

# Public Document Pack

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

17th October 2014

## **MEETING OF SHADOW PLANNING COMMITTEE**

Dear Councillor,

I enclose the papers for the Shadow Planning Committee, which will commence at 4:30 pm on Thursday 23rd October. ***As notified previously, the venue for the meeting will be the Group Space, Ulster Hall.***

As part of the capacity-building programme for Members, a workshop will be facilitated by the Town and Country Planning Association. It is anticipated that this will last from 4:30 pm to 6:30 pm, with the formal meeting commencing afterwards. The TCPA session will focus on the principles of planning and associated processes.

You are requested to attend.

Yours faithfully

**Suzanne Wylie**

Chief Executive

## **AGENDA FOR MEETING AT 6:30 PM:**

1. Routine Matters
  - (a) Apologies
  - (b) Minutes
  - (c) Declarations of Interest
2. Scheme of Delegation for Future Planning Committee (Pages 1 - 14)
3. Consultation on Guidance on Planning Element of Code of Conduct (Pages 15 - 56)
4. Capacity Building Programme and Best Practice Study Visit (Pages 57 - 66)
5. Meeting with the Chief Planner - Update on Meeting (Pages 67 - 70)

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## Belfast City Council (Shadow)

<b>Report to:</b>	<b>Shadow Planning Committee</b>
<b>Subject:</b>	<b>Scheme of Delegation for future Planning Committee</b>
<b>Date:</b>	<b>23<sup>rd</sup> October, 2014</b>
<b>Reporting Officer:</b>	John Walsh, Town Solicitor (ext. 6042)
<b>Contact Officer:</b>	Nora Largey, Solicitor (ext. 6049) Neil Dunlop, Programme Advisor (ext. 6177)

<b>1.0</b>	<b>Background Information</b>
1.1	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 1 <sup>st</sup> April 2015.
1.2	Meetings with Members are therefore taking place in coming weeks to ascertain party views on issues such as the role and structure of committees, the code of conduct and the scheme of delegation. Feedback and emerging options will then be presented for consideration to Shadow SP&R before Christmas.
1.3	Members should also note that Section 31(1) of the Planning Act (NI) 2011 requires the Council to produce a scheme of delegation in relation to planning functions. The purpose of a scheme of delegation in relation to planning is to ensure that the Council can deliver an efficient and fit-for-purpose planning service which supports responsible development by making timely and robust decisions. Given the volume of applications it is important that the scheme of delegation produces a process that is administratively sound whilst offering members reassurance that appropriate applications may be brought before committee for determination.
1.4	Specifically the scheme of delegation should articulate: <ol style="list-style-type: none"> <li>1. The types of planning application decision can be delegated to officers</li> <li>2. The types of planning applications must be decided by committee</li> <li>3. How Members' can request that an application is brought before the committee that would otherwise be delegated.</li> </ol>
1.5	The scheme must be in place prior to the 1 <sup>st</sup> April 2015 and, importantly, must be brought to the DoE for approval.

1.6	Whilst overall authority for the governance of the new Council will rest with the Shadow Council it is therefore intended that the Shadow Planning Committee's view should be sought on the scheme of delegation as it relates to planning. Comments will then be fed into the overall corporate governance piece.
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<b>2.0</b>	<b>Key Issues</b>
2.1	<b><u>Existing Position</u></b>
	The existing Town Planning Committee runs what is, in effect, a scheme of delegation that is known as 'streamlining'.
2.2	The 'streamlining' scheme was developed to allow minor applications with little impact to be processed more quickly. Safeguards were also put in place that allowed applications to be considered by the Town Planning Committee. The current list of application types in this scheme was agreed in March 2010 (see appendix 2).
2.3	As a result of the introduction of this streamlined scheme, there was a noticeable improvement in the timescales for deciding minor applications as notifications could be issued at the point of decision (as opposed to waiting for endorsement at a scheduled committee meeting).
2.4	However, even with streamlining the Committee considered an average of 31 applications each month; sometimes meeting twice each month to manage the volume of cases. Over a similar timeframe an average of 97 applications were 'streamlined' each month.
2.5	With the transfer of planning to Council there is a significant reputational risk if a decrease in the throughput of applications being determined was to occur or if there were some other procedural failing .
2.6	It is therefore the view of both planning officers and Legal Services that to continue to bring this number of applications before Committee would be unsustainable. This would lead to exceptionally long and perhaps frequent meetings, with insufficient opportunity for the committee to then consider other matters such as policy or to give proper focus to the applications before it.
2.7	<b><u>Future position</u></b>
	It is therefore proposed that the current scheme should be reviewed and potentially extended in order that Members are given the opportunity to fully consider those applications that are regarded to have the most significance and impact upon the city; whilst also building in sufficient safeguards for committee to consider applications that would otherwise normally be delegated.
2.8	There are a number of ways in which this might be achieved outlined below and it is suggested that Members' views would be captured at party group briefings or via submissions to Democratic Services.
2.9	Options for the future scheme of delegation might include (further details in relation

	<p>to these proposals can be found in Appendix 1):</p> <ol style="list-style-type: none"> <li>1. <b>Removing the requirement to bring all refusals before the Committee.</b> Given that the Council is responsible for all decisions, requiring refusals to be brought to Committee is not consistent and may be regarded as unfairly delaying decisions. Analysis of the lists over the last year shows that an average of 7.8 applications per month appear on the agenda because they were refusals. Many of these have been identified as advertising signage which was contrary to policy</li> <li>2. <b>Removing the requirement for applications with objections to be brought before the committee.</b> Analysis shows that an average of 11.3 applications per month appear on the agenda because there was at least one objection to the proposal. Many of these would have been extensions to houses where there were neighbour concerns. The Committee may wish to consider, for example, using a threshold to determine which are brought before committee e.g. those with a minimum of 6 objections (which have planning merit and made by affected neighbours or interested bodies). Thus ensuring that individuals could not delay the process unnecessarily.</li> <li>3. <b>Extending the thresholds for certain types of application e.g.</b> <ul style="list-style-type: none"> <li>• housing applications e.g. up to 25 units</li> <li>• small office units e.g. up to 200 sq.m.</li> </ul> </li> <li>4. <b>Delegating applications within larger establishments</b> such as the harbour, the hospital estates and schools. Many of the applications in these sites are of little impact due to the relative size of developments within the larger context and given that they are often within existing boundaries</li> </ol> <p>2.10 <b><u>Safeguards</u></b> As noted however there needs to be a mechanism to ensure that applications which would be otherwise delegated can be brought before the Committee.</p> <p>2.11 In most cases this will happen automatically as the Planning Manager will be aware of issues arising as the application progresses. However, Members may wish to consider the following criteria by which they can ask for an application to be brought to Committee:</p> <ol style="list-style-type: none"> <li>1. The amount of public objection/support for an application which is contrary to current policy or has no policy context.</li> <li>2. Where the number of relevant representations citing planning considerations on an application contrary to the recommendation of the planning officer exceeds an agreed threshold; this may be either a recommendation for approval or refusal.</li> <li>3. Where there is a request from a community group to be heard by the Committee on a planning issue raised by an application.</li> </ol> <p>2.12 Additional safeguards might also include:</p> <ol style="list-style-type: none"> <li>1. The planning manager or deputy should have the power to put items to</li> </ol>
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2.13	<p>Committee on the basis of the issues raised by the application.</p> <ol style="list-style-type: none"> <li>2. Any personal application by an elected member or senior officer of the Council or their close relation will be determined by Committee.</li> <li>3. Any application by a planning officer where objections are received will be determined by the Committee</li> </ol> <p><b><u>Conclusions</u></b></p> <p>Clearly given the administrative burden that would be created by the volume of applications it would not be practicable to bring them all to committee for determination. Other large cities operate a similar system of delegation, in some cases without the level of safeguard that would enable members to request that specific applications are referred to committee. Essentially the proposed scheme is an extension of the existing streamline process with reassurance that members will deal with those applications that are key to the development of the city or those in which the public interest is best served by a formal hearing before the committee.</p> <p>The above are intended to stimulate further discussion and represent a number of potential options for Members' consideration. However it is acknowledged that Members may wish to consult with their party colleagues and provide feedback at the forthcoming party group briefings or in writing through Democratic Services.</p>
2.14	<p>A draft scheme of delegation would then be brought back to the Shadow Planning Committee for consideration, with the decision making authority resting with Shadow SP&amp;R and Shadow Council.</p>

<b>3.0</b>	<b>Resource Implications</b>
3.1	<p>It is not possible to determine resource implications of the scheme at present; thought 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 and Legal Services.</p>

<b>4.0</b>	<b>Equality and Good Relations Implications</b>
4.1	<p>There are no equality or good relations implications associated with this report.</p>

<b>5.0</b>	<b>Call In</b>
5.1	<p>Members are advised that any decision relating to the final protocol or governance of the committee would be subject to Call In.</p>

<b>6.0</b>	<b>Recommendations</b>
6.1	<p>It is recommended that Members consider the above recommendations and:</p> <ol style="list-style-type: none"> <li>1. Grant authority to the Town Solicitor to review the existing scheme of delegation (streamlining process) with a view to extending the current arrangements for delegation</li> <li>2. Consider the suggested options for safeguarding Members' ability to have a decision brought before the committee</li> <li>3. Consider the potential options for the extension of the current scheme and provide feedback either via Democratic Services or via the party group briefings.</li> </ol>

<b>7.0</b>	<b>Documents Attached</b>
<p>Appendix 1 - Areas for consideration in relation to a future Scheme of Delegation (Specific to Planning)  Appendix 2 - Streamlining  Appendix 3 - Schedule to the Development Management Regulations, Regulation 2 and 3</p>	

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**Appendix 1 - Areas for consideration in relation to a future Scheme of Delegation (Specific to Planning)**

1. The Planning Act (NI) 2011 s31(1) requires the Council to produce a Scheme of Delegation which allows decisions on certain types of planning applications to be delegated to officials. The scheme needs to be in place prior to the Planning Committee taking the decision-making powers on planning applications in April 2015. This Scheme has to be put the DoE for approval.
2. There will be reference to the Scheme of Delegation in the Planning (Development Management) Regulations 2015 (as drafted) when these are approved. The Regulations require the Scheme to specify the classes of application to which it applies and which of those can be determined by an appointed officer. The Regulations will also specify which applications cannot be delegated.

