

Review of the Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Functions.	28th September 2016
Planning Committee	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environments and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Denise Dickson
Cost: (If applicable)	N/A

1.0 Background

1.1 In accordance with Section 31 of The Planning Act (Northern Ireland) 2011, the Department of Environment agreed the Scheme of Delegation for Development Management, Development Plan, Enforcement and other Planning Functions for Causeway Coast and Glens Borough Council on 1st April 2015 and subsequent amendment on 5th November 2015.

1.2 A workshop was held on 11th August 2016 to review the Scheme of Delegation and Protocol for the Operation of the Planning Committee.

2.0 Details

2.1 A copy of the current Scheme of Delegation is attached at Annex 1 and the current Protocol for the Operation of the Planning Committee at Annex 2. Discussions took place in relation to the various elements within the Scheme and the Protocol and the following proposals for amendment were put forward for consideration by the Planning Committee members in attendance:

Scheme of Delegation

Part B – Delegated Applications

In relation to bullet point 3 reword:

- **PROPOSAL 1:** Applications where an elected member of the Council has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹.
- **PROPOSAL 2:** Applications where a Planning Committee Member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹.

- **PROPOSAL 3:** Applications where an elected member who does not sit on the Planning Committee has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹

Comments: Either of the 3 proposals will remove the requirement for a request to refer a delegated application to the Planning Committee to be signed by a minimum of 4 elected members from 2 separate political parties who sit on the Planning Committee.

In relation to footnote 1:

- **PROPOSAL 4:** Amend to include contentious applications only to read “This referral procedure will be assisted by the circulation of a weekly list of those contentious delegated applications where the decision is ready to issue. 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.”

Comments: This reduces the time for determining delegated applications where the recommendation is to approve and there are no letters of objection received to the proposal.

Part C – Development Plan, Enforcement and Determination of Other Matters

Under “The Planning Committee shall be required to consider and determine:-“

- **PROPOSAL 5:** Add Serving a Building Preservation Notice

Comments: Serving of Building Preservation Notice had been omitted from the Scheme previously.

- **PROPOSAL 6:** Add “Serving an Urgent Building Preservation Notice”

Comments: Serving an Urgent Building Preservation Notice is required where a building is in immediate risk from demolition. To await to bring a report to Planning Committee could result in the building being demolished prior to agreement to serving a Building Preservation Notice.

- **PROPOSAL 7:** Add “To decline to determine Section 46 Subsequent applications”

Comments: This determination was previously omitted from the Scheme and delegation was agreed previously by Planning Committee.

- **PROPOSAL 8:** Add “To decline to determine Section 48 Overlapping applications”.

Comments: This determination was previously omitted from the Scheme and delegation was agreed previously by Planning Committee.

Protocol for the Operation of the Planning Committee

Preliminary Matters

Bullet point 1:

- **PROPOSAL 9:** Amend wording to read: “A weekly list of all new planning applications will be circulated to all elected Members. A summary report of performance in processing of planning applications will be presented to Committee on a monthly basis.

Comment: This will streamline Development Management Statistics report to reflect performance targets.

- **PROPOSAL 10:** Amend wording to read: “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, otherwise the decision notice will issue in accordance with Part B of the ‘Scheme of Delegation for Development Management, Enforcement and Other Planning Functions’, otherwise the decision notice will issue.”

Comment: This will allow those delegated non-contentious applications to issue as soon as the determination is complete by officers, increasing efficiency in the processing times of such applications. By extending the timeframe for elected members to request a referral to 10am on the Monday of the following week provides elected members more time to scrutinise the application in order to determine if they wish it to be referred to Planning Committee. This will have minimal impact on processing times of those applications on the list that are not subsequently referred.

Frequency of Planning Committee Meeting

- **PROPOSAL 11:** No meeting will take place in the month of July.

Comment: During July staff resources are reduced and a number of agents are closed for a period during this month. By removing the requirement for a meeting in July reduces the risk of agents being unable to speak at the Planning Committee on one of their applications.

