

# Public Document Pack

**Democratic Services Section  
Chief Executive's Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**

18<sup>th</sup> February, 2015

## **MEETING OF SHADOW PLANNING COMMITTEE**

Dear Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the meeting to be held at 6.30 pm on Thursday, 19th February, 2015.

Yours faithfully,

Suzanne Wylie

Chief Executive

### **AGENDA:**

4. **Establishment of Shared Environmental Service** (Pages 1 - 4)
5. **Planning Scheme of Delegation and Operating Protocol** (Pages 5 - 24)

**To: The Chairman and Members of the Shadow Planning Committee**

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## Belfast City Council (Shadow)

<b>Report to:</b>	<b>Shadow Planning Committee</b>
<b>Subject:</b>	Establishment of Shared Environmental Service
<b>Date:</b>	19 <sup>th</sup> February 2015
<b>Reporting</b>	John McGrillen, Director of Development
<b>Contact officer:</b>	Keith Sutherland, Urban Development Manager, ext. 3578

<b>1.0</b>	<b>Relevant background information</b>
<b>1.1</b>	On 1 <sup>st</sup> April 2015 a range of planning functions will transfer from Department of the Environment (DoE) to the council. The more specialised functions in relation to environmental services were to be considered on the basis of a shared services approach due in part to the difficulty in maintaining service provision whilst disaggregating the functions across 11 council clusters.
<b>1.2</b>	On transfer of the suite of local planning functions to local government the 11 councils will have responsibility for: Habitats Regulations Assessments (HRA) on planning applications; HRA for the preparation of Local Development Plans; and the consideration of the implications from development on European Sites (e.g. Special Areas of Conservation and Special Protection Areas).
<b>1.3</b>	The Shared Environmental Service (SES) model for was agreed by the Regional Transition Operational Board to be a suitable model to support local councils in carrying out these functions. The Mid & East Antrim Council offered to host the Service, on behalf of councils, subject to further consideration of service objectives and functions alongside the potential resourcing.

<b>2.0</b>	<b>Key issues</b>
<b>2.1</b>	The Mid and East Antrim Council has now confirmed that it is willing to host the Shared Environmental Service for local councils and has provided details of the proposed objectives and functions of the service (see Appendix 1). It is proposed that the specialist SES team will provide expert advice and support to all the new councils from a base in County Hall Ballymena.
<b>2.2</b>	The primary role of the SES team will be to carry out Habitats Regulations Assessments on planning applications and during the preparation of Local Development Plans to assess and advise on impacts on European Sites (e.g. Special Areas of Conservation and Special Protection Areas). This function is essential to ensure that legal requirements in respect of these Habitats / Sites are fully met and to reduce the risk of

	challenge to planning decisions, development plans and policies.
<b>2.3</b>	The DoE have confirmed that the full costs for delivery of the Service will be transferred to Mid & East Antrim Council. This means that there will be no ongoing cost to Belfast City Council in relation to the use of the shared services outlined in the appended letter.
<b>2.5</b>	In order to progress the preparations for the delivery of this service Mid & East Antrim Council are seeking agreement in principle that Belfast City Council will utilise the Service. The final agreement would be subject to the preparation of a Service Level Agreement to formalise the terms of delivery and governance arrangements for the service.
<b>2.6</b>	I would seek the agreement of your Council, in principle, to this Shared Service Model. I would ask you identify a Liaison Officer from your Planning Service to work on a draft Service Level Agreement which will be presented to your Council in the next number of weeks.
<b>2.7</b>	As highlighted in the appended letter this is an important function in ensuring that risks are reduced whilst the legal requirements associated with planning decisions, development plans and policies are fully met. It is therefore suggested that the Committee agrees to support, in principle, this Shared Service proposal This agreement would be subject to the preparation of a Service Level Agreement that sets out the required delivery and governance arrangements for the service.

<b>3.0</b>	<b>Resource Implications</b>
<b>3.1</b>	There are no cost implications associated with this report.

<b>4.0</b>	<b>Equality and Good Relations Considerations</b>
<b>4.1</b>	There are no equality or good relations implications identified at present.

<b>5.0</b>	<b>Call In</b>
<b>5.1</b>	N/A

<b>6.0</b>	<b>Recommendations</b>
<b>6.1</b>	It is recommended that the Committee supports, in principle, the Shared Service proposal detailed in Appendix 1 subject to the preparation and agreement of a Service Level Agreement with Mid & East Antrim Council.

