should provide advice as necessary.

Members can defer consideration of an application to a subsequent meeting for further information, further negotiations or a site visit. The Member proposing the deferral must provide clear reasons as to why a deferral is necessary. A proposal for a deferral must be seconded by another Member before being voted on. Consideration of an application should normally only be deferred once.

~~*On the occasion where Members propose to determine the application contrary to Planning Officer's recommendation (i.e. to approve where Officers' recommendation is to refuse or vice versa) the vote will be a recorded vote. The reasons for any decision which are made contrary to the Planning Officers' recommendation will be formally recorded in the minutes and a copy placed on file.'*~~

Officer's Comment: The above provides further clarity on the procedure and options available to Members on determining planning applications and the recording of votes where the decision is contrary to Officer's recommendation. This is to provide clarity and transparency should the decision be appealed to the Planning Appeals Commission or judicially reviewed.

Members Comment at Workshop: Partially accepted. Amend last paragraph deleting sentence On the occasion...to read 'The reasons for any decision which are made contrary to the Planning Officers' recommendation will be formally recorded in the minutes and a copy placed on file.'

PROPOSAL 11: Circulation of documentation – bold writing at end of para. 6.2 amend to read

'No documentation shall be circulated directly to Members from the public. All documentation must be submitted to the Planning Department via planning@causewaycoastandglens.gov.uk by 6pm on the Friday prior to the Committee meeting. This is to ensure that the information is considered by Planning

Officer's in making a recommendation to the Planning Committee and to check for accuracy or provide considered advice on any material planning issues arising. Documentation circulated directly to Members from the public will not be considered in the determination of the planning application.'

Officer's Comment: The restriction on circulation of information directly to Members was an issue raised at a recent judicial review and the Judge made oral comment that the existing wording in the Protocol should refer to all rather than just speakers. This amendment reflects the Judge's comments. This is important to ensure that Planning Officers have considered all of the material issues raised in making a recommendation to the Planning Committee and to check the accuracy of the information and that all Members have the same information prior to making a decision on a planning application.

Members Comment at Workshop: Partially accepted. Delete last sentence 'Documentation circulated directly to Members from the public...'

PROPOSAL 12: Paragraph 6.3 – Insert title '*Speaking Rights*' and amend to read '*All parties wishing to address the Committee on a planning application must register their wish to do so with Council's Members Services or by emailing planning@causewaycoastandglens.gov.uk by 12noon on the Thursday of the week prior to the Planning Committee meeting by providing their name, whether they are speaking in support or objecting to the application and the planning reference number of the application on which they wish to speak. Only those registered to speak within the timeframe will be allowed to address the Committee and/or answer questions from Members.*

On the occasion where the consideration of an application is deferred by Members to a subsequent Committee meeting, those who have previously registered to speak on that application will be allowed to address the Committee at the subsequent meeting without the need to register to speak again.'

Officer's Comments: This amendment to the timeframe to submit requests to speak on an application provides clarity. The proposal also provides clarity on the transfer of the speaking rights to subsequent meetings if consideration of the application is deferred.

Members Comment at Workshop: Partially accepted. Delete registering speaking rights with Member Services; delete '..and/or answer questions from Members.'

PROPOSAL 13: Decisions Contrary to Officer Recommendation – Amend paragraph 7.1 to read:

'On occasion, the Planning Committee may determine an application contrary to Planning Officers' recommendation. Where the Committee makes such a decision it must be based on sound, clear and logical planning reasons, linked to the development plan and relevant planning policy and must be articulated prior to Members voting on the proposal. Planning Officer(s) and/or Legal Adviser(s) will have the opportunity to explain the implications of the Planning Committee's proposal

to determine an application contrary to the Officers' recommendation prior to Members voting on the proposal. Consideration will need to be given as to whether the decision is capable of being defended at an appeal to the Planning Appeals Commission with the potential for award of costs against Council or defended if challenged through a Judicial Review.

~~In such circumstances a recorded vote will be taken and the Planning Committee will decide, from amongst those Members supporting the proposal, who will defend the Committee's decision at appeal or in court. The reasons for any decision which are made contrary to the Planning Officers' recommendation must be formally recorded in the minutes and a copy placed on file.'~~

Officer's Comments: This reflects Proposal 8 and provides clarity and transparency in the decision-making process allowing those who made the decision to defend their reasoning if challenged.

Members Comment at Workshop: Partially accepted. Delete first sentence of second paragraph 'In such circumstances a recorded vote...'

PROPOSAL 14: Site Visits – amend to read:

Paragraph 8.2 Amend to read:

'The Planning Committee will determine whether to defer the determination of an application for a site visit. The site visit will be scheduled to take place prior to the next scheduled Planning Committee meeting.'

Paragraph 8.6 Amend to read:

'Attendance at site visit is optional. However, when an application has been deferred at Planning Committee for a site visit, the proposer and seconder must be in attendance at that site visit otherwise they cannot take part in the determination of that application when it is presented to Planning Committee for determination at a subsequent meeting. The Planning Officer shall record the date of the visit, attendees and any other relevant information.'

Officer's Comments: A number of applications are deferred by Members at the Planning Committee on a monthly basis for site visits. This is impacting on the time available to schedule further site visits that the Chair and Head of Planning consider necessary. Therefore, it is considered appropriate to change the responsibility for identifying those applications that would benefit from site visits to Members of the Planning Committee. On the occasion where a Member proposes or seconds a deferral of the consideration of a planning application for a site visit, they are perceived to be unable to make a decision on the application unless they have visited the site. Therefore, if they do not attend the site visit they cannot take part in the debate or vote on that application when it is returned to Committee for determination at a subsequent meeting. By stating that the site visit will be scheduled to take place prior to the next scheduled Planning Committee meeting allows flexibility to carry out the site visits on an alternative date to the morning of the Planning Committee meeting when it is considered that there is insufficient time to undertake all the site visits requested at the previous meeting due to numbers or distance of travel.

