

**Implementation Date: 01 September 2023**

## **PROTOCOL FOR THE OPERATION OF THE PLANNING COMMITTEE**

### **1.0 Introduction**

**1.1** The Causeway Coast and Glens Borough Council, at its Planning Committee meeting held on 23 August 2023, agreed the revised 'Protocol for the Operation of the Planning Committee'. The revised Protocol takes effect on 01 September 2023. 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 but should be read in conjunction with such documents.

### **2.0 Purpose of the Protocol**

**2.1** The purpose of this Protocol is to outline the arrangements for the operation of the Planning Committee ("the Committee"). The Protocol should be read in conjunction with the relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors.

### **3.0 Remit of the Planning Committee**

**3.1** The remit of the Planning Committee is set out in the Terms of Reference for the Planning Committee. The decisions of the Planning Committee are taken under full delegated authority and will not go before full council for ratification.

#### *Development Management*

**3.2** 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 they should be approved.

#### *Development Plan*

**3.3** The Planning Committee's role in relation to the local development plan is to approve the Plan Strategy and Local Policies Plan before referring to full Council for ratification. 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.

#### *Enforcement*

**3.4** 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 Membership**

- 4.1** The Committee is comprised of sixteen Elected Members appointed to the Committee at the Annual General Meeting of Council with no substitutions permitted unless there are exceptional circumstances and agreed with the Chair. A quorum of 4 Committee Members (as set out in Council's Standing Orders) is required for the Planning Committee to convene. Business shall not be transacted unless a quorum of the Committee is present.
- 4.2** Members are required to attend mandatory training prior to taking their seat on the Planning Committee and attend other mandatory training as necessary.
- 4.3** The Head of Planning or other authorised officer is expected to attend all Planning Committee meetings, in addition to Planning Officer's presenting their reports. Legal representation and statutory consultee representation may also attend the Committee to assist in the decision-making process.

#### **5.0 Frequency of Planning Committees Meeting**

- 5.1** In accordance with the Council's Standing Orders and Terms of Reference for the Planning Committee, The Planning Committee will normally meet on the fourth Wednesday of the month at 10.30am except in the months of July and December when there will be no meeting held. Additional meetings will be at the discretion of the Chair of the Committee with the consent of Committee Members. Meetings will 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.
- 5.2** Planning Committee meetings should normally be open to the public except when access is restricted in accordance with Section 42 of the Local Government Act (Northern Ireland) 2014.
- 5.3** The following information will be circulated to Committee Members prior to the monthly Planning Committee meeting and published on Council's website:
- A weekly list of all new valid planning applications received and planning applications decided
  - A weekly list of all contentious delegated planning applications where the decision is ready to issue will be circulated to Elected Members on a weekly basis.
  - The Schedule of applications to be determined by the Planning Committee.

- The agenda for the Committee meeting with a report on each planning application to be considered at that meeting by the Committee.

**5.4** Members of the public must not circulate information directly to Members of the Planning Committee. Members of the Planning Committee are not permitted to advocate for or against or lobby for or against any matter before the Planning Committee when they are determining such matter. This information will only be considered if submitted directly to the Planning Department via [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) .

## **6.0 Scheme of Delegation**

**6.1** A Scheme of Delegation is where the decision-making on a planning matter is delegated to an appointed Officer, thereby enabling speedier decisions and improved efficiencies. Section 31(1) of the Planning Act (Northern Ireland) 2011 requires a Council to produce a Scheme of Delegation for delegation of decisions for development within the local category of application.

**6.2** There are certain statutory restrictions that prevent delegation of certain types of applications to appointed Officers and therefore must be determined by the Planning Committee. These are set out in Part A of the Scheme of Delegation.

**6.3** The Scheme of Delegation must be agreed with the Department for Infrastructure in accordance with Section 31 of the Planning Act (Northern Ireland) 2011.

**6.4** In accordance with Regulation 10 of the Planning (Development Management) Regulations (Northern Ireland) 2015, the Scheme of Delegation is available to view on Council's website and a copy is available at the Planning Office, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY.

**6.5** The Scheme will be reviewed periodically to ensure it is current and relevant.

## **7.0 Referral of Delegated Application to the Planning Committee**

**7.1** 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 and published on Council's website. A contentious application is one where the Officer recommendation is to refuse permission as set out in the Scheme of Delegation. 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. Members of the public will not be able to directly request this procedure.

