



## **PLANNING COMMITTEE PROTOCOL AS AMENDED**

### **Appendix A**

#### **APPLICANT / AGENT PROTOCOL – A GOOD PRACTICE GUIDE FOR PROCESSING PLANNING APPLICATIONS**

##### **Introduction**

Fermanagh and Omagh District Council has developed this Guide to provide advice and guidance to applicants and agents involved in the planning process to help deliver an efficient development management system, making best use of the Council's limited resources. The planning reforms introduced with the transfer of the majority of the planning functions to Councils on 1 April 2015, focused on 'front loading' the development management process to speed up the processing of applications and allow resources to be prioritised and dedicated to those more complex applications with greater economic and social significance, major planning applications and preparation of the Local development Plan.

##### **The Need for this Guide**

The majority of applications processed by the Council fall within the 'local' category (mainly single dwellings and householder development such as extensions to dwellings) which should be processed quickly provided all the necessary information is provided at the start of the process.

Experience to date is that applicants and agents are not 'front loading' the application process as required and considerable time and resources is spent on seeking additional information in order to process the application to a positive conclusion. This has implications both in terms of the resources available to deal with other planning matters, additional costs added to the processing of the application because of the need to re-advertise and re notify proposals, the time taken to process the application and our ability to meet the challenging application processing targets set by the Department.

The guide sets out how best to actively manage the progress of applications through the development management system and identifies the role/ responsibilities of Council planning staff and applicants / agents at each stage of the process in order to deliver good quality planning decisions in an efficient manner and at least cost.

The guidance will help those involved understand the development management process, how we as a Council will adopt a more project management approach in dealing with planning application and the type and extent of information that will be required from them when applying for planning permission or for other types of consent. It is intended that over time more detailed guidance will be provided for each category of development, setting out the information that is required in each case.

## ROLES AND RESPONSIBILITIES

### What Council planning staff will do:

- Respond positively to requests for pre-application advice for major planning applications and more complex local planning applications;
- Ensure that all stages of the development management process are completed within the timescales set out, to ensure that applications are processed efficiently and applicants have a greater degree of certainty about the outcome of their proposal;
- Ensure that all information is uploaded on the Planning Portal in a timely manner;
- Carry out meaningful public consultation in accordance with our Statement of Community Involvement;
- Actively manage consultations regarding the need to consult and the assessment of responses;
- **Consider applications on the basis of the information submitted and only request further information in exceptional circumstances where the need for the information would not have been anticipated by the applicant / agent or to address consultee responses;**
- Request amendments / additional information, where appropriate, as early as possible to avoid unnecessary delay;
- Provide an initial planning opinion as early as possible in the application process, particularly when a proposal is fundamentally unacceptable;
- Assess applications to form a corporate opinion for presentation to Planning Committee for decision or for issuing in the case of delegated applications not 'called in' by the Committee;
- Issue decisions promptly.

### What applicants / agents need to do:

***Before submitting a planning application*** an agent / applicant should:

- Visit the site and carried out a full survey, including, where necessary, site levels;
- Speak to any adjacent neighbouring properties and advise them of the proposal. Anticipate neighbour / community concerns and take appropriate action to resolve potential issues before submitting the application;
- Consider the policies set out in the Local Development Plan, Planning Policy Statements and any supplementary planning guidance;

- Consider the advice provided in this guide and on the Planning Portal particularly the Northern Ireland Environment Agency practice guides and Standing Advice, including the biodiversity checklist;
- Gather any information needed to address policy issues;
- Front load all applications with all essential information necessary to determine the application. (see Appendix B of the Guide).
- Avail of pre application advice, when necessary;
- Complete the necessary planning application forms (see 'Explanatory notes on Applying for Planning Permission, Approval of Reserved Matters and other types of Planning Consent' available on the Planning Portal.).

***When submitting an application*** an applicant / agent should: (see 'Explanatory notes on Applying for Planning Permission, Approval of Reserved Matters and other types of Planning Consent' available on the planning portal.)

- Submit good quality applications with properly completed applications forms, accurate drawings and all other supporting information necessary to assist the determination of the application;
- Ensure the proposals reflect the planning policy context;
- Anticipate neighbour / community concerns, and address in the supporting information submitted with the planning application;
- Respond promptly to requests for amendments / additional information. Information should be submitted **within 2 weeks** from the request unless a longer period has been agreed with the case officer;
- Ensure that the information requested is provided in full and is not 'drip fed' into the Council.

