



<b>Title of Report:</b>	<b>Correspondence</b>
<b>Committee Report Submitted To:</b>	<b>Corporate Policy and Resources</b>
<b>Date of Meeting:</b>	<b>17 September 2019</b>
<b>For Decision or For Information</b>	<b>FOR DECISION</b>

<b>Linkage to Council Strategy (2019-23)</b>	
Strategic Theme	Leader and Champion
Outcome	Establish key relationships with Government, agencies and potential strategic partners
Lead Officer	Director of Corporate Services

<b>Budgetary Considerations</b>	
Cost of Proposal	
Included in Current Year Estimates	<b>YES/NO</b>
Capital/Revenue	
Code	
Staffing Costs	

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

## 1. Purpose of Report

The purpose of this report is to present correspondence for Members consideration.

## 2. The following correspondence had been received:

### 2.1 Parenting NI (dated and received 27 August 2019)

Correspondence has been received from Parenting NI requesting the opportunity for Parenting NI to make a presentation to a future meeting of Council. Parenting NI will now be attending a Deputations Workshop in November. They request Council to nominate a 'Champion' from each Party Group (attached).

### 2.2 Ancre Somme Association 10<sup>th</sup> Anniversary Black Tie Dinner (dated and received 7 September 2019)

Correspondence has been received from Ancre Somme Association in relation to marking their 10<sup>th</sup> Anniversary. To mark this occasion the Association has arranged a Black Tie Dinner to be held on Saturday 26<sup>th</sup> October 2019 in Brownlow House, Lurgan. Guests will be greeted upon arrival with a champagne reception. Special guests will include BBC Sport NI pundit Liam Beckett MBE and the fabulous Swingtime Starlets.

The Ancre Association would like to extend an invite to Council to this prestigious event. Tickets are priced at £35 per person or £300 for a table of 10.

### 2.3 NILGA – Elected Member Development Policy and Learning Network

Correspondence has been received from NILGA in relation to the NILGA Local Planning Leadership Programme 2019/2020 and the indicative costs for both the Planning Programme and the accredited Leadership Programme they are currently in the process of designing which will be delivered in November.

NILGA are looking for nominations for the NILGA Local Planning Leadership Programme which begins on 27 September 2019.

## 3. Recommendation

**It is recommended** that the Corporate Policy and Resources Committee consider the correspondence.

Cloonavin,  
66 Portstewart Road,  
Coleraine,  
BT52 1EY,  
Northern Ireland

Dear Sir,

I hope that this letter finds you well. My name is Chris Eisenstadt, for Parenting NI.

Parenting NI has been working alongside local councillors – including those in Causeway, Coast and Glens Council – to promote parents and parenting support. As part of this, we ran a campaign called “Parenting in the Picture”, which all of the parties represented in Causeway, Coast and Glens council signed up to. One of the key asks of this campaign was for each party to nominate a “Parent Champion”, who will be the key liaison with Parenting NI.

In pursuit of this I am requesting the opportunity for Parenting NI to make a presentation to a future meeting of council - or the appropriate committee - to receive information and also to nominate a ‘Champion’ from each Party Group. If a presentation to committee is more appropriate may I request that all parties are invited to attend.

If you need any further information or would like to have a conversation with me regarding this, I am available Monday to Friday between the hours of 09.00 and 16.30 on 028 9031 0891 or alternatively, via e-mail at [Chris@ParentingNI.org](mailto:Chris@ParentingNI.org).

Thank you in advance,

Christopher Eisenstadt

Policy and Research Officer, Parenting NI

**Ancre Somme Association  
Lurgan & Brownlow Royal British Legion  
Union Street  
Lurgan**

**Email: [info@ancredommeassociation.co.uk](mailto:info@ancredommeassociation.co.uk)  
Website: [www.ancredommeassociation.co.uk](http://www.ancredommeassociation.co.uk)  
Patrons: Lt Col Anthony Maher. Lt Col Gary Tait MBE.**



07 SEP 19

**Ancre Somme Association 10<sup>th</sup> Anniversary Black Tie Dinner**

Dear Chief Executive,

I am writing on behalf of the Ancre Somme Association. The Association was officially formed in 2009 at the graveside of Sir William Allen. Sir William Allen was a Linen manufacturer, Unionist politician and a Soldier and during the Great War he served with the 36th (Ulster) Division, ending the war as a battalion commander.

As interest in The Great War has grown, over the past decade, so has our membership. The range of activities of the association has also grown, far beyond the expectations of the founder members.

We now have branches across Northern Ireland and Scotland and they have been involved in, and facilitated, various initiatives, that helped further the core aims of the Association. Our core aims being Education, Remembrance and support of our Armed Forces Charities.

