

The Efficient Processing of Planning Applications Protocol

1.0 Purpose

1.1 The purpose of this Protocol is to set out the procedures that will be followed to deliver a more efficient processing system and assist in meeting the statutory planning performance targets. This Protocol sets out a commitment to working together to front load the planning process and provide a more proactive approach in delivering improved planning processes.

2.0 Legislative Background

2.1 The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the performance indicators for Planning. The statutory targets are:

- Major category applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local Category applications processed from date valid to decision or withdrawal within an average of 15 weeks

2.2 The Planning Act (Northern Ireland) 2011 (hereinafter referred to as The Act) sets out certain procedures that must be adhered to prior to the determination of a planning application. These are set out in detail in The Planning (General Development Procedure) Order (Northern Ireland) 2015 (hereinafter referred to as the GDPO).

2.3 Article 8(1) of the GDPO requires Council to publish notice of the application in at least one newspaper and on Council's website and Article 8(2) to serve notice to any identified occupier on neighbouring land. An application cannot be determined before the expiration of 14 days from the date of the notice in the newspaper, the date published on the website, or the notice to any identified occupier, whichever is the later or latest.

2.4 Article 13 of the GDPO requires consultation with statutory consultees in accordance with Schedule 3, subject to exceptions detailed, before the determination of the planning application. The Council shall not determine the application before 21 days after the date it has given notice of the application together with information specified under Article 15(4) to the consultee or 30 days where the development is EIA development, or other date agreed in writing between the consultee and the Council, whichever is the latest.

2.5 This legislation is available to view on the Department for Infrastructure website via the following link [Current Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/legislation) .

3.0 Our Commitment

- 3.1** We are committed to continuously improving the planning application process. We will continue to engage with the development industry to deliver improvements to the way we work to improve the development management process in the interests of expeditious decision-making.

4.0 Early Engagement

- 4.1** We encourage developers to engage in Pre-Application Discussions at the initial stages in the formulation of a project to identify issues at the earliest opportunity.
- 4.2** We will engage positively in requests for pre-application advice and will provide detailed advice based on the level of information provided and within the timeframes set out in the DMIN 05 Pre-Application Discussion and Fee and Service Schedule.
- 4.3** Developers are expected to take account of the advice provided by officers. If an application is subsequently submitted which fails to meet the pre-application advice, the applicant will be expected to justify why the advice has not been followed. Failure to justify why the pre-application advice has not been followed may result in refusal of your application.
- 4.4** It is good practice to speak to neighbours and inform them that you intend to submit a planning application and advise them of your proposed development prior to the submission of your application.
- 4.5** If your application is a 'major' category application, a Pre-Application Notice must be submitted to Council for consideration and Pre-Application Community Consultation will be required to be undertaken, prior to the submission of the planning application. A report on the community consultation will be required to be submitted with the formal planning application (PACC report)

