



<b>Title of Report:</b>	<b>Review of ‘Protocol for the Operation of the Planning Committee’ and ‘Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions’.</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>26 February 2020</b>
<b>For Decision or For Information</b>	<b>For Decision In Committee</b>

<b>Linkage to Council Strategy (2015-19)</b>	
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

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil – staff resources
Included in Current Year Estimates	<b>NO</b>
Capital/Revenue	Nil
Code	34001
Staffing Costs	May impact on staff workloads

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes	Date:07/02/2020
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes	Date: 07/02/2020
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

## **FOR DECISION**

### **1.0 Background**

- 1.1** The 'Protocol for the Operation of the Planning Committee' and 'Scheme of Delegation for the Planning Department' were previously reviewed and agreed on 03 December 2018 and took effect on 28 January 2019.
- 1.2** At the Planning Committee meeting held on 25 September 2019, it was requested a workshop be held to review the planning application process, the Protocol and Scheme of Delegation and a report brought back to Planning Committee for agreement.

### **2.0 Details**

- 2.1** The workshop to discuss current issues regarding the current planning application process, the Protocol and the Scheme of Delegation took place on 20 November 2019 with 9 Planning Committee Members in attendance.
- 2.2** Issues raised related to:
- Delay in processing applications – officers and agents
  - Staffing levels and caseloads
  - Council Direction to tighten validation procedures and submission of information at validation stage
  - Timeframe for submission of amended plans/further information and associated costs; decision to issue if not received
  - Design Issues
  - If principle unacceptable make determination
  - Objections from 5 separate addresses – must provide postal address and contact telephone number; objections from agents submitting applications will not count towards the more than 5 objections
  - Sound planning reasons for referral requests from Elected Members in agreement with Head of Planning, Chair and/or Vice Chair
  - Receipt of late information when Committee Reports completed and circulated to Members
  - Provision of drawings associated with applications
  - Audio recording of meetings rejected
  - Attend Mid Ulster and Armagh, Banbridge and Craigavon Planning Committees for comparison purposes
- 2.3** Further issues were raised by Members at the Planning Committee meeting held on 22 January 2020 relating to:
- Members proposing and seconding a deferral for site visit should not be required to attend the site visit as if the site is within their DEA they may already know the site but wish other Members to view prior to making a decision
  - Members who wish to speak on an application should be allowed to remain in the public gallery during the officer's presentation and listen

to others speaking on the application before leaving the chamber during debate and decision by Members.

- 2.4** A revised 'Good Practice Guide for the Efficient Processing of Planning Applications' will be developed and brought to Planning Committee for agreement at a later date.
- 2.5** The issues raised at the workshop and Committee meeting including other updates to the Protocol and Scheme of Delegation are detailed in the revised Protocol and Scheme of Delegation attached at Appendix 1 and 2 with amendments shown as tracked changes for ease of reference.
- 2.6** It is anticipated that the changes will assist in speeding up the planning process and provide clarity on the referral process and submission of information after Planning Committee papers have been circulated to Members.
- 3.0 Recommendation:**
- 3.1** **IT IS RECOMMENDED** that the Committee approves for implementation as soon as possible the amended' Protocol for the Operation of the Planning Committee' and 'Scheme of Delegation for the Planning Department' attached at Appendix 1 and 2, and that the Head of Planning seeks approval from the Department of Infrastructure on the amended Scheme of Delegation.

Implementation Date: XX 2020

## Protocol for the Operation of the Planning Committee

### 1.0 Introduction

1.1 The Causeway Coast and Glens Borough Council, at its reconvened meeting held on XX 2020, agreed the revised 'Protocol for the Operation of the Planning Committee'. The revised Protocol takes effect on 28<sup>th</sup> January 2019. 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. 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 the Planning Department, otherwise the decision notice will issue.
- A summary report of performance in the processing of planning applications will be presented to Committee on a monthly basis.
- 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.