Members Comment at Workshop: Content with this proposal.

PROPOSAL 15: Subject to agreement of Proposal 6 restricting the time for the Planning Committee to 7pm amend the times for Recess to between ~~4:30pm~~ 4.00pm and 5:00pm

Officers Comments: One break for 15 minutes in the mid-point of the meeting rather than two breaks should be sufficient to allow Members and Officers an opportunity to refresh. This does not preclude Members requesting a short 5 minute break at any time they consider necessary throughout the meeting.

Members Comment at Workshop: Partially accepted. Change time for recess to between 4pm and 5pm.

PROPOSAL 16: insert the following text at Section 11:

'11.0 Confidential Matters

11.1 In the event that the Planning Committee resolve to go 'In Committee' only Members of the Planning Committee, Council Officers in attendance and Legal Adviser(s) shall remain within the Council Chamber. All members of the public, press etc. must leave the Chamber, including those Members of the Planning Committee who have declared an interest on that item and other Members of the Council who do not sit on the Planning Committee.'

Officer's Comments: Discussions 'In Committee' are solely to provide legal advice or discuss confidential matters to those Members who will be making the decision on the item under consideration.

Members Comment at Workshop: Content with this proposal.

4.0 Recommendation

4.1 IT IS RECOMMENDED that the

- Committee agree that the Head of Planning amends the Protocol for the Operation of the Planning Committee and Scheme of Delegation attached at Appendix 2 and 3 inserting agreed amendments.
- Committee agree Option for amendment of Proposal 2 and for the Head of Planning to insert into amended Protocol for Operation of the Planning Committee and Scheme of Delegation attached at Appendix 2 and 3.
- Agree that Head of Planning writes to Dfl seeking agreement on the amended Scheme of Delegation.

Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

The revised Scheme of Delegation for the determination of planning applications was approved by the Department for Infrastructure on 28th October 2016. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The revised Scheme of Delegation shall take effect from 7th November 2016.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the Planning Committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council, and
- The application relates to land in which the Council has an interest.

Part B – Delegated Applications:

The following applications for planning permission shall be delegated for determination by the appointed officer of the Council. The appointed officer is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications attracting more than 5 objections from separate addresses; or, a petition from more than 5 from separate addresses raising material planning considerations.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications where an elected member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral and supported by 2 Planning Committee elected members¹
- Applications submitted by or on behalf of the Chief Executive of the Council, a chief officer of the Council, a planning officer or their immediate families, or the immediate family² of an elected member.
- A legal agreement is required.

¹ This referral procedure will be assisted by the circulation of a weekly list of those contentious delegated applications where the decision is ready to issue. A contentious application is one where the decision is to refuse permission or where the decision is to approve but objections to the proposed development have been received.

² Immediate family for the purposes of this Scheme of Delegation refers to wife/ husband/ partner, son(s), daughter(s).

Part C – Development Plan, Enforcement and Determination of Other Matters

As well as determining planning applications, the Council will also have to administer the development plan, enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the council.

The Planning Committee shall be required to consider and determine: -

- the Council's strategic and local policies for the implementation of the Council's objectives in relation to the development of land within the Council area.
- agree the Plan Strategy and Local Policies Plan for the Council Area prior to ratification by the full Council
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Confirmation of a Building Preservation Notice.
- Determination of Revocation Orders.
- Application to the Courts for Injunctions.
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.

The following matters are delegated to the appointed officer:

- The research, analysis, evaluation of information and drafting of Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination.
- To instruct a solicitor or legal executive employed or instructed by the Council or other consultant to assist in the preparation of the Plan Strategy and Local Policies Plan; assist in the preparation for, and represent the Council at the Independent Examination as considered necessary by the Head of Planning in consultation with the Planning Committee.
- To monitor the uptake of zoned land within the Local Policies Plan.
- To review the impact of the implementation of the Plan Strategy and Local Policies Plan.
- The serving of a provisional Tree Preservation Order.
- Updating Tree Preservation Orders as necessary.
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Stop Notices, temporary Stop Notices, Fixed Penalty Notices, and Planning Contravention Notices.
- The formal reporting of planning enforcement matters to the Public Prosecution Service/ Commencement of proceedings in a Magistrates Court.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with powers provided in the Planning Act (Northern Ireland) 2011
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.

- Issuing Building Preservation Notice where immediate action is necessary.
- Determination of a request for a Correction Notice
- Providing advice on general planning inquiries
- Providing advice on Pre-Application Discussions
- Providing advice on Pre-Application Notices.
- Applications for Non Material Changes.
- Discharge of planning conditions
- To determine the acceptance or otherwise of Section 46 applications
- To determine the acceptance or otherwise of Section 48 applications
- Determination of the type of planning appeal and amendments to Council's case during the course of appeal, subject to consultation as deemed appropriate by the Head of Planning with the Chair of the Planning Committee and representing the Council at appeal as necessary.
- To issue a formal Notice of Decision following a Committee resolution for support or non-support of an application and, for a delegated application, Order, Notice or Consent.
- To instruct a solicitor or legal executive employed or instructed by the Council to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2)
 - Issue scoping opinions as to the information to be provided in any Statement, and
 - Undertake appropriate consultations and notifications
 - Determine whether an application should be accompanied by an Environmental Statement

The appointed officers are as follows:

- Denise Dickson – Head of Planning
- Shane Mathers – Principal Development Management and Enforcement Officer
- Sharon Mulhern – Principal Development Plan Officer
- Karen Dickson – Senior Planning Officer
- Jennifer Lundy – Senior Planning Officer
- Catherine McKeary – Senior Planning Officer
- Julie McMath – Senior Planning Officer
- Michael Wilson – Senior Planning Officer

Part D – Publicity

On adoption of this revised Scheme of Delegation the Council made a copy available on the Council's website at www.causewaycoastandglens.gov.uk. A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, County Hall, Castlerock Road, Coleraine.

