

Protocol for the Operation of the Planning Committee

December 2021



**Ards and
North Down**
Borough Council

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PURPOSE OF THE PROTOCOL

1. The purpose of this protocol is to outline practical handling arrangements for the operation of Ards and North Down Borough Council's Planning Committee.
2. The protocol should be read in conjunction with the Council's agreed Standing Orders and the Code of Conduct for Councillors. It is not intended to replace either document. It should also be read alongside the Protocol for the Operation of Virtual Planning Committee, when such meetings are held virtually, such as during a national pandemic.

REMIT OF THE PLANNING COMMITTEE

Development Management

3. The main role of 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. To this end, the Planning Committee of Ards and North Down Borough Council has full delegated authority, meaning that the decisions of the Committee, in respect of planning applications, will not go to the full Council for ratification.

Development Plan

4. Ards and North Down Borough Council is required by Section 8 of the Planning Act (NI) 2011 to prepare a plan for its district. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.

5. The Planning Committee's role in relation to the Local Development Plan is to contribute to the development of and approve the Local Development Plan before it is passed by resolution of the Council. The Planning Committee should also ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the Plan Strategy, or the zonings, designations and policies as contained in the Local Policies Plan.

Development Plan Transition Arrangements

6. Until such time as Ards and North Down Borough Council has adopted its Plan Strategy the local development plans for the Council area will be taken to be the extant Departmental development plans, namely, the North Down and Ards Area Plan 1984-1995 and the Ards and Down Area Plan 2015, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration.
7. When the Council's Plan Strategy is formally adopted, the Local Development Plan will be the Council's adopted Plan Strategy and the extant Departmental development plans, namely the North Down and Ards Area Plan 1984-1995 and the Ards and Down Area Plan 2015, read together, with the draft Belfast Metropolitan Area Plan 2015 being a material consideration. If there is a conflict between the Council's Plan Strategy and the extant Departmental development plan(s) the conflict shall be settled in favour of the Council's adopted Plan Strategy.
8. When the Council has adopted its Local Policies Plan, the Local Development Plan will be the Council's adopted Plan Strategy and Local Policies Plan as defined in Section 6 of the 2011 Act.

Enforcement

9. The enforcement of planning controls is delegated to appointed officers with the Planning Committee receiving regular reports on the progress of enforcement activities.

SIZE OF THE PLANNING COMMITTEE

10. Ards and North Down Borough Council Planning Committee comprises of 16 Members with no substitutions being permitted.
11. The quorum for the Planning Committee will be six (6) Members present and eligible to vote. Where there are less than six Members present eligible to debate an application and vote, the Committee shall be inquorate and the planning application cannot be determined. The application should therefore be withdrawn from the agenda and returned to the next Planning Committee meeting.
12. Where the Planning Committee becomes inquorate, not due to Committee Members being absent but due to Committee Members declaring an interest, the planning application concerned should be deferred to the next Planning Committee meeting to allow each Member to seek advice as to whether their interest of concern is in fact an interest which would prevent them considering and voting upon the planning application. In the event that a Member or Members, on receipt of advice, are comfortable that there is in fact no interest to prevent them considering and voting upon the application, the reasoning for such a position should be so recorded in the minutes of the next Planning Committee meeting.
13. In the event of Planning Committee still being inquorate, due to Members declaring an interest, the Council is deemed to not be able to determine the application, which is then referred to the Department.
14. The Head of Planning will normally attend all Planning Committee meetings in addition to planning officers presenting application reports and recommendations.

FREQUENCY OF MEETINGS

15. In accordance with the Council's Standing Orders, Committees will be held on a monthly basis. The Planning Committee of Ards and North Down Borough Council will meet on the first Tuesday in every month at 7pm in the Council Chamber at 2 Church Street, Newtownards. In exceptional circumstances the Committee shall from time to time fix

its own day and hour of meeting and notify the Council. Committee meeting dates and times will be published monthly on the Council's website in advance of each meeting.