5.0 Application and Determination Procedure

Planning application preparation

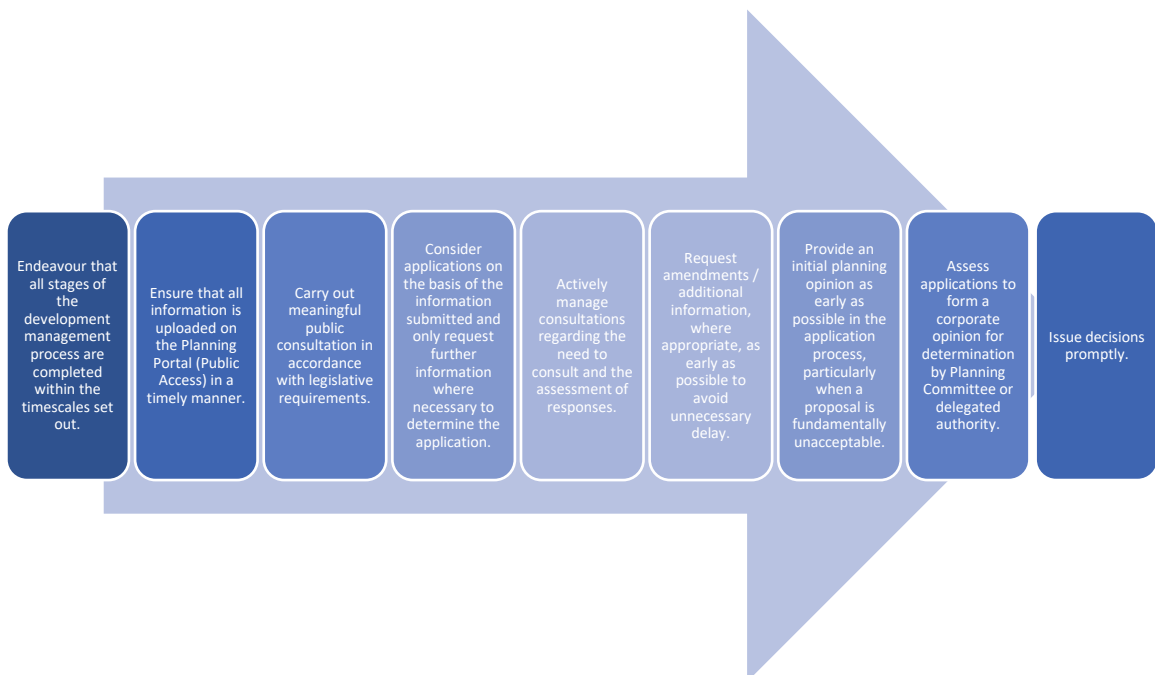
- 5.1** Before you submit a planning application you should:
- Visit the site and carry out a full survey including where necessary site levels, watercourses and hedgerows and trees.
 - Consider the policies set out in the Local Development Plan, regional policies and any supplementary planning guidance.
 - Consider the advice provided in this Protocol, on the Council's website and the Council's statutory Validation Checklist and advice published on central Government websites including Northern Ireland Environment Agency

Practice Guides and Standing Advice including Biodiversity Checklist; NI Water on pre-development enquiries for connection to the public water and sewerage infrastructure; NIEA Map Viewer; Department for Communities Map Viewer, DFI Rivers Map Viewer.

- Avail of pre-application advice if necessary.
- Prepare a Planning Statement setting out information that demonstrates that your development meets the requirements of the relevant planning policies, and any other material planning issues that you consider need to be taken into account in the assessment of your planning application.
- Submit your planning application online completing the relevant application form, paying the appropriate application fee and providing all of the drawings and information necessary to determine your application.
- Refer to the statutory Validation Checklist to ensure you have all the reports and information necessary to enable the planning application to be made valid.
- Respond to requests for additional information/ amendments expeditiously and within the timeframe provided.

Processing and determination of the planning application

- 5.2** On receipt of a complete valid planning application front-loaded with all the necessary information as set out in the statutory Validation Checklist, or advised through the Pre-Application Discussion process, the Planning Department will:



6.0 Stages in processing an application

Stage 1 - Validation

- 6.1** When an application is received by Council, the Planning Department will review the application and the submitted documentation to ensure that all the necessary information specified in the Validation Checklist has been submitted within **5 working days** of receipt. If information is missing that is relevant and necessary for the assessment of the planning application, we will contact the applicant or their agent and request the submission of the outstanding information.
- 6.2** Any further information or changes to the application, must be provided **within 10 working days** of the request. If further time is needed to enable submission of information, then the Planning Department will return the application and fee so that a complete application, with all the information needed to determine the application, can be submitted when ready.
- 6.3** If the information is not submitted within 10 working days, the application will be returned.

Stage 2 - Allocation

- 6.4** The allocating officer, normally a Senior Planner, will allocate the application to the case officer within **3 working days** of it being validated and offer initial guidance at this stage to Case Officers, when necessary, on any key issues such as specific consultation and EIA determination.

Stage 3 - Consultation with Statutory Bodies

- 6.5** Consultations will be issued based on legislative requirements and Standing Advice. The Council will therefore normally only consult in accordance with the requirements of Schedule 3 to the Planning (General Development Procedure) Order (Northern Ireland) 2015 and having regard to any existing standing advice from consultees on when to consult.
- 6.6** Consultations will normally be issued within **one week** of the application being allocated. On the occasion that the response is not received within the response timeframe, we will endeavour to chase-up the consultee within **one week** from the expiration of the consultation period.
- 6.7** Where EIA screening is required, consultations may be carried out to assist in ascertaining whether an Environmental Statement is required.