The Planning Act (Northern Ireland) 2011 and the Planning (General Development Procedure) Order 2015, set out the statutory minimum information that must be provided to make an application valid.

## **Stages in processing an application**

There are a number of distinct stages in the processing of planning applications where efficiencies can be achieved by adopting a project management approach. These are described in detail below.

### **Stage 1 - Validation**

At the initial stage of the process applications are checked to ensure that the minimum information and the appropriate fee has been submitted to ensure a valid planning application.

**Applicants / agents should ensure that all forms have been fully completed, the correct address has been provided and all neighbour details have been correctly supplied. All drawings required to determine the application should be provided to the correct scale.**

**Invalid applications will be returned within 24 hours**

Case officers will determine if the application is a local or major application. The following target dates are recorded on the file:

The statutory performance target – 30 weeks for major applications, 15 weeks for local applications- the date by which applications should issue; Statutory expiry date for neighbourhood notification and press advertisement; Date Council are notified of the application (weekly list) and the 21 day period for ‘call in’ in the case of delegated applications.

## **Stage 2 - Allocation**

Normally, applications are allocated on a regular basis. The allocating officer, normally

SPTO, will offer initial guidance at this stage to case officers, when necessary, on any key issues and ensure that the extent of consultation with statutory bodies is proportional to the type of development proposed. This will avoid omission or unnecessary consultation which could lead to delays and place an unnecessary burden on consultees.

**Applicants/agents should ensure that all information needed to enable a consultee to respond fully to the proposal has been submitted eg farm information to demonstrate active farming, transport assessment form, drainage impact assessment.**

## **Stage 3 - Consultation with Statutory Bodies**

In view of their impact on timescales it is essential that consultations are carefully managed. As stated above, consultations will be issued on a need to consult basis and only when necessary to inform a planning decision. The Council will therefore only consult in accordance with the requirements of Schedule 3 to the Planning (General Development Procedure) order (Northern Ireland) 2015. Consultations will normally be issued within **three working days** of allocation. Statutory consultees have a duty to respond within 21 days from the date of consultation.

**The submission of all necessary information with a planning application will avoid the need for further consultation which overburdens consultees and adds to the processing time of applications.**

Consultation responses will be critically examined to ensure that any further information requested is essential to inform a planning assessment of development proposals and ultimately the decision making process. Consultees will be informed when their advice is considered to be inappropriate in the context of the development management process. This will be documented in the Professional Planning Report (PPR).

Normally, requests for further information/amended plans will be issued to applicants/agents within **three working days** of receipt of a consultee response. The request letter will specify a timescale for the submission of information and where appropriate will explain why the amendment/information is required to enable the application to be processed. The timescale will reflect the complexity of the information required.

**The request letter will advise applicants/agents that reminders will not be issued and that information must be submitted within the specified timescale unless there is a justifiable reason to extend the stipulated period for**

**submission. An extension will only be agreed in exceptional circumstances with the case officer. If not received within the timescale stated, the application will be determined on the basis on the information received.**

On receipt of amended plans/information case officers will avoid unnecessary repeat consultations. For example, where the information submitted clearly addresses the issues raised by a consultee further consultation may not be necessary. In these circumstances where a further consultation is not deemed necessary, the case officer will contact the consultee to agree draft planning conditions and/or informatives (if necessary).

#### **Stage 4 - Public Consultation (Advertising and Neighbour Notification)**

Advertisement and neighbour notification will be carried out in accordance with the legislation normally within **three working days** of allocation (at the same time as consultations are issued).

**It is important that the correct site address and information about the proposal is provided on the P1 form. Re-advertisement and re-neighbour notification add to the cost and delays the processing of applications.**

Case officers will check on site that the correct neighbour notification has been carried out and will record this in the PPR.

#### **Stage 5 - Site Inspection and Early Assessment**

Prior to going on site case-officers will identify and confirm all relevant planning history.

Normally a site inspection will be carried out within **ten working days** of allocation. The case officer will:-

- Make a full assessment of the site and its context;
- Identify key planning issues;
- Confirm that Neighbour Notification has been completed in accordance with established procedure;
- Confirm that no further consultations need to be issued because of site specific factors.

As soon as possible after completing their site visit and subject to any discussions that are necessary within Stage 6, Case Officers will record details of the site visit, record relevant policies and consideration of the proposal against the policy, so far as possible pending receipt of consultee response and any 3<sup>rd</sup> party representations.

