



**Lisburn &
Castlereagh
City Council**

**Protocol for the Operation of the
Lisburn & Castlereagh City Council
Planning Committee**

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www.lisburncastlereagh.gov.uk

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PURPOSE OF THE PROTOCOL

1. The purpose of this Protocol is to outline practical handling arrangements for the operation of Lisburn & Castlereagh City Council's Planning Committee (the "Committee").
2. The Protocol should be read in conjunction with the relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors. It is not intended to replace either document.

REMIT OF THE PLANNING COMMITTEE

Development Plan

3. The Committee will have an oversight role to ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and land for economic development. The Committee will also need to ensure that the Plan is reviewed every 5 years, giving consideration to whether there is a need to change the Plan strategy or zonings, designations and policies.

Development Management

4. The main role of the Planning Committee in relation to development management is to consider planning applications made to the Council as the Local Planning Authority and to decide whether or not they should be approved. The Planning Committee will have full delegated authority, meaning that the decisions of the Planning Committee will not go to the full Council for ratification.

Enforcement

5. The enforcement of planning controls will be delegated to authorised Officers, with the Planning Committee receiving quarterly reports on the progress of enforcement activities.

SIZE OF THE PLANNING COMMITTEE

6. A membership and quorum, as outlined in the Council's Standing Orders, is required for the Planning Committee to convene. Business shall not be transacted unless 50% of the Members of the Committee are present.
7. The Lisburn & Castlereagh City Council Planning Committee will comprise 11 Members with no substitutions permitted.
8. The Head of Planning and Capital Development (or authorised planning officer) is expected to attend all Planning Committee meetings, in addition to Planning Officers presenting their reports.

FREQUENCY OF MEETINGS

9. In accordance with the Council's Standing Orders, Planning Committee meetings will usually be held on a monthly basis. The Planning Committee will normally meet on the first Monday in every month. The Committee shall from time to time fix its own day and hour of meeting and notify the Council. The following will be published on the Council's website at least 5 working days in advance of the meeting:
 - Committee meeting dates and times; and
 - The Schedule of Applications to be determined by the Planning Committee

SCHEME OF DELEGATION

10. A Scheme of Delegation is where decision making for local applications is delegated to an appointed Officer rather than the Council, thereby enabling speedier decisions and improved efficiency. Section 31(1) of the Planning Act (Northern Ireland) 2011 requires a Council to produce a Scheme of Delegation for operation in its area.
11. The Council's Planning Scheme of Delegation relates only to applications falling within the category of **local development** as defined under regulation 2 of The Planning (Development Management) Regulations (Northern Ireland) 2015. Certain statutory restrictions that apply to the Council's Scheme of Delegation prevent certain types of applications from being delegated to Officers, thereby requiring them to be determined by the Planning Committee. These restrictions are set out in Part A of the Council's approved Scheme of Delegation.
12. The Council's Scheme of Delegation is approved by the Department for Infrastructure in accordance with Section 31 of the Planning Act (Northern Ireland) 2011.
13. In accordance with regulation 10 of the Planning (Development Management) Regulations (Northern Ireland) 2015, the Scheme is available to view on the Council's website www.lisburncastlereagh.gov.uk. A copy is also available at the Island Civic Centre, The Island, Lisburn, Co Antrim, BT27 4RL.
14. The Scheme of Delegation will be reviewed periodically to ensure that it remains current and relevant.