SCHEME OF DELEGATION

16. Section 31 of the Planning Act (NI) 2011 requires the Council to produce a Scheme of Delegation for operation in its area. A Scheme of Delegation is where decision-making for local applications is delegated to an appointed officer rather than the Planning Committee, thereby enabling speedier decisions and improved efficiency.
17. The Council's Scheme of Delegation relates only to those applications that fall within the definition of Regulation 2 of the Planning (Development Management) Regulations (NI) 2015. Certain statutory restrictions that apply to the Council's scheme prevent particular types of application from being delegated to officers, thereby requiring them to be determined by the Planning Committee. The Scheme of Delegation agreed by Ards and North Down Borough Council reflects these restrictions and can be viewed on the Council's website.

ENFORCEMENT

18. In accordance with the Planning Committee's Scheme of Delegation, the enforcement of planning controls is delegated to appointed officers. The Planning Committee will be informed of progress on cases and can request a report from officers to the Committee on any enforcement matter.
19. The Head of Planning will prepare a quarterly report on enforcement including the progress of formal enforcement cases which will be circulated to Planning Committee Members, detailing the number of live cases, details of notices issued, prosecutions and any other information deemed relevant.
20. An Enforcement Strategy detailing how enforcement action will be dealt with has been agreed by the Planning Committee and can be viewed on the Council's website.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

21. A weekly list of validated applications will be prepared and circulated to all 40 elected Members and will be published on the Council website.
22. Elected Members of the Council can request that a delegated application be referred ('called-in') to the Planning Committee.
23. In such cases, Members must notify the Head of Planning of requests in writing or by email stating clearly the reason(s) for such requests. Valid planning reasons must be provided for all applications 'called-in'. Requests must be made within 25 working days of the application being made valid; however, Members should be aware that applications can be determined after the expiration of 14 days from the date the application is first advertised, neighbour notified or first published on the Council's website, whichever date is the later or latest.
24. In addition, where applications have been delegated to officers, Planning Committee Members will be notified by email, usually on a Monday (or next appropriate day taking account of public/bank holidays) of a list of delegated decisions made, but not yet issued, which will detail the reference number, proposal, location, decision, number of objections, and a hyperlink to connect to the relevant part of the Planning Portal to enable Planning Committee Members to view more details about the application. If considered appropriate, Planning Committee Members can then request that applications are 'called-in'. Such requests must be received via the planning@ardsandnorthdown.gov.uk email inbox (marked as 'Call-In' in the subject line) by the specified time 48 hours later. It should be noted that applications for householder development which have not attracted objections and which are recommended for approval will not be included in the weekly delegated list, but the decisions issued immediately.
25. In either of the above circumstances an authorised senior officer will then liaise with the Chairperson or Vice Chairperson (as appropriate) to determine whether the reasons which have been set out constitute valid planning reasons so as to merit referral to the Planning Committee. The requesting Member will be advised if the request has been

successful or alternatively, if the reasons do not constitute valid planning reasons and the request rejected.

26. The agenda for the next appropriate meeting will be amended as soon as possible to reflect those applications that have been 'called-in' from the delegated list.
27. The Head of Planning may also consider it prudent to refer a delegated application to the Planning Committee for determination.
28. Members of the public, MLAs or MPs **cannot** directly request that an application be referred to the Planning Committee.
29. The number and nature of delegated applications referred to the Planning Committee will be reviewed on a regular basis.

PUBLICATION OF SCHEDULE OF APPLICATIONS TO BE DETERMINED BY PLANNING COMMITTEE

30. The schedule of those applications to be determined at the Planning Committee meeting will be published on the Council's planning website pages ten working days before that Planning Committee meeting.

SUBMISSION OF INFORMATION

31. In the interests of efficient and timely decision-making on those applications being presented to the Planning Committee with a recommendation, it is imperative that **all relevant and appropriate information** as required has been received by planning officers, whether in support of or in opposition to proposals. To this effect **no additional information** will be accepted by the Council after 5pm on the Tuesday *prior* to the Planning Committee meeting scheduled to hear that application (one full week prior).
32. In addition, **no documentation** should be circulated at the meeting at any time to Members by speakers.