#### **Stage 6 - Initial Planning View**

Line managers will review applications with case officers normally within **ten working days** of a site inspection to confirm the basis for assessing each proposal in terms of planning policy and to form an initial planning view.

A clear record of issues discussed and actions agreed will be placed on the application file. The need for this level of guidance will vary depending on the nature of the proposal and the experience of the case officer.

This is a crucial stage of the process towards achieving the statutory performance targets and SPTOs will ensure it is completed within the required timescale.

When an initial planning view is formed applications will normally fall into one of three categories:

- (1) Proposal is acceptable** – applications which can be recommended for approval with no or minor amendment (without requiring negotiation);
- (2) Proposal requires substantial amendment and/or additional information needed** – applications where it is judged that negotiation and amendment could lead to approval;
- (3) Proposal is unacceptable and likely to be refused** – applications where negotiation is unlikely to lead to an acceptable proposal.

### **(1) Proposal is acceptable.**

When it is established that a proposal is acceptable in planning terms, the case officer will complete the PPR as far as possible taking account of representations

and consultation responses. Requests for minor amendments/additional information arising from consultation responses and/or representations will be assessed as described at Stage 3 above. Where appropriate, the case officer will consider the

use of planning conditions including negative conditions, as an alternative to amended plans/additional information e.g. in relation to access details, archaeological surveys or materials/finishes.

### **(2) Proposal requires amendment and/or additional information.**

Where proposals are deemed to be acceptable in principle on the basis of an initial planning assessment, subject to the submission of amended plans/additional information, case officers will contact the agent/applicant normally within **five working days** to request the information required. It is the responsibility of the case officer to state clearly the amendments/information required with supporting planning reasons as necessary. This will be communicated to the agent/applicant by letter, e-mail, telephone or meeting, whichever is appropriate, depending on the complexity of the issues to be resolved. The guidance outlined at Stage 3 will be followed in relation to timescales for submission of information and the approach to be adopted regarding repeat consultations. Deadlines for submission of amendments or further information will take into account whether any further consultation is likely to be required.

Minor amendment resulting from the applicant responding positively to comments from consultees and/or third party representations will proceed to decision without further consultation, where possible.

Re-consultation will be carried out where there is likely to be a greater or significantly different impact resulting from the amended proposal.

**When information is not received within the specified timescale the case officer will complete the Professional Planning Report (PPR) (see Stage**

**7 below) and include reference to the information requested and the applicant/agent's failure to provide it within the timescale.**

A decision refusing planning permission on the basis of insufficient information will clearly identify the information required and the "interests of acknowledged importance" that would be harmed if planning permission was granted in the absence of additional information.

**The Council will not request information again that should have been submitted with the application at the beginning or following a reasonable request and which is clearly set out in guidance within this document and any further guidance issued by the Council. In such circumstances the Council will proceed to determine the application on the basis of the information submitted.**

**Where a proposal requires significant amendment, which wholly changes the nature of the proposal or the site or raises new issues which would require further consultation, a new planning application will be required.**

**Additional information, which should have been submitted either at the outset, or following a request from the Council, which is submitted after a recommendation has been made to the Planning Committee (including the weekly notification of delegated applications recommended for refusal) will only be considered in exceptional circumstances.**

**Planning applications which are recommended for refusal because information needed to determine the application has not been submitted with the application or information needed by a consultee to determine the application has not been submitted following a reasonable request for the information, cannot be called in for decision by the Planning Committee.**

### **(3) Proposal is unacceptable**

A proposal that is fundamentally unacceptable in planning terms, taking account of the Development Plan and all other material considerations will be progressed to an opinion to refuse planning permission. Consultee responses will be critically assessed to ensure that requests are not issued for amendments/additional information that will not alter a planning view to refuse planning permission. Applications in this category will be considered at the earliest opportunity. The Council's opinion to refuse planning permission will be placed on at the earliest appropriate opportunity the weekly list of notifications for delegated applications or the monthly Planning Committee Agenda at the earliest appropriate opportunity. This early indication of the Councils' opinion should avoid unnecessary work by applicants/agents in preparing amendments/additional information when there is no prospect of planning permission being granted.

### **Stage 7 - Professional Planning Report (PPR)**

The case officer will complete the assessment of the application and the PPR. This must include a case officer recommendation for consideration at the group meeting and include any conditions or reasons for refusal.