One of those very successful initiatives has been the Ribbon of Poppies UK & Commonwealth Campaign. This campaign has seen the Association reach out to over 20,000 schools across the United Kingdom. This campaign has also been supported by councils and community organisations across Northern Ireland.

To mark our 10<sup>th</sup> Anniversary the Association has arranged a Black Tie Dinner to be held on Saturday 26<sup>th</sup> October 2019 in Brownlow House, Lurgan. Guest will be greeted upon arrival with a champagne reception. Special guests will include BBC Sport NI pundit Liam Beckett MBE and the fabulous Swingtime Starlets.

On behalf of the Association I would like to extend an invite to your Council to this prestigious event. Tickets are priced at £35 per person or £300 for a table of 10. I would request that this invitation be presented to your Council members for discussion. We would be delighted if all 11 Councils in Northern Ireland were represented at the event.

This event will be supporting AA Veterans Support. This charity support veterans and their families across Northern Ireland and we hope you will agree that this is a worthy cause.

If your organisation would like to reserve tickets or a table please contact me on 07920746760 or email [info@ancredommeassociation.co.uk](mailto:info@ancredommeassociation.co.uk)

Thank you in advance for your support.

Yours Faithfully,

*Ant Maher*

Lt Col Ant Maher  
Patron  
Ancre Somme Association



## **NILGA Local Planning Leadership Programme for Elected Members**

**2019/20**

**Module Design, Delivery and Evaluation:**

The delivery of this programme will be interactive and interesting for Councillors, allowing them to learn from case studies, to ask questions regularly and to undertake role play in workshops.

Clear illustrated hand-outs in plain English will be given to participants throughout the course, with each hand-out containing links to further reading and the policy/legislation referred to. The hand-outs will be hardcopy or electronic.

Case studies will be accompanied by maps and other illustrative material.

Real life examples from the presenters' experiences in Northern Ireland and in other parts of the UK will be used throughout the presentations and discussions to keep the modules interesting and relevant to each Councillor's every day role in relation to planning.

The delivery will include:

- (a) short presentations using PowerPoint;
- (b) discussions;
- (c) case studies and benchmarking practice in other jurisdictions;
- (d) workshops with role play;
- (e) question/answer sessions;
- (f) mock appeal
- (g) hand-outs in paper and electronic form
- (h) summary notes of discussions at each session and suggestions for further training.
- (i) optional site visit as detailed below for week 9

**Outcomes and Evaluation:**

Modules 1 -3 will:

- Improve each Councillor's understanding of the plan making system and their role in the process as civic leaders;
- Enable them to participate effectively and take the lead in making robust and defensible decisions about the future of their Council area;
- Increase their understanding about what their Council's priorities for statutory plan making could and should be;
- Help them to ensure that the Council effectively manages the planning process and doesn't breach any statutory requirements or fail to get the plan through to adoption in a timely manner;

- Improve each Councillor's understanding of the linkages, both statutory and practical, between community planning and the statutory local development planning being carried out by the Councils and the strategic leadership role of a Councillor;
- Highlight the need to understand linkages with planning activities carried out by the Department for Infrastructure and by the Department for Communities at regional and local level;
- Explain the range of plans prepared in the Republic of Ireland at regional and local level and their relevance to Councils with a common boundary to ROI council areas;
- Enable Councillors and their Councils to demonstrate 'joined up' good governance and to deliver planning and related activities in an holistic way;
- Help to safeguard each Council's reputation as a responsible decision maker across a range of interrelated areas of local government.

Modules 4-7 will:

- Improve each Councillor's understanding of the development management system;
- Build an enhanced strategic leadership decision-making capacity in order for Councillors to be able to deliver the Council's planning objectives as set out in its policies, its emerging LDP and in regional guidance;
- Improve the Councillors' understanding of the enforcement process and when enforcement action is desirable
- Reduce the Council's vulnerability on appeal and minimise the possibility of award of costs at appeal;
- Reduce the Council's vulnerability in relation to maladministration of their planning powers;
- Help to safeguard each Council's reputation as a responsible decision maker.

The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops. Councillors who successfully complete the entire course to a satisfactory standard will be credited by an endorsed award.