Referral of Delegated Applications to Planning Committee

- **PROPOSAL 12:** Amend in line with either PROPOSAL 1, 2 or 3 as agreed by Planning Committee and include “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.”

Comment: Providing the Planning email address enables officers to monitor referrals and reduces the risk of a decision issuing prior to knowledge of the referral request. Removing the necessity of the referring elected member to speak at the Planning Committee allows that member the opportunity to decide themselves whether they wish to speak.

Section 6.6 and 6.7:

- **PROPOSAL 13:** Add: “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.
An application may be withdrawn from the schedule at the Chair’s discretion and only in exceptional circumstances.”

Comment: This provides the Chair with discretion to withdraw applications from the Agenda in exceptional circumstances and ensures the smooth operation of the Planning Committee.

Site Visits Section 8.1, 8.2 and 8.3:

- **PROPOSAL 14:** Remove reference to site visits taking place on exceptional occasions.

Comment: Site visits are considered beneficial to Planning Committee members to visualise sites where, for example, the decision relates to a subjective test. They also provide a form of informal training on specific policies.

- **PROPOSAL 15:** Remove reference to Planning Committee Clerk and replace with an officer of the Council

Comment: This frees up limited resources and makes best use of those staff already in attendance.

Pre-Determination Hearings Section 9.4

- **PROPOSAL 16:** Include: A power-point presentation as part of the speaking rights will be allowed at the Hearing.

Comment: Pre-Determination Hearings are by exception and details can be complex. The ability of all parties to put forward their comments in the form of a power point presentation allows flexibility in how they considered it most effective to across their comments.

3.0 Recommendation

3.1 **IT IS RECOMMENDED** that the Planning Committee

- discuss and agree the preferred proposals to amend the Scheme of Delegation and Protocol for the Operation of the Planning Committee.
- agree that the Head of Planning
 - amends the Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions and Protocol for the Operation of the Planning Committee
 - submits the amended Scheme to the Department for Infrastructure for agreement in accordance with Section 31 of The Planning Act (Northern Ireland) 2011.

Causeway Coast & Glens Borough Council

Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

The revised Scheme of Delegation for the determination of planning applications was approved by the Department of the Environment for Northern Ireland on 5th November 2015. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The revised Scheme of Delegation shall take effect from 5th November 2015.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the Planning Committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council, and
- The application relates to land in which the Council has an interest.

Part B – Delegated Applications:

The following applications for planning permission shall be delegated for determination by the appointed officer of the Council. The appointed officer is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications attracting more than 5 objections from separate addresses; or, a petition from more than 5 from separate addresses raising material planning considerations.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications where an elected member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral and this request is signed by a minimum of 4 elected members from two separate political parties who sit on the Planning Committee¹.
- Applications submitted by or on behalf of the Chief Executive of the Council, a chief officer of the Council, a planning officer or their immediate families, or the immediate family² of an elected member.
- A legal agreement is required.

¹ This referral procedure will be assisted by the circulation of a weekly list of those delegated applications where the decision is ready to issue. 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 6pm on the Friday of that week to request a referral, otherwise the decision notice will issue.

² Immediate family for the purposes of this Scheme of Delegation refers to wife/ husband/ partner, son(s), daughter(s).

Part C – Development Plan, Enforcement and Determination of Other Matters

As well as determining planning applications, the Council will also have to administer the development plan, enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the council.

The Planning Committee shall be required to consider and determine: -

- the Council's strategic and local policies for the implementation of the Council's objectives in relation to the development of land within the Council area.
- agree the Plan Strategy and Local Policies Plan for the Council Area prior to ratification by the full Council
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Determination of Revocation Orders.
- Application to the Courts for Injunctions.
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.