- 6.8** Consultation responses will be critically examined to ensure that any further information requested is essential to inform a planning assessment of development proposals and ultimately the decision-making process.
- 6.9** Consultation responses are available to view online and agents/applicants may wish to discuss the additional information required with the case officer before submission of plans to address any straightforward issues. Plans/additional information to address consultee requests for matters such as minor amendments or clarification of issues/plans should be sent within **2 weeks** of the request of the Planning Officer.
- 6.10** Requests for further detailed information/amended plans will be issued to applicants/agents as soon as possible following the receipt of all the consultee responses. Requests for further information will, where possible, be consolidated into a single comprehensive request. The request letter will specify a timescale for the submission of information. The timescale will reflect the complexity of the information required. Reminders will not be issued, and the information must be submitted within the specified timescale unless there is a justifiable reason to extend the stipulated period for submission. An extension will only be agreed in exceptional circumstances. If not received within the timescale stated, the application will be determined on the basis of the information received.
- 6.11** On receipt of amended plans/information, Case Officers will avoid unnecessary repeat consultations.

Stage 4 - Public Consultation (Advertising and Neighbour Notification)

- 6.12** Neighbour notification will be carried out in accordance with legislative requirements, normally within **one week** of allocation (at the same time as consultations are issued).
- 6.13** Once accepted as valid, applications will be advertised in the local newspaper as soon as possible and a weekly list of validated and advertised planning applications will be placed on the Planning Section of Council's website.

Stage 5 - Site Inspection and Early Assessment

- 6.14** Site inspections will be carried out if required. Prior to going on site, Case Officers will identify and confirm all relevant planning history. Normally, a site inspection will be carried out within **three weeks** of allocation.
- 6.15** The Case Officer will:

- Make a full assessment of the site and its context;
- Identify key planning issues;
- Confirm that the site address is correct and neighbour notification has been completed in accordance with established procedure;
- Check on site the information submitted with the application;
- Following the site visit the case officer will identify whether any further or additional consultations are required in response to site specific details or if further clarification / amendments are required from the agent in response to the site, such as an amended biodiversity checklist.

6.16 As soon as possible after completing their site visit and subject to any necessary discussions, Case Officers will record details of the site visit, and their initial assessment of the proposal such as the relevant policies and guidance and so far as possible pending receipt of consultee response and any third party representations.

Stage 6 - Initial Planning View

6.17 Senior Officers will review applications with Case Officers normally within **three weeks** of a site inspection to confirm the basis for assessing each proposal in terms of planning policy and to form an initial planning view. The need for this level of guidance will vary depending on the nature of the proposal and the experience of the Case Officer.

6.18 An electronic note of the issues discussed, and actions agreed will be published on the Planning Portal.

6.19 When an initial planning view is formed, applications will normally fall into one of three categories:

(1) *Proposal is acceptable* – applications which can be recommended for approval with no or minor amendment (without requiring negotiation); or

(2) *Proposal requires amendment and/or additional information needed* – applications where it is judged that negotiation and amendment could lead to approval; or

(3) *Proposal is unacceptable and likely to be refused* – applications where negotiation is unlikely to lead to an acceptable proposal.

(1) Proposal is acceptable

6.20 When it is established that a proposal is acceptable in planning terms, the Case Officer will draft their initial assessment, as far as possible taking account of representations and consultation responses. Requests for minor amendments/additional information arising from consultation responses and/or representations will be assessed as described at Stage 5 above. Where

appropriate, the Case Officer will consider the use of planning conditions, including negative conditions, as an alternative to amended plans/additional information e.g. in relation to materials/finishes when relevant.

(2) Proposal requires amendment and/or additional information

- 6.21** Where proposals are deemed to be acceptable in principle on the basis of an initial planning assessment, subject to the submission of amended plans/additional information, Case Officers will contact the agent/applicant normally **within 2 weeks** of the discussion with the Senior Officer to request the necessary amendments/information. It is the responsibility of the Case Officer to state clearly the amendments/information required with supporting planning reasons as necessary. This will be communicated to the agent/applicant by letter, e-mail, telephone or meeting, whichever is appropriate, depending on the complexity of the issues to be resolved. A record of the request will be saved to the application file for public viewing.
- 6.22** Minor amendment resulting from the applicant responding positively to the amendments/information request from the Case Officer will proceed to decision without further consultation, where possible. Public re-consultation will be carried out where there is likely to be a greater or significantly different impact resulting from the amended proposal or if the amendments relate to a point raised by an objector.
- 6.23** When information is not received within the specified timescale, the Case Officer will complete the DMOR and include reference to the information requested and the absence of it being provided.
- 6.24** The Planning Department will request, on one occasion only, information that should have been submitted with the application at the beginning. Following a reasonable request, the Planning Department will proceed to determine the application on the basis of the information submitted.
- 6.25** A decision refusing planning permission on the basis of insufficient information will clearly identify why a proposal is unacceptable and why planning permission cannot be granted in the absence of the information requested.
- 6.26** Where a proposal requires significant amendment, which wholly changes the nature of the proposal or the site or raises new issues which would require further consultation, a new planning application will be required.
- 6.27** Planning applications which are recommended for refusal because information needed to determine the application has not been submitted with the application or information needed by a consultee to determine the application has not been submitted following a reasonable request for the information, are not subject to referral to the Planning Committee.

