

Transferring Functions & Group Committee Wednesday 11th February 2015

Table of recommendations

No	Item	<i>Recommendation</i>
4.	Protocol for Operation of Planning Committee	<i>Approve, subject to stated amendments/additions</i>

Transferring Functions & Group Committee

Minutes of the Meeting of Causeway Coast & Glens District Council Transferring Functions & Group Committee, held in the Area Planning Office, Coleraine on Wednesday 11th February 2015 at 7pm.

In the Chair: Councillor Mullan

Members present: Councillors Blair, Beattie, Callan, Chivers, Cole, Douglas, Fielding, King, Knight-McQuillan, Finlay, Loftus, McCandless, McCaul, McGuigan, McKeown, McKillop, S, Watton

In attendance: D Jackson, Chief Executive
D Dickson, Head of Planning
S Duggan, Programme Administrator
S McMaw, Head of Convergence
S Mathers, Principal Development Management and Enforcement Officer
S Mulhern, Principal Development Plan Officer

1. Apologies

Apologies were recorded from Councillors Duddy and McKeown.

2. Declarations of Interest

There were no Declarations of Interest.

3. Minutes of Meeting held 11th December 2014

Chair advised the Minutes had been ratified by Council.

4. Protocol for Operation of Planning Committee

D Dickson presented, summarised as undernoted.

The primary duty of a Councillor on the Planning Committee is to act as an independent decision maker of the applications and issues before them and make planning decisions openly and impartially, with sound judgement and for justifiable reasons for the whole community.

The protocol for the operation of the Planning Committee to work effectively and efficiently in an open and transparent manner. The protocol addresses 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

It was proposed by Councillor Baird, seconded by Councillor Callan and AGREED to recommend that the Causeway Coast and Glens District Council approve the 'Protocol for the Operation of the Causeway Coast and Glens Planning Committee' as detailed in Appendix A, subject to the following amendments/additions:

At 2.1 "Substitute.....deputise", add, "*unless agreed by Head of Planning and Chair of Committee*";

At 6.2 (iii) amend total time allowed for objectors to, "5" minutes;

At 8.1, "on exceptional occasions..." add "*or in discussion with the Chair of Committee*",

At 8.2 amend, "3 working days", to, "*4 working days*".

Chief Executive indicated he will look further at point 3.3, Enforcement, within the Protocol and come back to committee.

- * **Councillor Loftus arrived at the meeting at 7.07pm during consideration of the above matter**
- * **Councillor McGuigan arrived at the meeting at 7.10pm during consideration of the above matter**

5. **Correspondence – DRD Transport NI Transfer of Off-Street Parking**

Members noted the correspondence, circulated.

In response to member comments, the Chief Executive shall invite a DRD representative to address a future committee.

6. **Date of Next Meeting**

Wednesday 11th March 2015, 7pm, Area Planning Office Castlerock Road, Coleraine

This being all the business the meeting closed at 8.04pm.

Appendix A: Protocol for the Operation of the Causeway Coast and Glens Planning committee

Appendix A – Protocol for the Operation of the Causeway Coast and Glens Planning Committee

1.0 Introduction

1.1 The Causeway Coast and Glens District Council's Planning Committee adopted this 'Protocol on the Operation of the Planning Committee' at its meeting held on **XXX 2015**. This 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 indicating applications to be determined by the Planning Committee and applications delegated to Officers will be circulated to all Elected Members. A summary report of delegated scheme applications will be presented to Committee on a monthly basis.
- All Committee Members will be sent the agenda in advance of the meeting with a report on each planning application to be considered at the meeting by the Committee.
- Officers 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.
- All members of the Planning Committee must have taken the requisite training to fulfil their role on the Planning Committee.

3.0 Remit of the Planning Committee

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3.1 Development Management

The main role of the Planning Committee is to consider applications made to the Causeway Coast and Glens District 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 take 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.

5.0 Referral of Delegated Applications to Planning Committee

5.1 The Scheme of Delegation approved at the Shadow Planning Committee held on 28 January 2015 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 must be based on clearly specified planning grounds to ensure efficient management of the Planning Committee and made in

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writing to the Head of Planning within 25 working days from the date the application is validated. The Head of Planning in consultation with the Chair of Committee will decide whether the request is acceptable. If the referral is acceptable the Elected Member will be required to address the Planning Committee meeting at which the application is to be decided. It is recommended that Council monitor the number of referrals.

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
- Schedule of Planning Applications
- Development Plan matters
- Enforcement matters
- Delegated applications report

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 3 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. Therefore if 2 objectors wish to address the Committee they will each have a maximum of 1 minute and 30 seconds. A spokesperson for the objectors may address the Committee on behalf of all objectors.

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

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

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- (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 unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. 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.

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

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

- (vii) Representation by Elected Member, 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 10 minutes unless the committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. Therefore if 2 Elected Members wish to address the Committee, each will have a maximum of 5 minutes each.

MPs and MLAs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact must be received by the Head of Planning 5 working days prior to the date of the Committee meeting. 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

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

- (x) 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 Chief Administrative Officer / Committee Clerk by 12 noon three working days before the meeting.

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,

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- (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, Elected 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 at least 3 working days prior to the Planning Committee and will be reported to the Committee in an update report and circulated on the day of the meeting.

6.6 If an Elected Member is unable to attend the Committee and submits representations in writing, such representations may be read out at the Committee provided that there is sufficient time i.e. the 5 minutes allocated for Council Member representations.

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. The Planning Officers/Head of Planning will have the opportunity to explain the implications of the Planning Committee's decision. 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.

8.0 Site Visits

8.1 It is recognised that, on exceptional occasions, 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 Site visits should be an exception as they are time consuming and expensive. The Head of Planning shall decide if a site visit would be beneficial and advise the Committee Members at least 3 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 The Planning Committee Clerk should contact the applicant / agent to arrange access to the site. Invitations will be limited to members of the Planning Committee and Council Planning Officers and will be arranged for the morning of the Planning Committee meeting.

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- 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, unless there are exceptional reasons. The Clerk to the Planning Committee 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, Councils 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 of the 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 Planning Committee 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.

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