



**Mid & East  
Antrim**  
Borough Council

# **Protocol for Operation of Planning Committee**

## Revision record

Version	Date	Status
1	24 March 2015	Implemented for new Council
2	3 July 2017	Revisions agreed by Council
3	5 June 2018	Revisions for AGM
4	20 May 2019	Presented for consideration at the AGM - no revisions
5	7 June 2021	Revisions agreed AGM

## **Protocol for Operation of Planning Committee Mid and East Antrim Borough Council**

### **Preliminary Matters**

- 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 Councillors.
- The Planning Committee will determine those planning applications which have not been delegated to officers as part of the scheme of delegation.
- All Planning Committee members will be sent the agenda five working days in advance of the meeting with a report on each application to be considered by the Committee. This is in line with Council's Standing Orders.
- If necessary, officers will prepare an addendum in advance of the meeting to report any up-dates since the agenda issued. If time does not permit, any changes will be verbally reported to the Planning Committee.
- The Chair and Vice Chair should hold a pre-meeting with planning officers in advance of the Planning Committee meeting to review the agenda.
- Planning Committee meetings should be open to the public.
- Substitute members will not be permitted to deputise.
- The protocol will be reviewed yearly, in advance of the Council's Annual General Meeting.

## **PART A - Planning Committee**

### **1. Size of Committee**

The Planning Committee will comprise of a maximum of 12 Members. The Quorum will be as set out in the Councils Standing Orders 2.34 to 2.38.

### **2. Frequency of Meetings**

Planning Committee will normally meet once a month. Meetings will be scheduled for the Thursday following Full Council, commencing at 10am, with a guillotine at 1pm. Additional meetings will be at the discretion of the Chairman with the consent of the Committee. Planning Committee meetings will be held in the Council Chamber, The Braid, Ballymena.

### **3. Terms of Reference**

- To exercise the planning functions of the Council where these are not delegated to officers as identified in the approved scheme of delegation.
- To determine planning applications or to decide upon or vary appropriate conditions, limitations, terms or other restrictions upon any approval, consent or permission granted and/or agree reasons for refusing consent.
- To approve the draft Local Development Plan Strategy and Local Policies Plan prior to ratification by Full Council.
- To consider consultation responses on behalf of the Council on planning matters.

### **4. Remit of Planning Committee**

#### **i. Development Management**

The Planning Committee is to consider planning applications made to the council as the local planning authority and decide whether or not they should be approved. The decisions of the Planning Committee in determining planning applications will be taken on behalf of the Council and will not go to the full council for ratification.

#### **ii. Development Plan**

The Planning Committee's role in relation to Development Plan is to approve the Local Development Plan before it is passed by resolution of the Full Council. The Committee will also have an oversight role to ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and economic development land, and 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.

#### **iii. Enforcement**

Enforcement activities will be delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address breaches of planning control.

The Planning Committee can also be informed of progress on enforcement cases and request a report from officers on any enforcement matter. Officers will exercise discretion when discussing sensitive enforcement matters at the Planning Committee to ensure possible future legal proceedings are not prejudiced. Enforcement issues will therefore be discussed in closed committee.

## **5. Format of Planning Committee Meetings**

- 1) Notice of Meeting
- 2) Apologies
- 3) Declarations of interest
- 4) Introduction of Members and Officers
- 5) Minutes of previous Planning Committee
- 6) Schedule of Planning Applications
- 7) Delegations/Presentation
- 8) Pre-Application Hearings
- 9) Development Plan issues
- 10) Planning Appeals Update
- 11) Items for Consideration and Decision
- 12) Items for Information and Noting

## **PART B - Protocol for considering planning applications**

### **1. Chair introduction**

The Chair will explain the decision making process, that each planning application will be discussed in turn, beginning with a summary of main planning issues from Planning Officer, followed by public speaking rights, then Members discussion and vote.

Any Elected Member sitting on the Committee that declare any interests in a planning application must not speak on that item and must leave the Council Chamber for that item.

### **2. Planning Officers Presentation**

The Planning Officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused. This should comprise of a non-technical summary, including a visual presentation.

### **3. Speaking Rights**

**Anyone can register to address the Planning Committee to speak on a planning application, even if they have not formally made a representation on the planning application.**

**Speaking rights are limited to those planning applications, listed on the Agenda for consideration at the up-coming Planning Committee.**

**Those wishing to address the Committee must register their wish to do so with**

the Councils Chief Administrative Officer / Committee Clerk by 12 noon two working days before the meeting.

Committee Members will have an opportunity to question each person making a representation, following their presentation - Members questions should be limited to seeking clarification on matters raised in the presentation.

#### **Members of Mid and East Antrim Borough Council**

The total time allowed for representations by council members in support of an application will be 4 minutes, unless the committee on the day decide to extend the time allowed due to unusual or exceptional circumstances.

The total time allowed for representations by council members against an application will be 4 minutes, unless the committee on the day decide to extend the time allowed due to unusual or exceptional circumstances.

#### **MPs/MLAs**

MPs and MLAs will be permitted to address the committee when they have been asked to represent their constituents. The total time allowed for representations from an MP or MLA will not be more than 4 minutes each unless the committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

#### **Objectors**

If an objector speaks the applicant should be allowed to respond even if they have not registered to speak in advance. The total time allowed for objectors to address the Committee will not be more than 4 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. If more than one objector registers to speak, the allocated 4 minutes will have to be shared.

#### **Representation on behalf of applicant, agent or supporter.**

The total time allowed for applicant, agent or supporter to address the Committee will not be more than 4 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. If more than one person registers to speak in support, the allocated 4 minutes will have to be shared.

#### **Statutory Consultees**

Statutory Consultees will be permitted to address the Committee when they are in attendance. The total time allowed for representations from a Statutory Consultee will not be more than 4 minutes, each, unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

No documentation should be circulated at the meeting to members by speakers.

In lieu of speaking, council members, MPs, MLAs and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee and circulated on the day of the meeting.

#### **4. Planning Officers comments.**

The Planning Officer should be given an opportunity to clarify any outstanding matters raised.

#### **5. Members Debate**

Chair manages the debate, bringing in Officers for clarification if necessary and Solicitor if legal opinion is required.

**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.**

#### **6. Chairman Closes Debate**

The Chairman uses his judgement to close the debate following discussion. In the event of a proposal coming from the floor prior to the Chair requesting a proposer, the Chairman will clarify whether members wish to debate the matter further.

#### **7. Members Decision / Motions**

The Chair seeks a proposer and seconder for Officers recommendation. If no seconder, motion fails. The Committee must vote on each motion

In the event there are two motion under discussion, one motion seeking to approve the officer's recommendations and another motion seeking the opposite, the Committee will vote on the motion with the officer's recommendation first and if unsuccessful vote on the second motion thereafter.

### **MOTIONS**

The following are examples of how a Member may wish to propose a motion:

1. Move the officer recommendation (approval/Refusal).
2. Move the officer recommendation plus additional condition or design change - delegated to officer.
3. Delegate authority to officers to approve subject to clarification on a technical issue.
4. Move contrary to officer recommendation with either:
  - a. Reasons for refusal
  - b. Reasons for approval - delegate authority to officers to agree conditions.
5. Deferral

- a. Site visit (when returned to committee - everything up for reconsideration).
- b. Specific issue where additional information is required - when returned to committee only the subject matter of the deferral will be considered -all other matters previously considered will not be considered again.

Members can add conditions to permission but cannot amend the application. Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware of the legal tests conditions need to meet if challenged - they should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Planning Officer comment should be invited, as necessary.

Any Member who does not agree with the Officer recommendation to approve an application can propose reasons for refusal, which will need to be seconded by another Member and then voted on.

The Committee is not necessarily bound to agree with a Planning Officer's recommendation; it has to reach its own decision. Officers' views, opinions and recommendations may on occasion be contrary to the views, opinions or decisions of the committee or its Members. This is acceptable when based on sound planning considerations, which must fairly and reasonably relate to the application concerned. These considerations include, for example, planning policy, landscaping, impact on the neighbourhood, planning history etc. The Committee or its Members can accept or place different interpretation on, or give weight to, the various arguments and material planning considerations before the Committee. Planning issues are finely balanced and Members may seek the comments of the Officers when proposing reasons that are contrary to a recommendation.

## **8. Vote**

The Planning Officer/Legal Advisor should always be given the opportunity to explain the implications of the Planning Committees decision, prior to the matter being voted on.

Members need to raise hands i.e. all those in support of the motion. The Chair has a casting vote. The motion will either be carried or defeated. If carried, for the benefit of the public the Chair will explain that the application has been approved or refused. If defeated, the Chair will ask for an alternative motion. A decision must be made on an affirmative.

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.

Once a decision of the Planning Committee has been made, a planning official will be available to present the corporate view of the Planning Committee should it

be required at Planning Appeals, Independent Examinations and other Hearings.

#### **9. 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.

### **PART C: Site Visits and Pre Determination Hearings**

#### **1. Site Visits**

It is recognised that, on 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.

Site visits should be an exception as they are time consuming and expensive. If required, they should be identified by Planning Officers in consultation with the Chair 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. In the event a Planning Committee member/s requests a site visit this will be a deferral of the decision before the Planning Committee and a vote will be taken.

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. Site visits are not an opportunity to lobby Councillors or be used to seek to influence the outcome of a proposal prior to the planning committee meeting.

Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the Planning Officer, and, in some circumstance, it might lead to allegations of bias.

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 Planning Officers report to the Planning Committee should record the date of the visit, attendees and any other relevant information.

#### **2. Pre Determination Hearings**

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 council's Planning Committee will therefore have 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.

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.

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.

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 Officers report should contain a recommendation.