**7.2** Any referral by an Elected Member of Council must be based on clearly specified planning grounds and must accompany all requests. Clear planning issues that could warrant referral are those related to, for example:

- Relevant national and local planning policy

- Appearance and character of the development, layout and density
- Traffic generation, highway safety, parking and servicing
- Overshadowing, overlooking, noise and disturbance, odours or other amenity issues.

**7.3** The request must 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 referral request must detail:

- The Elected Member requesting the referral
- the planning reference number; and
- the clear planning reasons for the request.

**7.4** Only those requests received within the specified timeframe will be considered by the Head of Planning or other authorised officer and the Chair of the Planning Committee and/or Vice-Chair. Only those applications that are considered to have sound planning reasons and received within the specified timeframe will be agreed to be determined by the Planning Committee. The Elected Member will be advised of the decision on the referral request.

**7.5** Where the referral request is accepted, the details of the referral request, including the name of the Elected Member who requested the referral will be published as an attachment to the Planning Committee Report to be presented to Planning Committee and published on Council's website. The published Minutes of the Planning Committee meeting will also record that the application was a referred item.

**7.6** The Head of Planning may also consider it prudent to refer a delegated application to the Planning Committee for determination. This will be discussed and agreed with the Chair of the Planning Committee.

## **8.0 Format of Planning Committee Meetings**

**8.1** The Planning Committee will operate in accordance with Council's Standing Orders. The Schedule of Applications to be determined by the Planning Committee will be posted on the Council website normally on the Wednesday prior to the Committee meeting.

### *Standard Agenda Items*

**8.2** 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 including deferral for site visits
- Schedule of Planning Applications
- Development Plan Matters
- Reports for Determination

- Correspondence for Noting
- In Committee Items including legal, financial and staffing issues
- AORB

**8.3** A Pre-Planning Committee Meeting may be held with the Chairperson and/or Vice Chairperson and other officials in advance of the scheduled Committee meeting taking place.

*Circulation of Updated Information*

**8.4** Updated information received after the agenda has issued will be circulated to Members if such circumstance arises. The Planning Officer shall prepare an addendum report(s) to advise Members of the consideration of any updated information received since the agenda issued that is required to inform a decision. If the information is received after 10am on the Monday prior to the Committee meeting, the Officer will advise Members verbally in respect of same during presentation of that agenda item at the Committee meeting.

*Declaration of Interests*

**8.5** At the beginning of each Committee meeting Members will be required to declare any direct or indirect pecuniary interests or any significant private or personal non-pecuniary interest they have on the agenda items. Where a Member in advance of the relevant Committee meeting has taken a firm view on a planning application ('pre-determined' the application), they should declare their interest at the beginning of the meeting.

**8.6** Should a Member declare an interest they must have regard to the Local Government Code of Conduct for Councillors. Member(s) cannot vote on the item where they have declared an interest and are required to remove themselves from the Chamber after all speakers have addressed the Committee during Members discussion of the item and voting on such.

**8.7** If a Member(s) wishes to address the Committee on the item, they must registered to speak on the application in accordance with the rules set out below for '*Procedures for Addressing the Planning Committee on a Planning Application*'.

**8.8** The Member(s) must remain outside of the Chamber until invited back prior to consideration of the next agenda item.

**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.

**9.2** 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. Such discretionary Hearings will be agreed between the Head of Planning or other Authorised Officer and the Chairperson and/or vice Chairperson taking account of the relevance of the objections in planning terms, the complexity of the application and level of pre-application community consultation.

- 9.3** 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.
- 9.4** 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 Procedures for Addressing the Planning Committee on a Planning Application**

- 10.1** The following procedures will apply to all those wishing to address the Planning Committee on a planning application.

### *Registering Requests*

- 10.2** All parties wishing to address the Committee on a planning application must register their wish to do so with the Planning Department 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).
- 10.3** All requests to address the Committee on a planning application must be received by **10am on the Monday immediately prior to the Planning Committee meeting** and must provide:
- the planning reference number of the application on which they wish to speak;
  - their name and contact details; and
  - whether they are speaking in support or objecting to the application
  - accompanied with a legible written submission of no longer than two sides of an A4 page. This can be hand written or typed typically in font size minimum 10 summarising the points to be addressed and provide supplementary information in support of their case.