### **Stage 8 - Development Management Group (DMG)**

The SPTO and case officers will carefully manage the progress of all applications to ensure an efficient and effective delivery of service to the public and to ensure the statutory targets are met. Applications will therefore be discussed on a regular basis and will not be held pending a formal group meeting particularly where the recommendation is to approve and there are no representations or objections from consultees. A formal monthly meeting will be held when all live planning applications will be reviewed to ensure there is no undue delay in processing them. The reason for the delay will be identified and action agreed will be recorded on the file.

Applications which are delegated and where the recommendation is to grant planning permission and there are no objections will be issued following discussions with an authorised officer.

Where the recommendation is to refuse planning permission or there are objections, Councillors on the Planning Committee will be notified of the decision and will have the opportunity to 'call in' the application in accordance with the Planning Committee Protocol. Where an application is 'called in' the application will be presented to the next available Planning Committee meeting. Where there is no 'call in' the application will issue.

**Additional or new information is unlikely to be accepted at this stage and the application will be issued on the basis of the information received prior to the recommendation being made.**

### **Stage 9 – Planning Committee Meeting**

The Planning Committee meets on the third Wednesday of each month with the exception of August. All applications for consideration by Planning Committee will appear on the Agenda which is published on the Council's website ([www.fermanaghomagh.com](http://www.fermanaghomagh.com)) on the Thursday prior to the meeting. All details submitted with the application including the case officer's report and any discussions with authorised officers will be uploaded on the Planning Portal at the same time as the agenda is published.

**Agents will not be notified that their application is on the Committee agenda. It is expected that applicants / agents will regularly refer to the Council's website and track the process of their application on the Planning Portal.**

**Applicants / agents should not lobby Councillors who are on the Planning Committee and seek to influence the outcome of a proposal prior to the Planning Committee Meeting. A decision on a planning application cannot be made before the planning committee meeting has been held when all relevant information relating to the application is available and has been considered Lobbying can lead to the impartiality and integrity of a councillor being called into question. However, other Councillors who are not Members of the Planning Committee can make representations and address the relevant committee on your behalf.**

Requests for speaking rights should be made in accordance with the Planning Committee protocol and should be submitted by 5pm on the Monday prior to the meeting.



## Stage 10 - Issuing Decisions

Decisions will issue as soon as possible but no later than 5 days after the Committee meeting.

### What information should I enclose with my planning application?

- All applications must be accompanied by the correct application form including a written description of the development, along with a postal address of the land to be developed. The name and address of the applicant should be provided and where applicable the name and address of the agent should be provided on the relevant application form.
- A plan sufficient to identify the site and the surrounding locality. This should be an Ordnance Survey based site location plan of 1:1250 or 1:2500 scale. Whilst not specified by legislation the convention for identifying the application site is to outline in red ink. Where the applicant owns neighbouring land, this too must be identified and while the legislation specifies no particular colour, the convention is to outline this land in blue.
- a Certificate of Ownership (Section 42 of the 2011 Act). The purpose of this certificate is to inform all concerned who is in actual possession of the application site and without such information the application will not be valid.

The application should be accompanied by 3 additional copies of the application forms / plans and the appropriate application fee.

However, there is a range of additional information that will be required in order to determine your application depending upon the nature of the proposal. This is set out in Appendix B and also includes:

- Site Analysis (1:500)
- Existing & proposed topographical cross-sections (1:200)
- Indicative sketches illustrating massing, scale and form of the building where the site is sloping
- Proposed materials and finishes
- Existing elevations, sections and floor plans (1:100) (where the proposal involves alterations to a building or replacement dwelling applications)
- Proposed elevations, sections and floor plans (1:100)
- Existing & proposed contextual elevations (where adjacent properties are present)
- Landscaping details – should be included on all full or reserved matters applications;

There is a host of information on the NI Planning Portal, including NIEA Standing Advice and Guidance, to assist applicant and agents in the submission of planning applications. It is also clear from the Planning Policy Statements and the Strategic Planning Policy Statement the type of information needed to assess an application.

The Council will therefore expect the information to be included with the initial submission. It is not possible for Council to determine all the information required with a particular application since it will not be familiar with the site. Neither is it the role of consultees to advise on the information required in support of an application. However, both the Council and consultees will provide advice and guidance where relevant. Applicants/agents should contact the planning office in either Enniskillen or Omagh if they have any particular query.

**The Council will only request once information that should have been submitted with the application at the beginning and which is clearly set out in guidance below and any further guidance issued by the Council, and if not submitted following a reasonable request, will proceed to determine the application on the basis of the information submitted**