<b>7.0</b>	<b>Decision Tracking</b>
<b>7.1</b>	A further readiness report will be brought in March.

<b>8.0</b>	<b>Documents Attached</b>
	Appendix 1 - Readiness Assurance report

<b>9.0</b>	<b>Abbreviations</b>
	HRA - Habitats Regulations Assessments SES - Shared Environmental Service

# Mid and East Antrim District Council

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Ref: TC/ab

Date: 10 February 2015



THE BRAID  
BALLYMENA TOWN HALL,  
MUSEUM & ARTS CENTRE

1 – 29 Bridge  
Street  
Ballymena  
Co Antrim  
BT43 5EJ

Dear Chief Executives

## **Re: Establishment of Shared Environmental Service**

I am writing to confirm that Mid and East Antrim Council agreed in January to host the Shared Environmental Service for local government. In order to support planning for the delivery of this service it would be helpful if you could confirm, in principle, if your Council will utilise the Service. I have included further details of the objectives and functions of the service below and I am happy to clarify any other queries which you may have. Preparation of a Service Level Agreement between Mid and East Antrim and the other Councils is underway to formalise the terms of delivery and governance arrangements for the service.

### **Background**

The Shared Environmental Service model was agreed by the Regional Transition Operational Board to be a suitable model to support local Councils to meet their legal obligations relating to their enhanced environmental responsibilities arising from the transfer of planning responsibilities to local government. Mid and East Antrim offered to host the Service, subject to the approval of its Council, which has now been granted.

### **Overview of the Shared Environmental Service (SES)**

The SES, which will be based in County Hall Ballymena, will comprise eight specialist staff to provide expert advice and support to Councils. Its primary role will be to carry out Habitats Regulations Assessments on planning applications and during the preparation of Local Development Plans to assess and advise on impacts on European Sites (e.g. Special Areas of Conservation and Special Protection Areas). This function is essential to ensure that legal requirements are fully met and to reduce the risk of challenge to planning decisions, development plans and policies. The full costs for delivery of the Service will be transferred to Mid and East Antrim Council from DOE and DFP; therefore there will be no costs to Councils to utilise the service.

The Head of Service, Susanna Allen, is in place and selection of the remaining staff from the NI Environment Agency is close to completion. The Service will be fully staffed, trained and ready to commence delivery on 1 April. Work is ongoing with planners to detail the process of service delivery. An overview of the objectives and functions of the Service follows.

## Objectives of the Shared Environmental Service

1. Support Councils to comply with Environmental Legislation in relation to European sites in carrying out their Development Management functions.
2. Support Councils to comply with Environmental Legislation in relation to European sites throughout the preparation of Local Development Plans.
3. Minimise the extent of challenge on Development Management determinations and Local Development Plans in relation to impacts on European sites.
4. Support Councils by presenting expert evidence about impacts on European sites in relation to development planning.
5. Provide advice in a timescale that supports planning decisions to be made within statutory requirements and performance targets.

## Functions

The Shared Environmental Service will:

- A. advise planning staff on implementation of the Habitats Regulations Assessments (HRA) in respect of Development Management and will confirm any survey requirements for HRAs.
- B. carry out Appropriate Assessments (stage 2 of HRA) on behalf of Councils for all planning applications for which they are required.
- C. assess and advise Councils on potential impacts of planning applications on Areas of Special Scientific Interest (ASSI) for those European Sites which are also ASSIs.
- D. advise Councils on European Site considerations for Environmental Impact Assessments (EIA) to include the adequacy of data to inform impacts on European Sites for EIAs and advice on Environmental Statements in relation to European Sites.
- E. advise Councils on European Site considerations for Pre-Application Discussions (PAD) and attend PAD meetings where necessary.
- F. support Councils throughout the preparation of Local Development Plans (LDP) carrying out the HRA to include sourcing baseline data, informing preferred options, initiating HRA at Plan Strategy stage, revising during the LDP process and finalising prior to adoption of the Local Policies Plan.
- G. make recommendations on environmental data required by councils.
- H. provide standing advice, capacity building and additional site/office based advice to councils to councils in relation to European site.

I would seek the agreement of your Council, in principle, to this Shared Service Model. I would ask you identify a Liaison Officer from your Planning Service to work on a draft Service Level Agreement which will be presented to your Council in the next number of weeks.

Yours Sincerely



**Anne Donaghy**  
**Clerk & Chief Executive**



## Belfast District Council (Shadow)

<b>Report to:</b>	Shadow Planning Committee
<b>Subject:</b>	Planning Scheme of Delegation & Operating Protocol
<b>Date:</b>	19 <sup>th</sup> February 2015
<b>Reporting Officer:</b>	John Walsh, Town Solicitor, Ext 6042
<b>Contact Officer:</b>	Nora Largey, Solicitor, Ext 6049

<b>1</b>	<b>Relevant Background Information</b>
1.1	Members will recall that under Sections 7 and 19 of the Local Government (NI) Act 2014 the Council is required to put in place governance arrangements for the new Council as of 1st April 2015.
1.2	In addition, Section 31(1) of the Planning Act (NI) 2011 requires the Council to produce a scheme of delegation in relation to planning functions. The overall objective of such a scheme is to ensure that arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can be dealt with by elected members.
1.3	Delegating determination of some planning applications to officers is also seen as a critical factor affecting the overall performance of the development management process as it helps ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on complex applications.
1.4	At its meeting of 23 <sup>rd</sup> October 2014, the Committee granted authority to officers to review the existing streamlining process and draft a Scheme of Delegation to include provision for safeguarding Members' ability to have a decision brought before the Committee.
1.5	Party Group Briefings were undertaken in December 2014 in relation to the proposed scheme of delegation and operating protocol of the Committee. Since then extensive work has been undertaken by council officers and colleagues in the Planning Service to draft a Scheme of Delegation and Operating Protocol.

2	Key Issues
2.1	<p>The main issues that emerged from the Party Group Briefings were:</p> <ul style="list-style-type: none"> <li>• Members should be able to determine those applications which they feel are important, including for example applications for dwellings of 5 or more;</li> <li>• Members should have the opportunity to fully consider those applications that are regarded to have the most significance and impact upon the city;</li> <li>• Sufficient safeguards should be built into the Scheme of Delegation for the Committee to consider applications that would otherwise normally be delegated.</li> </ul>
2.2	<p>A draft Scheme of Delegation is attached for member's consideration at Appendix One.</p>
2.3	<p>Members will see that the Scheme does not apply to, amongst other things, the following:</p> <ul style="list-style-type: none"> <li>• All major applications;</li> <li>• Applications on Council land;</li> <li>• Applications for developments of 5 or more dwellings;</li> <li>• Demolition of listed buildings;</li> <li>• Change of use to purpose built student accommodation, houses of multiple occupation, amusement arcades and hot food bars.</li> </ul>
2.4	<p>Further safeguards have been included; namely:</p> <ul style="list-style-type: none"> <li>• Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee, that application will be referred to the Committee; and</li> <li>• The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.</li> </ul>
2.5	<p>Members are also referred to the draft Operating Protocol of the Committee which is attached at Appendix Two.</p>
2.6	<p>The key aims of the Protocol are to ensure that those who apply for, or make representation to, applications before the Committee are able to make informed representations and that the Committee makes decisions in a sound, lawful, and transparent way and in a timely and efficient manner.</p>
2.7	<p>In drafting the Protocol officers have had regard to the relevant legal requirements, guidance issued by the Department and the existing Protocol used by the Council's Licensing Committee.</p>

2.8	As set out in the Protocol, all members of the Council will receive a weekly list of all received applications; including details of those delegated to officers in accordance with the Council's Scheme of Delegation. Members can request that any application is brought before the Committee for consideration and the request will be determined by the Director, in conjunction with the Town Solicitor, and who will assess whether the reasons given for the request are material considerations and of significant weight.
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<b>3</b>	<b>Resource Implications</b>
3.1	It is not possible to determine resource implications at present; though it should be noted that the proportion of decisions brought before committee would have an impact upon the required committee support provided by Democratic Services, Legal Services and the Planning Service.

<b>4</b>	<b>Equality and Good Relations Implications</b>
4.1	None.

<b>5</b>	<b>Call In</b>
5.1	Members are advised that any decision relating to the governance of the committee would be subject to Call In.