Implementation Date: 8th November 2017

Protocol for the Operation of the Causeway Coast and Glens Borough Council Planning Committee

1.0 Introduction

1.1 The Causeway Coast and Glens Borough Council, at its meeting held on 25th October 2017, agreed the revised 'Protocol for the Operation of the Planning Committee'. The revised Protocol takes effect on 8th November 2017. This revised document sets out the detailed procedures of the Planning Committee that are not covered by the Council's Standing Orders and Councillors' Code of Conduct.

1.2 The Protocol will cover the following:

- Preliminary Matters
- Remit of the Planning Committee
- Frequency of Meetings
- Referral of Delegated Applications
- Format of the Planning Committee meetings
- Decisions Contrary to Officer Recommendation
- Site Visits
- Pre-Determination Hearings

2.0 Preliminary Matters

2.1 The following information will be circulated to Committee Members prior to the monthly Planning Committee meeting:

- A weekly list of all new planning applications received and planning applications decided will be circulated to all Elected Members. A summary report of performance in the processing of planning applications will be presented to Committee on a monthly basis.
- A list of all contentious delegated planning applications where the decision is ready to issue will be circulated to elected members on a weekly basis. A contentious application is one where the decision is to refuse permission or, where the decision is to approve but objections to the proposed development have been received. This list will be circulated to all elected members on the Tuesday of each week and uploaded onto the Council website. Elected members will have until 10am on the Monday of the following week to request a referral, in accordance with Part B of the 'Scheme of Delegation for Development Management, Enforcement and Other Planning Functions', otherwise the decision notice will issue.
- All Committee Members will be sent the agenda two weeks in advance of the meeting with a report on each planning application to be considered at the meeting by the Committee.
- Planning Officer shall prepare an addendum on the day of the Committee meeting to report any updates since the agenda issued.

- Planning Committee meetings should normally be open to the public.
- Substitute members shall not be permitted to deputise, unless agreed by both the Chair of the Committee and the Head of Planning, and only in exceptional circumstances.
- Legal representation may be in attendance at Committee.
- All members of Planning Committee must have taken the requisite training for either member or Chair role before they can sit on the Committee.

3.0 Remit of the Planning Committee

3.1 Development Management

The main role of the Planning Committee is to consider applications made to Causeway Coast and Glens Borough Council as detailed in the adopted Scheme of Delegation and decide whether or not they should be approved. The decisions of the Planning Committee are taken under full delegated authority and will not go before full council for ratification.

3.2 Development Plan

The Planning Committee's role in relation to the local development plan is to approve the Plan Strategy and Local Policies Plan before it is passed by resolution of the full Council. The Planning Committee should ensure that the local development plan is monitored annually and reviewed every 5 years, giving consideration as to whether there is a need to change the Plan Strategy or Local Policies Plan.

3.3 Enforcement

The Planning Committee shall have an overview role of the enforcement function and officers shall prepare a quarterly report on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained). The Planning Committee can request a report from officers on any enforcement matter but should not make a decision. Officers will exercise discretion when discussing sensitive enforcement matters at the Planning Committee to ensure possible future legal proceedings are not prejudiced.

4.0 Frequency of Planning Committees Meeting

4.1 The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee Members. No meeting will take place in the month of July.

5.0 Referral of Delegated Applications to Planning Committee

5.1 The Scheme of Delegation, approved at the Planning Committee held on 28th September 2016 and agreed with the Department for Infrastructure on 28th October 2016, taking effect from 7th November 2016, includes a procedure which allows for

Elected Members and Head of Planning to request that the Planning Committee considers an application rather than it being delegated to Officers. Members of the public will not be able to directly request this procedure. Any referral by an elected member of Council must be based on clearly specified planning grounds supported by two Planning Committee elected members. The request should be made in writing to the Head of Planning or emailed to planning@causewaycoastandglens.gov.uk. The Elected Member who makes the referral request may address the Planning Committee meeting at which the application is to be decided.

6.0 Format of Planning Committee Meetings

6.1 The Committee meetings will be conducted following the below format:

- Notice of Meeting
- Apologies
- Declaration of Interests
- Approval of minutes of the previous meeting
- Order of Items and Confirmation of Registered Speakers
- Schedule of Planning Applications
- Performance Management Statistics report
- Development Plan matters
- Correspondence
- Enforcement matters
- Legal issues

6.2 The following procedures will apply for each application:

- (i) **Introduction of planning application by the planning officers**
The planning officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown to demonstrate the proposals.
- (ii) **Elected Members Questions to Planning Officer**
Members can ask points of clarification from the Officer
- (iii) **Representations – Objector(s)**
The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations from objectors will be a maximum of 5 minutes. Therefore if 2 objectors wish to address the Committee they will each have a maximum of 2 minutes and 30 seconds. A spokesperson for the objectors may address the Committee on behalf of all objectors. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

No documentation shall be circulated at the meeting to Members by speakers.

- (iv) **Elected Members Questions to Objector(s)**
Elected Members can ask points of clarification/fact from the objector(s).

- (v) **Representations on behalf of applicant – applicant, agent and supporter**
The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations from applicant, agent or supporter will be a maximum of 5 minutes. Therefore if applicant and a supporter wish to address the Committee they will each have a maximum of 2 minutes and 30 seconds. A spokesperson for the supporters may address the Committee on behalf of all supporters. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

No documentation shall be circulated at the meeting to Members by speakers.

- (vi) **Elected Members questions to applicant, agent or supporter**
Elected Members can ask points of clarification/fact from the applicant, agent or supporter(s)

- (vii) **Representation by Councillor, MLA and/or MP**
The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations by council members will be 5 minutes. Therefore if 2 Elected Members of the Council wish to address the Committee, each will have a maximum of 2 minutes and 30 seconds each. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

MPs and MLAs will be permitted to address the Committee when they have been asked to represent their constituents. The time allowed for representations from MPs and MLAs will be a maximum of 5 minutes. Therefore if both an MLA and MP wish to address the Committee they will have 2 minutes and 30 seconds each.