- Members of the public must not circulate information directly to Members of the Planning Committee. This information will only be considered if submitted directly to the Planning Department or via [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk).
- Updated information received after the agenda has issued will not be circulated to Members. The Planning Officer shall prepare an addendum for the day of the Committee meeting to report(s) to advise Members about any updated information receiveds since the agenda issued that is required to inform a decision. If the information is received after 5pm on the Friday prior to the Committee meeting, the Officer will advise Members verbally in respect of same.
- 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, once adopted, 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 normally 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 8pm unless otherwise agreed by Committee Members. Any items on the agenda that have not been considered at that time will be adjourned for consideration at a reconvened meeting.

## 5.0 Referral of Delegated Applications to Planning Committee

5.1 The Scheme of Delegation, approved at the Planning Committee meeting held ~~XX 2020~~ and agreed with the Department for Infrastructure on ~~XX 2020~~, taking effect from ~~XX 2020~~, includes a procedure which allows for Elected Members and Head of Planning to request that the Planning Committee ~~considers-determines~~ 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. The request should be emailed to [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) prior to 10am on the Monday following the issuing of the contentious list. The planning reasons for the deferral request will be considered by the Head of Planning or other authorised officer and the Chair of the Planning Committee or Vice-Chair following the deadline for receipt of requests. Only those applications that are considered to have sound planning reasons will be agreed to be determined by the Planning Committee. The Elected Member will be advised of the decision on the referral request. 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
- Requests for deferral for site visit
- Order of Items and Confirmation of Registered Speakers
- Schedule of Planning Applications
- Performance Management Statistics Report
- Development Plan matters
- Correspondence
- Legal issues

### 6.2 Declaration of Interests

Members will be required to declare any interests they have on the any agenda items ~~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.

6.3 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.*

*~~Speakers are not permitted to display information or circulate~~ ~~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.*

*~~Speakers are not permitted to display information or circulate~~ ~~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~~ Elected Members of Council, 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 Elected m~~Members of Council, MLA and/or MP will be 5 minutes in support and in objection to an application. Therefore if 2 ~~Elected Members of the Council~~speakers wish to address the Committee one in support and one in objection to the application, they will each have 5 minutes. However, if 2 Elected Members wish to address the Committee in support of the application, or 2 in objection to the application, they 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.~~

~~Speakers are not permitted to display information or circulate~~No documentation shall be circulated at the meeting to Members ~~by speakers~~.

**(viii) Planning Officer's and Consultee comments**

~~Planning Officer(s) and Consultee representatives shall~~can clarify points raised by those who made representations to the Committee and answer any further points of clarification from Members.

**(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**

~~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.~~

The Chair should ask the Committee if it is ready to vote on the 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.~~

An Officer, and/or Legal Adviser may advise Members on the implication of the vote in either direction.

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.

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 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.

Members can add conditions to an approval decision or add reasons for refusal to a refusal decision but they cannot amend the application by condition (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.

~~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.

~~No documentation shall be circulated directly to Members from the public. All documentation must be submitted to the Planning Department or via [planning@causewaycoastandglens.gov.uk](mailto: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 Officers' in making a recommendation to the Planning Committee and to check for accuracy or provide considered advice on any material planning issues arising. Only information sent to the Planning Department will be considered by Members in the determination of the planning application.~~

#### 6.4 Speaking Rights

All parties wishing to address the Committee on a planning application must register their wish to do so with the Planning Department Council's either in writing to Planning Department, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY or by emailing [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk). All requests to address the Committee on a planning application must be received by 12 noon on the Thursday immediately prior to the Planning Committee meeting and mustby 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 either to speak or answer questions.

If the speaker is a Planning Committee Member they can remain in the public gallery during the presentation of the application by the officer and listen to the speakers,

however they must leave the Chamber during Members debate and decision of that item.

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.