<b>5</b>	<b>Recommendations</b>
5.1	<p>Under the Planning Act (NI) 2011, the Council's Scheme of Delegation has to be approved by the Department for the Environment before it can be adopted by the Council. Given the timescales involved, the Scheme has been forwarded to the Department, subject to Committee and Council approval.</p> <p>The Committee is therefore asked to;</p> <ul style="list-style-type: none"> <li>• Note the contents of the Scheme of Delegation, which has been forwarded to the Department for approval; and</li> <li>• Consider the draft Operating Protocol for the Planning Committee.</li> </ul>

<b>6</b>	<b>Documents attached</b>
6.1	<p>Appendix One – Scheme of Delegation in relation to Planning</p> <p>Appendix 2 – Operating Protocol</p>

<b>7</b>	<b>Decision Tracking</b>
7.1	The person responsible for any actions arising from your meeting is John Walsh.

### **3.9 DIRECTOR OF PLANNING AND PLACE**

The Director of Planning and Place will be the principal advisor on all planning related matters for the Council.

The Director will develop, lead and manage the planning functions of the Council to ensure that the planning service fulfils its potential in shaping the future of the City and delivering the Council's aspirations for urban development and design.

The Director will develop the Local Development Plan, and associated local policy documents, so as to deliver the Council's strategic priorities in relation to place shaping, economic growth, regeneration and the inter-connection of spatial planning with community planning.

In conjunction with the Director of Organisational Development, the Director will develop and implement a capacity building programme for elected members and officers in relation to decision making and strategic planning.

The exercise of the following functions, in line with relevant Council policies, is delegated to the Director of Planning and Place:

3.91 The functions listed below in relation to the legislation set out in Appendix D and legislation made thereunder for which the Planning Committee has responsibility:

- (a) determining applications for small scale office development (up to 200sq metres);
- (b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;
- (c) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc;
- (d) determining applications for the alteration and extension for residential purposes to existing residential units to include residential garages or sheds within the curtilage of an existing dwelling;

- (e) determining applications for developments of up to 4 dwellings;
- (f) determining applications for the display of advertisements;
- (g) determining applications for change of use excluding those relating to purpose built student accommodation, houses of multiple occupation, amusement arcades and hot food bars;
- (h) determining applications for works to buildings or structures in conservation areas and areas of townscape character;
- (i) determining applications for listed building consent, excluding demolition;
- (j) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;
- (k) enforcing all regulations, orders and bye-laws made under the said legislation;
- (l) in consultation with the Town Solicitor, instituting legal proceedings on behalf of the Council;
- (m) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (n) issuing and serving certificates of lawful development;
- (o) the variation and removal of conditions except when the variation and removal relates to, or constitutes, a major development;
- (p) exercising all powers in relation to the issue and renewal (but not refusal) of permits and licences except those permits or licences that relate to, or constitute, a major development;

## APPENDIX 1

- (q) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;
- (r) registering notices and charges in the Statutory Charges Register;
- (s) exercising the Council's powers in relation to the preservation of trees;
- (t) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;
- (u) the temporary listing of buildings in urgent cases;
- (v) in consultation with the Town Solicitor, lodging objections in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme;
- (w) deeming as refused, any application where all of the necessary supporting documentation has been reasonably requested but not provided, without reasonable excuse, to the Council within six weeks from the date of receipt of that application;
- (x) generally enforcing all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council.

3.92 The delegated functions set out above do not apply to the following planning applications:

- (a) Those made by elected members;
- (b) Those made by Council staff;
- (c) Those made by the Council;
- (d) Those in which the Council has an interest or estate.

- 3.93 All other applications or permissions which are not specifically listed in paragraph 3.91 shall be deemed to be delegated unless otherwise provided for within this Scheme.
- 3.94 Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee, that application will be referred to the Committee.
- 3.95 The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.

### **Legislation to be inserted in Appendix D**

- Planning (Northern Ireland) Act 2011
- The Planning Reform (Northern Ireland) Order 2006
- The Planning (Amendment) (Northern Ireland) Order 2003
- The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995
- Planning (Compensation, etc.) Act (Northern Ireland) 2001
- Planning (Northern Ireland) Order 1991
- The Planning and Building Regulations (Amendment) (Northern Ireland) Order 1990
- The Planning (Amendment) (Northern Ireland) Order 1982
- The Land Compensation (Northern Ireland) Order 1982
- The Planning Blight (Compensation) (Northern Ireland) Order 1981
- The Enterprise Zones (Northern Ireland) Order 1981
- The Private Streets (Northern Ireland) Order 1980
- The Planning (Amendment) (Northern Ireland) Order 1978
- The Land Acquisition and Compensation (Northern Ireland) Order 1973
- The Planning (Northern Ireland) Order 1972
- Planning and Land Compensation Act (Northern Ireland) 1973
- The Land Development Values (Compensation) Act (Northern Ireland) 1965
- Lands Tribunal and Compensation Act (Northern Ireland) 1964
- Caravans Act (Northern Ireland) 1963