FORMAT OF PLANNING COMMITTEE MEETINGS

33. Ards and North Down Borough Council will operate its Planning Committee in line with its approved Standing Orders.

Standard Items

34. The agenda will allow for the inclusion of the following items:

- Notice of Meeting
- Apologies
- Declarations of Interests
- Matters arising from the minutes of the previous meeting
- Schedule of Planning Applications
- Development Plan Issues
- Enforcement Matters
- Budgetary Matters
- Performance Management Matters

Committee Papers

35. All Planning Committee Members will be sent an agenda one week in advance of the committee meeting. The following papers (where appropriate) will also be provided:

- Minutes of the previous meeting;
- Details of Development Plan issues;
- Details of relevant Enforcement matters;
- Details of proposed pre-determination hearings;
- Details of non-delegated applications (including those brought back following deferral) for consideration by the Planning Committee;
- Details of applications of regional significance with an impact upon the Council area in response of which the Council is a statutory consultee or where it may wish to make representations;

- Performance Management Reports.

36. When considered appropriate two sets of the detailed drawings will be made available in the Members' Room in both Church Street, Newtownards and in The Castle, Bangor, for inspection from the Thursday before and each day up to and including the day of the scheduled Planning Committee meeting.

37. The Chairperson and Vice Chairperson of the Planning Committee along with the Head of Planning (or authorised senior officer) will hold a briefing session with planning officers on each application to be considered in advance of the Planning Committee meeting.

38. Where necessary, planning officers will prepare an addendum before 10.30am on the day of the Planning Committee meeting to report any updates since the agenda was issued.

39. Planning Committee meetings will be open to the public.

Declarations of Interests

40. At the beginning of **every** meeting, Members will be asked to declare an interest in any item on the agenda and must leave the Council Chamber (including the Public Gallery) for that item. Once the item has been determined (or deferred), Members will be invited to return.

PUBLIC SPEAKING

Procedures for Public Speaking

41. The following procedures will apply to Ards and North Down Borough Council Planning Committee meetings:

- Requests to speak should be received by the Planning Department (in writing or by email) at least 5 working days prior to the scheduled Planning Committee meeting.

Late requests will not be accommodated. The request must set out the material planning issues that the speaker wishes to raise.

- Requests to speak can only be submitted once the Schedule of applications to be heard has been published. The Planning Department will not accept requests made via representations (either in letters of support or objections) submitted in relation to any planning application.
- Written requests should be addressed to Ards and North Down Borough Council Planning Department and highlighted “Request to Speak”; Email requests should be sent to planning@ardsandnorthdown.gov.uk and specify “Request to Speak” in the subject line.
- When a speaking request has been accepted, registered speakers must submit a copy of their speaking note to the Planning Department by 10.30am on the Friday prior to the scheduled meeting. Failure to provide by the specified time will result in cancellation of the speaking rights.
- Members, whether or not on the Planning Committee, may speak in opposition or support of a proposal – in the case of a Member of the Planning Committee, that Member must declare an interest and be excluded from any discussion and decision on the application;
- There is **only one 5-minute slot** for those speaking in opposition to an application, and **only one 5-minute slot** for those speaking in support of an application. Where there is more than one request to speak, the 5 minutes will be shared or one person can be appointed to speak;
- Members of the public (including agents/representatives) may wish to appoint an elected Member, or an MLA/MP to speak on their behalf or alongside them – regardless, the 5-minute limit will still apply.
- Members of the public seeking to speak will be expected to have organised themselves in advance of the Planning Committee meeting and informed the

Planning Department of details of those individuals intending to share the time or of an appointed speaker (and have submitted a copy of the speaking note by the time prescribed);

- The Planning Committee can seek clarification from those who have spoken but must not enter into a debate on any issue raised;
- No documentation should be circulated at the meeting to any Members by speakers;
- Audio/visual presentations will not be permitted;
- The exhibition of models and displays will not be permitted;
- Applications where there will be speakers from the public will be taken first, where possible;
- Planning officers can address any issues raised.

42. Where an application has been debated by Planning Committee but no decision made and it is then deferred for any reason, when it is returned to a subsequent Planning Committee meeting there shall be a further exercise of speaking rights, **only to those who registered in the first instance**, of 3 minutes only, (and providing a copy of speaking notes was submitted within the specified time frame) limited by the Chair to particular issues. A copy of the speaking notes must also be provided to the Planning Department by 10.30am on the Friday prior to the Planning Committee meeting where the application is being heard again. Failure to provide by the specified time will result in cancellation of speaking rights.

AUDIO RECORDING OF COMMITTEE MEETINGS

43. From April 2019 audio recordings of each meeting will be made by the Council, with the exception of items discussed 'In Committee'. These recordings will be posted on the Council's webpages after the minutes of the meeting have been ratified at full Council. Interested parties should listen to both the recording of the Planning Committee meeting

and that of full Council, as items heard at Committee which relate to matters for which Planning Committee does not have delegated powers are subject to ratification by full Council. All comments made by speakers appearing before the Committee, whether elected representatives, planning agents or members of the public will be included within the recording.

RUNNING ORDER

44. Details of the running order for discussion of planning applications is included as Appendix 1 to this Protocol.

COMMITTEE DECISIONS

45. The main role of the Planning Committee is to consider applications made to the Council as the local planning authority and determine whether planning permission should be approved or refused.

46. A Planning Officer will prepare a Case Officer report containing a professional planning recommendation which will be circulated in advance. Members will be expected to appraise themselves of any relevant drawings/plans and other relevant information available to them on the Planning Portal. The application will be presented with a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown as appropriate.

47. After the Planning Officer presents the report, Members will have an opportunity to ask questions of the Planning Officer relating to the proposed development, those speaking for or against the proposal, and debate the case.

Committee Decision Making Options

48. The Planning Committee will discuss applications presented to it during the Planning Committee meeting before taking a vote on one of the following options:

- 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;
- 'Minded to' approve or refuse the application in contrast to the officer recommendation;
- Defer the application to allow additional information/clarification to be provided or a site visit to be arranged.

49. Any appropriate conditions/reasons for refusal must be proposed and seconded before being voted on by Members.

50. The Committee Chairperson has a casting vote.

51. A recorded vote will be taken where a motion is not unanimous whereby the names of Members voting for and against the proposal will be recorded manually and entered into the minutes.

52. Planning Committee Members can add, amend or remove conditions to an approval, (or add, amend or remove reasons for refusal) but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Members will therefore seek guidance from the relevant planning officer as to the appropriateness of the proposal to add, amend, or remove a condition or reason for refusal. Any additional conditions should be proposed and seconded before being voted on by Members. Members should be aware that conditions can be tested at appeal and based on planning case law there are a number of requirements that they should therefore meet, namely that they should be necessary, relevant to planning and the development under consideration, enforceable, precise and reasonable in all other respects. An applicant also has a right of appeal to the Planning Appeals Commission in respect of all reasons for refusal.

Decisions Contrary to Officer Recommendation

53. The Planning Committee has to reach its own decision. Planning Officers offer advice and make a recommendation. Planning Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its Members. There should always be scope for Members to express a different view from Planning Officers in appropriate circumstances.
54. The Planning Committee can accept, reject or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.
55. Planning Committee decisions contrary to Planning Officer recommendation may be subject to appeal or to legal challenge. Members should therefore ensure that the planning reasons for the decision are set out and based on proper planning reasons prior to any resolution being made and voted upon thereafter. The Planning Officer should always be given the opportunity to explain the implications of the Planning Committee's decision.
56. If the Committee votes to overturn the recommendation of the Planning Officer by way of a "minded to approve or refuse the planning application" motion, the Member proposing the motion to overturn the recommendation must outline the reasoning and material planning considerations relied upon for reaching such a decision. Such reasoning should explain, as and when appropriate, why it is proposed to depart from the development plan, the departure from policy or policy interpretation relied upon and/or what material planning considerations are being attributed determining weight. The receipt of the reasoning and material planning considerations from the Member proposing the motion will ensure that the Committee is fully aware of the reasoning and material planning considerations upon which such a motion is based and allow the Planning Department to prepare a note of the reasoning, accompanied by either draft reasons for refusal or draft reasons for approval with draft conditions. This report will be presented at the next Planning Committee meeting to allow the Committee to consider its content. As a consequence of the tabling of the "minded to" motion, the planning application will be deferred to the next Planning Committee meeting to permit the Planning Department to prepare this report. As part of the deferral of the application

the Committee, Chair of the Committee, or Head of Planning, may seek legal advice on the robustness of the reasons for refusal or the reasoning and conditions of approval. Any such advice will be provided to the Committee in advance of the resumption of the consideration of the planning application to allow them to consider same.