**6.5** 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.

**6.6** 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 Planning Department or via email at [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) by 12 noon on the Thursday 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 via an Addendum Report.~~ Representations in lieu of speaking 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.~~

**6.7** An application scheduled for determination at the Planning Committee will not be withdrawn from the schedule due to failure of interested parties to register their request to speak within the above specified timeframe.

**6.8** 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](mailto:planning@causewaycoastandglens.gov.uk) by ~~6pm~~ 12 noon on the ~~Friday~~ Tuesday prior to the Committee meeting for discussion with the Chair.

**7.0 Decisions Contrary to Officer Recommendation**

**7.1** 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.

**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 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.

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

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 Planning Officer shall record the date of the visit, attendees and any other relevant information in the form of a written report 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 minimum 15 minute recess shall be taken ~~between 4:00pm and 5:00pm~~ at 2-3 hourly intervals.

## **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.

## **Scheme of Delegation for the Planning Department**

The revised Scheme of Delegation for the determination of planning applications was approved by the Department for Infrastructure on XX 2020. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The revised Scheme of Delegation shall take effect from XX 2020.

### **Introduction**

Part 4 Section 7 (4) (b) of the Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate certain matters to an officer of the Council. In relation to planning applications, enforcement and other planning matters the person appointed by the Council to exercise delegated powers is the Head of Planning and those senior officers nominated by this officer as detailed in the Scheme of Delegation.

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

Statutory requirements-provisions within the Planning Act (Northern Ireland) 2011 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 postal addresses, or, a petition from more than 5 from separate postal addresses raising material planning considerations, where the officer's recommendation is to approve. The objection must include the postal address for the objector to be considered under this exception.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications listed on the 'Contentious Delegated Decisions to Issue' where an Elected Member of Council has requested the application ~~to~~ be referred to the Planning Committee. The request must be accompanied with a statement outlining the sound material planning reasons for the referral and be received prior to 10am on the Monday following the issue of the weekly list on which the application is listed.<sup>1</sup> This referral process excludes Pre

<sup>1</sup> A contentious application is one where the decision is to refuse permission or consent. An authorised officer will liaise with the Chairperson or Vice Chairperson of the Planning Committee to determine whether the reasons which have been provided constitute valid planning reasons so as to merit referral to Planning Committee. The requesting Member will be advised if the request has been successful or rejected.

Application Notices, Applications for Works to Trees, Discharge of Conditions, Non Material Changes, Certificates of Lawful Development and those applications where the refusal relates to road safety, ~~or~~ flooding, or where additional information or amendments including design changes have been requested but not submitted in full within the timeframe provided. ~~required to determine the application has not been submitted following a reasonable request.~~

- Applications submitted by or on behalf of the Chief Executive ~~of the Council~~, a chief officer ~~of the Council~~, a planning officer or elected member of the Council, or their immediate families, ~~or the immediate family<sup>2</sup> of an elected member~~ (spouse, partner, children).
- A legal agreement is required.

### **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 and production of the Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination and making decisions on behalf of Council throughout the Plan preparation, Independent Examination and adoption process.
- To instruct a solicitor or Counsel 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 monitor, review and report on the impact of the implementation of the Plan Strategy and Local Policies Plan.
- Responding to consultations and correspondence 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, Submission 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 including representing Council at Court hearings and making decisions on behalf of Council during such proceedings.
- 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, when commenced
- Providing advice on ~~general~~ planning ~~en~~quiries
- 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, preparation and submission of Statements of Case including reasons for refusal, conditions and informatives, Rebuttal Statements and Award of Costs applications, provide responses, and agree 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 and make decisions on behalf of Council during appeal proceedings.
- 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 counsel 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 Counsel or other consultant in the preparation for and attendance at Planning Appeals, Independent Examinations, Judicial Reviews and other Hearings including making decisions on behalf of Council during such proceedings.
- 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:

- Head of Planning
- Officers at Principal Officer grade
- Officers at Senior Planning Officer grade

#### **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](http://www.causewaycoastandglens.gov.uk). A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY.