

Implementation Date: 02 March 2022

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 February 2022, agreed the revised 'Protocol for the Operation of the Planning Committee'. The revised Protocol takes effect on 02 March 2022. 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.

1.2 The Protocol covers 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
- Return of Applications to Planning Committee
- Pre-Determination Hearings

2.0 Preliminary Matters

2.1 A quorum, as outlined in the Council's standing orders, is required for the Committee to convene.

2.2 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 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 quarterly basis.
- All Committee Members will normally 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.
- 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 or via planning@causewaycoastandglens.gov.uk
- 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 about 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.
- 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 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 26 February 2020 and agreed with the Department for Infrastructure on 30 March 2020, taking effect from 01 May 2020, includes a procedure which allows for Elected Members and Head of Planning to request that the Planning Committee 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 prior to 10am on the Monday following the issuing of the contentious list. The planning reasons for the referral request will be considered by the Head of Planning or other authorised officer and the Chair of the Planning Committee and/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.

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
- Reports for Determination and Noting
- Correspondence
- In Committee Items including Legal issues
- AORB

6.2 Declaration of Interests

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. Members cannot speak or vote on a matter where they have a pecuniary or non-pecuniary interest. Members are required to remove themselves from the Chamber while the Members of the Planning Committee discuss the matter and vote on such. The Member(s) will only be invited back into the Chamber to speak on the application if they have registered to do so in accordance with the rules 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. 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.

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.

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.

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 can provide advice as appropriate and necessary.

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.

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 either in writing to Planning Department, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY or by emailing planning@causewaycoastandglens.gov.uk.

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 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, discussion and voting as to 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. Those who did not register to speak when the application was previously before Committee for determine cannot register to speak at any subsequent meeting that the application is being determined at.

Speakers will not be permitted to circulate papers to members at the Committee meeting. 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.

- 6.5** The Chairperson 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 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.
- 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 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.
- 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 by **12 noon on the 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, relevant planning policy and material considerations. Such reasons must be fully explained and clearly 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.

7.3 Consideration will need to be given by the Members of the Planning Committee as to whether the decision and the reasons provided for such decision are adequate and 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.

7.4 The reasons for any decision which are 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. For that reason time and care is required to provide particularisation of reasons as appropriate to that decision and the context.

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.

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 but is generally encouraged. 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 Applications Returned to Planning Committee

9.1 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.

- 9.2** The same procedures will apply to the consideration of a returned application as set out at paragraph 6.3 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.
- 9.3** 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 not be accepted.

10.0 Pre-Determination Hearings

- 10.1** 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.
- 10.2** 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.
- 10.3** 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.
- 10.4** 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.

11.0 Lobbying

- 11.1** 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.

12.0 Recess

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

13.0 Confidential Matters

13.1 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 and other third parties 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.