No documentation shall be circulated at the meeting to Members by speakers.

- (viii) **Planning Officer's comments**
Planning Officer shall clarify points raised by those who made representations to the Committee.

- (ix) **Elected Members' debate including advice from Officers**
Elected Members debate on the planning issue with the aim of having a constructive discussion on the merits of the planning application.

- (x) **Elected Members' decision**
If the debate appears to be contrary to the Planning Officer's recommendation the Chair may invite a proposal for non-support of the recommendation. If it appears to support the Officer's recommendation no action is necessary.

The Chair should ask the Committee if it is ready to vote on the application and provide a reminder of the motion and the implication of the vote in either direction.

Voting will be either electronically or a clear show of hands/voting cards. The Chair will have the casting vote.

Elected Members must be present in the Council chamber for the entire item, including the Officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

Should Committee not agree with the Officer recommendation, Elected Members should discuss reasons for refusal and conditions to a proposal but cannot amend the application. Any additional conditions should be proposed and seconded before being voted on by Elected Members. Elected Members should be aware of the legal tests conditions need to meet if challenged. Conditions should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Comments should be invited from the Planning Officer or Head of Planning as necessary.

The reasons for any decision which are made contrary to the Planning Officers' recommendation must be formally recorded in the minutes and a copy placed on file.

No documentation shall be circulated directly to Members by speakers. All documentation must be submitted to the Planning Department via planning@causewaycoastandglens.gov.uk at least 3 working days prior to the Committee meeting.

6.3 All parties wishing to address the Committee must register their wish to do so with the Council's Committee Clerk or email planning@causewaycoastandglens.gov.uk **by 6pm 1 week before the meeting**. If an objector to an application speaks, the applicant or their agent will be allowed to respond even if they have not registered to speak in advance. The time allowed for the applicant or agent to speak in this instance will be a total of 3 minutes.

6.4 The Chairman may:

- (a) Suspend the public's right to speak if he/she considers it necessary to maintain order at the meeting; or,
- (b) Vary the order of representations if he/she feels that it is convenient and will assist the Committee in dealing with the matter provided that it will not cause prejudice to the parties concerned.

6.5 In lieu of speaking, Council Members and members of the public may submit representations in writing for consideration by the Committee. Written representations must be received by the Head of Planning or via email through planning@causewaycoastandglens.gov.uk at least 1 week prior to the Planning Committee meeting and will be reported to the Committee in an update report and

circulated on the day of the meeting. Representations received after this time will be returned. The representations may be read out at the Committee provided there is sufficient time i.e. within the 5 minute timeframe, taking account of all speakers. Representations must not exceed 750 words.

- 6.6 An application scheduled for determination at the Planning Committee will not be withdrawn from the schedule due to failure of interested parties registering their request to speak within the above specified timeframe.
- 6.7 An application may be withdrawn from the schedule at the Chair's discretion and only in exceptional circumstances. Verification of the exceptional circumstances must be submitted via planning@causewaycoastandglens.gov.uk by 6pm on the Friday prior to the Committee meeting for discussion with the chair.

7.0 Decisions Contrary to Officer Recommendation

- 7.1 Some planning decisions are finely balanced and it is the prerogative of the Planning Committee to come to its conclusions and decision provided they are backed by sound, clear and logical planning reasons following an informed debate. The Committee Members can accept or give different weight to the various arguments and material considerations.
- 7.2 The Planning Officers/Head of Planning/Legal Adviser will have the opportunity to explain the implications of the Planning Committee's decision prior to the vote. Consideration will need to be given to whether such decisions will be capable of being defended on appeal to the Planning Appeals Commission with the potential for award of costs against the Council.
- 7.3 The reasons for any decision which are made contrary to the Planning Officer's recommendation must be formally recorded in the minutes and a copy placed on file.

8.0 Site Visits

- 8.1 It is recognised that members of the Planning Committee may need to visit a site to help them make a decision on a planning application. For example, the proposal may be difficult to visualise or the application is particularly contentious.
- 8.2 The Head of Planning, in discussion with the Chair of the Committee, shall decide if a site visit would be beneficial and advise the Committee Members at least 4 working days prior to the Planning Committee Meeting at which the application is scheduled to be determined. Site visits will only be carried out where there are clear benefits.
- 8.3 An officer of Council should contact the applicant / agent to arrange access to the site where necessary. Invitations will be limited to members of the Planning Committee; Council Officers and consultees to the decision-making process and will normally be arranged for the morning of the Planning Committee meeting.
- 8.4 Site visits are not an opportunity to lobby Elected Members or be used to seek to influence the outcome of a proposal prior to the Planning Committee meeting. There shall be no public speaking on site visits. Therefore, members of the public cannot attend site visits.

- 8.5 Elected Members should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land. Furthermore, they will not have the information provided by the Planning Officer, and, in some circumstances, it might lead to allegations of bias.
- 8.6 Attendance of site visits is optional. The Council officer should record the date of the visit, attendees and any other relevant information.
- 8.7 The Planning Officer should prepare a written report on the site visit which should be presented to the Planning Committee Meeting at which the application is to be determined.

9.0 Pre-Determination Hearings

- 9.1 The Planning Committee has a mandatory requirement to hold Pre-Determination Hearings for those major applications which have been referred to the Department for 'call-in' consideration, but have been returned to the Council for determination. The Planning Committee will be required to hold a Hearing prior to the application being determined. In addition, Council may also hold Pre-Determination Hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support or against the proposed development.
- 9.2 The intention is to make the application process for major applications more inclusive and transparent by giving applicants and those who have submitted representations the opportunity to be heard by Council before it takes a decision.
- 9.3 It will be a matter for the Chair of the Planning Committee and Head of Planning to judge when a Pre-Determination Hearing is appropriate, taking account of the relevance of the objections in planning terms, the complexity of the application and level of pre-application community consultation.
- 9.4 When holding a Pre-Determination Hearing the procedures will be the same as the normal Planning Committee meetings. The Planning Officer will produce a report detailing the processing of the application to date and the planning issues to be considered. The number of individuals to speak on either side, time available etc will be agreed prior to the Hearing. If the Planning Committee decides to hold the Hearing on the same day as it wishes to determine the application, the Planning Officer's report should contain a recommendation. A power-point presentation as part of the speaking rights will be allowed at the Hearing.

