

Causeway Coast and Glens Borough Council

Planning Committee Wednesday 22nd July 2015

Table of key Adoptions

No	Item	Summary of key Adoptions
3.	Schedule of Applications 3.1 Item A: D/2014/0234/F - Lands to the West of 289 Finvoy Road, Rasharkin, Ballymena, BT44 8SD	GRANT planning permission subject to the conditions and informatives set out in section 10.
	3.2 Item B: E/2014/0205/F - Land approx 71m South East of no. 20 Glenariff Road, Waterfoot	Deferred
	3.3 Item C: E/2014/0224/F - 6 Aird Clachan, Bushmills	GRANT planning permission subject to the conditions and informatives set out in section 9.
	3.4 Item D: LA01/2015/0208/F - The Diamond, Coleraine, BT52 1EY	GRANT planning permission subject to the conditions and informatives set out in section 10.
4.	Protocol for the Operation of the Planning Committee	Adopt
	5. Correspondence 5.1 Northern Ireland Planning Conference – Making Planning Work for People	One Officer and the Chair of The Planning Committee to attend
6.	Any Other Relevant Business 6.1 DARD Licence	Raise issue through Partnership Panel
	6.2 Scheme of Delegation	Add as Agenda Item for next Meeting of Council

Planning Committee

Minutes of the Meeting of Causeway Coast and Glens Borough Council Planning Committee, held in Council Chamber, Civic Headquarters, Coleraine on Wednesday 22nd July 2015 at 2.00 pm.

In the Chair: Councillor T McCaul

Members present: Councillor Callan, Alderman Cole, Councillor Fielding, Councillor Fitzpatrick, Alderman King, Councillor Loftus (Vice-Chair), Councillor McGuigan, Alderman McKeown, Alderman S McKillop, Councillor P McShane, Alderman Mullan, Councillor Nicholl.

In attendance: D Dickson, Head of Planning
S Mathers, Principal Development Management Officer
D Hunter, Council Solicitor
M Quinn, Director of Performance
C Toner, Business Support Officer

Also in Attendance: Mr Aidan Collins (Item 3.1)
Mr Adrian Ferguson (Item 3.3)
Mr Michael Martin (Item 3.3)

Press
Public

1. Apologies

Apologies were recorded from Alderman Finlay and Alderman Robinson.

2. Declarations of Interest

Alderman S McKillop Declared an Interest in Item 3 Part B.

3. Schedule of Applications

The Principal Development Management Officer presented the applications and illustrated using PowerPoint.

3.1 Item A: D/2014/0234/F - Lands to the West of 289 Finvoy Road, Rasharkin, Ballymena, BT44 8SD

Installation and operation of a Solar Farm and associated infrastructure for the life of the solar farm ([report](#)).

The Chair invited Elected Members to request points of clarification from the Officer. Alderman Mullan asked if a bond would be in place in relation to the lifespan of the proposed development. The principal planning officer advised that there would be no bond in place but that a decommissioning condition would be attached to any approval. Alderman S McKillop queried the standing advice from NIEA WMU. The principal planning officer referred to paragraph 7.35 of the planning officer's report and advised that there is no flooding within the site.

The Chair invited Mr Aidan Collins to speak after which he responded to Elected Members questions. Alderman Cole asked if there was any way of storing excess energy. Mr Collins advised that it cannot be stored at this time; that the energy is released to the grid. Alderman Cole queried how energy can be generated if the sun is not shining. Mr Collins advised that it is light rather than sunlight that is required.

IT WAS AGREED that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to GRANT planning permission subject to the conditions and informatives set out in section 10.

On being put to the vote, the proposal was carried unanimously.

3.2 Item B: E/2014/0205/F - Land approx 71m South East of no. 20 Glenariff Road, Waterfoot

Members were informed that in light of new information received in relation to this application the item was deferred to allow further consideration of these representations. Alderman Cole queried the time limit for receipt of objections. Head of Planning advised that all material planning considerations received up until a decision is made on an application must be considered.

