

31 May 2024

Dear Sir/Madam

**Section 43 of the Local Government Act (NI) 2014 in relation to
PLANNING APPLICATION LA05/2022/0033/F**

We write to raise our concern about the fairness of process and the failure to comply with Article 6(1) of the ECHR, regarding the provision of access to the agenda and report for the Planning Committee Meetings scheduled in respect of the above planning application.

As you are aware Section 43 (1) of The Local Government Act (NI) 2014 requires that:

'Copies of the agenda for a meeting of a council and, subject to subsection (2), copies of any report for the meeting must be open to inspection by members of the public at the offices of the council [F1 or on the council's website] in accordance with subsection (3).'

Subsection (3) requires that: *'Any document which is required by subsection (1) to be open to inspection must be open to inspection at least five days before the meeting, except that (a) where the meeting is convened at shorter notice, the copies of the agenda and reports must be open to inspection from the time the meeting is convened, and (b) where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the item, must be open to inspection from the time the item is added to the agenda.'*

Subsection 43(3) concludes by stating: *'but nothing in this subsection requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the council.'*

On 28 May 2024, we gleaned information via the LCCC website that the above application would not be tabled for the 3 June 2024 Planning Committee Meeting.

We would emphasise our need for Planners to comply with the 5-day statutory notifications requirement, Section 43(3). Previously, some group members have booked annual leave for Planning Committee Meetings expecting the application to be on the agenda. When, however, the application was withdrawn this information was conveyed to us too late for members to alter their annual leave arrangements.

We have also prepared speaking notes for previous Planning Meetings, without access to the Case Officer's Report or certainty about whether or not the application will be presented to the Planning Committee for determination. We are sure you will appreciate how disadvantageous this is to us.

In respect of future Planning Committee meetings, we require that copies of the agenda and the report are accessible to us five days in advance of the scheduled Planning Meeting to comply with Section 43(1) and (3) of The Local Government Act (NI) 2014.

We would consider it procedurally incorrect and unfair to refer to the conclusion of Section 43(3) that public inspection can only occur when copies of documentation have been made available to councillors. Such an interpretation of the legislative intent of Article 43(1) and (3) would place us in the unacceptable position of having to prepare speaking notes

without certainty that the relevant application would be tabled. More prejudicially it means we would not have access to the Case Officer's report when preparing our speaking notes which are required to be lodged by noon on the Friday prior to the scheduled Planning Committee meeting.

We thought we should draw our concerns to your attention to inform the Council's future action in relation to compliance with Section 43(1) and (3) of the Local Government Act (NI) 2014. We also think it unacceptable that on 28 May 2024 we learned that the application was not listed for the 3 June 2024 Planning Meeting only 4 days notice was given. The reason for the Planning Authority failure to advise us within 5 days of this situation should be subject to an internal review for staff training purposes.

Yours faithfully,

Quarterlands Group