The following matters are delegated to the appointed officer:

- The research, analysis, evaluation of information and drafting of Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination.
- To instruct a solicitor or legal executive employed or instructed by the Council or other consultant to assist in the preparation of the Plan Strategy and Local Policies Plan; assist in the preparation for, and represent the Council at the Independent Examination as considered necessary by the Head of Planning in consultation with the Planning Committee.
- To monitor the uptake of zoned land within the Local Policies Plan.
- To review the impact of the implementation of the Plan Strategy and Local Policies Plan.
- The serving of a provisional Tree Preservation Order.
- Updating Tree Preservation Orders as necessary
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Stop Notices, temporary Stop Notices, Fixed Penalty Notices, and Planning Contravention Notices.
- The formal reporting of planning enforcement matters to the Public Prosecution Service/ Commencement of proceedings in a Magistrates Court.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with powers provided in the Planning (Northern Ireland) Act 2011
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent.
- Determination of any application for carry out works to trees.
- Determination of any Hazardous Substance Consent.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.

- Determination of a request for a Correction Notice
- Providing advice on general planning inquiries
- Providing advice on Pre-Application Discussions
- Providing advice on Pre-Application Notices.
- Applications for Non Material Changes.
- Discharge of planning conditions
- Determination of the type of planning appeal and amendments to Council's case during the course of appeal, subject to consultation as deemed appropriate by the Head of Planning with the Chair of the Planning Committee and representing the Council at appeal as necessary.
- To issue a formal Notice of Decision following a Committee resolution for support or non-support of an application and, for a delegated application, Order, Notice or Consent.
- To instruct a solicitor or legal executive employed or instructed by the Council to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2)
 - Issue scoping opinions as to the information to be provided in any Statement, and
 - Undertake appropriate consultations and notifications

The appointed officers are as follows:

- Denise Dickson – Head of Planning
- Shane Mathers – Principal Development Management and Enforcement Officer
- Sharon Mulhern – Principal Development Plan Officer
- Karen Dickson – Senior Planning Officer
- Jennifer Lundy – Senior Planning Officer
- Catherine McKeary – Senior Planning Officer
- Julie McMath – Senior Planning Officer
- Michael Wilson – Senior Planning Officer

Part D – Publicity

On adoption of this revised Scheme of Delegation the Council made a copy available on the Council's website at www.causewaycoastandglens.gov.uk. A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, County Hall, Castlerock Road, Coleraine.

Causeway Coast & Glens Borough Council

Date: 25th November 2015

Protocol for the Operation of the Causeway Coast and Glens Planning Committee

1.0 Introduction

1.1 The Causeway Coast and Glens Borough Council, at its meeting held on 27th October 2015, agreed the revised 'Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions'. This revised document incorporates these revisions and 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.
- A weekly list of all delegated planning applications where the decision is ready to issue will be circulated to all elected members on the Tuesday of each week and uploaded onto the Council website. Elected members will have until 6pm on the Friday of that 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.
- 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 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 Planning Committee held on 28th October 2015 and agreed with the Department of Environment on 5th November 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 and signed by a minimum of 4 elected members from 2 separate political parties who sit on the Planning Committee to ensure efficient management of the Planning Committee. The request should be made in writing to the Head of Planning. The Elected Member who makes the referral request 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 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 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. 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 2 minutes 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 by 12 noon 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 at least 3 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. 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.

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, 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** 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.
- 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 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 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.

Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

The revised Scheme of Delegation for the determination of planning applications was approved by the Department for Infrastructure on XXX 2016. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The revised Scheme of Delegation shall take effect from XXX 2016.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the Planning Committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council, and
- The application relates to land in which the Council has an interest.

Part B – Delegated Applications:

The following applications for planning permission shall be delegated for determination by the appointed officer of the Council. The appointed officer is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications attracting more than 5 objections from separate addresses; or, a petition from more than 5 from separate addresses raising material planning considerations.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications where an elected member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral ~~and this request is signed by a minimum of 4 elected members from two separate political parties who sit on the Planning Committee¹.~~

OPTIONS:

1. Applications where an elected member of the Council has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹.
2. Applications where a Planning Committee Member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹.
3. Applications where an elected member who does not sit on the Planning Committee has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral¹.