ENFORCEMENT

15. Planning Officers will prepare a quarterly report on the progress of formal enforcement cases which will be circulated to all Members of the Council, detailing the number of notices issued, and convictions obtained, as opposed to providing details of individual cases.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

Weekly List of Delegated Applications with recommendation to refuse and/or approve with objections received

16. Where applications have been delegated to Officers and the decision is to refuse planning permission, **Members of the Council** will be notified by email of the recommendation and the reason for the recommendation. If a recommendation is to approve and objections have been received, **Members of the Council** will also be notified by email of the nature of the objections and how they have been considered. If considered appropriate, Members can then request that an application be referred to the Planning Committee for determination.
17. Planning reasons explaining why the application should be determined by the Planning Committee must accompany all such requests. Members should refer to paragraphs 9 of DMPN 15 – Councils Schemes of Delegation which offers examples of sound and appropriate reasons for referral¹.
18. In such cases, Members **must** submit a request to the Planning Unit via email to the planning@lisburncastlereagh.gov.uk inbox clearly stating the planning reason(s) for the request. A Member has 5 working days from the date of the email notification sent to Members under paragraph 16 above in which to submit a request.
19. On receipt of a request, the Chairperson (or Vice Chairperson where applicable) shall liaise with an authorised officer where the reasons provided are not considered sound or appropriate.
20. Where it is agreed that the reason(s) is not sound or appropriate, the referring Member will be advised accordingly.
21. A notification email will be issued to all Members on a weekly basis to advise which applications have been referred to Planning Committee.
22. The Head of Planning and Capital Development or authorised officer may also consider it prudent to refer a delegated application to the Planning Committee for determination. Where the authorised officer considers it prudent to refer a delegated application to Committee, the matter will be discussed and agreed with the Chairperson presiding on this application.

¹ https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-15-scheme-of-delegation-v1-april-2015_0.pdf

FORMAT OF PLANNING COMMITTEE MEETINGS

23. Lisburn & Castlereagh City Council will operate its Planning Committee in accordance with its own Standing Orders. The Schedule of Applications to be determined by the Planning Committee will be posted to the Planning Portal website 5 working days prior to the Committee Meeting.

Standard Items

24. The agenda will allow for the inclusion of the following items:
- Notice of meeting;
 - Apologies;
 - Approval of the minutes of the previous meeting;
 - Declaration of Interests;
 - Schedule of Planning Applications;
 - Other Reports for Noting
 - Development Plan and Enforcement matters (quarterly)
 - AOB

Committee Papers

25. All Planning Committee Members will be sent an agenda in advance of the Committee meeting. The following papers (where appropriate) will also be provided:
- Minutes of the previous meeting for approval as a complete record;
 - Schedule of Applications to be Determined (including those brought back following deferral) for consideration by the Committee;
 - Details of applications of regional significance which will have an impact upon the Council area and the Council is a statutory consultee or where it may wish to make a representation;
 - Performance Management Reports;
 - Details of Local Development Plan issues (as required);
 - Details of relevant Enforcement Matters (as required); and
 - Details of proposed Pre-determination hearings (as required).
26. A Pre-Planning Committee Meeting may be held with the Chairperson and Vice Chairperson and other officials in advance of the scheduled Committee meeting taking place.
27. Where necessary, Planning Officers will prepare an addendum report to provide Members with any relevant updates since the agenda was issued.
28. Planning Committee meetings will be open to the public except when access may be restricted in accordance with Section 42 of the Local Government Act (Northern Ireland) 2014.

Declaration of Interests

29. At the beginning of **every** meeting, Members will be asked to declare whether they have a pecuniary and/or significant private or personal non-pecuniary interest in any item on the agenda.
30. Should a Member declare such an interest they must have regard for the Members Code of Conduct and it is recommended that they leave the meeting room for the duration of that item unless they have registered to speak on the item. In this circumstance the Member will be invited into the room to address the Committee and answer questions at an appropriate time. At the end of the item Members will then be invited to return to the meeting room and notified of the Committee's decision before the meeting recommences.
31. Where a Member, in advance of the relevant Committee meeting, has taken a firm view on a planning application (in essence they have "pre-determined" the application) that Member should make an open declaration at the beginning of the relevant meeting and leave the meeting room for that entire item unless they have registered to speak on the item. In this circumstance the Member will be invited into the room to address the Committee and answer questions at an appropriate time. At the end of the item Members will then be invited to return to the meeting room and notified of the Committee's decision before the meeting recommences.
32. Where a Councillor declares an interest in either of the above circumstances and does not leave the room without providing valid justification, the matter should be challenged by the Chair of the Committee, or other Councillors.
33. To ensure there is effective monitoring of declarations of interests a report will be brought for noting to the Governance and Audit committee on annual basis. The report will include a list of all declarations made in that calendar year relating to the work of the Planning Committee.