10.0 Recess

- 10.1 When the Planning Committee meeting lasts longer than 2 hours a 15 minute recess shall be taken between 4pm and 4.30pm and between 6pm and 6.30pm.

Scheme of Delegation for ~~Development Management, Development Plan, Enforcement and Other Planning Functions~~ the Planning Department

The revised Scheme of Delegation for the determination of planning applications was approved by the Department for Infrastructure on ~~28th October 2016~~ XX December 2018. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The further revised Scheme of Delegation shall take effect from ~~7th November 2013~~ XX December 2018.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the Planning Committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council, and
- The application relates to land in which the Council has an interest.

Part B – Delegated Applications:

The following applications for planning permission shall be delegated for determination by the appointed officer of the Council. The appointed officer is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- ~~Applications attracting more than 5 objections from separate addresses; or, a petition from more than 5 from separate addresses raising material planning considerations.~~ Amend as per decision on Proposal 2.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- ~~Applications where an Elected Member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹ and supported by 2 Planning Committee elected members¹.~~ Amend as per decision on Proposal 2.
- Applications submitted by or on behalf of the Chief Executive of the Council, a chief officer of the Council, a planning officer or their immediate families, or the immediate family² of an elected member.
- A legal agreement is required.

¹ ~~This referral procedure will be assisted by the circulation of a weekly list of those contentious delegated applications where the decision is ready to issue. A contentious application is one where the decision is to refuse permission or where the decision is to approve but objections to the proposed development have been received.~~ Amend as per decision on Proposal 2.

Part C – Development Plan, Enforcement and Determination of Other Matters

As well as determining planning applications, the Council will also have to administer the development plan, enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the council.

The Planning Committee shall be required to consider and determine: -

- the Council's strategic and local policies for the implementation of the Council's objectives in relation to the development of land within the Council area.
- agree the Plan Strategy and Local Policies Plan for the Council Area prior to ratification by the full Council
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Confirmation of a Building Preservation Notice.
- Determination of Revocation Orders.
- Application to the Courts for Injunctions.
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.

The following matters are delegated to the appointed officer:

- The research, analysis, evaluation of information and drafting of Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination.
- To instruct a solicitor or legal executive employed or instructed by the Council or other consultant to assist in the preparation of the Plan Strategy and Local Policies Plan; assist in the preparation for, and represent the Council at the Independent Examination as considered necessary by the Head of Planning in consultation with the Planning Committee.
- To monitor the uptake of zoned land within the Local Policies Plan.
- To review the impact of the implementation of the Plan Strategy and Local Policies Plan.
- Responding to consultations on planning matters on behalf of Council.
- The serving of a provisional Tree Preservation Order.
- Updating Tree Preservation Orders as necessary.
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Stop Notices, temporary Stop Notices, Fixed Penalty Notices, and Planning Contravention Notices.
- The formal reporting of planning enforcement matters to the Public Prosecution Service/ Commencement of proceedings in a Magistrates Court.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with powers provided in the Planning Act (Northern Ireland) 2011
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent.

- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.
- Issuing Building Preservation Notice where immediate action is necessary.
- Determination of a request for a Correction Notice
- Providing advice on general planning inquiries
- Providing advice on Pre-Application Discussions
- Providing advice on Pre-Application Notices.
- Applications for Non Material Changes.
- Discharge of planning conditions
- To determine the acceptance or otherwise of Section 46 applications
- To determine the acceptance or otherwise of Section 48 applications
- Determination of the type of planning appeal and amendments to Council's case during the course of appeal, subject to consultation as deemed appropriate by the Head of Planning with the Chair of the Planning Committee and representing the Council at appeal as necessary.
- To issue a formal Notice of Decision following a Committee resolution for support or non-support of an application and, for a delegated application, Order, Notice or Consent.
- To instruct a solicitor or legal executive employed or instructed by the Council to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- To instruct a solicitor or legal executive employed or instructed by the Council or other consultant in the preparation for and attendance at Planning Appeals, Independent Examinations and other Hearings.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 or any successor, to
 - Consider and determine waste management plans.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 or any successor legislation, to
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2)
 - Issue scoping opinions as to the information to be provided in any Statement, and
 - Undertake appropriate consultations and notifications
 - Determine whether an application should be accompanied by an Environmental Statement
- All other statutory powers connected to the exercise of the planning functions which have been transferred to Council and are not specifically listed, shall be deemed to be delegated unless otherwise provided for within this Scheme.

The appointed officers are as follows:

- ~~Denise Dickson~~—Head of Planning
- ~~Shane Mathers~~—Officers at Principal ~~Development Management and Enforcement~~ Officer grade
- ~~Sharon Mulhern~~—Principal Development Plan Officer
- ~~Karen Dickson~~—Officers at Senior Planning Officer grade
- ~~Jennifer Lundy~~—Senior Planning Officer
- ~~Catherine McKeary~~—Senior Planning Officer
- ~~Julie McMath~~—Senior Planning Officer
- ~~Michael Wilson~~—Senior Planning Officer

Part D – Publicity

On adoption of this revised Scheme of Delegation the Council made a copy available on the Council's website at www.causewaycoastandglens.gov.uk. A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, ~~County Hall, Castlerock Road, Coleraine. Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY.~~

Implementation Date: ~~8th November 2017~~ December 2018

Protocol for the Operation of the Causeway Coast and Glens Borough Council Planning Committee

1.0 Introduction

1.1 The Causeway Coast and Glens Borough Council, at its meeting held on ~~25th October 2017~~ XX 2018, agreed the revised 'Protocol for the Operation of the Planning Committee'. The revised Protocol takes effect on ~~8th November 2017~~ XX December 2018. This revised document sets out the detailed procedures of the Planning Committee that are not covered by the Council's Standing Orders and Councillors' Code of Conduct.