3.3 Item C: E/2014/0224/F - 6 Aird Clachan, Bushmills

Extension to rear of existing dwelling ([report](#)).

The Chair invited Elected Members to request points of clarification from the Officer. Councillor Loftus queried the clause in the title deeds and was advised by the legal adviser that this is a matter between the lessor and the lessee and not a planning matter. Alderman Cole asked if by approving this extension would it set a precedent for others. The principal planning officer advised that each application would be considered on its own merits.

The Chair invited Mr Adrian Ferguson to speak after which he answered Elected Members questions. Alderman Mullan and Councillor Fitzpatrick asked if the flat roof would be out of character. The principal planning officer advised that the flat roof is a minor extension of 2.1m and to pitch would be more dominant and impact on character than a flat roof.

The Chair invited Mr Michael Martin to speak after which he answered Elected Members questions.

It was proposed by Councillor Loftus, seconded by Councillor Callan, **that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to GRANT planning permission subject to the conditions and informatives set out in section 10.**

On being put to the vote, the proposal was carried 11 votes for, 0 votes and against and 1 abstained.

3.4 Item D: LA01/2015/0208/F - The Diamond, Coleraine, BT52 1EY

Erection of a statue (Life Size) to commemorate Harry Gregg. Statue will sit within the footprint of the existing planter / flowerbeds ([report](#)).

The Chair invited Elected Members to request points of clarification from the Officer. Alderman Cole asked if this would lead to a proliferation of statues in this area. The principal planning officer advised that one additional statue would, in his opinion, not add clutter but that any future proposals would be assessed against the cumulative impact.

Alderman McKeown joined the meeting at 2.55pm during consideration of this item.

It was proposed by Alderman Cole, seconded by Councillor Callan, **that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the policies and guidance in section 6 and resolves to GRANT planning permission subject to the conditions and informatives set out in section 9.**

On being put to the vote the proposal was carried unanimously.

Alderman McKeown abstained from the vote as he joined the meeting during consideration of this item and therefore was not entitled to vote on the proposal.

4. Protocol for the Operation of the Planning Committee

The Head of Planning presented the report (attached as Appendix A).

At a Workshop to review Protocol for the Operation of the Planning Committee held on Monday 20th July, 6 proposals for amendment were put forward for consideration by the Planning Committee:

Section 2 Preliminary Matters

PROPOSAL 1: Agenda to be circulated to all Elected Members 2 weeks prior to the Planning Committee Meeting.

Comment: The extended time frame allows Elected Members more time to consider all the necessary information in preparation for the Planning Committee.

Section 6 Format of Planning Committee Meetings

PROPOSAL 2: Remove from paragraph 6.2 bullet points (iii), (v) and (vii) "...unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances." And replace with "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.

Comment: This reduces the time for debating on this issue at the Planning Committee and provides the Chair with control over the consistency of time applied to speaking rights to ensure the Committee Meeting is not unduly protracted.

PROPOSAL 3: Paragraph 6.2 bullet point (vii) and Paragraph 6.6, replace 10 minutes with 5 minutes and amend sentence "Therefore if 2 Elected Members wish to address the Committee, each will have a maximum of 5 minutes each." To read ".....a maximum of 2 minutes 30 seconds each."

Comments: This is to provide equal length of time to all speakers.

PROPOSAL 4: Paragraph 6.3 replace ".....12 noon three working days before the meeting with "...12 noon one week before the meeting."

Comment: If proposal 1 is accepted by the Committee, this will allow greater time for speakers to register their request to speak at the Committee Meeting and provide a further week for them to prepare.

PROPOSAL 5: Insert the following at the end of Paragraph 6.3 "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.

Comment: This is to insure that if an applicant/agent is unaware that an objector has registered to speak before the deadline, that they have an opportunity to put forward this case in relation to the application.

PROPOSAL 6: Delete Paragraph 6.6 and amend Paragraph 6.5 to include the following sentence; "The representation may be read out at the Committee provided there is sufficient time i.e. within the 5 minute timeframe, taking account of all speakers".