PRE-DETERMINATION HEARINGS

34. The Planning Committee has a **mandatory** requirement to hold pre-determination hearings for those major applications which have been referred to the Department for Infrastructure for call-in consideration but returned to the Council for determination. The pre-determination hearing should be heard by the Planning Committee and the related application should be decided by the Planning Committee.
35. The Council may also hold pre-determination hearings, at their own discretion, where it is considered necessary to take on board local community views as well as those in support of the development. In deciding whether to apply discretion, Members will take into account the following:
 - Relevance of the objections in planning terms;
 - The extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation and

- The numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
36. Applicants and those who have submitted relevant representations will be afforded an opportunity to be heard by the Council before it takes a decision. When holding a pre-determination hearing, the procedures will be the same as those applied to 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. In circumstances whereby the Committee decides to hold the hearing on the same day as it wishes to consider and determine the application, the report to Members will also include a recommendation.
37. Pre-determination hearings should take place **after** the expiry of the period for making representations on the application but **before** the Committee meets to discuss the application. Whilst the Committee will endeavour to hold its pre-determination hearings out with the Committee meeting at which the application will be considered, it is recognised that this may not always be possible.

PUBLIC SPEAKING

Procedures for Public Speaking

38. The following procedures will apply to Lisburn & Castlereagh City Council Planning Committee meetings.

Registering Requests

39. Failure to comply with the following criteria will result in an invalid request to speak:
- Requests to speak should be received in writing to the Planning Unit or by email to planning@lisburncastlereagh.gov.uk no later than 12 noon on the last working day prior to the scheduled Committee meeting.
 - The request must state whether they wish to speak in support or in opposition to a planning application.
 - Requests must be accompanied with a legible written representation of no longer than two sides of an A4 page. This can be written or typically typed in a font such as Arial, minimum size 10, summarising the points to be addressed and provide supplementary information (to include, for example, photographs or otherwise) in support of their case. The written submission is not intended to replace a speaking note if a speaker wishes to expand on the points raised in the meeting. Exceptions to this, so as to accommodate equality of access, will be at the discretion of the Chairperson.
 - A contact number and/or email address must be provided to allow individuals to be invited to/participate in meetings either in person or remotely through on-line access.

- Late requests may be accepted by the Chairperson in exceptional circumstances.

Circulation of Information

40. The written representation submitted when registering to speak will be circulated to Members in advance of the Committee meeting. Any written representation received after this time will **not** be circulated unless it is agreed by the Chairperson.
41. No documentation must be circulated at the meeting to Members by speakers. If speaking remotely the sharing of any media will not be permitted.
42. MPs/MLAs and all Members may speak about an application. They will be afforded **3 minutes**. Where more than one elected representative is registered to speak for or against a proposal they are encouraged to seek areas of common ground to avoid duplication of issues and questions. Where possible elected representatives are encouraged to share the speaking time allowed.
43. Members of the public in support or objection to a proposal will be afforded **3 minutes** to speak about an application. Where more than one person is registered to speak for or against a proposal only one person from those objecting to the proposal and one person in support of the proposal will be allowed to speak.

Questions of Clarification

44. Members of the Planning Committee can seek clarification from those individuals who have addressed the Committee through the Chairperson. Members must not enter into a debate on any issue raised until the Chairperson opens the formal debate of all issues before the Committee.
45. When invited by the Chairperson, Planning Officers can address any issues raised and Planning Committee Members can question Planning Officers through the Chairperson.
46. The Chairperson may agree to accept representations outside these procedures.