**Existing Position**

3. The existing Planning Committee runs what is, in effect, a Scheme which is known as ‘streamlining’. The ‘streamlining’ scheme was developed to allow minor applications with little impact to be taken through the Council consultation process more quickly, namely by notifying the Committee of the applications when they arrive in the office. The current list (see appendix 1) of application types in this scheme was agreed in March 2010. The safeguards which were attached to the list were that any item could be brought to the Town Planning Committee if:
  - Requested by a Councillor (through Democratic Services)
  - Where there is objection to the proposal ( irrespective of the number )
  - Where the recommendation of the Department is that it should be refused
  - Where the Area Planning Manager brings the proposal to the Committee due to the nature of the proposal.
4. As a result of the introduction of this streamlined scheme, there was a noticeable improvement in performance deciding minor applications. This was mainly due to the fact that decisions could be issued as soon as ready after the notification period rather than going through the Committee cycle.
5. The table below shows the numbers of applications considered for each of the last 5 months. It should be noted that there were two meetings per month prior to July:

	Streamlined	Considered by Committee
April	103	39
May	101	No meeting
June	97	71
July	92	No meeting
August	93	39

6. Over the last 13 months, the Committee has had to consider an average of 31.4 applications at each meeting. If that was to continue, there is the potential for meetings to become very long, given that there is at the least a consideration of the planning report and a vote on each application. (Detail in appendix 4)

## Safeguards

7. All applications are considered by a group of officers which must include an 'authorised' officer. The group talk through the report presented by a planning officer and agree a recommendation.  
The Department identifies 'authorised officers' who may sign Decision Notices and other official documents. The standard is for the Area Manager and the 3 Principal Planning Officers to be authorised. However some Senior planning Officers are also authorised to sign off minor applications.

## Scheme of Delegation required by 2011 Act

8. The Development Management Regulations 2015 (as drafted) require that all major applications as defined by the Regulations have to go to Committee. These are very significant applications which exceed the thresholds set. (see appendix 2 )
9. Using the existing scheme as the starting point, it is likely that the number of applications which would have to be considered would require very long Committee meetings which would be extended by the requirement to deal with deferred applications, delegations and other planning matters.
10. No applications made by the Council, an elected member of the Council or where the Council has lands that are the subject of a planning application, can be delegated.

## Options

11. It is probably unrealistic to try to consider 30 or more applications at each meeting. To reduce the time required for Committee meetings there are options to be considered which could extend the existing Scheme:

11.1. Increase the number of meetings each month.

**Impact:** Traditionally, the planning Committee met twice a month. If the current number of applications continues that would mean considering approx 18 applications per meeting plus all applications deferred from previous meetings. This is likely to increase as development pressure returns to a more normal cycle. Applications for the 5 month period shown are 17% up on the same period last year

11.2. Extend the current scheme by :-

1. Removing the requirement to bring all refusals before the Committee: given that the Council is responsible for all decisions, requiring refusals to be brought to Committee is not consistent and may be regarded as unfairly delaying decisions. Analysis of the lists over the last year shows that an average of 7.8 applications per month appear on the agenda because they were refusals. Many of these have been identified as advertising signage which was contrary to policy
2. Removing the requirement for applications with objections to be brought before the committee. Analysis shows that an average of 11.3 applications per month appear on the agenda because there was at least one objection to the proposal. Many of these would have been extensions to houses where there was neighbour concerns. The Committee may take the view that where there is a substantial number of objections above a certain number, they would want to consider it. Limits such as a minimum of 6

objections which have planning merit and made by affected neighbours or interested bodies could be considered as this would ensure that individuals could not delay the process unnecessarily.

**Impact:** These are the most straightforward additions and where there are clear policy guidelines governing uses such as advertising signage and hoardings and on house extensions, then there is less reason to become involved. If there is disagreement with the policy, then that is what needs to be changed. It cannot be changed by making adverse decisions which may end up being challenged and/ or setting a precedent for future decisions.

3. There are certain types of application for which the threshold could be extended: e.g.
  - larger housing applications e.g. up to 25 units
  - Including small office units e.g. up to 200 sq.m.

This has been discussed in the past but no resolution made in favour of a change. For office development, 200 sq m is the limit for out-of-centre applications.

**Impact:** This an area where a sound development plan will provide the necessary guidance for making decisions on applications. BMAP will provide that guidance until a new local Plan is produced.

4. There is potential for delegating applications within larger establishments such as the harbour, the hospital estates and schools. Many of the applications in these sites are of little impact due to the relative size of developments within the larger context. Even large developments within the harbour estate are of little planning concern. On the hospital sites, applications for stores or changes to buildings are usually of little impact and on school sites there will be an established need which frequently can only be met within the school boundary.

**Impact:** There are only a small number of such applications but they are normally straightforward.

### **Bringing normally delegated applications before committee**

11.3. There needs to be a mechanism to ensure that applications which are on the Delegated list but are of public note or concern are brought before the Committee. In most cases this will happen automatically as the planning manager will be aware of issues arising as the application progresses. However, members should be able to ask for an application to be brought to Committee on the basis of:

1. The amount of public objection/support for an application which is contrary to current policy or has no policy context. The request should go through the Committee Chair or Deputy.
2. Where there is more than 6 relevant representations citing planning considerations on an application contrary to the recommendation of the planning officer; this may be either a recommendation for approval or refusal.
3. Where there is a request from a community group to be heard by the Committee on a planning issue raised by an application.

#### **Also**

1. The City Planner, planning manager or deputy or any director should have the power to put items to Committee on the basis of the issues raised by the application.

2. Any personal application by an elected member or senior officer of the Council or their close relation will be determined by Committee.
3. Any application by a planning officer where objections are received will be determined by the Committee.

### **Other responsibilities**

12. There are a number of other areas which should be delegated to the senior planning manager.
  - a. All enforcement matters including the expediency of taking/not taking action, issuing enforcement notices and taking further action, including prosecution and direct action in respect of any breach of control.
  - b. Deal with decisions, correspondence and consultations relating to Listed Buildings, Conservations Areas and other Environment protection designations.
  - c. Dealing with all types of appeal and their format.
  - d. Deal with all work relating to Tree Preservation Orders, and the management of trees protected by the Planning Act or conditions relating to a development.
  - e. Nominate officers to represent Council on forums or working parties.
  - f. Enter into, modify or discharge planning or legal agreements required to allow development to proceed (under s76 of the Planning Act (NI) 2011).

The Scheme must be reviewed at least every 3 years.

## Appendix 2 - Streamlining

The first streamlined consultation process applied to the following categories of application:

- extension and alterations to dwellings;
- minor works, for example, ATM machines, boundary walls, fences, roads in industrial estates, etc
- residential garages, garden sheds and other similar development within the curtilage of an existing dwelling;
- reserved matters (where there are no objections);
- advertisements and direction signs;
- electricity lines (up to 33 kv) and substations;
- change of house types on approved sites;
- shop fronts and minor alterations to commercial business and industrial premises;
- new accesses and hard standing serving development;
- agricultural buildings, structures and associated works;
- minor alterations and extensions to schools, churches, health centres and other educational, civic or community facilities; and
- other similar development proposals which are minor in nature, for example, smoking shelters and disability access arrangements.

At a subsequent meeting, the Committee agreed to the extension of the above list of types of planning applications which could be considered within the Streamlined Consultation Process, to include:

- conservation area consent;
- listed building consent;
- change of use;
- all extensions and alterations;
- floodlighting;
- housing applications for up to five dwellings;
- renewable energy generators; solar power; domestic wind turbines; and
- open space facilities.
- alteration to conditions

At the Special meeting of the Town Planning Committee of 29 November 2012, the committee was presented with an additional list of application types which the Minister proposed should be added to the current list.

- all other minor and intermediate applications;
- housing applications up to a maximum of 25 units; and
- office accommodation up to a maximum of 200 sq metres.

There was no recommendation resulting from this proposal and they are currently not included in the scheme.

By agreement the following are brought to Committee

- all HMO applications
- All hot food bars, amusement arcades, and communications equipment
- applications recommended for refusal or with any objection.

## Appendix 3 - Schedule to the Development Management Regulations, Regulation 2 and 3

### Major Development Thresholds

1. In the Table below—
  - a. “airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14);
  - b. “area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;
  - c. “floor space” means floor space in a building or buildings.
2. The Table below sets out the classes of development belonging to the category of major development.