1.2 The Protocol will cover the following:

- Preliminary Matters
- Remit of the Planning Committee
- Frequency of Meetings
- Referral of Delegated Applications
- Format of the Planning Committee meetings
- Decisions Contrary to Officer Recommendation
- Site Visits
- Pre-Determination Hearings

2.0 Preliminary Matters

2.1 The following information will be circulated to Committee Members prior to the monthly Planning Committee meeting:

- A weekly list of all new planning applications received and planning applications decided will be circulated to all Elected Members. A summary report of performance in the processing of planning applications will be presented to Committee on a monthly basis.
- ~~A list of all contentious delegated planning applications where the decision is ready to issue will be circulated to elected members on a weekly basis. A contentious application is one where the decision is to refuse permission or, where the decision is to approve but objections to the proposed development have been received. This list will be circulated to all elected members on the Tuesday of each week and uploaded onto the Council website. Elected members will have until 10am on the Monday of the following week to request a referral, in accordance with Part B of the 'Scheme of Delegation for Development Management, Enforcement and Other Planning Functions', otherwise the decision notice will issue.~~ Amend subject to agreement on Proposal 2 and 5.
- All Committee Members will be sent the agenda two weeks in advance of the meeting with a report on each planning application to be considered at the meeting by the Committee.

- Planning Officer shall prepare an addendum ~~foren~~ the day of the Committee meeting to report any updates since the agenda issued.
- Planning Committee meetings should normally be open to the public.
- Substitute members shall not be permitted to deputise, unless agreed by both the Chair of the Committee and the Head of Planning, and only in exceptional circumstances.
- Legal representation may be in attendance at Committee.
- All members of Planning Committee must have taken the requisite training for either Member or Chair role before they can sit on the Committee.

3.0 Remit of the Planning Committee

3.1 Development Management

The main role of the Planning Committee is to consider applications made to Causeway Coast and Glens Borough Council as detailed in the adopted Scheme of Delegation and decide whether or not they should be approved. The decisions of the Planning Committee are taken under full delegated authority and will not go before full council for ratification.

3.2 Development Plan

The Planning Committee's role in relation to the local development plan is to approve the Plan Strategy and Local Policies Plan before it is passed by resolution of the full Council. The Planning Committee should ensure that the local development plan is monitored annually and reviewed every 5 years, giving consideration as to whether there is a need to change the Plan Strategy or Local Policies Plan.

3.3 Enforcement

The Planning Committee shall have an overview role of the enforcement function and officers shall prepare a quarterly report on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained). The Planning Committee can request a report from officers on any enforcement matter but should not make a decision. Officers will exercise discretion when discussing sensitive enforcement matters at the Planning Committee to ensure possible future legal proceedings are not prejudiced.

4.0 Frequency of Planning Committees Meeting

- 4.1 The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee Members. No meeting will take place in the month of July. Meetings will commence at 2pm and conclude no later than 7pm. Any items on the agenda that have not been considered at that time will be adjourned for consideration at a reconvened meeting.

Commented [DD1]: Proposal 6

5.0 Referral of Delegated Applications to Planning Committee

5.1 The Scheme of Delegation, approved at the Planning Committee held on ~~28th September 2016~~ ~~XX 2018~~ and agreed with the Department for Infrastructure on ~~28th October 2016~~ ~~XX December 2018~~, taking effect from ~~7th November 2016~~ ~~XX December 2018~~, includes a procedure which allows for Elected Members and Head of Planning to request that the Planning Committee considers an application rather than it being delegated to Officers. Members of the public will not be able to directly request this procedure. Any referral by an Elected Member of Council's Planning Committee must be based on clearly specified planning grounds ~~supported by two Planning Committee elected members~~. The request should be ~~made in writing to the Head of Planning or~~ emailed to planning@causewaycoastandglens.gov.uk prior to 10am on the Monday following the issuing of the contentious list. The Elected Member who makes the referral request may address the Planning Committee meeting at which the application is to be decided.

Commented [DD2]: Proposal 2

Commented [DD3]: Proposal 7

6.0 Format of Planning Committee Meetings

6.1 The Committee meetings will be conducted following the below format:

- Notice of Meeting
- Apologies
- Declaration of Interests
- Approval of minutes of the previous meeting
- Order of Items and Confirmation of Registered Speakers
- Schedule of Planning Applications
- Performance Management Statistics report
- Development Plan matters
- Correspondence
- Enforcement matters
- Legal issues

6.2 Declaration of Interests

Members will be required to declare an interest on any item on the agenda and remove themselves from the Chamber for the duration of the consideration of that item. The Member(s) will only be invited back into the Chamber to speak on the application if they have registered to do so and must leave again thereafter. Otherwise they must remain outside of the Chamber until invited back prior to consideration of the next agenda item.

Commented [DD4]: Proposal 8

~~6.26.3~~ The following procedures will apply for each application:

- Introduction of planning application by the planning officers**
The planning officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown to demonstrate the proposals.
- Elected Members Questions to Planning Officer**
Members can ask points of clarification from the Officer
- Representations – Objector(s)**

The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations from objectors will be a maximum of 5 minutes. Therefore if 2 objectors wish to address the Committee they will each have a maximum of 2 minutes and 30 seconds. A spokesperson for the objectors may address the Committee on behalf of all objectors. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

No documentation shall be circulated at the meeting to Members by speakers.