- Applications submitted by or on behalf of the Chief Executive of the Council, a chief officer of the Council, a planning officer or their immediate families, or the immediate family² of an elected member.
- A legal agreement is required.

¹ This referral procedure will be assisted by the circulation of a weekly list of those contentious delegated applications where the decision is ready to issue. 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.

² Immediate family for the purposes of this Scheme of Delegation refers to wife/ husband/ partner, son(s), daughter(s).

Part C – Development Plan, Enforcement and Determination of Other Matters

As well as determining planning applications, the Council will also have to administer the development plan, enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the council.

The Planning Committee shall be required to consider and determine: -

- the Council's strategic and local policies for the implementation of the Council's objectives in relation to the development of land within the Council area.
- agree the Plan Strategy and Local Policies Plan for the Council Area prior to ratification by the full Council
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- **Serving a Building Preservation Notice.**
- Determination of Revocation Orders.
- Application to the Courts for Injunctions.
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- To instruct a solicitor or legal executive employed or instructed by the Council or other consultant to assist in the preparation of the Plan Strategy and Local Policies Plan; assist in the preparation for, and represent the Council at the Independent Examination as considered necessary by the Head of Planning in consultation with the Planning Committee.
- To monitor the uptake of zoned land within the Local Policies Plan.
- To review the impact of the implementation of the Plan Strategy and Local Policies Plan.
- The serving of a provisional Tree Preservation Order.
- Updating Tree Preservation Orders as necessary.
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Stop Notices, temporary Stop Notices, Fixed Penalty Notices, and Planning Contravention Notices.

- The formal reporting of planning enforcement matters to the Public Prosecution Service/ Commencement of proceedings in a Magistrates Court.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with powers provided in the Planning Act (Northern Ireland) 2011
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.
- **Serving an Urgent Building Preservation Notice.**
- Determination of a request for a Correction Notice
- Providing advice on general planning inquiries
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- **To decline to determine Section 46 Subsequent applications**
- **To decline to determine Section 48 Overlapping applications**
- Determination of the type of planning appeal and amendments to Council's case during the course of appeal, subject to consultation as deemed appropriate by the Head of Planning with the Chair of the Planning Committee and representing the Council at appeal as necessary.
- To issue a formal Notice of Decision following a Committee resolution for support or non-support of an application and, for a delegated application, Order, Notice or Consent.
- To instruct a solicitor or legal executive employed or instructed by the Council to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2)
 - Issue scoping opinions as to the information to be provided in any Statement, and
 - Undertake appropriate consultations and notifications
 - Determine whether an application should be accompanied by an Environmental Statement

The appointed officers are as follows:

- Denise Dickson – Head of Planning
- Shane Mathers – Principal Development Management and Enforcement Officer
- Sharon Mulhern – Principal Development Plan Officer
- Karen Dickson – Senior Planning Officer
- Jennifer Lundy – Senior Planning Officer
- Catherine McKeary – Senior Planning Officer
- Julie McMath – Senior Planning Officer
- Michael Wilson – Senior Planning Officer

Part D – Publicity

On adoption of this revised Scheme of Delegation the Council made a copy available on the Council's website at www.causewaycoastandglens.gov.uk. A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, County Hall, Castlerock Road, Coleraine.

Date: XXth October 2016

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 28th September 2016, agreed the revised 'Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions'. This revised document incorporates these revisions and 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 **performance in 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, otherwise the decision notice will issue** 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 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. **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 XXth October 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 must be based on clearly specified planning grounds and signed by a minimum of 4 elected members from 2 separate political parties who sit on the Planning Committee to ensure efficient management of the Planning Committee. referred by **an elected member of Council**. 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 will be required to **may** 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
- 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. 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 2 minutes 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 3 days 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. 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.
- 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.

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, ~~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, 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** ~~The Planning Committee Clerk~~ 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 Planning Officers and consultees to the decision-making process and will 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, unless there are exceptional reasons. ~~The Clerk to the Planning Committee~~ 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, 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 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 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. **A power-point presentation as part of the speaking rights will be allowed at the Hearing.**