Description of Development	Major Developments – Threshold or criteria	Major Developments prescribed for the purpose of Section 26(1) of the Planning Act (Northern Ireland) 2011 i.e. Regionally Significant Development.
1. <b>EIA Development:</b>	Development of a description in paragraphs; 1,3,4, 5, 6, 11, 12, 15, 17, 18, 19, 22, 23 and 24; mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012	Development of a description in paragraph 1, 3, 23 and 24 mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012
2. <b>Energy Infrastructure:</b> <u>Generating stations:</u>  <u>Power Lines</u>  <u>Storage</u>	<p>The construction or extension of an on-shore generating station (when constructed or extended) where its capacity is or more than 5 megawatts</p> <p>The installation of a power line above the ground exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer</p> <p>Installations for the storage of petroleum, petrochemical or chemical products, where the storage capacity of the facility is expected to be 30,000 tonnes or more.</p>	<p>The construction or extension of an on-shore generating station (when constructed or extended) where its capacity is or more than 30 megawatts</p> <p>The installation of a power line above the ground exceeds 110 kilovolts and a length of more than 15 kilometres</p> <p>a) Installations where the storage of petroleum, petrochemical or chemical products where the storage capacity of the facility is expected to be 200,000 tonnes or more.</p> <p>b) Installations for the underground geological storage of petroleum, carbon</p>



<p><u>Waste Water :</u></p>	<p>treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of nonhazardous waste with a capacity exceeding 100 tonnes per day.</p> <p>Waste water treatment plants with a capacity exceeding 50,000 population equivalent.</p>	<p>treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of nonhazardous waste with a capacity for an annual intake is or more than 100,000 tonnes.</p> <p>Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).</p>
<p><b>5.Housing:</b> Construction of buildings, structures or erections for use as residential accommodation; includes private schemes.</p>	<p>a) development that comprises 50 units or more; or b) the area of the site is or exceeds 2 hectares.</p>	<p>N/A</p>
<p><b>6. Retailing:</b> Includes comparison shopping and mixed retailing development; convenience shopping development; and commercial leisure development.</p>	<p>a) Development that comprises 1,000 sq metres or more gross floor space outside town centres; or b) The area of the site is or exceeds 1 hectare outside town centres.</p>	<p>N/A</p>
<p><b>7.Business, Industry (Light and General), Storage and Distribution:</b> (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004).</p>	<p>a) Development that comprises 5,000 sq metres or more gross floorspace; or b) The area of the site is or exceeds 1 hectare</p>	<p>N/A</p>
<p><b>12. Minerals:</b> Extraction of minerals.</p>	<p>The area of the site is or exceeds 2 hectares.</p>	<p>a) Development involving quarries or open–cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares. b) Development involving underground mining where the surface of the site exceeds 2 hectares</p>
<p><b>13. All other development:</b> Any development not falling wholly within any single class of development described in Parts 1 to 8 above.</p>	<p>a) Development that comprises 5,000 sq metres or more gross floorspace; or b)The area of the site is or exceeds 1 hectare.</p>	<p>N/A</p>



## Belfast City Council (Shadow)

<b>Report to:</b>	<b>Shadow Planning Committee</b>
<b>Subject:</b>	<b>Consultation on Guidance on Planning Element of Code of Conduct</b>
<b>Date:</b>	<b>23<sup>rd</sup> October 2014</b>
<b>Reporting Officer:</b>	John McGrillen, Director of Development (ext. 3470)
<b>Contact Officer:</b>	Eve Bremner, Programme Manager (ext. 3275) Neil Dunlop, Programme Advisor (ext 6177)

<b>1.0</b>	<b>Background Information</b>
1.1	Members will be aware that the Local Government Act (NI) 2014 introduced a new ethical regime to local government.
1.2	As part of this regime, the Department of the Environment issued a Code of Conduct (the Code) for councillors, which was approved by the Assembly on 27 May 2014. Part 9 of the Code, which contains the planning element, is not due to take effect until 1 April 2015.
1.3	The Department of the Environment has now issued a consultation paper on guidance on the planning element of the councillors' code of conduct.

<b>2.0</b>	<b>Key Issues</b>
2.1	The Code details the principles and rules of conduct which councillors are required to observe when acting as a councillor and when conducting council business.
2.2	The draft guidance makes specific reference to the rules in the Code in relation to declaration of interests, lobbying and access to councillors, and decision-making, and explains under each heading how the rules apply to councillors and, specifically, to planning committee members, where applicable.
2.3	The code establishes that if lobbied you may not express any view for or against an application. This recognises the quasi-judicial function of the role and guards

	<p>against actual or apparent bias being used as a basis for undermining any decision. In the context of the Local Development Plan, similarly you may relay the opinions or views of others to officers responsible for the preparation of the plan but cannot be seen to act in a way that is to your personal advantage or the advantage of any group or individual. You cannot make public statements regarding emerging policy or proposals in the draft plan. If you are notified of an enforcement issue you should refer it to officers to investigate and desist from advocating a particular outcome. More generally you are required to work in the broader public interest and to maintain a degree of detachment from personal or sectional interests that will permit independent judgment based on planning considerations.</p>
2.4	<p>The aim of this guidance is to advise councillors how they should apply the principles and rules of the Code when it comes to dealing with planning. It is also there to provide protection for councillors by advising them of what they can and cannot do in relation to taking planning decisions.</p>
2.5	<p>In addition, the Northern Ireland Commissioner for Complaints has indicated his office will rely on this guidance when it comes to investigating alleged breaches of the Code in relation to planning.</p>
2.6	<p>The consultation paper is available on the Planning NI website at <a href="http://www.planningni.gov.uk/index/news/news_consultation/draft_guidance_planning_element_of_councillor_code_of_conduct.htm">http://www.planningni.gov.uk/index/news/news_consultation/draft_guidance_planning_element_of_councillor_code_of_conduct.htm</a> . A hard copy is also attached.</p> <p>Members are therefore asked to consider the attached draft guidance and forward any views or comments to Nora Largey, <a href="mailto:largeyn@belfastcity.gov.uk">largeyn@belfastcity.gov.uk</a>, by 6<sup>th</sup> November. Legal Services will then coordinate a corporate response that will be brought back to committee for consideration in November; before the consultation closes on 21<sup>st</sup> November 2014.</p>

<b>3.0</b>	<b>Resource Implications</b>
3.1	Any emerging resource implications will be brought to the Committee as they arise.

<b>4.0</b>	<b>Equality and Good Relations Implications</b>
4.1	There are no equality or good relations implications associated with this report.

<b>5.0</b>	<b>Call In</b>
5.1	Members are advised that any decision relating to the final protocol or governance of the committee would be subject to Call In.

<b>6.0</b>	<b>Recommendations</b>
6.1	The Shadow Committee is requested to review the attached consultation document and forward any comments to Ms. Nora Largey in Legal Services ( <a href="mailto:largeyn@belfastcity.gov.uk">largeyn@belfastcity.gov.uk</a> ) by 6 <sup>th</sup> November.

<b>7.0</b>	<b>Document Attached</b>
Consultation on Guidance on Planning Element of Code of Conduct	

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Department of the  
**Environment**

[www.doeni.gov.uk](http://www.doeni.gov.uk)

## **GUIDANCE ON PLANNING ELEMENT OF COUNCILLORS' CODE OF CONDUCT**

**CONSULTATION**

**September 2014**

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## RESPONDING TO THIS CONSULTATION DOCUMENT

You are invited to send your comments on this consultation document.

All responses should be made in writing and sent to:  
[planning.reform@doeni.gov.uk](mailto:planning.reform@doeni.gov.uk) or by post to:

Guidance on Planning Element of Code of Conduct Consultation  
Planning Policy Division  
Department of the Environment  
6<sup>th</sup> Floor  
Causeway Exchange  
1 - 7 Bedford Street  
Belfast BT2 7EG

**The consultation period will last for 8 weeks and will end on 21 November 2014.**

Additional copies of this document can be downloaded from the PlanningNI website at:

[http://www.planningni.gov.uk/index/news/news\\_consultation.htm](http://www.planningni.gov.uk/index/news/news_consultation.htm)

or requested via the postal or email addresses above, or by telephone on (028) 90823487 or by textphone on (028) 90540642.

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The document is available in alternative formats: please contact us to discuss your requirements.

In keeping with our policy on openness, the Department intends to publish all responses received on its website. When publishing responses received on behalf of organisations, the Department will

also publish the organisation's name and address. When publishing responses received on behalf of individuals, the Department will not publish details of the individual's name and address.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

## **BACKGROUND**

1. As part of the review of local government the majority of planning functions will transfer to the new 11 councils on 1 April 2015. The Local Government Act (NI) 2014 introduced a new ethical regime to local government. As part of this regime, the Department of the Environment (the Department) issued a Code of Conduct (the Code) for councillors, which was approved by the Assembly on 27 May 2014. Part 9 of the Code, which contains the planning element, is not due to take effect until 1 April 2015. The Department undertook to provide guidance for councillors on the planning element of the Code and to consult on this guidance.
2. The Code details the principles and rules of conduct which councillors are required to observe when acting as a councillor and when conducting council business. The draft guidance makes specific reference to the rules in the Code in relation to declaration of interests, lobbying and access to councillors, and decision-making, and explains under each heading how the rules apply to councillors and, specifically, to planning committee members, where applicable.
3. This consultation paper seeks views on the draft guidance prepared by the Department.

## **PURPOSE OF THE GUIDANCE**

4. For the first time in over 40 years (from 1 April 2015), local government will have responsibility for the majority of planning functions: from drawing up their own local development plans to taking decisions on planning applications and on potentially taking enforcement action against alleged breaches of planning control. This is a major cultural change, where elected representatives move from being consultees on planning matters to being the decision-takers.

5. Planning affects everyone, from local development plan decisions, which indicate what development can take place and where, to individual decisions on planning applications. It also impacts on the environment and on economic activity. It is essential, therefore, that the planning system is seen to operate in a fair and transparent manner.
  
6. The aim of this guidance is to advise councillors how they should apply the principles and rules of the Code when it comes to dealing with planning. It is also there to provide protection for councillors by advising them of what they can and cannot do in relation to taking planning decisions. In addition, the Northern Ireland Commissioner for Complaints has indicated his office will rely on this guidance when it comes to investigating alleged breaches of the Code in relation to planning.