57. No additional speaking rights will be afforded to any person unless at the Chairperson's discretion he/she authorises same. Such speaking rights will be a maximum of 3 minutes.
58. In the event that a Member tables a motion contrary to the recommendation of the Planning Department seeking to approve or refuse the planning application (other than a "minded to" motion) the Member proposing the motion to overturn the recommendation must set out the reasoning and material planning considerations relied upon for reaching such a decision prior to tabling the motion and the Committee voting on same. Such reasoning should explain, as and when appropriate, why it is proposed to depart from the development plan and/or the departure from policy or policy interpretation relied upon and/or what material planning considerations are to be attributed determining weight.
59. Decisions contrary to a Planning Officer's recommendation, and full details of the Members' reasoning for attaching differing weight to material considerations or departing from planning policy or the development plan, must be formally recorded in the Planning Committee minutes, ratified at the next Planning Committee meeting and a copy placed on the planning application file / electronic record.
60. The Planning Committee and Members tabling motions to overturn recommendations of the Planning Department should be mindful of the ability to seek costs on appeal to the Planning Appeals Commission or potential costs liability that may arise through any legal challenge brought against such a contrary decision.

Appeal Contrary to Officer Recommendation

61. In the event of an appeal against a refusal of planning permission contrary to a Planning Officer's recommendation, planning consultants or different planning officers than those

who made the original recommendation may be appointed to represent the Council at appeal.

Decisions Contrary to Local Development Plans

62. Planning decisions should be taken in accordance with the Local Development Plan (in so far as it is relevant to the application) unless material considerations indicate otherwise.
63. Should a Planning Committee Member propose, second or support 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 overruling the local development plan.
64. 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.
65. All decisions, whether taken by the Council's appointed Planning Officer, or by the Planning Committee, are decisions made by Ards and North Down Borough Council and may be subject to challenge either by judicial review or appeal.

LEGAL ADVISER

66. Ards and North Down Borough Council will have access to legal advice to support the planning function. Members may require the Legal Adviser to provide legal advice on an issue which arises during the course of a meeting of the Planning Committee. The Director of Regeneration, Development and Planning, and the Head of Planning, shall each also have the ability to exercise discretion regarding the requirement for attendance of the Legal Adviser at Planning Committee. In such circumstances, the Committee shall meet 'in Committee' with only Members of the Planning Committee, presiding officials and the legal adviser(s) remaining in the room. For the avoidance of doubt, all councillors who are not Members of the Planning Committee and Members of the said Committee who have chosen to speak as a supporter or objector to an

application, will be required to withdraw from the room while the legal advice is provided on the matter arising.

DEFERRALS

67. The Planning Committee can decide to defer consideration of an application to the next Planning Committee meeting to:

- allow additional information/clarification to be provided (including provision of legal advice);
- allow a site visit to be arranged; or
- enable consideration of a 'minded to approve or refuse the planning application' reasoning.

Such a decision should be proposed, seconded and subject to a majority vote.

68. Members of the Planning Committee should be aware that deferrals will inevitably have an adverse effect on processing times and will prolong future meetings, and therefore should be used as an exception. Members should therefore restrict themselves, where possible, to one deferral only per application. In addition, there should be clear reasons why a deferral is necessary.

69. Members should not seek to defer an application in order to seek to re-design or negotiate amendments to an application. The Committee must determine the proposal as presented before it.

Minutes of Planning Committee Meetings

70. Written minutes will be recorded at all Planning Committee meetings which will be published on the Council's website. All minutes taken at Planning Committee meetings, although not verbatim, must reflect the discussions and decisions taken during the meetings as these could be used as evidence should any complaints be made about how decisions were taken, or a decision appealed to the Planning Appeals Commission.

