



**Causeway
Coast & Glens
Borough Council**

Planning Department
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DfI Minister Mallon
Private.Office@infrastructure-ni.gov.uk

Date: 06 December 2021

Your Ref:

Our Ref: PC Late Representations
(Please quote at all times)

Dear Minister Mallon

Subject: Section 45(3) of The Planning Act (Northern Ireland) 2011 and Article 8(2)(f) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

I write on behalf of Causeway Coast and Glens Borough Council Planning Committee in relation to the above.

At its meeting held on 24 November 2021, the Planning Committee resolved that I write on their behalf to express their concerns regarding delays caused to the processing of planning applications as a result of the submission of representations late in the process.

Section 45(1) of the Planning Act states:

"Subject to this Part and Section 91(2), where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations..."

Section 45(3) of the Planning Act states:

"In determining any application for planning permission the council or the Department must take into account any representations relating to that application which are received by it within such period as may be specified by a development order."

Section 32 of the Planning Act sets out the provision for the Department only, rather than Council, to make a development order.

Article 8(2)(f) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that the notice of applications for planning permission must *"(f) state that representations may be made to the council or, as the case may be the Department and include information as to how any representations may be made and by what date they must be made (being a date not earlier than 14 days after the date on which the notice is sent);"*

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However, it does not clearly state that representations received after this period will not be taken into account in the determination of planning applications. The fall-back position is therefore that any representation received is a material consideration to be taken into account in the determination of a planning application under Section 45(3) of the Planning Act.

Members acknowledge that this issue has been raised in the submission to the 'Call for Evidence – Review of the Implementation of the Planning Act (Northern Ireland) 2011'. However, this issue is continuing to impact on the ability to issue decisions, particularly on contentious applications and requires urgent address. I will provide an example to illustrate.

A recent major planning application was presented to Planning Committee at its meeting held on 27 October 2021 for determination and the application was determined by Members. However, whilst the Planning Committee continued to consider other agenda items, further representation was received. I raised the further representation at the end of the Schedule of Applications section of the agenda and Members were able to consider the information and reconsider their decision based on the new information received. Subsequent to the decision issuing further letters of representation were submitted raising new issues. As these issues were new material considerations that had not been before the Planning Committee in reaching their decision, it necessitated the application being returned to the Planning Committee for consideration. The addendum to the Planning Committee Report was prepared by Planning Officers and circulated to Members. In the intervening period, between the circulation of the addendum to Members and the date of the Planning Committee meeting, further representation was submitted requiring consultation. Due to the short timeframe between the issuing of the consultation and the date of the Planning Committee meeting this response was not received from the consultee. As a result, Planning Committee resolved to defer the consideration of the further information for 2 months to allow the consultee time to respond to the new issues raised. To proceed without this information from the consultee would have left the Committee open to challenge. This further delay provides the opportunity to submit further representation that, should they raise further new issues will procrastinate the decision-making process.

Planning Committee Members consider this situation to be untenable. It is a means to frustrate the planning process creating greater uncertainty in the planning process.

Members request an urgent amendment is made to Article 8(2)(f) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 to reflect the following wording:

"(f) state that representations may be made to the council or, as the case may be the Department and include information as to how any representations may be made and by what date they must be made (being a date not earlier than 14 days after the date on which the notice is sent). Representations received after such date will not be considered as a material consideration in the determination of a planning application under Section 45 of The Planning Act (Northern Ireland) 2011;"

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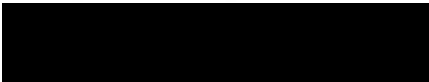
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To amend Section 45(3) to state:

"In determining any application for planning permission the council or the Department must take into account any representations relating to that application which are received by it within any such period as may be specified by a development order. Representations received after such specified date will not be taken into account in the determination of that application."

I urge you to review the planning legislation to assist Councils in the timely determination of planning applications.

Yours sincerely



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