Only those registered to speak within the timeframe will be allowed to address the Committee either to speak or answer questions.

- 10.4** The accompanying written submission is not intended to replace a speaking note if a speaker wishes to expand on the points raised in the meeting. In the interests of

equality of access, exceptions to this submission requirement will be at the discretion of the Chairperson.

- 10.5** 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. Those who did not register to speak when the application was previously before Committee for determination can register to speak at any subsequent meeting that the application is being determined at provided they register to speak within the timeframe for the subsequent Committee meeting.
- 10.6** 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 Planning Department via email at [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) by **10am on the Monday** prior to the Planning Committee meeting and will be reported to the Committee via an Addendum Report. Representations in lieu of speaking received after this time will not be accepted and will be returned.
- 10.7** 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.

#### *Circulation of Information*

- 10.8** The written submission by speakers will be circulated to Committee Members in advance of the meeting. Any written submission received after the specified timeframe will not be accepted and will be returned.
- 10.9** Speakers will not be permitted to circulate papers/sharing of media etc. to Members at the Committee meeting. Lobbying of Committee Members is not permitted as set out in the Local Government Code of Conduct for Councillors.
- 10.10** Members of the Planning Committee are not permitted to advocate for or against or lobby for or against any matter before the Planning Committee when they are determining such matter.

#### *Chairperson's Discretion*

- 10.11** The Chairperson may:
- (a) Suspend the public's right to speak if he/she considers it necessary to maintain order at the meeting;
  - (b) Vary the order of representations if he/she feels that it is convenient and necessary and will assist the Committee in dealing with the matter provided that it will not cause prejudice to the parties concerned or the administration of the application;
  - (c) Vary the order of applications if he/she feels that it is convenient and necessary and will assist the Committee in dealing with the matter provided it will not cause prejudice to the parties concerned or the administration of the application.

**10.12** An application may be withdrawn from the schedule at the Chairperson'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 **12 noon on the Tuesday** prior to the Committee meeting for discussion with the Chair.

*Speaking Order and Questions of Clarification*

**10.12** 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 proposal(s). Officers can address any issues raised during the course of representations from any deputation and the Committee may seek clarification from officers.*

(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 or more wish to address the Committee the 5 minutes will be split between those speakers. The Chair will ask speakers if they have agreed the allocation of the speaking time. If no agreement is reached, the time will be allocated equally against each speaker. 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 documentation at the meeting to Members.*

(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(s) wish to address the Committee the 5 minutes will be split between those speakers. The Chair will ask speakers if they have agreed the allocation of the speaking time. If no agreement is reached, the time will be allocated equally against each speaker. 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 documentation at the meeting to Members.*

- (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 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 Elected Members of Council, MLA and/or MP will be 5 minutes in support and in objection to an application. Therefore if 2 speakers or more wish to address the Committee one in support and one in objection to the application, they will each have 5 minutes. However, if 2 or more Elected Members wish to address the Committee in support of the application, or 2 or more in objection to the application, the 5 minutes will be split between those speakers. The Chair will ask speakers if they have agreed the allocation of the speaking time. If no agreement is reached, the time will be allocated equally against each speaker.*

*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 documentation at the meeting to Members.*

- (viii) Planning Officer's and Consultee comments**  
*Officer(s) and Consultee representatives 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**  
*The Chair should ask the Committee if it is ready to vote on the application and provide a reminder of the proposal.*

## **11.0 Committee Decisions**

- 11.1** A Member must make a proposal and this must be seconded by another Member before a vote can be taken. The Chairperson has the casting vote.
- 11.2** An Officer, and/or Legal Adviser may advise Members on the implication of the vote in either direction prior to the vote taking place.

### *Committee Decision Options*

- 11.3** 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 planning 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 generally only be deferred once.
- 11.4** 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.
- 11.5** 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 can provide advice as appropriate and necessary.
- 11.6** The planning 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.

### *Decisions contrary to Officer's Recommendation*

- 11.7** On occasion, the Planning Committee may determine an application contrary to Planning Officers' recommendation. This is acceptable where planning issues are finely balanced. The Committee can accept or place different interpretation on or give different weight to the various material planning considerations.
- 11.8** Where the Committee makes such a decision it must be based on sound, clear and logical planning reasons, linked to the development plan, relevant planning policy and material considerations. Such reasons must be fully explained and clearly articulated by the Members who proposed and/or seconded a motion against the Officer's recommendation prior to Members voting on the proposal.
- 11.9** 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.
- 11.10** Members of the Planning Committee should be mindful when making decisions that decisions and their reasoning may be appealed to the Planning Appeals Commission

with the potential for award of costs against Council or challenged through a judicial review.