**OPERATING PROTOCOL**

**BELFAST CITY COUNCIL PLANNING COMMITTEE**

**INTRODUCTION**

1. The following protocol has been developed for use by the Planning Committee ('the Committee'). It should be read alongside relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors and is not intended to replace either document. The key aims of the protocol are to ensure that:
  - a) Those who apply for, or make representation to, applications before the Committee are able to make informed representations and know the case which they have to meet; and
  - b) The Committee makes decisions in a sound, lawful, and transparent way and in a timely and efficient manner.

**REMIT OF THE COMMITTEE**

2. The primary roles of the Committee will include:
  - a) Exercising the Council's powers and duties in relation to local planning policies, plan strategies, the statement of community involvement and any other planning documents;
  - b) Exercising the Council's powers in relation to listed buildings;
  - c) Consideration of applications for planning permission and consents in accordance with the Council's Scheme of Delegation;
  - d) Responding to consultations issued by the Department of Environment, or any other Department, in relation to planning matters;
  - e) Responding to consultations in relation to regionally significant or major applications to be determined by the Department of Environment;

- f) Scrutiny of the Council's delivery of planning functions.
- 3. More detailed terms of reference can be found in XXXXXXXXXXXXXXXX.

**FREQUENCY & TIME OF MEETINGS**

- 4. It is recommended that the Committee should meet every month; though there should be flexibility for additional meetings if required.
- 5. Dates and times will be advertised at least 5 days in advance on the Council website.

**SCHEME OF DELEGATION**

- 6. As per the requirements of Section 31 of the Planning Act (NI) 2011 the Council will operate a scheme of delegation for planning outlining delegation both to the Committee and officers (this can be found at XXXXXXXXXXXXX). The overall objective is to ensure that arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can be dealt with by elected members. Delegating determination of some planning applications to officers is also seen as a critical factor affecting the overall performance of the development management process as it helps ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on complex applications.
- 7. In respect of development management, authority is delegated to appointed officers for local, generally non-contentious, applications.
- 8. Enforcement activities are also delegated to appointed officers. However the Committee will receive periodical reports on enforcement activities.

9. Major applications, applications made by the Council or an elected member of the Council, and applications relating to land in which the Council has an interest in, cannot be delegated.
10. All members of the Council will receive a weekly list of all received applications; including details of those delegated to officers in accordance with the Council's Scheme of Delegation.
11. If a member wishes to request that a delegated application is brought before the Committee this must be done, in writing or by email, within 14 days of the application being publically advertised. Members should notify Democratic Services of this request stating clearly their reasons, which must be material considerations.
12. Democratic Services will then liaise with the Town Solicitor's office and the authorised senior planning officer to determine whether the reasons which have been set out are material considerations and are of significant weight to allow the application to be referred to Committee. Democratic Services will then advise the relevant member of the decision.

### **FORMAT OF MEETINGS**

13. Committee meetings (dates, times and papers) will be published on the Council's website at least 5 calendar days in advance.
14. Case officer reports will also be available on the Northern Ireland Planning Portal.
15. Committee Papers will typically include the following:
  - a) **Minutes of the previous meeting for approval as a complete record;**
  - b) **Details of delegated applications for noting only by the Committee;**
  - c) **Details of proposed pre-determination hearings**
  - d) **Details of appeals (notified and concluded);**

- e) **Details of non-delegated applications (including those brought back following deferral) for consideration by the Committee;**
- f) **Details of applications of regional significance with an impact upon the Council area in respect of which the Council is a statutory consultee or where it may wish to make representations;**
- g) **Papers relating to the development of policy.**

16. The Town Solicitor, in consultation with the authorised senior planning officer, may refer a decision back to Committee for the purposes of reconsideration.

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

18. Councillors will be required to declare an interest in any item on the agenda at the beginning of the meeting and must then leave the meeting for that item. Members will then be invited to return to the meeting room and notified of the Committee's decision before consideration of the next item commences.