Comment: This is to allow an opportunity for those who do not wish to address the Committee the opportunity to still have their representation considered.

Councillor McGuigan highlighted a typographical error in relation to the date which should read 22nd July 2015 rather than 2nd July 2015. The Head of Planning agreed to amend this typographical error.

It was proposed by Councillor Fitzpatrick, seconded by Alderman S McKillop, **that the Planning Committee agree to the above six proposed amendments to the Protocol for the Operation of the Planning Committee' and agree the amended Protocol as detailed in the report under Appendix 2 (report attached as Appendix A).**

On being put to the vote the proposal was carried 12 votes for, 0 against and 1 abstained.

5. Correspondence

5.1 Northern Ireland Planning Conference – Making Planning Work for People

This conference would address the future of Planning in Northern Ireland six months on from the transfer of the majority of planning powers to Council. The Conference would take place on 29th September 2015 at the Baby Grand, Grand Opera House, Belfast and would cost £180 per delegate.

Alderman S McKillop advised she would like to attend.

Councillor McGuigan proposed that taking into consideration the cost of attending, a discussion should take place first between Elected Members.

Following a discussion on the subject Alderman King proposed that one Officer and the Chair of the Planning Committee should attend. Councillor McGuigan subsequently withdrew his original proposal and seconded Alderman King's proposal.

IT WAS AGREED that one Officer and the Chair of the Planning Committee attend the Conference, detailed above.

Alderman S McKillop requested that those who attend report back to the Planning Committee.

6. Matters for reporting to Partnership Panel

None.

7. Any Other Relevant Business

7.1 DARD Licence

Alderman Cole questioned a change to the Single Farm Payments Licence from 3 years to 6 Years. The Head of Planning advised that this was a matter to be raised with the Department.

The Director of Performance advised that this issue could be raised through the Partnership Panel.

Councillor P McShane left the Meeting at 3.10pm during consideration of this item.

7.2 Scheme of Delegation

Alderman S McKillop proposed that a workshop be held to address deferred planning applications from the legacy Councils, this was seconded by Alderman Cole.

An amendment to the proposal followed from Councillor McGuigan that the item be discussed as an agenda item at the next Planning Committee meeting. This was seconded by Councillor Loftus.

On being put to the vote the amendment was carried 8 votes for, 1 vote against and 2 abstained.

7.3 Weekly Planning Applications for period 13/07/15 to 17/07/15

This had been previously circulated to Elected Members. Noted.

8. Date of Next Meeting

- **Wednesday 26th August 2015, Civic Headquarters, Coleraine, 2pm.**

Appendix A: Report on the Protocol for the Operation of the Planning Committee

This being all the business the meeting closed at 3.20pm.

Causeway Coast & Glens Borough Council

To: Planning Committee

Date: 22nd July 2015

Report on Review of the Protocol for the Operation of the Planning Committee

For Information

Linkage to Corporate Plan	
Strategic Priority	Development Management
Objective	Performance Management
Lead Officer	Denise Dickson
Cost: (If applicable)	Minimal

1.0 Background

- 1.1 The Causeway Coast and Glens Borough Council adopted the 'Protocol for the Operation of the Planning Committee' at its meeting held on 26th March 2015.
- 1.2 At the Planning Committee meeting held 24th June 2015, it was recommended and agreed that a workshop should be held to review the 'Protocol for the Operation of the Planning Committee' and for the Protocol to be listed as an Item on the Agenda for the next Planning Committee meeting. It was agreed that the workshop should take place before the next meeting to be held in July.
- 1.3 A workshop to review the protocol was held on 20th July 2015. The workshop was open to all elected members of which a total of 17 were in attendance.

2.0 Details

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

Section 2 Preliminary Matters

- **PROPOSAL 1:** Agenda to be circulated to all elected members 2 weeks prior to the Planning Committee meeting
Comments: This extended time frame allows elected members more time to consider all the necessary information in preparation for the Planning Committee.