SITE VISITS

71. Planning Committee site visits can be useful to identify very important features of a proposal that may be impossible to convey in a written report or by photographs, video, plans and drawings. Site visits can cause delay and should only be used where the expected benefit is substantial.
72. Planning Committee visits will normally be arranged by the Head of Planning, in consultation with the Chairperson, where in their judgement the substantial benefit test applies, i.e.
- The impact of the proposed development is difficult/impossible to visualise from the officer's report, photographs, video, plans, drawings and any other supporting material;
 - There is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing;
 - The proposal is particularly contentious;
 - Non-visual considerations such as noise and smell are key issues on which the application will be determined.
73. If Planning Committee Members defer consideration of an application for a site visit this should only follow a formal proposal, the substantial benefit test and the vote being taken. The reason for deferral for a Planning Committee site visit shall be minuted.
74. The purpose of the Planning Committee site visit is a fact-finding exercise and therefore public rights of attendance/speaking do not apply. The purpose is not to make a decision on the application.
75. Where a site visit is agreed, the planning case officer will contact the applicant/agent to arrange access to the site. Invitations will then be sent to Members of the Planning Committee.
76. At the site visit the merits of application should not be discussed. The purpose of any

discussion is to direct Planning Committee Members to the matters they have come to view or experience. Neither the applicant/agent, objectors, supporters, the Council nor any other Member of the public, will be permitted to address Planning Committee Members, either individually or as a group. It is a function of the Chairperson of the Planning Committee, but also of any officer present and the Planning Committee Members themselves, to make this clear at the visit or beforehand if a member of the public enquires.

77. Members of the Planning Committee 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 circumstances (e.g. where an elected Member is seen with applicant or objector) it might lead to allegations of bias.

78. Site visits must not be requested in any of the following cases:

- To consider boundary or neighbour disputes;
- To consider objections raised on competition grounds;
- To consider objections raised on the grounds of loss of property values;
- To consider any other issues which are not material planning considerations;
- Where Members of the Planning Committee have already visited a site within the last year, except in exceptional circumstances; or
- To consider representations from friends, neighbours or relatives.

Site Visit Procedure

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

80. The planning officer may indicate matters of fact in relation to the proposal and surrounding land which Members can take account of. Through the Planning

Committee Chairperson/Vice Chairperson, Members may 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.

81. At no time during the site visit should Members debate the merits of the planning application. To do so outwith the Planning Committee meeting might imply that Members had made their mind up.
82. In order to assist Members to retain their objectivity, they should keep together in one group with the Chairperson/Vice Chairperson and the planning officer and should avoid breaking away into smaller groups. Once a site visit is concluded, Members should leave the site promptly.

Record Keeping

83. The planning officer will keep a record of Members' attendance at the site visit and will pass this information to Democratic Services for minute purposes. The planning officer will also prepare a written report on the site visit. This report will be presented at the next meeting of the Planning Committee scheduled to discuss the particular application.

PRE-DETERMINATION HEARINGS

84. In order to enhance scrutiny of applications for major development which may raise issues with particular sensitivity for a local area, Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a **mandatory** requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department for call-in consideration, but that have been returned to a Council for determination). In such cases Ards and North Down Borough Council's Planning Committee will hold a hearing prior to the application being determined.
85. In addition, the Planning Committee may also hold pre-determination hearings, at its discretion, when considered necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the

Planning Committee before it takes a decision. This will make the application process for major development more inclusive and transparent.

86. Any hearing should take place after the expiry of the period for making representations on the application but before the Planning Committee decides the application. It will be for the Planning Committee to decide whether it wishes to have a hearing on the same day as the related planning application is determined by the Planning Committee or to hold a separate hearing on a different day. The scale and complexity of the planning issues will have to be considered. In holding a hearing, the Planning Committee procedures can be the same as for 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. If the Planning Committee decides to hold the hearing on the same day as it wishes to determine the application the report to elected Members should also contain a recommendation.
87. Whilst the Planning Committee will endeavour to hold its pre-determination hearings outwith the Planning Committee meeting at which the application will be considered, it is recognised that this may not always be possible.