(3) Proposal is unacceptable

- 6.28** A proposal that is fundamentally unacceptable in planning terms, taking account of the Development Plan and all other material considerations, will be progressed to an opinion to refuse planning permission. Consultee responses will be reviewed to ensure that requests are not issued for amendments/additional information that will not alter a planning opinion to refuse planning permission
- 6.29** Applications in this category will be considered at the earliest opportunity and Case Officers will contact Applicants/Agents at the earliest opportunity and advise them of the recommendation and allow opportunity to withdraw the application.
- 6.30** At the earliest opportunity, after receipt of consultation responses, the Planning Department's opinion to refuse planning permission will be carried out in accordance with the Scheme of Delegation.

Meeting request

- 6.31** A meeting maybe appropriate due to the complexities of an application. One meeting during the processing of the application will be facilitated at the agents request. Only in exceptional circumstances will a second meeting be agreed, such as for a major application.
- 6.32** Following the meeting the case officer will provide the agent, by email the meeting notes and agreed actions.

Stage 7 – Development Management Officer Report (DMOR)

- 6.32** The Case Officer shall endeavour to complete the assessment of the application and the DMOR **within 3 weeks** following discussions with a Senior Officer and completion of the public and statutory consultation timeframes. This shall include a Case Officer recommendation and include any conditions or reasons for refusal.

Stage 8 – Corporate Opinion

- 6.33** The Planning Department will carefully manage the progress of all applications to ensure an efficient and effective delivery of service to the public and to enable the statutory targets to be met. Therefore, applications will be discussed on a regular basis.
- 6.34** A meeting will be held at least monthly with the Senior Planning Officer or other authorised officer to review all live applications to ensure there is no undue delay in their processing.

- 6.35** Applications which are delegated and where the recommendation is to grant planning permission with no objections received, will be issued following discussions with the Senior Planning Officer or other authorised officer.
- 6.36** Where the recommendation is to refuse planning permission, the application will be processed in accordance with the Scheme of Delegation.
- 6.37** Those applications placed on the weekly list of 'Contentious Delegated Decisions ready to Issue' for Members to consider referral to planning Committee for determination are subject to the criteria out in the 'Scheme of Delegation for Planning Committee'. Where an application is referred to the Planning Committee for determination, it normally will be presented to the next available Planning Committee meeting. Where the application is not referred to the Planning Committee for determination the decision notice will issue.
- 6.38** Senior review and sign-off of the Development Management Officer Report and associated decision notice to be prioritised and completed as soon as practicable following completion.

Stage 9 – Planning Committee Meeting

- 6.39** The Planning Committee normally meets on the fourth Wednesday of each month (with the exception of July and December). Applications for consideration by Planning Committee will appear on the Agenda which is normally published on the Council's website on the Wednesday prior to the meeting. All details submitted with the application, including the Officer's report and recommendation will be available to view on the Planning Portal and a schedule of applications for Planning Committee and the Planning Committee Report will be published on the Planning section of Council's website at the same time as the Agenda is published.
- 6.40** Agents/third parties will not be notified that their/an application is on the Committee agenda. Applicants/agents/third parties can track the process of their/an application on the Planning Portal and refer to the Council's website each month.
- 6.41** Applicants/agents/third parties should not lobby Councillors who are on the Planning Committee to seek to influence the outcome of a proposal prior to the Planning Committee Meeting. A decision on a planning application cannot be made before the Planning Committee meeting has been held when all relevant information relating to the application is available and has been considered. Lobbying can lead to the impartiality and integrity of a Councillor being called into question. However, other Councillors who are not members of the Planning Committee can make representations and address the Committee on behalf of an Agent/Applicant/third party.