- 11.11** The reasons for any decision made contrary to the Planning Officers' recommendation must be fully, formally and expressly recorded in the minutes and a copy placed on file. Committee Members are required to give reasons for a decision when such decision is contrary to the Planning Officers' recommendation. These reasons are likely to be adduced as evidence in the event of an appeal to the Planning Appeals Commission, in a judicial review or other legal proceedings and will be reviewed by such bodies.

#### *Notification to the Department of Infrastructure*

- 11.12** The Planning (Notification of Applications) Direction 2017 requires Councils to formally notify the Department on the occasion where they are minded to grant planning permission for certain types of application. The Direction restricts the grant of planning permission and requires the Council to send information to the Department.
- 11.13** The Schedule attached to the Notification Direction sets out the circumstances when Council should notify the Department.

## **12.0 Deferrals**

- 12.1** The Planning Committee can decide to defer consideration of an application to a future meeting for the following reasons:
- submission of further information
  - further negotiations/amendments
  - a site visit
- 12.2** Deferrals inevitably have an adverse effect on processing times, and therefore should be an exception.

#### *Arranging Site Visits*

- 12.3** 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.
- 12.4** The site visit will normally be scheduled to take place prior to the next scheduled Planning Committee meeting.
- 12.5** 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.
- 12.6** 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.

- 12.7** 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.
- 12.8** Attendance of site visits is optional but is generally encouraged.
- 12.9** The Planning Officer in attendance will record a site visit note detailing the date of the site visit, attendees and any other relevant information in the form. This site visit note will be circulated to Members of the Planning Committee Meeting.

#### *Site Visit Procedure*

- 12.10** An authorised Planning Officer will oversee the conduct of the site visits. The date and schedule of the site visits will be circulated to Members in advance.
- 12.11** The Planning Officer will describe the proposed development and use the plans/drawings to assist as necessary.
- 12.12** The Planning Officer will provide factual information to Members and the members may seek factual clarification on the proposal from the Planning Officer.
- 12.13** Debate on the merits of the proposal must not take place at the site visit as in doing so would be to imply that Members had pre-determined the application.
- 12.14** Members should leave the site promptly when the site visit is concluded.
- 12.15** Members of the public, applicant and agent are not permitted to attend the site visit.

### **13.0 Applications Returned to Planning Committee**

- 13.1** On occasion an application may be required to be returned to Planning Committee for further consideration, for example due to the deferral of the determination by Planning Committee Members for the submission of further information/amendments, receipt of new material information.
- 13.2** The same procedures will apply to the consideration of a returned application as set out under Section 10 above. However, the focus of the presentation by the Planning Officer and speakers at the further meeting should generally be restricted to the new information received.
- 13.3** Any request for speaking rights by anyone who has not previously registered to speak at the time the application was previously addressed at the Planning Committee will be accepted if received within the timeframe set out at Section 10 above.

## **14.0 Lobbying**

**14.1** Members of the public and their advisors are reminded that Members of the Planning Committee are not permitted to advocate for or against or lobby for or against a planning application, planning policy, enforcement action or any other matter before the Planning Committee when they are part of the Committee dealing with such matter. Further, Members of the Planning Committee are not permitted to influence or pressure Planning Officials of the Council in relation to any planning matter. This is mandated by the Northern Ireland Local Government Code of Conduct for Councillors and binds the Members of the Planning Committee.

## **15.0 Recess**

**15.1** When the Planning Committee meeting lasts longer than 2 hours a minimum 15 minute recess shall be taken at 2-3 hourly intervals.

## **16.0 Confidential Matters**

**16.1** 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 meeting. All members of the public, press and other third parties must leave the meeting 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.

## **17.0 Training**

**17.1** A Member shall not participate in decision-making at planning Committee meetings if they have not attended the mandatory training.

**17.2** Members of the Planning Committee shall also endeavour to attend any other specialised training sessions provided to enhance their knowledge of planning law, regulations, procedures and development plans and to generally assist Members in carrying out their role as a Planning Committee Member.