TRAINING

88. It is recommended that participating Planning Committee Members continue to attend relevant training on planning matters as required and/or provided in association with the Head of Planning.

NETWORK

89. It is anticipated that a network of Planning Committee Chairpersons will be established and that Members should meet regularly to discuss items of common interest. Ards and North Down Borough Council will contribute to this network once established.

REVIEW OF DECISIONS

90. On an annual basis Members of the Planning Committee should inspect a sample of

implemented planning decisions in order to assess the quality of decision-making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the Council's views. Procedures will be prepared to assist with this review.

REVIEW OF PROTOCOL

91. This protocol will be monitored and procedures reviewed as necessary to ensure that they remain current and relevant to the operational needs of the Ards and North Down Borough Council Planning Committee.

APPENDIX 1: RUNNING ORDER FOR PLANNING APPLICATIONS

1. Presentation of Application		
a.	Oral update if required to report any updates since agenda was issued	Planning Officer
b.	<p>Presentation of application Officers' reports will have been available on the NI Planning Portal and have been circulated to Planning Committee Members in advance.</p> <p>The officer will detail the following:</p> <ul style="list-style-type: none"> • Application Number • District Electoral Area • Committee Interest (why before Planning Committee) • Proposal • Site/Location • Any other facts considered necessary for the information of the Planning Committee <p>The officer will provide clarification on any issue raised by Planning Committee Members.</p>	Planning Officer
2. Speaking Arrangements		
a.	<p>Person(s) speaking in opposition of the application (including elected members/MPs/MLAs) ('Against')</p> <p>5-minute allocation</p>	Chairperson
b.	<p>Person(s) speaking in support of the application (including elected members/MPs/MLAs) ('For')</p> <p>5-minute allocation</p>	Chairperson
<p>The same procedure will be used for each speaker:</p> <ul style="list-style-type: none"> • Welcome by the Chairperson, including reminder to keep to planning issues and stating time limit. • Clarification questions from Planning Committee Members through the Chairperson – these should be points of fact, policy or other technical aspects and only refer to issues raised by the speakers • Speaker asked to return to Public Gallery • Clarification on any points from Planning Officer 		

3. Debate		
a.	Indication of Members who wish to speak An initial indication to ensure all Planning Committee Members are able to speak or ask for additional information/clarification. Does not preclude another Member speaking later during the debate.	Chairperson
b.	Debate (Planning Committee Members, through Chairperson, support from officers) Member debate on the planning issues for the application. To be framed by (but not restricted to) the issues identified in the officer report and the resulting recommendation. Clarification available from officers.	Chairperson/ Planning Committee Members /Officers
c.	Invite proposing and seconding of the recommendation/alternative recommendation (if applicable based on debate) If the debate appears to be contrary to the officer recommendations (i.e. decision to overturn or revision to conditions etc.) then the Chairperson should invite a proposal for alternative recommendation or deferral. If the debate appears to support a vote in line with officer recommendation, no action is required.	Chairperson
4. Vote		
a.	Checking that Planning Committee is ready to vote The Chair will ascertain if the Planning Committee as a whole whether it feels it is now ready to vote on the application, leaving a pause for any Member to either request that the debate should continue or to seek clarification on a matter of fact, policy or other technical aspect.	Chairperson
b.	Summing up Short conclusion, returning to the main issues raised by the officer report, the way in which Members have explored these and other issues. Clear reminder of the motion and the implication of a vote in either direction.	Chairperson/Officers
c.	Vote Clear show of hands raised above the head and held in place until the Director/Democratic Services acknowledges the count. Voting first in favour of the motion, then against, then for abstentions. Anyone not voting is subsequently deemed to have abstained.	Director/Democratic Services
d.	Recording of Decision Director/Democratic Services to announce the number of votes in each direction. Individual Member voting to be recorded where not unanimous. Chair to clearly announce the decision and to be included in the minutes.	Director/Democratic Services/Chairperson