(iv) Elected Members Questions to Objector(s)

Elected Members can ask points of clarification/fact from the objector(s).

(v) Representations on behalf of applicant – applicant, agent and supporter

The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations from applicant, agent or supporter will be a maximum of 5 minutes. Therefore if applicant and a supporter wish to address the Committee they will each have a maximum of 2 minutes and 30 seconds. A spokesperson for the supporters may address the Committee on behalf of all supporters. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

No documentation shall be circulated at the meeting to Members by speakers.

(vi) Elected Members questions to applicant, agent or supporter

Elected Members can ask points of clarification/fact from the applicant, agent or supporter(s).

(vii) Representation by Councillor, MLA and/or MP

The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations by council members will be 5 minutes. Therefore if 2 Elected Members of the Council wish to address the Committee, each will have a maximum of 2 minutes and 30 seconds each. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

MPs and MLAs will be permitted to address the Committee when they have been asked to represent their constituents. The time allowed for representations from MPs and MLAs will be a maximum of 5 minutes. Therefore if both an MLA and MP wish to address the Committee they will have 2 minutes and 30 seconds each.

No documentation shall be circulated at the meeting to Members by speakers.

(viii) Planning Officer's comments

Planning Officer shall clarify points raised by those who made representations to the Committee.

(ix) Elected Members' debate including advice from Officers

Elected Members debate on the planning issue with the aim of having a constructive discussion on the merits of the planning application.

(x) Elected Members' decision

~~If the debate appears to be contrary to the Planning Officer's recommendation the Chair may invite a proposal for non-support of the recommendation. If it appears to support the Officer's recommendation no action is necessary. A Member must make a proposal and this must be seconded by another Member before a vote can be taken. The Chair has the casting vote.~~

Commented [DD5]: Proposal 10

The Chair should ask the Committee if it is ready to vote on the application and provide a reminder of the ~~proposal/motion~~. ~~The Planning Officer and/or Legal Adviser may~~ advise Members on the implication of the vote in either direction.

~~Voting will be either electronically or a clear show of hands/voting cards. The Chair will have the casting vote.~~

Elected Members must be present in the Council Chamber for the entire item, including the Officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

~~Members can add conditions to an approval decision or add reasons for refusal to a refusal decision but they cannot amend the application (for example amend the layout or reduce the number of units). Any additional conditions or reasons for refusal must be proposed and seconded before being voted on by Members. Members should be aware of the legal tests for conditions as these can be appealed to the Planning Appeals Commission and challenged through the courts – they should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. The Planning Officer and/or Legal Adviser should provide advice as necessary.~~

Commented [DD6]: Proposal 10

~~Members can defer consideration of an application to a subsequent meeting for further information, further negotiations or a site visit. The Member proposing the deferral must provide clear reasons as to why a deferral is necessary. A proposal for a deferral must be seconded by another Member before being voted on. Consideration of an application should normally only be deferred once.~~

~~The reasons for any decision which is made contrary to the Planning Officers' recommendation will be formally recorded in the minutes and a copy placed on file. Should Committee not agree with the Officer recommendation, Elected Members should discuss reasons for refusal and conditions to a proposal but cannot~~

~~amend the application. Any additional conditions should be proposed and seconded before being voted on by Elected Members. Elected Members should be aware of the legal tests conditions need to meet if challenged. Conditions should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Comments should be invited from the Planning Officer or Head of Planning as necessary.~~

~~The reasons for any decision which are made contrary to the Planning Officers' recommendation must be formally recorded in the minutes and a copy placed on file.~~

No documentation shall be circulated directly to Members ~~from the public~~by speakers. All documentation must be submitted to the Planning Department via planning@causewaycoastandglens.gov.uk ~~at least 3 working days~~by 6pm ~~on the Friday~~ prior to the Committee meeting. This is to ensure that the information is considered by Planning Officers' in making a recommendation to the Planning Committee and to check for accuracy or provide considered advice on any material planning issues arising.

Commented [DD7]: Proposal 11

6.3 **Speaking Rights**

All parties wishing to address the Committee on a planning application must register their wish to do so with the Council's ~~Committee Clerk or by emailing~~ planning@causewaycoastandglens.gov.uk by ~~6pm 1 week before~~**12 noon on the Thursday immediately prior to the Planning Committee meeting** by providing their name, whether they are speaking in support or objecting to the application and the planning reference number of the application on which they wish to speak. Only those registered to speak within the timeframe will be allowed to address the Committee.~~If an objector to an application speaks, the applicant or their agent will be allowed to respond even if they have not registered to speak in advance. The time allowed for the applicant or agent to speak in this instance will be a total of 3 minutes.~~

Commented [DD8]: Proposal 12

On occasion where the consideration of an application is deferred by Members to a subsequent Committee meeting, those who have previously registered to speak on that application will be allowed to address the Committee at the subsequent meeting without the need to register to speak again.

6.4 The Chairman may:

- (a) Suspend the public's right to speak if he/she considers it necessary to maintain order at the meeting; or,
- (b) Vary the order of representations if he/she feels that it is convenient and will assist the Committee in dealing with the matter provided that it will not cause prejudice to the parties concerned.

6.5 In lieu of speaking, Council Members and members of the public may submit representations in writing for consideration by the Committee. Written representations must be received by the Head of Planning or via email through planning@causewaycoastandglens.gov.uk at least 1 week prior to the Planning Committee meeting and will be reported to the Committee in an update report and circulated on the day of the meeting. Representations received after this time will be

returned. The representations may be read out at the Committee provided there is sufficient time i.e. within the 5 minute timeframe, taking account of all speakers. Representations must not exceed 750 words.

- 6.6 An application scheduled for determination at the Planning Committee will not be withdrawn from the schedule due to failure of interested parties registering their request to speak within the above specified timeframe.
- 6.7 An application may be withdrawn from the schedule at the Chair's discretion and only in exceptional circumstances. Verification of the exceptional circumstances must be submitted via planning@causewaycoastandglens.gov.uk by 6pm on the Friday prior to the Committee meeting for discussion with the chair.

