

Review of 'Protocol for the Operation of the Planning Committee'	25th October 2017
Planning Committee FOR DECISION	

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

1.0 Background

- 1.1** At the Planning Committee meeting held 23rd August 2017, the Chair requested that the 'Protocol for the Operation of the Planning Committee' be brought before the next Committee meeting for review.

2.0 Details

- 2.1** The Chair raised concern over the number of requests received seeking to have planning applications withdrawn from the Schedule of Applications for discussion.
- 2.2** The Protocol was previously reviewed on 28th September 2016 and implemented on 7th November 2016.

3.0 Recommendation

- 3.1** **IT IS RECOMMENDED** that the Committee agree that the Head of Planning amends the Protocol attached at Appendix 1 inserting suggested amendments.

Implementation Date: 1st 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 27th September 2017, agreed the revised 'Protocol for the Operation of the Planning Committee'. The revised Protocol takes effect on 1st October 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 2minutes and 30 seconds each.

No documentation shall be circulated 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.

- 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 received on applications for those person(s) where speaking rights have been granted will be returned.

- 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 by 6pm on the Friday prior to the meeting to the Head of Planning 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.
- 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, but it is recommended that the full Planning Committee should attend site visits. 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.