# GUIDANCE ON THE PLANNING ELEMENT OF THE COUNCILLORS' CODE OF CONDUCT



Department of the  
**Environment**

[www.doeni.gov.uk](http://www.doeni.gov.uk)

## INTRODUCTION

1. Parts 1-8 of the Northern Ireland Local Government Code of Conduct for Councillors (the Code) came into force on 28 May 2014 and Part 9 (the planning element) will come into force on 1 April 2015. This guidance is to assist members on the interpretation of Part 9. Failure to follow this guidance could be taken into account during investigations carried out by the Northern Ireland Commissioner for Complaints.
2. This guidance is of relevance to all councillors as all councillors will have contact with planning issues, either as advocates for or against planning applications, as members of the planning committee, or as members of the full council. Your specific role will vary depending on whether you are on a planning committee or not. The guidance applies equally to decision-making whether by planning committees or full council (in cases where the full council is called upon to make a decision on a planning-related matter).
3. The Code details the principles and rules of conduct which you are required to observe when acting as a councillor and in conducting council business and these principles and rules of conduct apply equally when you are undertaking the planning functions of the council. This guidance makes specific reference to the rules in the Code in relation to declaration of interests (section 6 of the Code), lobbying and access to councillors (section 7 of the Code), and decision-making (section 8 of the Code) and explains under each heading how the rules apply to councillors and, specifically, to planning committee members, where applicable. A glossary of planning terms is included at Annex B.
4. Members should refer, as necessary, to:
  - guidance issued by the Northern Ireland Commissioner for Complaints on the Code;

- guidance issued by the Equality Commission for Northern Ireland on section 75 obligations;
- the protocol for Working Relationships between Councillors and Local Government Officers; and
- their council's standing orders on the operation of planning committees.

Members should also seek advice from their planning officers and / or legal adviser, when required.

## **LOBBYING AND ACCESS TO COUNCILLORS**

5. With councils taking on their new functions with regard to planning powers, it is understandable that lobbying is an area of concern to members: particularly for those members who will be in future the decision-makers on planning issues. Councillors will be moving from consultees on development plans and planning applications to being responsible for drawing up their own local development plans and making decisions on what development should be approved or refused in their council area. This is a major change in role. This guidance is here for your protection and to assist you by advising what you can and cannot do in relation to planning, whether you are a planning committee member or not.
6. Paragraph 7.4 of the Code states that, 'if you are lobbied on matters such as applications made under regulatory powers or matters of a quasi-judicial nature, such as the determination of certain licence applications, and you will have a role in the council's decision on that matter, you must:
  - (a) make it clear that you are not in a position to lend support for or against any such application; and
  - (b) direct any such representations to the appropriate department of the council.

## What this means for planning committee members

7. 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 (this is the process known as development management – see Annex B). In relation to the local development plan, the planning committee's role is to clear the local development plan before it is passed by resolution of the council. Enforcement often requires professional assessment as to whether development has met regulatory requirements and, if not, the steps required to address any identified breach of planning control. This activity may lead to action through the courts and it is recommended that enforcement should be carried out by planning officers, in accordance with the council's enforcement strategy (which should be approved by the planning committee), and not members.

### ***Development management***

8. Councillors, particularly members of the planning committee, can expect to be approached by applicants, agents, objectors and developers who wish to express their views on particular planning applications. It is a normal and perfectly proper part of the political process that any individual should be able to lobby the council or a councillor. However, if you are a member of the planning committee you should exercise caution and common sense when it comes to listening to those who would wish to lobby you about a particular planning application. It has to be recognised that there may be tension between your role as a local councillor, wishing to represent the views of particular constituents or groups, and your role as a planning committee member, **where your responsibility is to the whole community and not individual constituents or particular interests.** While you may wish to support the views of those you represent, you must accept that, if you wish to be a decision-maker as a planning committee

member, your primary duty is to act in the best interests of your council as a whole, in line with legislative and policy requirements. If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in that cause (see paragraph 15. below).

9. If an approach is made to you by an applicant, agent or other interested party, including other councillors, in relation to an existing or proposed planning application, you can listen to the views expressed but you must not favour any person, company, group or locality, nor appear to do so. If you do express an opinion, you must make it clear that you will not be in a position to make a decision on a particular application until you have heard all the evidence, including the planning officer's report, at the planning committee meeting. If you are approached, having listened to the views expressed, you can:
  - make known to planning officers what representations from constituents and other interested parties you have received on a planning application (either written or verbal);
  - assist constituents in making their views known to the relevant planning officer;
  - seek factual information about the progress of a case;
  - advise those who are lobbying that they should contact the relevant planning officer so their opinions can be included in the officer's report to the committee; and / or
  - advise those who are lobbying to write or speak to a member who is not on the planning committee.

### ***Pre-application discussions***

10. Sometimes a potential applicant for planning permission will approach the council in order to discuss an application before submitting it to the council. Such pre-application discussions can be of considerable benefit to both parties and are generally encouraged. However, it would be easy for such discussions to become, or be seen to become, part of the

lobbying process. While you are free to attend any pre-application discussions, it should always be made clear at the outset that discussions will not bind the council to making a particular decision and that any views expressed are personal and provisional, as members will need to weigh all material considerations before reaching a view on any application in due course. The same considerations should apply to any meetings / discussions which occur before a decision is taken.

11. If you are a member of the planning committee and you receive a request to attend or organise a meeting to discuss a proposal, you must refer the request to the appropriate planning officer, so that officers can arrange the meeting and be present and all parties are given an equal opportunity to present their point of view. As a planning committee member, your role is to learn about the emerging proposal and identify issues to be dealt with in further submissions. A formal record of attendees, issues raised and advice given should be maintained of the meeting and placed on the file / electronic record. A note should also be taken of any relevant phone conversations and placed on the file / electronic record.
12. You should not meet developers alone or put yourself in a position where you appear to favour a person, company or group.
13. It is important that any approaches by lobbyists, whether informal or otherwise, are formally recorded and that any formal representations made to you form part of the public information leading to any decision. You should inform the relevant planning officer (as soon as possible but before the decision notice is issued) of any approach, which will be documented and placed on the planning file / electronic record for public viewing.

14. Where you will be participating in making the decision as a member of the planning committee, you should not organise support for, or opposition to, a planning application; or lobby other councillors to promote a particular recommendation on a planning application.

**Examples**

*A planning chair was suspended after lobbying other councillors to reject plans for homes to finance a stadium development. The councillor admitted he sent an email to other council members regarding his views on the application.*

*Councillor A was sentenced to 12 months in prison and banned from holding any public office for 5 years after he was found guilty of offering to influence a planning decision in favour of 2 developers.*

15. However, as a planning committee member, you may decide that you cannot remain impartial and that you wish to support your constituents' views regarding a particular planning application. If you decide to adopt such a position you cannot then take part in the decision-making of the planning committee in relation to that application. You should make this position clear as soon as possible to the chair of the planning committee and planning officials. You have the same rights as any other councillor: you can lobby other planning committee members (provided you make it clear that you are doing so as a local councillor / resident and not as a planning committee member) and you are free to speak at the planning committee on behalf of constituents or other parties, provided the public are also allowed to attend the meeting for the same purpose, after which you must leave the room while the members consider the matter and not take part in the voting. This should be recorded in the minutes.

### ***Political group meetings***

16. As planning applications must be determined on their own merits, **political group meetings or discussions must not be used to decide how councillors should vote on an application.** While you are free to discuss your opinion on planning matters at political group meetings, you must not comply with political group decisions where these differ from your own.

### ***Full council***

17. Some councils may opt to have the full council act as the planning decision-maker on certain planning applications (e.g. where a major development is significantly contrary to the local development plan, or contentious cross-boundary applications). The same rules apply when the full council is the decision-making body – if you have lobbied on an application (either for or against) you should declare it and not take part in the decision-making. However, if the application was discussed at the planning committee and you made your initial views known you are still entitled to take part in the decisions to be made by the full council so long as you make it clear you will only make a final judgement when all the relevant material considerations are before the meeting that will determine the application. The key principle is that you cannot lobby for or against a planning application and then be a decision-maker on that application, whether the decision is taken by a planning committee or the full council.
18. You must never seek to influence planning officers to provide a particular recommendation on any planning decision. This applies equally to all councillors, whether they sit on a planning committee or not.

### ***Local development plan***

19. As a planning committee member your role in relation to the local development plan is to provide input to the local

development plan and to then clear the plan before it is ratified by the full council. You are likely to be lobbied by interested parties, including land owners, developers and community groups, both in connection with preparing policy, designating environmental and other policy areas, and especially with regards to the zoning of land. If you are approached, having listened to the views expressed, you can:

- make known to planning officers what representations from constituents and other interested parties you have received on the local development plan; and / or
- assist constituents in making their views known to the relevant planning officer.

You must not attempt to influence planning officers to zone land which would be to your advantage or the advantage of any individual or group (through, for example, persistent lobbying) or make public statements about pending policies and proposals in the draft plan prior to public consultation. The same principle is equally applicable to all councillors.

20. As a member of the planning committee you will be given the opportunity to both present arguments in favour of or against proposals. However, this should be done in the interests of the public good and not to represent any private interest. Once a decision is made members of the planning committee are advised to respect the decisions of that committee and not to actively seek to undermine their decisions. All local development plans will be subject to a public examination, allowing developers, land owners and residents the opportunity to present their views on the draft plan. A planning official will be available to present the corporate view of the planning committee. Whilst it would not be appropriate for a member of the planning committee to represent an objector by presenting a view contrary to that presented by the planning committee, it is reasonable for councillors not on the planning committee to advocate the position of an objector if

they so wish. However, again this should be subject to any general codes of conduct for council members.

## **What this means for non planning committee members**

### ***Development management***

21. As a councillor you can encourage developers and others to engage with the council and residents in the planning process. Councillors who are not part of the decision-making process can make representations and address the relevant planning committee. You can also make known to planning officers what representations from constituents and prospective developers you have received on a planning application, attend public meetings / events, and assist constituents in making their views known to the relevant planning officer.
  
22. While you are free to lobby other councillors who are on the planning committee about a particular planning application (this should be to pass on your views and concerns or the views and concerns of your constituents) you should refrain from excessive lobbying: i.e. applying pressure on other councillors to obtain a commitment to vote in a certain way. You must not take any payment to lobby your council on a planning matter (this applies to all councillors).