- 6.42** Requests for speaking rights must be submitted in accordance with the details set out in the Protocol for the Operation of the Planning Committee.
- 6.43** Submission of late representation/ additional information/ amended plans from any source is discouraged after the Agenda for the meeting of the Planning Committee has issued. Such submissions cause delays and uncertainty in the process.

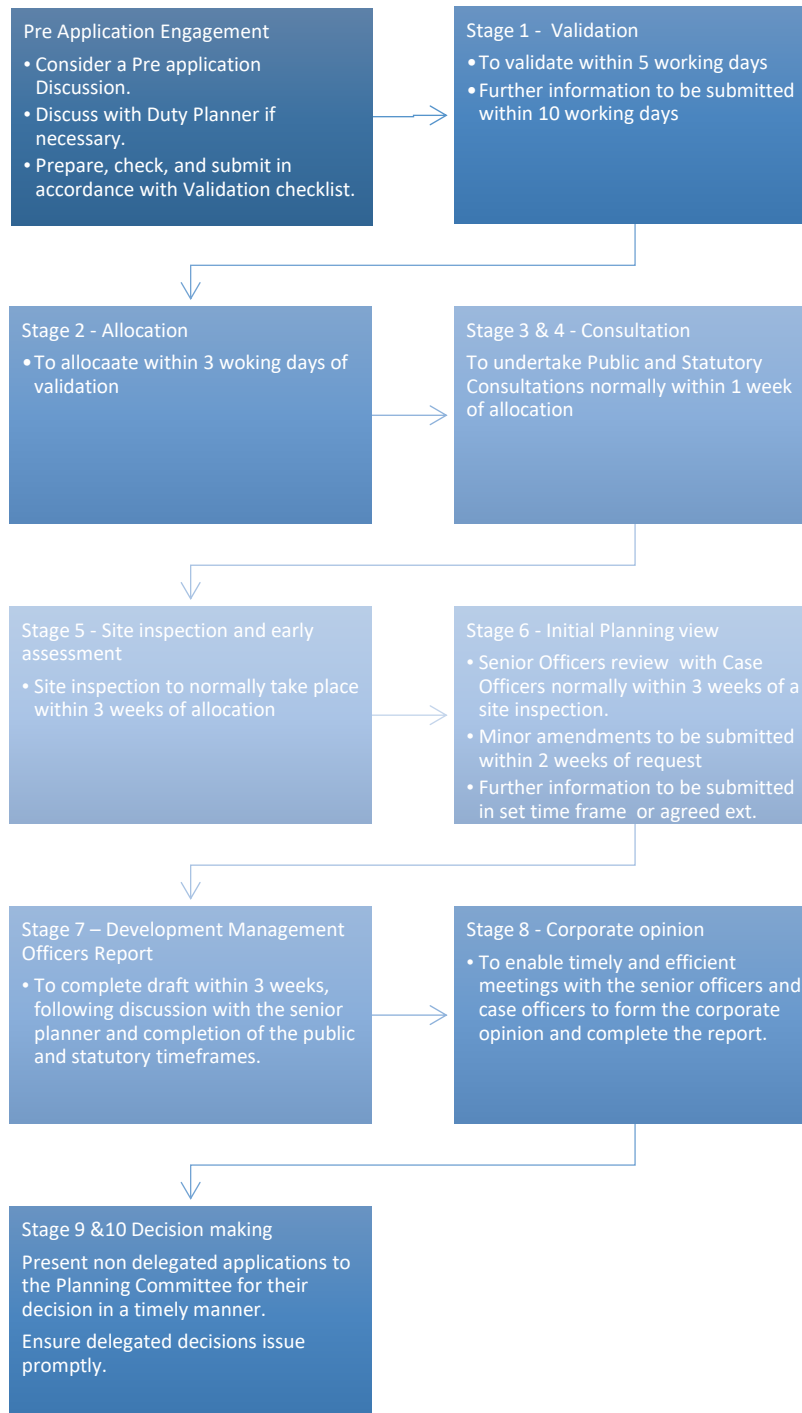
Stage 10 - Issuing Decisions

- 6.44** Decisions will issue as soon as possible after the Planning Committee meeting.

7.0 Review

- 7.1 The Protocol will be reviewed every two years.

Application Process Flow Chart



- Refer to the Protocol for further information and the full details of the process