COMMITTEE DECISIONS

47. The main role of the Planning Committee is to consider applications made to the Council as the Local Planning Authority and decide whether or not they should be approved.

Committee Decision Making Options

48. The Committee will discuss applications presented to it before taking a vote.
49. Where the recommendation by the officer is accepted the following options are available

- Approve the application with conditions as recommended;
- Approve the application with amended conditions;
- Refuse the application for the reasons recommended;
- Refuse the application with additional or different reasons recommended.

50. Where the recommendation by the officer is not accepted the following options are available:

- Approve the application demonstrating how the relevant policy has been fully engaged with appropriate conditions in consultation with an authorised officer;
- Approve the application with conditions to be drafted by an authorised officer and approved by Members at the next Planning Committee meeting;
- Refuse the application with a precise reason or reasons for refusal demonstrating how the relevant policy has been fully engaged.

51. Members must be present for the complete discussion on the item otherwise they cannot take part in the debate or vote on that item.

52. Except where a decision on a planning application is unanimous a recorded vote will be taken.

53. The Chairperson of the Planning Committee has a casting vote.

Decisions Contrary to officer recommendation

54. The decision as to whether planning permission should be approved or refused lies with the Committee. The views, opinions and recommendations of Planning Officers may on occasion be at odds with the views, opinions or decision of the Planning Committee or its Members. This is acceptable where planning issues are finely balanced.

55. The Committee can accept or place a different interpretation on, or give different weight to the various arguments and material considerations.

56. If the Committee is minded to make a decision contrary to Officer recommendation in accordance with paragraph 50 then:

- The proposer of the motion to go against the Planning Officer's recommendation, or the Chairperson, should state the planning reasons for the proposed decision before a vote is taken. The reasons should be clear, necessary, reasonable and be based on material planning considerations;
- The Authorised Planning Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are valid and, if an approval is proposed, to recommend appropriate conditions;
- A detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file.

Appeal contrary to officer recommendation

57. In the event of an appeal against a refusal of planning permission contrary to Officer recommendation, the Committee should decide who should attend the appeal to defend the decision. The following options are available:

- Members who proposed and seconded a motion to refuse contrary to Officer recommendation may be called as Council witnesses; and
- Different Planning Officers from those who made the original recommendation and/or decision making process may be used.

Decisions Contrary to Local Development Plans

58. Councils are required by the Planning (Notification of Applications) Direction 2017 to formally notify the Department where they are minded to grant planning permission for certain types of application.

59. Councils are required by the Planning (Notification of Applications) Direction 2017 to formally notify the Department where they are minded to grant planning permission for certain types of application.

60. The direction restricts the grant of planning permission and requires a council to send information to the Department.

61. The schedule attached to the notification direction sets out the following circumstances when councils should notify the Department.

- A major development application which would significantly prejudice the implementation of the local development plans objectives and policies;
- A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or
- A government department or statutory consultee has raised a significant objection to a major development application.

62. If a Committee Member proposes, seconds or supports a decision which is contrary to the Local Development Plan or which will significantly prejudice the implementation of the Local Development Plan's objectives and policies, they will need to provide valid planning reasons to justify their decision and/or clearly explain why their decision will not significantly prejudice the implementation of the Local Development Plan's objectives and policies.

63. If the decision would significantly prejudice the implementation of the current and/or emerging Local Development Plan's objectives and policies then the Planning Officer must be given the opportunity to comment on the reasons provided by Members under paragraph 58 above and on whether the decision requires referral to the Department for Infrastructure.

64. The reasons for any decisions which are made contrary to the Local Development Plan will be formally recorded in the minutes and a copy placed on the application file.

DEFERRALS

65. The Planning Committee can decide to defer consideration of an application to a future meeting for the following reasons:

- For further information;
- Further negotiations; and/or
- For a site visit.