### ***Local development plan***

23. You are free to pass on your views and those of your constituents with regard to the local development plan. However, you must not put undue influence on planning officers to include policies and proposals, such as the zoning of land in the local development plan, which would be to your advantage or the advantage of any individual or group (through, for example, persistent lobbying), or make public statements about pending policies and proposals in the draft plan prior to public consultation.

## What this means for all councillors

### ***Schemes of delegation***

24. Each council is obliged to draw up a scheme of delegation which allows decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. Councillors should not lobby or pressure planners to come to a particular decision on those applications / consents which are delegated to them.

### ***Enforcement***

25. As a councillor you may also be the person who is first made aware of an alleged unauthorised development and you might - quite properly - wish to refer the matter to the council for further investigation and possible enforcement action. Once the initial referral has been made to the appropriate department for investigation, you should advise all subsequent inquirers to deal directly with the relevant department / officer, and you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case (subject to any data protection legislation).
26. You must not organise support or opposition, lobby other councillors, act as an advocate or put pressure on planning officers to either take or not take investigative or enforcement action. This applies equally to all councillors, whether members of the planning committee or not.

### ***Examples***

*A council's deputy leader and head of planning were jailed for 2 and 5 years respectively for taking bribes from a developer to process a planning application.*

*A councillor who was caught on a hidden camera taking money was jailed for accepting a £500 bribe in return for attempting to ensure that a planning application would go through.*

## DECISION-MAKING

27. Paragraph 8.1 of the Code details the rules you should follow when participating in meetings or reaching decisions regarding the business of your council.

### What this means for planning committee members

#### *Development management*

28. The important thing to remember is that planning applications should be determined on their own merits and that **decisions on planning applications cannot be taken until all the evidence has been presented at the relevant planning committee meeting and properly considered.** You should not clearly express your intention to vote in a particular way before the planning committee meeting: rather you should make it clear that you are willing to listen to all the considerations presented at the meeting before deciding on how to vote. If you have clearly made up your mind on a planning application in advance of the planning committee meeting you must not take part in the debate and the vote, otherwise you may leave the planning committee's decision susceptible to challenge by judicial review. This guidance is equally applicable to other meetings where planning decisions are taken, such as the full council.
29. This does not mean that you cannot have your own opinions about a planning application. It simply means that you should be open to listening to all the arguments and changing your mind in light of all the information presented at the planning committee meeting. You should always consider whether a reasonable onlooker, with knowledge of the relevant facts, would consider that you were biased. For example, if you state that, 'wind farms are blots on the landscape and I will oppose each and every one that comes before the committee', you cannot claim to have retained an open mind

on the issue or that you are prepared to determine each application on its own merits. If, however, you state, 'many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in this area', you should not be accused of having pre-judged the application as you are willing to have your mind changed.

30. Planning decisions can only be made on valid planning grounds (see Annex B). These are called material considerations and include all the fundamental factors involved in land use planning. Material considerations vary depending on the circumstances of each case and include the design of buildings, impact on neighbourhood, local development plans, published planning policy and representations from the public and elected representatives. Planning officers will provide the planning committee with a report with a recommendation on a particular proposal based on their professional opinion, taking into account all relevant material considerations, including information on representations received about the proposed development. This report forms the basis on which your decisions are made, although, as a councillor, you are not necessarily bound to agree with a planning officer's recommendation. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. A planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.
  
31. However, if you propose, second or support a decision contrary to an officer's recommendation you will need to clearly identify and understand the **planning reasons** (which must fairly and reasonably relate to the application concerned) for doing so. The reasons for any decisions which are made contrary to the planning officer's recommendation **must be formally recorded** in the minutes of the planning committee

meeting and a copy placed on the planning application file / electronic record.

**Examples**

*A planning committee chairman was severely criticised by the Local Government Ombudsman after he used his casting vote to approve plans submitted by a friend and colleague (another councillor), contrary to the officer recommendation to refuse permission. The Local Government Ombudsman said the only councillors who should have considered and voted on the application were those whose relationship with the councillor would not lead a member of the public to think that their decision, because of the relationship, would be biased. She found that reasonable weight was not given to the material policies while substantial weight was given to considerations of, at best, questionable relevance to the application.*

*The Local Government Ombudsman found that one council's failure to record a reason for the planning decision was maladministration and recommended two complainants be paid £250 each.*

32. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with costs awarded against the council if no sound reasons for the decision have been given (for example, refusals based on the strength of public opinion and not the planning policies).
33. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right to third party appeal, there is the possibility that the decision could be subject to judicial review.

**Local development plan**

34. The local development plan-making stage sets out how the council sees the area as developing and outlines the policies

against which individual proposals will be assessed. All councillors have a vital role in facilitating engagement with their communities in the production of planning policy by encouraging them to express their views on the plan-making process.

35. In law, planning applications should be determined in accordance with the local development plan, which is your council's policy in relation to what type and scale of development is appropriate and where it should be located. Failure to adhere to the plan may open your council up to challenge, unless material considerations indicate otherwise. If you propose, second or support a decision contrary to the local development plan you will need to clearly identify and understand the **planning reasons** for doing so, clearly demonstrate how these reasons meet the test of soundness (in particular, how the proposal has taken account of the Regional Development Strategy, the Community Plan and other relevant plans, policies and strategies and how it makes the plan's policies and proposals more coherent and effective) in order to justify overruling the local development plan. The reasons for any decisions which are made contrary to the local development plan **must be formally recorded** and a copy placed on the planning application file / electronic record.

## **DISCLOSURE AND DECLARATION OF INTERESTS**

36. Section 6 of the Code refers to section 28 of the 1972 Local Government Act which sets out the duty required of councillors to declare any pecuniary interest, direct or indirect, in the course of a meeting. **You must not speak or vote on a matter in which you have a pecuniary interest.** If such a matter is to be discussed by your council, you must withdraw from the meeting whilst that matter is being discussed. You must also declare any significant private or personal non-pecuniary interest in a matter arising at a council meeting. A

significant interest is one where you anticipate that a decision on the matter might reasonably be deemed to benefit or disadvantage you to a greater extent than other council constituents. Again, you must withdraw from any council meeting when the matter is being discussed. Paragraphs 6.6 – 6.11 of the Code detail under what circumstances dispensations to speak and vote may be granted.

### **What this means for planning committee members**

37. The Code requires you to declare any pecuniary (financial) interest and withdraw from the meeting (for example, a planning application submitted by yourself, partner / spouse or family member). Where you have a significant private or personal non-pecuniary interest (e.g. a planning application submitted by a close friend, close associate, or body or organisation of which you are a member) you should declare this and you should ask yourself whether that declared interest might prevent you from taking part in any discussions or voting. In making this decision you should ask yourself whether a member of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If so, you should leave the room for the duration of that item. Otherwise you are free to take part in the discussions and vote. **It is your own personal responsibility to determine whether you have any such interest and whether such an interest might be viewed as influencing your decision.** If in doubt you should seek advice from appropriate council officers (e.g. senior planning officers) or a legal representative.
38. If you submit your own planning application, you have the same rights as any member of the public to explain your proposal to an officer but you should not seek to improperly influence the decision. You may make written representations to officers about the proposal but you may not address the

planning committee (an agent could do this on your behalf). Again, you should declare your interest and leave the room during the debate and the vote.

39. If you have substantial land, property or other interests which would **require you to declare an interest and prevent you from voting on a regular basis** you should not sit on a decision-making committee that deals with planning applications. This is not intended to stop landowners etc. from sitting on planning committees; rather it is intended to ensure the efficient operation of the planning committee by limiting those who would be regularly called upon to declare they have an interest which would prevent them from voting. It is not so much the scale of any land or property holdings but the extent to which they might affect your ability to carry out the duties of a planning committee member in an efficient manner.
40. If you work as a lobbyist for a developer you must declare this as an interest and you must not then be involved in any decision-making process relating to, or potentially affecting, that developer. You must not act as an agent for people pursuing planning matters within your council even if you are not involved in the decision-making on it.

### **What this means for non planning committee members**

41. The rules in relation to the disclosure and declaration of interests apply to all councillors, whether they sit on a planning committee or not.

### Summary of dos and don'ts

#### **You must:**

- act in accordance with the councillors' mandatory Code of Conduct at all times;
- act in the public interest with regards to planning matters;
- act fairly and openly and determine each application on its own merits;
- report any approaches by lobbyists and any representations made to you to the relevant planning officer;
- declare any relevant interests and decide whether that interest prevents you from taking part in the decision-making process.

#### **You must not:**

- give grounds to doubt your impartiality;
- use your position improperly for personal gain or to advantage any individual or group, including relatives, friends or close associates;
- where you will be making the decision, express an opinion that may indicate you have already made up your mind about a particular application before you have heard all the evidence and arguments at the committee meeting;
- vote on applications in accordance with political group meetings;
- lobby for a particular outcome on a planning application (if you intend to take part in the decision-making process);
- seek to pressure/influence planning officers to provide a particular recommendation on a planning application;
- seek to pressure/influence planning officers to either take or not take enforcement action;
- seek to pressure/influence planning officers to include policies and proposals, such as the zoning of land in the local development plan, which would be to your advantage or the advantage of any individual or group.

## **Glossary of planning terms**

### ***Northern Ireland Commissioner for Complaints***

The 2014 Act gives the Northern Ireland Ombudsman, in his capacity as the Northern Ireland Commissioner for Complaints, responsibility for the operation of the enforcing mechanisms of the Councillors' Code of Conduct. The 2014 Act extends the functions of the Commissioner's Office to include the investigation of, and adjudication on, failure to comply with the Code.

### ***Local development plan***

The local development plan is central to the planning system. It sets out each council's policies for how places should change; where homes and businesses should be located; and how roads, schools etc. will be provided. The local development 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 should be determined in accordance with the local 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, housing on land 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.