## Module 1 - Understanding plan making and the role of Councillors

**Date: 27<sup>th</sup> September 2.00 to 4.30 pm Antrim Civic Centre**

Delivered by: Emma Walker and Simon Thompson

Content:

**An outline of best practice in preparing and approving a Local Development Plan (LDP) and the role of Councillors as civic leaders:**

- Summary of the current plan background to decision taking in each Council area in the absence of up-to-date Local Development Plans (LDPs).
- How can Councillors take the lead in helping shape their Council area for the future benefit of the people who live and work there?
- How important are the various stages of the process and demonstrating an understanding of the responses to the statutory consultation exercises.
- How can Councillors work closely with planning officers by giving them clear direction from the outset, helping them to stick to the timetable.
- The importance of an up-to-date plan for the economic prosperity of the locality and for implementing the government's Programme for Government.
- What are the statutory requirements for preparing the LDP and what is the continuing role for the Department for Infrastructure?
- How important are: fulfilling the Council's Statement of Community Involvement; proper environmental assessment; and ensuring a clear evidence base for decisions?
- What are the relevance of current RoI plans at regional and local level to those Councils with a common boundary to RoI councils?
- What is the emerging LDP's relationship with the current plan; the NI Regional Strategy; with the plans being prepared by neighbouring councils; with ongoing regeneration schemes and approved applications; and with the Council's own Community Plan? This will be expanded upon in Module 2 below.

### Questions and Answers

**Local Development Plans – How can Committee members best get involved without breaching the Code of Conduct.**

### Workshop case studies:

(a) should there be expansion of a settlement into the Green Belt or not? This theme will be developed at a later stage in the proposed study visit

(b) how to ensure development of social/affordable housing in the area – what are the choices? This theme will be developed at a later stage in the proposed study visit.

### Questions and Answers

## Module 2 – How Local Development planning is linked to community planning and regeneration initiatives

**Date: 25<sup>th</sup> October 2019 2.00-4.30 pm, Antrim Civic Centre**

Delivered by: Gavin Rafferty and tbc

Content:

### **Community Planning and the Strategic Leadership Role of the Councillor**

- What is it? Ironing out misconceptions
- Careful programming of community planning and local development planning within the Council
- The statutory and practical links between the two types of planning
- Avoiding the pitfalls of delay, contradiction or unmet community expectations
- How best to ensure synergies

### **Questions and Answers**

**Best practice case studies** in community planning, working alongside local development planning in Scotland

### **Questions and Answers**

### **Regeneration planning**

- Ironing out misconceptions on what regeneration planning is all about
- What DfC regeneration plans are being implemented and thus not renegotiable
- Avoiding the pitfalls of delay and contradiction by properly managing the process

**Best practice case studies/workshop** in regeneration planning working alongside local development planning in Scotland

### **Questions and Answers**

**Managing the Process and making sure that the Local Development Plan is implementable within defined resources.**

- Making sure the Council committees understand each other's roles
- Performance setting and monitoring by the Dept for Infrastructure
- Call in powers by DfI – case examples
- DfI power to enforce Joint Plans
- Meeting the requirements of Environmental Assessment and other EU law

### **Questions and Answers**

## Module 3 - Understanding the Local Development Plan Process from draft stage to adoption

**Date: 29<sup>th</sup> November 2019 2.00 – 4.30 pm, Antrim Civic Centre**

Delivered by: Brian Kelly and Deirdre McSorley

Content:

**What can go wrong with Local Development Plan making and how to avoid this through effective management of the process?**

- Delay
- Political divide within Council on key issues causing stalemate
- Non compatibility with regional policy and guidance
- Call in by DfI Planning
- Breach of the Code of Conduct by a Councillor
- Judicial Review of the plan or an element of it

### **Examination of the LDP**

Insight into the process of getting the draft plan safely through the two-stage public examination process.

- The need to demonstrate clearly how the statutory requirements have been fulfilled.
- The “soundness” test and how it has been applied in England by the Planning Inspectorate.
- Learnings from recent plan Examinations in N Ireland.

### **Questions and Answers**

#### **Workshop case studies:**

(a) A Councillor not on Planning Committee wants to take an active part in an Inquiry topic session at Stage 2 as he/she opposes the proposed zoning of a particular site for housing.

(b) an example of an element of the draft LDP which may not be “sound” as arguably inconsistent with the evidence base (e.g. calculation of the amount of new housing required over the plan period).

### **Questions and Answers**

## **Module 4 - Understanding development management: the planning process and the role of Councillors**

### **Understanding planning conditions and planning agreements and the role of Planning Committee**

**Date: 21<sup>st</sup> January 2020, 2.00 - 4.30 pm, Antrim Civic Centre**

Delivered by: Karen Blair and Sheila Murphy

Content:

#### **The statutory development management process:**

- Which applications come to Planning Committee for decision and which are delegated to Council officers or made by DoE Planning
- The importance of case law and regional policy/guidance in making robust planning decisions
- The need to abide by statutory requirements in dealing with planning applications – consultation with statutory agencies, community involvement, timescales etc
- The need for good reporting and clear advice by officers to the planning committee
- The pre-determination hearing and how Councillors should treat this.