7.0 Decisions Contrary to Officer Recommendation

~~7.1 Some planning decisions are finely balanced and it is the prerogative of the Planning Committee to come to its conclusions and decision provided they are backed by sound, clear and logical planning reasons following an informed debate. The Committee Members can accept or give different weight to the various arguments and material considerations. On occasion, the Planning Committee may determine an application contrary to Planning Officers' recommendation. Where the Committee makes such a decision it must be based on sound, clear and logical planning reasons, linked to the development plan and relevant planning policy and must be articulated prior to Members voting on the proposal.~~

Commented [DD9]: Proposal 13

~~7.2 Planning Officer(s) and/or Legal Adviser(s) will have the opportunity to explain the implications of the Planning Committee's proposal to determine the application contrary to the Officers' recommendation prior to Members voting on the proposal. Consideration will need to be given as to whether the decision is capable of being defended at an appeal to the Planning Appeals Commission with the potential for award of costs against Council or defended if challenged through a judicial review.~~

- ~~7.3~~
- ~~7.1 The reasons for any decision which are made contrary to the Planning Officers' recommendation must be formally recorded in the minutes and a copy placed on file.~~
- ~~7.2 The Planning Officers/Head of Planning/Legal Adviser will have the opportunity to explain the implications of the Planning Committee's decision prior to the vote. Consideration will need to be given to whether such decisions will be capable of being defended on appeal to the Planning Appeals Commission with the potential for award of costs against the Council.~~
- ~~7.3 The reasons for any decision which are made contrary to the Planning Officer's recommendation must be formally recorded in the minutes and a copy placed on file.~~

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8.0 Site Visits

- 8.1 It is recognised that Members of the Planning Committee may need to visit a site to help them make a decision on a planning application. For example, the proposal may be difficult to visualise or the application is particularly contentious.
- 8.2 ~~The Head of Planning, in discussion with the Chair of the Committee, shall decide if a site visit would be beneficial and advise the Committee Members at least 4 working~~

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~~days prior to the Planning Committee Meeting at which the application is scheduled to be determined. Site visits will only be carried out where there are clear benefits. The Planning Committee will determine whether to defer the determination of an application for a site visit. The site visit will be scheduled to take place prior to the next scheduled Planning Committee meeting.~~

Commented [DD10]: Proposal 14

- 8.3** An officer of Council should contact the applicant / agent to arrange access to the site where necessary. Invitations will be limited to Members of the Planning Committee; Council Officers and consultees to the decision-making process and will normally be arranged for the morning of the Planning Committee meeting.
- 8.4** Site visits are not an opportunity to lobby Elected Members or be used to seek to influence the outcome of a proposal prior to the Planning Committee meeting. There shall be no public speaking on site visits. Therefore, members of the public cannot attend site visits.
- 8.5** Elected Members should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land. Furthermore, they will not have the information provided by the Planning Officer, and, in some circumstances, it might lead to allegations of bias.
- 8.6** Attendance of site visits is optional. However, when an application has been deferred at Planning Committee for a site visit, the proposer and seconder must be in attendance at the site visit otherwise they cannot take part in the determination of that application when it is presented to Planning Committee for determination at a subsequent meeting. The ~~Council Planning~~ Officer shall ~~record~~ record the date of the visit, attendees and any other relevant information.
- 8.7** The Planning Officer should prepare a written report on the site visit which should be presented to the Planning Committee Meeting at which the application is to be determined.

Commented [DD11]: Proposal 14

9.0 Pre-Determination Hearings

- 9.1** The Planning Committee has a mandatory requirement to hold Pre-Determination Hearings for those major applications which have been referred to the Department for 'call-in' consideration, but have been returned to the Council for determination. The Planning Committee will be required to hold a Hearing prior to the application being determined. In addition, Council may also hold Pre-Determination Hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support or against the proposed development.
- 9.2** The intention is to make the application process for major applications more inclusive and transparent by giving applicants and those who have submitted representations the opportunity to be heard by Council before it takes a decision.
- 9.3** It will be a matter for the Chair of the Planning Committee and Head of Planning to judge when a Pre-Determination Hearing is appropriate, taking account of the relevance

of the objections in planning terms, the complexity of the application and level of pre-application community consultation.

- 9.4** When holding a Pre-Determination Hearing the procedures will be the same as the normal Planning Committee meetings. The Planning Officer will produce a report detailing the processing of the application to date and the planning issues to be considered. The number of individuals to speak on either side, time available etc will be agreed prior to the Hearing. If the Planning Committee decides to hold the Hearing on the same day as it wishes to determine the application, the Planning Officer's report should contain a recommendation. A power-point presentation as part of the speaking rights will be allowed at the Hearing.

10.0 Recess

- 10.1** When the Planning Committee meeting lasts longer than 2 hours a 15 minute recess shall be taken between 4:00pm and 5:00pm ~~and between 6pm and 6.30pm.~~

Commented [DD12]: Proposal 15

11.0 Confidential Matters

Commented [DD13]: Proposal 16

- 11.1** In the event that the Planning Committee resolve to go 'In Committee' only Members of the Planning Committee, Council Officers in attendance and Legal Adviser(s) shall remain within the Council Chamber. All members of the public, press etc. must leave the Chamber including those Members of the Planning Committee who have declared an interest on that item and other Members of the Council who do not sit on the Planning Committee.

Contentious Delegated Decisions Referred to Planning Committee – 2018/19

Month	Number of Contentious Applications	Recommendation to refuse	Number Referred	Breakdown of referrals
April	39	25	11	11 refusals
May	20	11	8	7 refusals; 1 approval
June	26	15	5	5 refusals
July	24	15	5	5 refusals
August	27	19	10	10 refusals
September	27	15	4	4 refusals
October	43	22	14	13 refusals 1 approval
November				
December				