Local development plans allocate appropriate land for different types of land use and, as well as setting out the main planning requirements which developers are expected to meet in respect of particular zoned sites, they may also show designations such as conservation areas, areas of outstanding natural beauty, sites of local nature conservation importance and so on.

## ***Soundness***

To be 'sound' a core strategy should be justified, effective and consistent with regional policy: i.e. the document must be founded on a robust and credible evidence base; it must reflect the most appropriate strategy when considered against the reasonable alternatives; and it must be deliverable, flexible, and able to be monitored.

## ***Development management***

Development management is the processing of planning applications and other consents. 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.

## ***Material considerations***

There is no statutory definition of what constitutes a material consideration but there are two main tests for deciding whether a consideration is material and relevant:

- it should serve or be related to the purpose of planning. It should therefore be related to the development and use of land; and
- it should fairly and reasonably relate to the particular application.

Generally a material consideration is a planning issue which is relevant to the application and can include national, European and council policies, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the plan on the environment.

In many respects it is easier to identify what is not a material consideration or is not relevant to planning, and therefore what should not form the basis of a decision on a planning application. The matters below are not considered to be material considerations:

- the protection of private interests, e.g. loss of views or competition between businesses;
- moral considerations, e.g. sex shops, betting offices or religious objections to licensed premises;

- political considerations or ideological dislikes, e.g. construction of private schools or hospitals;
- the cost of the development;
- the applicant's lack of ownership of the site (planning permission relates to the land and not to the person seeking planning permission);
- issues covered by other legislation, e.g. building safety which is the responsibility of building control.

Valid planning matters that should be taken into account include:

- the local development plan;
- regional planning policy;
- emerging policies in a local development plan that is not yet approved or adopted;
- the planning history of the site, particularly any recent appeal decisions relating to the same land;
- the suitability of the site for the proposed development;
- the suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;
- design issues, including the use of materials, the height, scale, bulk and layout of the development;
- potential loss of privacy or overshadowing of adjoining properties;
- the potential adverse impacts on adjoining property from noise, odours, fumes, etc;
- the economic benefits of the development through the creation of new jobs or possibly loss of local employment;
- the impact of the development on the built or natural heritage of an area.

This list is not exhaustive but it does represent the considerations taken into account in most planning decisions. The relative weighting given to these various considerations is a matter for judgement in each case. Arguably, the most difficult planning decisions are those where the planning merits of the case are in favour of granting permission, but there are large numbers of local public objections to the proposed development. It is for you as an elected member to decide how important these material considerations are, bearing in mind the provisions of your local development plan.

## ***Conditions***

Most applications are granted permission subject to conditions. Conditions enable developments to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

## ***Schemes of delegation***

Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications).

This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are still, legally, decisions by the council.

**IMPACT ASSESSMENTS**

1. Under section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed guidance will not lead to discriminatory or negative differential impact on any of the section 75 groups.
2. A partial Regulatory Impact Assessment has not been carried out as there are no costs associated with this guidance document. The Department considers that the guidance contained in this document is fully compliant with the Human Rights Act 1998.
3. It is not considered that this guidance would have a disproportionate impact on rural areas or any implications for the anti-poverty and social exclusion strategy.
4. The Department welcomes views and comments on whether the conclusions contained in any of the above assessments are correct.
5. The Department will continue to monitor and review the effectiveness of the guidance issued and will revise the guidance as and when needed.
6. The proposals are being subjected to 8 weeks of public consultation. The standard 3 month consultation period is not considered necessary in this case given the narrow range and limited impact of the proposals involved.

## Freedom of Information Act 2000 – Confidentiality of Consultations

1. Please note that the Department may publish responses to this consultation document or a summary of responses. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:
  - the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
  - the Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and

- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>)

### List of Consultees

20:20 Architects  
Action on Hearing Loss  
Action Renewables  
Age NI  
An Munia Tober  
Aquaculture Initiative EEIG  
Archbishop Of Armagh & Primate Of All Ireland  
Arcus Architects  
Arqiva  
Association for Consultancy and Engineering  
Atlas Communications  
Autism NI  
B9 Energy Services Ltd  
Bahai Council for NI  
Bar Library  
Barnardos NI  
BBC Engineering Information Department  
Belfast Butterfly Club  
Belfast Civic Trust  
Belfast Harbour Commissioners  
Belfast Hebrew Congregation  
Belfast Healthy Cities  
Belfast Hills Partnership  
Belfast International Airport  
Belfast Metropolitan College  
Belfast Metropolitan Residents Group  
Belfast Solicitors Association  
Brennen Associates  
British Deaf Association (NI)  
British Telecom (NI)  
Bryson House  
Building Design Partnership  
Cable & Wireless Communications  
Campaign for Better Transport  
Cara Friend  
Carers Northern Ireland  
Carey Consulting  
Catholic Bishops of NI  
Causeway Coast & Glens Heritage Trust  
Chartered Institute of Architectural Technologists  
Chartered Institute of Environmental Health  
Chartered Institute of Housing  
Chief Executive of the NI Judicial Appointments Commission  
Chief Officers 3rd Sector  
Children's Law Centre  
Chinese Welfare Association  
Church of Ireland  
Chrysalis Women's Centre

Coiste – Na N-iarchimi  
City of Derry Airport  
Civil Aviation Authority  
Civil Law Reform Division  
Coleraine Harbour Commissioners  
Communication Access  
Committee for the Administration of Justice  
Communities and Local Government  
Community Development and Health Network (NI)  
Community Places  
Community Relations Council  
Confederation of British Industry, NI Branch  
Construction Employers Federation  
Construction Register Ltd  
Council for Catholic Maintained Schools  
Countryside Access & Activities Network for NI  
Courts and Tribunal Services  
Crown Castle UK Ltd  
Cruse Bereavement Care (NI)  
Derryhale Residents' Association  
Derry Well Woman  
Development Planning Partnerships  
Disability Action  
Down's Syndrome Association  
Energy Saving Trust Northern Ireland  
Enniskillen Airport  
Environment and Planning Law Association of NI  
Environmental Health Services Department  
Equality Coalition  
Equality Commission for NI  
Falls Community Council  
Falls Women's Centre  
Family Planning Association NI  
Federation of Small Businesses  
Ferguson & McIlveen  
Fisher German LLP  
Food Standards Agency NI  
Foyle Women's Information Network  
Friends of the Earth  
Geological Survey of Northern Ireland  
George Best Belfast City Airport  
Gingerbread Northern Ireland  
Health and Safety Executive Northern Ireland  
Health And Social Services Boards and Trusts  
HM Council of County Court Judges  
HM Revenue & Customs  
Human Rights Commission  
Indian Community Centre  
I-Document Systems  
Information Commissioners Office

Institute of Professional Legal Studies  
Institute Of Directors  
Institute of Historic Building Conservation  
Institution of Civil Engineers (NI Association)  
International Tree Foundation  
Invest NI  
Kenneth Crothers, Deane & Curry  
Lagan Valley Regional Park Officer  
Landscape Institute NI  
Larne Harbour Commissioners  
Law Centre (NI)  
Liz Fawcett Consulting  
Local Government Staff Commission NI (LGSC)  
Londonderry Port & Harbour Commissioners  
Lord Chief Justice's Office  
Lough Neagh and Lower Bann Management Committees  
LPG Association  
Magherafelt Women's Group  
Magistrates Court  
Manufacturing Northern Ireland  
Marks and Spencer  
McClelland/Salter Estate Agents  
MENCAP  
Men's Action Network  
Men's Project – Parent's Advice Centre  
Methodist Church In Ireland  
Michael Burroughs Associates  
Ministerial Advisory Group for Architecture and the Built Environment in  
Northern Ireland  
Ministry of Defence  
Mobile Operators Association  
Mono Consultants Limited  
Mourne Heritage Trust  
Multi-Cultural Resource Centre  
National Air Traffic Services (NATS)  
National Society for the Prevention of Cruelty to Children (NSPCC)  
National Trust  
Newry and Mourne Women Limited  
Newtownards Aerodrome  
NI Association for Mental Health  
NI Association of Citizens Advice Bureau  
NI Chamber of Commerce and Industry  
NI Chamber of Trade  
NI Independent Retail Trade Association  
NI Islamic Centre  
National Pensioners Convention, NI  
NI Women's Aid Federation  
NI Women's European Platform  
NIACRO  
NIC/ICTU

NICARE  
NICOD  
NIPSA  
North West Architectural Association  
Northern Builder  
Northern Ireland 2000  
Northern Ireland Agricultural Producers Association  
Northern Ireland Ambulance Service  
Northern Ireland Amenity Council  
Northern Ireland Association Engineering Employer's Federation  
Northern Ireland Blood Transfusion Service Agency  
Northern Ireland Council For Ethnic Minorities  
Northern Ireland Court Service  
Northern Ireland District Councils  
Northern Ireland Economic Council  
Northern Ireland Education and Library Boards  
Northern Ireland Electricity Plc  
Northern Ireland Environment Committee  
Northern Ireland Environment Link  
Northern Ireland Federation of Housing Associations  
Northern Ireland Fire and Rescue Service  
Northern Ireland Government Departments  
Northern Ireland Housing Council  
Northern Ireland Housing Executive  
Northern Ireland Law Commission  
Northern Ireland Local Government Association  
Northern Ireland Members of the House of Lords  
Northern Ireland MP's, MEP's, Political Parties and MLA's  
Northern Ireland Office  
Northern Ireland Public Health Agency  
Northern Ireland Quarry Products Association  
Northern Ireland Regional Medical Physics Agency  
Northern Ireland Women's Rural Network  
Northern Ireland Tourist Board  
Northern Ireland Water Ltd  
O2  
OFCOM  
Office of Attorney General for Northern Ireland  
Orange  
Ostick and Williams  
Parenting NI  
Participation & the Practice of Rights Project  
Participation Network NI  
Phoenix Natural Gas Ltd  
Planning Appeals Commission  
Planning Magazine  
Playboard N.I. Ltd  
POBAL  
Policing Board Of Northern Ireland  
Polish Association

