

Recommendations made to Council after failures found in handling of planning case

The Ombudsman has criticised aspects of the way Mid & East Antrim Borough Council handled a planning application for an update of existing sports facilities at St Patrick's College, Ballymena.

A member of the public complained that the Council had ignored a consultation response from its own Environmental Health Department which said that the facility should be closed on Sundays. The complainant said that this condition was removed two hours prior to the Planning Committee meeting, at which the application was approved. This meant that he did not have a chance to raise an objection. He also said that he did not receive an explanation why this happened and at whose request.

The Ombudsman's Investigating Officer obtained all relevant information from the Council, and its comments on the issues raised.

It was established that after visiting the College, the Environmental Health officer provided a draft assessment which recommended that the facility should not be open on Sundays because of the expected increase in noise levels.

However, this assessment was revised a short time after on the basis that Sunday was the centre's busiest day and that it would therefore not be reasonable to suggest closure. The draft response was then changed to remove the reference to Sunday closure, and the revised, final response uploaded to the NI Planning Portal the day before the Planning Committee meeting took place.

The complainant's claim that the condition on Sunday closure was only removed two hours prior to the meeting was therefore not upheld.

However, the Ombudsman was critical of the Council's poor record keeping when dealing with the application. It was found that there was no documented evidence of the visit by Environment Health officials to the facility, and no notes explaining why there was a change of mind about the Sunday opening. There was also a lack of records to show that planning officials considered issues relating to new floodlights.

The Ombudsman found that this amounted to a lack of openness and transparency in the decision making process. This prevented the complainant from understanding why there had been a change of opinion, and denied him the chance to challenge it at the Planning Committee.

It was therefore recommended that the Council issue an apology to the complainant to acknowledge the injustice he experienced.

The Council were also asked to establish new guidance to staff on how to deal with consultation responses, and to include timeframes for how long an amended consultation response ought to be available to the public prior to a Planning Committee Meeting.