19. The Committee will discuss each applications that has been presented before taking a vote on one of the following options:

- a) Approve the application with conditions as recommended;
- b) Approve the application with amendments to the recommended conditions;
- c) Refuse the application for the reasons recommended;
- d) Refuse the application with additional, fewer or amended reasons;
- e) Refuse the application contrary to officers recommendations;
- f) Defer the application with a direction for additional information or clarification; or for a Members' site visit.

20. The Committee can defer consideration of an application to a subsequent meeting for further information, further negotiations or a site visit. Deferrals have an adverse effect on processing times, and the applicant can lodge an appeal after a period of time if the Council has not made a decision. The Committee will therefore generally only defer an application once. The

member proposing deferral must provide clear reasons as to why a deferral is necessary.

21. The Chair has a casting vote.
22. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

### **PUBLIC REPRESENTATIONS**

23. Meetings of the Committee will be open to the public; however, seating within the Committee chamber will be limited according to the venue capacity and associated fire and safety regulations.
24. Seating for the applicant, objectors and statutory consultees will be reserved but only for the time in which their application is being considered.
25. Only those who have made written submissions and registered a request to speak in respect of the application shall be permitted to make oral representations before the Committee.
26. Speakers will not be permitted to circulate papers to members at the Committee meeting.
27. The Committee may agree to accept representations outside these procedures but will only do so in exceptional circumstances.
28. All Committee papers will be available online. However, access to some documentation may be restricted by virtue of the Council's publication policy. Information which is determined to be exempt by virtue of Schedule 6 of the Local Government (Northern Ireland) Act 2014 may be published where the Council considers that the public interest in disclosing same outweighs the public interest in maintaining the exemption.
29. If documentation is provided directly to any member of the Council in relation to a particular application it must be copied to the Committee clerk in advance

of the meeting in respect of which the application is to be determined so as to ensure that the issues raised can be fully investigated by officers prior to the Committee hearing. Failure to do so may result in either the documentation being disregarded or the hearing being deferred.

30. Deputations shall be heard in the following order:
  - a. Statutory consultees<sup>1</sup>;
  - b. Objectors and/or their representatives;
  - c. Applicant and/or their representatives and/or those supporting the application.
31. If a statutory consultee is required to attend they will be notified of this request at least one week in advance of the Committee meeting.
32. Only one deputation on behalf of the applicant and or/those supporting the application will be permitted to address committee.
33. Only one deputation on behalf of those objecting to an application will be permitted to address committee.
34. Deputations, unless otherwise agreed in advance by the Committee, shall consist of no more than 3 persons. Where there are 3 or more persons or groups wishing to address the committee they will be required to arrange a single deputation to express their representations.
35. The applicant's, or their representatives, right to address committee shall be prioritised over other persons/groups wishing to speak in support of an application.
36. Deputations shall be confined to the making of a short address either by each member of the deputation or, should they so wish, by their nominated spokesperson or legal adviser.

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<sup>1</sup> As per Articles 13 &14 and Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015

## APPENDIX 2

37. Each deputation shall be permitted a maximum of 5 minutes to address the Committee. Where more than one person wishes to make representation the 5 minutes should be shared between the members of the deputation.
38. All members of a deputation must continue to be seated and remain silent whilst other deputations are being made to the Committee.
39. Cross-examination, discussion or any type of debate between persons making representations to Committee shall not be permitted.
40. Once all deputations have been made, the parties shall be permitted an opportunity to rebut any factual inaccuracies only which may have arisen from the oral representations of another deputation and in respect of which they have not had an opportunity to comment. This will be strictly limited to responding to any such issue and the party will not be permitted to rehearse any representations which have already been made.
41. The Committee may, upon advice from officers, exclude any deputation from being present during the whole or part of the time when any other deputations are being made due to the confidential nature of information relevant to the application to be discussed; or for such other reasons as may be deemed appropriate.
42. The Committee may seek clarification from those who have spoken on any issues raised by them but should not enter into a debate.
43. Officers can address any issues raised during the course of representations from any deputation and the Committee may seek clarification from officers.
44. The Chair will ensure that those making representations to the Committee adhere to the time limits set out in this Protocol. These time limits will have been communicated to those making representations in advance of the meeting.
45. The Chair may at any time during the hearing of deputations, if they think it necessary to secure order, suspend the meeting and direct the removal of

any individual from the meeting, or order that the meeting be cleared of all deputations.