Pragma Planning  
Presbyterian Church In Ireland  
PSNI  
Quarryplan Ltd  
Queens University  
Renewable UK  
RICS NI  
Rivers Agency  
RJM Architects  
Robert Turley Associates  
Royal National Institute of Blind People (RNIB)  
Royal Society for Protection of Birds  
Royal Society of Ulster Architects  
Royal Town Planning Institute  
Royal Town Planning Institute (Irish Branch, Northern Section)  
RPS Group PLC  
RTPI Irish Branch (Northern Section)  
Rural Community Network  
Rural Development Council for Northern Ireland  
Rural Support  
Save the Children  
Scottish Government  
SENSE NI  
Society of Local Authority Chief Executives  
Southern Waste Management Partnership  
Sport NI  
Statutory Advisory Councils (including Historic Buildings Council, Historic Monuments Council and Council for Nature Conservation and the Countryside)  
Strangford Lough Advisory Council  
Strangford Lough Management Committee  
Sustrans  
The Architectural Heritage Fund  
The Board of Deputies of British Jews  
The Cedar Foundation  
The Commissioner for Older People for Northern Ireland  
The Executive Council of the Inn of Court of NI  
The General Consumer Council for NI  
The Guide Dogs for the Blind Association  
The Law Society of Northern Ireland  
The NI Commissioner for Children and Young People  
The NI Council for Voluntary Action  
The Rainbow Project  
The Senior Citizens Consortium Sperrin Lakeland  
The Utility Regulator  
The Women's Centre  
Three  
T-Mobile  
Todd Planning  
Town and Country Planning Association

Training for Women Network Ltd  
Translink  
Travellers Movement NI  
Turley Associates  
Tyrone Brick  
Ulster Angling Federation  
Ulster Architectural Heritage Society  
Ulster Farmers' Union  
Ulster Society for the Protection of the Countryside  
Ulster Wildlife Trust  
ULTACH  
UNISON  
University of Ulster  
Urban and Rural Planning Associates  
UTV Engineering Information Department  
Virgin Media  
Vodafone Ltd  
Volunteer Now  
Warrenpoint Harbour Authority  
Waterways Ireland  
Welsh Government  
WDR & RT Taggart  
Western Group Environmental Health Committee  
Wildfowl and Wetland Trust  
Women's Forum NI  
Women's Resource and Development Agency  
Women's Support Network  
Woodland Trust  
World Wildlife Fund (NI)  
Youth Council For Northern Ireland

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## Belfast District Council (Shadow)

<b>Report to:</b>	Shadow Planning Committee
<b>Subject:</b>	Planning Capacity Building Programme and Best Practice Study Visit
<b>Date:</b>	23 October, 2014
<b>Reporting Officer:</b>	Jill Minne, Director of Organisational Development

<b>1</b>	<b>Relevant Background Information</b>
1.1	Members agreed the high level capacity building programme, including undertaking a study visit to a relevant GB local authority, at the Shadow Planning Committee meeting on 21 August 2014. Delivery of the capacity building programme has been ongoing since August 2014.
1.2	Town and Country Planning Association (TCPA) has been commissioned to design and deliver a number of the capacity building programme modules and facilitate a best practice study visit to a relevant GB local authority.

<b>2</b>	<b>Key Issues</b>												
	<b>Capacity building modules</b>												
2.1	TCPA will place particular emphasis on ensuring the modules are practical and interactive following feedback from Members on the capacity building sessions previously delivered. There are three modules and details of each are attached.												
2.2	It is recommended that the three modules are delivered to a wider audience of elected members as follows:												
	<table border="1"> <thead> <tr> <th>Module title</th> <th>Delivery date:</th> <th>Proposed audience:</th> </tr> </thead> <tbody> <tr> <td>1. Development Management: The Planning decision-making process</td> <td>23 October 2014</td> <td>Shadow Planning Committee Members Shadow Council Party Leaders</td> </tr> <tr> <td>2. Forward Planning: Strategic and Local Development Plan</td> <td>20 November 2014 (to be confirmed)</td> <td>Shadow Planning Committee Members Shadow Council Party Leaders Shadow Strategic Policy and Resources Committee</td> </tr> <tr> <td>3. Planning's link to Regeneration and Community Planning</td> <td>January 2015 (date to be confirmed)</td> <td>Shadow Planning Committee Members Shadow Council Party Leaders Transformation Committee Members</td> </tr> </tbody> </table>	Module title	Delivery date:	Proposed audience:	1. Development Management: The Planning decision-making process	23 October 2014	Shadow Planning Committee Members Shadow Council Party Leaders	2. Forward Planning: Strategic and Local Development Plan	20 November 2014 (to be confirmed)	Shadow Planning Committee Members Shadow Council Party Leaders Shadow Strategic Policy and Resources Committee	3. Planning's link to Regeneration and Community Planning	January 2015 (date to be confirmed)	Shadow Planning Committee Members Shadow Council Party Leaders Transformation Committee Members
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2.3	<p><b>Best practice study visit</b></p> <p>The purpose of the proposed study visit would be to provide Members with an opportunity to experience a Planning committee in operation; liaise with peer members and explore how the authority links Planning to the city vision and outcomes based strategic planning.</p>
2.4	<p>TCPA has suggested Bristol City Council as an authority to visit due to :</p> <ul style="list-style-type: none"> <li>• it being a similar area size to Belfast;</li> <li>• its consistent record in Planning;</li> <li>• the Planning Advisory Service citing it as an example in terms of its pre-application services and use of Planning Performance Agreements for major developments;</li> <li>• it being Planning led as opposed to development control led and having well developed strategic planning; and</li> <li>• its success in driving economic growth and city competitiveness agenda which has led to improved outcomes for the city.</li> </ul>
2.5	<p>Given the close proximity of Bristol to Cardiff, there is also potential to seek an opportunity to maximise the study visit by visiting both local authorities. There are similarities between the Welsh community planning framework and that being introduced in Northern Ireland – a visit to Cardiff would provide an insight into the community planning approach adopted by a capital city in its role as a regional economic driver. Members will also be interested in noting that Cardiff City Council and its community planning partnership have implemented an “outcomes-based” approach, an approach which Members have been keen to take forward in the Belfast context.</p>
2.6	<p>The timeframe for undertaking the visit is key. Ideally the visit should add value by reinforcing the learning from the capacity building modules being delivered from October 2014 to January 2015. This would suggest the visit should therefore take place by December 2014 or early 2015 when Members are in a more informed position regarding the Planning process and its wider implications.</p>
2.7	<p>It is proposed that Shadow Council party leaders and the chair and deputy chair of the Shadow Planning Committee undertake the visit. Consideration should also be given to identifying any other Members whose attendance is a priority. Officers will accompany Members on the visit with a number of senior DOE Planning officers potentially attending also.</p>

<b>3</b>	<b>Resource Implications</b>
3.1	<p>The capacity building programme to be delivered by Town and Country Planning Association will cost in the region of £15,000. This will be financed from the 2014-2015 £200,000 DOE funding allocation as will the costs of member and officer attendance on the study visit.</p>
3.2	<p>Corporate Human Resources will continue to work with key senior officers to ensure continued delivery of the Planning capacity building programme including the best practice study visit.</p>

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	<p>There are no equality or good relations implications.</p>

<b>5</b>	<b>Call In</b>
5.1	This decision is subject to Call In.

<b>6</b>	<b>Recommendations</b>
	The Committee is requested to:
6.1	Note the appointment of TCPA to design and deliver bespoke Planning capacity building modules and facilitate a best practice site visit.
6.2	Note the proposed content, approach and the audience to be included in the delivery of the Planning modules to be delivered by TCPA.
6.3	Agree to undertake a best practice study visit to Bristol City Council and Cardiff City Council.
6.4	Agree the preferred timeframe for undertaking the study visit and which Members should attend.

<b>7</b>	<b>Decision Tracking</b>
Jill Minne, Director of Organisational Development	

<b>8</b>	<b>Key to Abbreviations</b>
TCPA- Town and Country Planning Association	

<b>9</b>	<b>Documents Attached</b>
Planning capacity building module outlines (October 2014 to January 2015)	

## Appendix one: Planning capacity building modules

### Module 1: Development Management: The Planning (Decision-Making) Process

Facilitator	Dr Hugh Ellis
Duration	2 hours
Date	23 October 2014
Aims	<p>To support and reinforce messages from parallel capacity building training from the DoE and senior planning staff,</p> <p>To give Elected Members a fundamental and objective understanding and appreciation of their individual and collective council responsibilities in making good ‘planning’ decisions,</p> <p>To better support and improve the way Elected Members communicate development schemes to local communities and businesses, and</p> <p>To have confident Elected Members who make sound planning decisions to support local economic development, community needs and policy objectives.</p>

Activities and timescales	Contents	Learning outcomes
1. The Elected Member responsibility	<ul style="list-style-type: none"> <li>Members as policy implementers, local leaders, opinion interpreters, mediators.</li> </ul>	<ul style="list-style-type: none"> <li><i>Having a clear understanding of the parameters of action – legal, policy and accountability</i></li> </ul>
2. The Development Management process and key stages	<ul style="list-style-type: none"> <li>Different planning permissions (major, local and regionally significant, and PD rights),</li> <li>Decision-making – pre-application discussion, good decision-making based on ‘planning’ grounds, policy and balancing priorities,</li> <li>Enforcement - importance of early action; proportionate response; decisions based on policy and resources</li> <li>DoE powers for call-in</li> </ul>	<ul style="list-style-type: none"> <li><i>Having a clear policy and working understanding of the key stages of the Development Management process from pre-app to decision-making in Committee</i></li> <li><i>Learn from good and bad practice examples of decision-making from other GB councils</i></li> <li><i>Have a clear understanding of implications of decisions on policy, people, places and finances</i></li> </ul>
3. Community	<ul style="list-style-type: none"> <li>Significance of community input; definition of ‘community’, reacting to</li> </ul>	<ul style="list-style-type: none"> <li><i>Understanding how to navigate the complexities</i></li> </ul>

involvement and stakeholder engagement

local concerns/ requirements with techniques to engage and involve stakeholders

*and conflicting priorities of different parties in order to reach good 'planning' not just 'political' decisions.*

4. Small group exercise

a) Mock scenario exercise  
or

b) Video exercise on decision-making process of a proposed development

- Role-play of the planning application process for proposed development and assess whether or not it should be approved.
- Learning from observing a Planning Applications meeting.