66. Members should be aware that deferrals will inevitably have an adverse effect on processing times, and therefore should be an exception. Deferral of a decision to a later Committee meeting can, however also be used to allow time for reflection, where the Committee is minded to refuse a proposal against officer recommendation. This can allow time to reconsider, manage the risk associated with the action, seek legal advice and ensure that Planning Officers can provide additional reports and draft reasons for refusal.

SITE VISITS

67. It is important that requests for site visits are handled in a consistent and organised manner, and that administrative and procedural arrangements on site are understood. The reasons for a site visit should be clearly stated and minuted.

68. Site visits form part of the meeting of the Planning Committee and Members intending to declare a pecuniary and/or significant private or personal non-pecuniary interest in an application or who have pre-determined an application should not attend the site visit. As minimum, those Members who proposed and seconded the site visit should make every effort to attend, so that they understand the issues when the matter is considered at the following Planning Committee meeting. If a Member is unable to attend as site visit they should give consideration to their ability to participate in the decision making process when the item is returned to a later meeting.

Arranging a site visit

69. Where a site visit is deemed to be required by Members, the site visit will be carried out in accordance with relevant legislation and guidance in place at the time of the site visit.

70. A Planning Officer will contact the applicant/agent to arrange access to the site. Invitations will be sent to Members of the Planning Committee. Only Members of the Planning Committee, Planning Officers and Council Officials will be permitted to attend the site visit.

71. The full Planning Committee should attend unless there are good reasons not to.

72. It is important for the integrity of the planning process that Planning Committee Members do not carry out their own unaccompanied site visits.

73. A record of the date of the site visit, attendees and any other relevant information will be retained.

Site Visit Procedure

74. The Chairperson of the Planning Committee will oversee the conduct of site visits. They will start promptly at the time notified to Members and interested persons. At the request of the Committee Chairperson, the Planning Officer may be invited to describe the proposal to Members. Whilst Committee Members will be expected to be familiar with the Planning Officer's report, plans/drawings may be used where necessary.

75. The Planning Officer may indicate 'matters of fact' in relation to the proposal and surrounding land which Members can then take account of. Through the Committee Chairperson, Members can ask the Planning Officer for factual clarification on any planning matter relating to the proposal or surrounding land, such as distances to adjoining properties or the location of proposed car parking.

76. At no time during the site visit should Members debate the merits of the planning application. To do so out with the Planning Committee meeting might imply that Members had made their minds up.

77. At no time during the site visit should the applicant, their agent, any objector or any other Member of the public be allowed to address Members. The public right to address the Planning Committee does not arise until the item is reached on the Committee agenda.

78. In order to assist Members to retain their objectivity, they should keep together in one group with the Chairperson, Planning Officers and Council Officials and should avoid breaking away into smaller groups. Once the site visit is concluded, Members should leave the site promptly.

Record Keeping

79. The Council will keep a record of Member's attendance at the site visit.

80. The record will be presented to the next meeting of the Planning Committee scheduled to discuss the particular application.

REVIEW OF DECISIONS

81. Best practice suggests that in order to assess the quality of decision making, Members should inspect a sample of implemented planning decisions on an annual basis.
82. Lisburn & Castlereagh City Council's Planning Committee will on an annual basis inspect a sample of implemented planning decisions to assess the quality of the decision making.
83. In addition, to give assurances that the Scheme of Delegation is operating effectively, this inspection will also include a sample of decisions delegated to officers.

LEGAL ADVISER

84. The Lisburn & Castlereagh City Council Planning Committee will have access to legal advice on planning matters at each of its meetings.

REVIEW OF PROTOCOL

85. The reform of local government saw the majority of planning functions transfer to Local Councils in April 2015. This Protocol will therefore be monitored and procedures reviewed as necessary to ensure that they remain current and relevant to the operational needs of the Lisburn & Castlereagh City Council Planning Committee.

TRAINING

86. A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the training prescribed by the Council.
87. Members of the Planning Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures and development plans and to generally assist the Member in carrying out their role properly and effectively.