46. When hearing deputations, the Chair will require members engaging in debate to desist, until such time as all relevant information has been received.
47. The Chair may bring the questioning of any person appearing before the Committee to a close provided s/he is satisfied that all relevant issues have been addressed. The Chairman may also prevent duplication of questions being put.
48. If a member of the Committee moves that the question be put to a vote and the Chair is of the opinion that the application before the Committee has been sufficiently discussed, he shall put the motion to the vote.

### **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

49. The decision as to whether to grant an application lies with the Committee and it is entitled to come to a decision contrary to officer recommendations.
50. Any such decision may be subject to legal challenge and members must therefore ensure that the rationale for the decision are fully explained and based on proper planning considerations.
51. The senior authorised planning officer and/or the Council's solicitor will always be given the opportunity to explain the implications of the Committee's decision prior to a vote being taken on any such proposal.
52. The reasons for the decision contrary to the officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

### **DECISIONS CONTRARY TO PLANNING POLICY**

53. In general, planning decisions should be taken in accordance with the local development plan and any other associated planning policy documents. If a

Committee member proposes, seconds or supports a decision contrary to the local development plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify departure from the local development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

### **PRE-DETERMINATION HEARINGS**

54. The Committee must hold pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department but returned to the Council for determination)<sup>2</sup> prior to the application being determined.
55. Paragraph 24-48 of this Protocol shall also apply to pre-determination hearings.
56. The Committee may also hold a pre-determination hearing, 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.
57. The applicant and any other person who makes representations to the Council in respect of the application will be afforded an opportunity to appear before the Committee.
58. In deciding whether to hold a pre-determination hearing, members should take into account the following factors (please note this list is not exclusive):
  - a) the relevance of the objections in planning terms;
  - b) the extent to which relevant objections are considered to be representative of the community, particularly in the context of pre-application community consultation;
  - c) the potential of causing undue delay in the decision making process;  
and
  - d) the numbers of representations against the proposal in relation to

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<sup>2</sup> Regulation 7 of the Planning (Development Management) Regulations (NI) 2015

where the proposal is and the number of people likely to be affected by the proposal.

59. Any hearing will take place after the expiry of the period for making representations on the application but before the Committee hears the application. The Council will endeavour to hold pre-determination hearings on a separate date from the Committee meeting at which it will be considered; however this may not always be possible.
60. For these hearings the case officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the Committee decides to hold the hearing on the same day as it wishes to determine the application the report to councillors will also contain a recommendation.

### **PREPARATION OF PLANNING POLICY DOCUMENTS**

61. Planning policy documents include the local development plan, local planning policies, plan strategies, the statement of community involvement and any other development plan documents or guidance.
62. The Committee should have a high level of involvement in the preparation and approval of planning policy documents.
63. Once approved by the Committee, planning policy documents will be referred to the Council's Strategic Policy and Resource Committee who will assess the document to determine whether it consistent with the broader strategic objectives of the Council.
64. If Strategic Policy and Resource Committee consider any of the said planning policy documents to be inconsistent with those objectives, the Committee will reconsider the relevant document in light of the issues raised by the Strategic Policy and Resource Committee.

65. Once the Committee has reconsidered the relevant document it shall be reported to the Strategic Policy and Resource Committee and will be subject to ratification by full Council.

### SITE VISITS

66. Site visits may be arranged subject to Committee agreement. They should normally only be requested where the impact of the proposed development is difficult to visualise from the plans and other available material and the expected benefit outweighs the delay and additional costs that will be incurred.
67. Only members of the Committee and officers should attend organised site visits.
68. Members will not carry out their own unaccompanied site visits as there may be issues around permission to access the land, they will not have all of the relevant information from the relevant planning officer and, if a councillor is seen with an applicant or objector, it might lead to allegations of bias.
69. A nominated officer will record the date of the visit, attendees and any other relevant information.
70. The Chair, or Vice Chair in the Chair's absence, will ensure that the site visit is conducted in accordance with this protocol and the Code of Conduct for Councillors.
71. A statement will be read out by the Chair before the commencement of the site visit to remind members of the purpose of the visit and the terms of this protocol. The planning officer will then remind members of the proposal and the main issues.
72. A nominated officer will prepare a written report of the members' site visit which should then be presented to the Committee meeting at which the application is to be determined.

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