- *Practical hands-on experience of making planning decisions in a controlled and facilitated environment as practice.*

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Specific Module approach

Interactive presentations will be supported by a briefing paper and case studies will be used extensively to illustrate. There will be a small-group exercise.

## Module 2: Forward Planning: Strategic and Local development Plan

Facilitator	Dr Hugh Ellis Support: Michael Chang	
Duration	2 hours	
Provisional date	20 November 2014 (TBC)	
Aims	<p>To support and reinforce messages from parallel capacity building training from the DoE and senior planning staff,</p> <p>To have confident Elected Members who are advocates for positive and proactive planning policies in supporting their Officers in taking the local development plan from conception to adoption within agreed timescales and without unnecessary delay and conflict, and</p> <p>To better support and improve the way Elected Members individually communicate and engage local communities and businesses through the plan-making process.</p>	
<b>Activities and timescales</b>	<b>Contents</b>	<b>Learning outcomes</b>
1. Purpose of planning and role of Elected Members	<ul style="list-style-type: none"> <li>Overview of the purpose of planning, local development plans, significance of leadership</li> </ul>	<ul style="list-style-type: none"> <li><i>Having a clear understanding of the parameters of action for Elected Members in the plan-making and policy development processes</i></li> </ul>
2. The plan-making process and key stages	<ul style="list-style-type: none"> <li>Local vision and supporting evidence and assessments</li> <li>Stages of a local development plan and what this involves, including on the examination in public</li> <li>Explanation of the 'soundness' tests</li> </ul>	<ul style="list-style-type: none"> <li><i>Practical understanding of Elected Members' legal and policy requirements for plan-making, and implications for not having a 'sound' local development plan</i></li> </ul>
3. Community involvement and stakeholder engagement	<ul style="list-style-type: none"> <li>The Statement of Community Involvement</li> <li>The roles and contribution of the DoE and its powers for joint planning, development industry, communities and agencies</li> <li>Interface between planning and regeneration and community planning as key place-shaping enablers for Councils and members</li> </ul>	<ul style="list-style-type: none"> <li><i>Having a clear understanding of the roles of communities and stakeholders through the plan-making process, and appropriate methods to take their views into account</i></li> <li><i>Having a clear understanding and ability to facilitate and mediate competing priorities in shaping sound planning policies</i></li> </ul>
4. Small group exercise: Mock plan-making scenario exercise	<ul style="list-style-type: none"> <li>Elected Members participate in a limited session of mock examination in public process of a Local Development Plan on a</li> </ul>	<ul style="list-style-type: none"> <li><i>Practical hands-on experience in taking forward adoption of the local development plan by resolving multiple planning</i></li> </ul>

spatial housing allocations      *issues*  
policy.

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Specific Module  
approach

Learning and interactive presentations will be supported by a briefing paper and case studies will be used extensively. There will be a small-group exercise.

### Module 3: Planning's link to Regeneration and Community Planning

Facilitator	Dr Hugh Ellis and/or peer member Support: Michael Chang	
Duration	2 hours	
Provisional date	January 2015- date to be agreed	
Aims	<p>To support and reinforce messages from parallel capacity building training from the DoE and senior planning staff,</p> <p>To have confident Elected Members who understand how planning can help deliver wider corporate and community aspirations for a better future,</p> <p>To better support the way Elected Members and their officers develop meaningful Community Plans with clear actions for planning, and</p> <p>To better support the way Elected Members individually engage in 'community planning' with the wider community and communicate the benefits of proactive and inclusive local government.</p>	
<b>Activities and timescales</b>	<b>Contents</b>	<b>Learning outcomes</b>
1. Purpose of planning and linkages	<ul style="list-style-type: none"> <li>• Planning set in the wider context of sustainable development and key planning principles</li> <li>• Synergies /linkages between planning and wider regeneration and community planning functions of local government.</li> <li>• Linkages with cross-boundary planning issues</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Having a reinforced understanding of how planning can be a useful tool for the Council and specific local wards to achieve wider socio-economic goals.</i></li> </ul>
2. Community Plan and Community Planning	<ul style="list-style-type: none"> <li>• The components of a meaningful and deliverable Community Plan</li> <li>• Distinction between Community Plan and Community Planning</li> <li>• Linkage between the Local Development Plan and the Community Plan</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Individual Elected Members to be engaged in effective Community Planning to feed community needs into the Community Plan</i></li> <li>• <i>Having a clear understanding and reinforce messages on community involvement techniques</i></li> </ul>
3. Small group exercise	<ul style="list-style-type: none"> <li>• Learning lessons from examples other GB council Community Planning and explore how to interpret how corporate objectives could be translated into planning policies</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Having a clear understanding of developing meaningful Community Plans in a controlled and facilitated environment as practice.</i></li> </ul>

Specific Module  
approach

Learning and interactive presentations will be supported by a briefing paper and case studies will be used extensively to illustrate. There will be a small-group exercise.

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## Belfast District Council (Shadow)

<b>Report to:</b>	Shadow Planning Committee
<b>Subject:</b>	Meeting with the Chief Planner
<b>Date:</b>	23rd October 2014
<b>Reporting Officer:</b>	John McGrillen (Director of Development)
<b>Contact Officer:</b>	Barry Flynn (Democratic Services)

<b>1</b>	<b>Background Information</b>
1.1	<p>The Committee will recall that, at the meeting of the Shadow Council on 9th September, it agreed, at the request of Councillor Rodgers, that:</p> <p><i>“The Council should seek an urgent meeting with the Chief Planner, Fiona McCandless, together with the Divisional Planning Manager for Belfast, Clifford McIlwaine, to discuss a range of issues, particularly the number of experienced planners which will transfer to the Council. Over the past number of years, a significant number of experienced planners have retired or moved into strategic planning, which could leave Divisional Planning without the necessary experience. This is concerning for the new Council.”</i></p>
1.2	<p>The meeting with Fiona McCandless, Chief Planner, and Clifford McIlwaine, Divisional Planning Manager, took place in the City Hall on Thursday, 9th October. The meeting was chaired by Councillor Rodgers and attended by Councillors Armitage, Haire, Hargey and Mullan, together with the Chief Executive and officers.</p>

<b>2</b>	<b>Key Issues</b>
	<p><b><u>Transfer of Planning Staff</u></b></p>
2.1	<p>There was an acknowledgement by the Chief Planner that some experienced planners had retired from, or transferred within, the Planning Service. However she provided an overview of the steps which had - and which would be taken - to ensure that the Council would be provided with a ‘fit for purpose’ service by April, 2015. It is anticipated that 39.5 full-time employees will transfer to the Council (28.5 planners and 11 administrative staff).</p>
2.2	<p>Mr. McIlwaine indicated that there was an ongoing capacity-building programme within the Belfast Planning Service and that he remained confident that sufficient resources, expertise and experienced personnel would transfer to the Council.</p>

2.3	The Members were advised that the final staffing structure for the Planning Service under the Council had yet to be finalised. <b><i>However, an undertaking was given that the Council would be provided with an overview of the revised structure and key personnel by the end of October.</i></b>
2.4	As part of the integration process between planning and Council staff, it was agreed that it would be beneficial for planners to accompany Members on future best practice visits to cities in England.
<b><u>Belfast Metropolitan Area Plan / Interim Planning Framework</u></b>	
2.5	Ms. McCandless re-affirmed that the Belfast Metropolitan Area Plan (BMAP) would remain as the over-arching framework for planning decisions until the Council agreed its own development plan. She acknowledged that Belfast was the key driver for the Northern Ireland economy and that the Council would have the opportunity to develop a plan that could identify and address the City's own priorities.
2.6	During the period in which the Council would be developing its own local development plan, Ms. McCandless indicated that it could be beneficial for the Council to develop its own interim planning framework, which, in conjunction with BMAP, would assist the Council to establish local priorities and to make strategic planning decisions. However, it would be essential that any interim framework would not conflict with the findings of BMAP.
2.7	Members raised the fact that the level of resources allocated to the Council to assist it in the formulation of a local development plan had been considerably less than anticipated (£24,000). It was agreed that, given Belfast's role as the main economic driver for Northern Ireland, a case would be made to the DoE for that figure to be enhanced.
<b><u>Miscellaneous</u></b>	
2.8	The Chief Planner confirmed that the costs associated with advertising planning applications within the local media would transfer within the Council's budgetary control. At present, such costs stood at approximately £300,000 per annum. The Council would remain legally obliged to advertise planning applications within the local media.
2.9	The Chief Planner indicated also that it was the aim of the Planning Service to ensure that outstanding planning applications, planning appeals and enforcement issues would be resolved prior to the transfer of the service. However, she affirmed that any unresolved matters would fall within the Council's remit after 1st April 2015.

<b>3</b>	<b>Resource Implications</b>
	None

<b>4</b>	<b>Equality and Good Relations Considerations</b>
	None

<b>5</b>	<b>Call In</b>
	This decision is subject to call-in.

<b>6</b>	<b>Recommendations</b>
	The Committee is requested to note the contents of this report.

<b>7</b>	<b>Decision Tracking</b>
	Democratic Services

<b>8</b>	<b>Documents Attached</b>
	None

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