#### **Questions and Answers**

#### **Making timely, effective and defensible decisions:**

- Understanding the need for timely decisions and the costs to the local economy of any unnecessary delays
- The planning committee's role in evaluating planning applications and planning conditions suggested by officers
- Propriety and leadership in decision making by Councillors
- The Committee meeting and best practice – a view from Scotland and England practice
- Whether site visits are required
- Constraints on matters which Councillors can take account of when making planning decisions
- Dealing with lobbying by applicants and objectors
- Avoiding unreasonable behaviour and potential award of costs

#### **Questions and Answers**

**Case studies** on best (and not so good) practice from Scotland and N Ireland e.g.

(a) application for demolition and replacement of an historic building in a local town

(b) application for a bar/restaurant on the edge of the defined town centre

(c) application for a mixed-use affordable housing scheme on former industrial land

## Questions and Answers

### Understanding and managing adherence to the legal and policy requirements for planning conditions:

- Types of planning condition
- The importance of clear wording
- Applications to remove or vary a condition in a planning permission
- Enforcement for breach of a condition
- Appeal against a planning condition

## Questions and Answers

### Case studies: e.g.

(a) should an agricultural occupancy condition be applied in granting planning permission for a rural dwelling?

(b) should a condition be applied for specific sight lines coming out of a vehicular access to a proposed business even if neighbours claim that they own the land required for the sight lines?

(c) an appeal against a condition restricting hours of opening of a motor cycle race track

(d) an appeal against a car parking condition for a commercial development which is viewed by the applicant as unreasonable.

## Questions and Answers

### Planning agreements:

- The law and any relevant guidance
- What are the practical issues in getting timely agreements prepared?
- Avoiding delays
- When can they be removed?

### Case studies of recent planning agreements: e.g.

(a) financial contributions from developers of student accommodation in Belfast City Centre

(b) financial contributions to off -site road infrastructure for edge of centre retailing park

(c) Getting a planning agreement removed/amended at Belfast City Airport

## Questions and Answers

## Module 5 - Understanding the statutory appeal system and best practice

**Date: 21<sup>st</sup> February 2020, 2.00 – 4.30 pm, Antrim Civic Centre**

Delivered by: Trevor Rue and Conor Hughes

Content:

### **The various types of appeals and the role of the Council officer and Councillor:**

- Managing the process – Planning Committee best practice
- The role of the Planning Appeals Commission
- Presenting the Council's case on appeal – officers and Councillors
- Dealing with lobbying by appellants and third parties
- Decisions by the Planning Appeals Commission and their repercussions
- Avoiding Award of Costs by the PAC

### **Questions and Answers**

**Case examples** from N Ireland: e.g.

- (a) hot food bar in small parade of shops;
- (b) demolition and new house in a Conservation Area;
- (c) out of town centre retail development;
- (d) infill dwelling in AONB part of the countryside

### **Questions and Answers**

#### **Mock Planning Appeal with role play by delegates**

- Briefing material to be given to Councillors several weeks in advance
- Each Councillor to play a different role in the appeal
- Outcomes and behaviours to be evaluated by the group

### **Questions and Answers**

## Module 6- The statutory enforcement process and the role of the Planning Committee and other Councillors

**Date: 20<sup>th</sup> March 2020, 2.00 – 4.30 pm, Antrim Civic Centre**

Delivered by: Judith Winters and Maria O'Loan

Content:

### **The essentials of law and policy relating to enforcement:**

- Understanding the legislation; regional policy and advice; and case law
- Making an appropriate response to unauthorised development in the context of Council resources and reputation
- When is enforcement out of time?
- What can go wrong in enforcement cases?
- Planning Committee procedures for enforcement decisions (and for drawing up the Council's own enforcement policy)
- Balancing the proper arguments for and against the enforcement case

### **Questions and Answers**

**Examples of cases** from Scotland/England and N Ireland eg

- (a) Unauthorised car sales in former countryside barn;
- (b) Change of use of inner city dwelling to multiple occupation;
- (c) Non-compliance with a planning condition in major new mixed use development;
- (d) unauthorised extension to village dwelling

### **Questions and Answers**

## **Module 7 – Maladministration charges to the Ombudsmen and the judicial review of planning decisions**

**Date: 24<sup>th</sup> April 2020 2.00 – 4.30pm, Antrim Civic Centre**

Delivered by: Faye Philips and Sarah Dunlop

Content:

