

Getting involved in Planning Committee meetings

Procedure for public speaking at Planning Committee meetings of Ards and North Down Borough Council

A guidance leaflet for applicants/agents and objectors/supporters

July 2021

Introduction

Ards and North Down Borough Council encourages you to get involved in the planning process at a local level. We believe that there should be more public involvement in determining certain planning applications. The following notes are designed to help you to decide if you are eligible to speak and if so how to go about it.

The meetings

The Planning Committee of the Council usually meets on the first Tuesday of each month. A full meeting schedule is available on the Council's website: www.ardsandnorthdown.gov.uk/meetings

Meetings are held in the Council Chamber, at the Council Offices at 2 Church Street, Newtownards and will commence at 7.00pm (unless otherwise stated).

Parking is available in the Council Office car park and in the car park to the rear. You should enter the building by the main doors of the Council Office facing onto Church Street.

The Public Gallery of the Council Chamber is located on the first floor.

During pandemic meetings will normally be held virtually using the Zoom app. On occasion, where virtual meetings are unable to be held, it may be necessary to hold physical meetings in alternative venues to ensure appropriate social distancing. Details will be published on our website, or available from Planning by telephoning 028 91 824006.

Which applications go to Planning Committee?

It will normally be the bigger or more complex applications that are presented to Planning Committee for determination.

The Council has prepared a Scheme of Delegation which sets out those categories of applications which will be determined by the Planning Committee and those that will be delegated to its Head of Planning for decision. Decision making in respect of the majority of local planning applications will be handled in accordance with the Scheme of Delegation. The scheme should allow for quicker decision-making on the smaller local applications.

By statute certain types of application must be determined by the Planning Committee and therefore cannot be delegated to the Head of Planning:

- Applications which fall within the Major category of development as specified within the Planning (Development Management) Regulations (NI) 2015;
- Applications where the application is made by the Council or an elected member of the Council;
- Applications relating to land in which the Council has an interest.

Certain other applications within the category of 'local' development may be presented to the Planning Committee for determination. Further details can be found within the Scheme of Delegation which is published on the Council's website under the Planning section.

When can I see if an application is going to Planning Committee?

The applications to be considered are set out in a schedule which is published on the Council's website under the Planning section ten working days before the Planning Committee meeting. We also publish details of when the Schedule is to be published in the header to the weekly advertisement of new planning applications in the local press.

Elected Members

Ards and North Down Borough Council has 40 councillors representing seven district electoral areas. You may wish to contact your local Councillor to discuss a planning application; however, it is advised that you do not approach a member of the Planning Committee as they cannot commit themselves to a decision before hearing all the evidence at the Planning Committee meeting. This is to avoid them compromising their position which could result in them not being able to take part in the determination of that application at the meeting. They must take into account the law, planning policy and guidance, as well as other material planning considerations.

You should note that Councillors may not agree with your views. Councillors not on the Planning Committee can also attend the meetings and speak for or against an application on your behalf.

When can I see the Planning Report on an application?

The report is normally available on the NI Planning Portal on the day the Schedule of applications to be heard at Planning Committee is published. Please note that you will only have a short period in which to decide if you want to speak. You do not have to speak at the meetings.

Speaking at Planning Committee Meetings

How do I submit a request to speak at Planning Committee?

Requests to speak should be received by the Council, in writing or by email, at least five working days prior to the scheduled Planning Committee meeting (this includes requests from elected members, MLAs, MPs).

You should state whether you are a supporter – in favour of the application (including the applicant/agent), or an objector – against the application, and set out the planning reasons which you wish to raise.

Written requests should be addressed to the Planning Department and highlighted 'Request to Speak'. Email requests should be sent to planning@ardsandnorthdown.gov.uk and specify 'Request to Speak' in the subject line.

Late requests to speak will not be accepted under any circumstances and you may only speak on the item indicated.

When a speaking request has been accepted, registered speakers must submit a copy of their speaking note to the Planning Department (email address above) by 10.30am on the Friday prior to the scheduled meeting. Failure to provide by the specified time will result in cancellation of the speaking rights.

How is speaking organised at Planning Committee?

A member of the public (including members /MPs /MLAs /agents /representatives) from those objecting to the proposal and a member of the public in support of the proposal will be permitted to speak; however, there is only one 5 minute slot for speaking against, and one 5 minute slot for speaking in favour.

Where there is more than one request to speak, the 5 minutes will be shared or one person appointed to speak. Members of the public seeking to speak are expected to organise themselves in advance of the meeting and inform the Council of details of those individuals intending to share the time or of an appointed speaker. Members of the public can lobby an elected member, an MLA or MP to speak on their behalf, but the 5 minute slot is still applicable.

Planning Committee Members speaking for or against an application, are required to leave the room during the debate and determination.

The Planning Committee can seek clarification of those who have spoken on planning issues but must not enter into debate on any issue raised until after any speakers have been heard.

What happens at the meeting?

The order in which the applications are considered is set down in the agenda. Applications where there will be speakers from the public will be taken first where possible.

The application will be presented and then you will be invited to speak in the following order:

1. Speakers against the proposal;
2. Speakers in support of the proposal, including the Applicant/Agent.

When you are called you should sit in the allocated chair at the Council table. Please resume your seat once the Chair has instructed.

How long can I speak?

As an objector or supporter you may speak for five minutes - once the time has elapsed the Chair will stop you. If there is more than one speaker in your group, i.e. objectors or supporters, you should agree beforehand who will speak or share the time between yourselves.

Can I use visual aids or hand anything to Members?

No, your comments should be made verbally. However, at the Chairman's discretion you may approach the screen or other display materials if you wish to point out something of importance, e.g. where you live in relation to the application site.

What arguments can I use?

Only those relating to **planning matters**, e.g. appearance of the proposed development, effect on the amenity of the area or your property, access, landscaping, materials, etc. Matters relating to the applicant's personal motives or financial status, views over the site, boundary disputes, etc., are not relevant.

You are advised that anything you do say should not contain abusive or defamatory opinions. If you do so you may be asked to leave the

meeting. Please do not interrupt or ask questions of other speakers, or make any comments from the public seating area.

When is the decision made?

A decision is usually made immediately after the debate/discussion by a majority vote of the Planning Committee members. Sometimes a decision will be deferred for further information, revised plans or a Councillors' site visit.

Where an application has been debated by the Planning Committee but no decision made, and it is then deferred for any reason, when it is returned to a subsequent Planning Committee meeting, there shall be a further exercise of speaking rights, ONLY to those who registered and spoke in the first instance, of 3 minutes only, limited by the Chair to particular issues.

Please be aware that the Planning Committee has to balance different factors and come to an objective decision based on material planning considerations. If they refuse an application contrary to the Officers' recommendation, they will need to be able to support that decision on appeal should this situation arise.

Can I appeal against the decision?

You can appeal a refusal of planning permission to the Planning Appeals Commission only if you are the applicant.

An approval of planning permission may only be challenged on a point of law by applying to the High Court for a judicial review. This must be done within three months of the decision. Anyone considering such a course will need legal advice.

What happens once a decision is made?

Persons who have written to the Council will be notified of the outcome in writing. If the application was not determined in the way you would have wished, try to understand how it was looked at by the Council. The Council is committed to best practice and encourages feedback from customers. So even if you don't agree with the decision we made, we hope to convince you of our professionalism and integrity.

Please see other guidance documents on our website – 'Scheme of Delegation', 'Protocol for Operation of the Planning Committee', and 'Commenting on a Planning Application' for further advice on planning.