Section 6 Format of Planning Committee Meetings

- **PROPOSAL 2:** Remove from Paragraph 6.2 bullet points (iii), (v) and (vii) "...unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances." and replace with "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."

Comments: This reduces the time for debating on this issue at the Planning committee and provides the Chair with control over the consistency of time applied to speaking rights to ensure the Committee meeting is not unduly protracted.

- **PROPOSAL 3:** Paragraph 6.2 bullet point (vii) and Paragraph 6.6, replace 10 minutes with 5 minutes and amend sentence "Therefore is 2 Elected Members wish to address the Committee, each will have a maximum of 5 minutes each." to read "... a maximum of 2 minutes 30 seconds each."
Comment: This is to provide equal length of time to all speakers.
- **PROPOSAL 4:** Paragraph 6.3 replace "... 12noon three working days before the meeting with "... 12noon 1 week before the meeting."
Comment: If Proposal 1 is accepted by the Committee, this will allow greater time for speakers to register their request to speak at the committee meeting and provide a further week for them to prepare.
- **PROPOSAL 5:** Insert the following at end of Paragraph 6.3 "If an objector to an applications 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."
Comment: this is to ensure that if an applicant/agent is unaware that an objector has registered to speak before the deadline, that they have an opportunity to put forward this case in relation to the application.
- **PROPOSAL 6:** Delete Paragraph 6.6 and amend Paragraph 6.5 to include the following sentence "The representation may be read out at the Committee provided there is sufficient time i.e. within the 5 minute timeframe, taking account of all speakers."
Comment: This is to allow an opportunity for those who do not wish to address the Committee the opportunity to still have their representation considered.

3.0 Recommendation

- 3.1 **IT IS RECOMMENDED** that the Planning Committee agree to the above six proposed amendments to the 'Protocol for the Operation of the Planning Committee' and agree the amended Protocol attached at Appendix 2.

Causeway Coast & Glens **Appendix 1**

Shadow Council

To: Council

Date: 26th February 2015

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

For Information

1.0 Introduction

1.1 The Causeway Coast and Glens District Council adopted this 'Protocol on the Operation of the Planning Committee' at its meeting held on 11 February 2015. This 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.

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.
- All Committee Members will 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.
- 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 shadow Planning Committee held on 28 January 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 the procedure. Any referral must be based on clearly specified planning grounds to ensure efficient management of the Planning Committee and made in writing to the Head of Planning within 25 working days from the date the application is validated. The Head of Planning in consultation with the Chair of Committee will decide whether the request is acceptable. If the referral is acceptable the Elected Member 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 unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. 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.

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 unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. 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.

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 10 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. Therefore if 2 Elected Members wish to address the Committee, each will have a maximum of 5 minutes each.

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

- 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 of the 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.

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 Chief Administrative Officer / Committee Clerk by 12 noon three working days before the meeting.
- 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.
- 6.6** If the Council Member is unable to attend the Committee and submits representations in writing, such representations may be read out at the Committee provided that there is sufficient time i.e. the 10 minutes allocated for Elected Member representations.

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.

Date: 22 July 2015

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

1.0 Introduction

1.1 The Causeway Coast and Glens shadow Council adopted the "Protocol on the Operation of the Planning Committee" at its meeting held on 26 March 2015. The Causeway Coast and Glens Borough Council Planning Committee, at its meeting held on 22 July 2015, agreed to this revised Protocol. This 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.

1.2 The Protocol will cover the following:

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- 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.

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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.

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4.0 Frequency of Planning Committees Meeting

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5.0 Referral of Delegated Applications to Planning Committee

5.1 The Scheme of Delegation approved at the shadow Planning Committee held on 28 January 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 to ensure efficient management of the Planning Committee and made in writing to the Head of Planning within 25 working days from the date the application is validated. The Head of Planning in consultation with the Chair of Committee will decide whether the request is acceptable. If the referral is acceptable the Elected Member 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.

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- (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 applications 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 of the 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.