### **The different types of challenges by individuals or groups and possible outcomes:**

- To the Courts for a Judicial Review
- To Local Government Ombudsman
- To Public Services Ombudsman

### **Questions and Answers**

### **How Councillors and Councils can avoid maladministration charges related to planning by effectively managing the planning process:**

- Examples of breaches of the Code of Conduct and Guidance in planning decisions
- Cases relating to either “actual” or “apparent” bias
- Cases relating to breach of protocol
- Pre-determination of the outcome of a planning application by Committee members
- Need to take time to consider all the information pertinent to a decision
- Duty to give reasons for a decision especially if the Planning Committee makes a decision contrary to the case officer’s recommendation
- These cases will relate to N Ireland and other parts of the UK

### **Questions and Answers**

### **Outcomes and possible penalties – case studies from NI and elsewhere in the UK**

- Quashing of the planning decision
- suspension or disqualification from office of the Councillor
- a prison sentence
- surcharging of Councillors if wilful misconduct found

### **Questions and Answers**

## Module 9 – Optional Study Trip to a Council in Scotland

**Date: 5<sup>th</sup> March 2020**

The aim of this optional module is to demonstrate best practice in decision making by a Council and its Planning Committee. Fife would make an ideal Council for course delegates to share experiences with and the proposal is to meet with both Council officials and elected representatives, with site visits to help Programme delegates understand the projects which Fife Councillors are currently debating.

My reasons for choosing Scotland are:

- The Scottish planning system is the one upon which the new N Ireland system has been modelled
- The Fife Council area includes several medium sized towns, villages, a rural hinterland and coast and has planning issues relating to, for example: pressure to expand, environmental designations, deprived communities, conservation, transportation, retailing, social housing, employment and tourism
- The Council is regarded as implementing best practice in terms of governance and decision taking
- We have good connections with several private practices in Scotland and through them with the Council which will facilitate the study visit.

Northern Ireland Local Government Association Visit Agenda  
5<sup>th</sup> March 2020  
Fife House, North Street, Glenrothes, KY7 5LT  
Council Chambers, Floor 6

8.15 9.15	Bus pick up at AC Marriott Hotel, Edinburgh COFFEE/WELCOME / INTRODUCTIONS
9:30	Introduction to Fife and Strategic Growth across Fife <i>Pam Ewen, Senior Planning Manager</i>
9:50	Overview of Fife's Development Management System
10.10	A Councillor's Perspective on Planning
10:30	Fife's Approach to Community Engagement <i>r</i>
11.05	Developer Contributions to Affordable Housing
11:25	BREAK
11:35	Councillors Code of Conduct
12:20	LUNCH
13:00	Digital Transformation of Planning Services
13:30	Site Visits
16:30	Bus Pick up at Dunfermline and return to airport

Pool of those who may deliver the programme:

- (1) Diana Fitzsimons, Planning Consultant and Visiting Professor Ulster University
- (2) Emma Walker, Associate Director Turley
- (3) Simon Thompson, Antrim and Newtownabbey Borough Council
- (4) Sheila Murphy, Associate Director Turley
- (5) Brian Kelly, Director Turley
- (6) Deirdre McSorley, Head of Planning, Fermanagh & Omagh District Council
- (7) Faye Philips, Solicitor Carson McDowell Solicitors
- (8) Judith Winters, Principal Planner Antrim and Newtownabbey Borough Council
- (9) Karen Blair, Partner Cleaver Fulton and Rankin Solicitors
- (10) Conor Hughes, Planning Manager Lisburn and Castlereagh Borough Council
- (11) Trevor Rue, Principal Commissioner Planning Appeals Commission
- (12) Dr Gavin Rafferty, Senior Lecturer in the Built Environment, UU
- (13) Maria O'Loan, Partner Tughan Solicitors
- (14) Sarah Dunlop, Solicitor Carson McDowell Solicitors

**NILGA Accredited Learning Provision 2019/20 - Indicative Costs**

<b>NILGA Local Planning Leadership Programme 2019/20</b>		
	<b>30 Participants (Per Participant Cost)</b>	<b>20 Participants (Per Participant Cost)</b>
<b>Programme Cost</b>	£215	£323
<b>Accreditation Cost</b>	£150	£150
<b>Total Cost</b>	£365	£473

<b>NILGA Leadership Programme 2019/20</b>		
	<b>20 Participants (Per Participant Cost)</b>	<b>15 Participants (Per Participant Cost)</b>
<b>Programme Cost</b>	£730	£973
<b>Accreditation Cost</b>	£278	£278
<b>Total Cost</b>	£1008	£1251

Please note that these are total costs required per participant from each Council