

APPENDIX 3 – Summary of Changes to Scheme of Delegation since 2015

Original Scheme of Delegation (2015)	Current Scheme of Delegation (2017)	Proposed Scheme of Delegation (2019)
In Planning Committee Operating Protocol only	<p>3.7.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre¹ is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 21 days of the application being publicly advertised. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning considerations. The Strategic Director of Place and Economy and City Solicitor shall determine whether the reason/s are material planning consideration/s and of significant weight to allow the application to be referred to Committee. Democratic Services will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision shall be delegated to the Strategic Director of Place and Economy. Democratic Services will notify all Members within the DEA to which the application relates as to the outcome of the request to refer the application to the Planning Committee. Where an application is referred to the Planning Committee under this provision the Planning Service shall notify the applicant and any objector at least five calendar days before the application is discussed by the Planning Committee.</p>	<p>3.8.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre² is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 21 days of the application being publicly advertised in the newspaper. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning considerations. The Strategic Director of Place and Economy shall determine whether the reason/s are material planning consideration/s and of sufficient importance for consideration by the Planning Committee. Democratic Services will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision shall be delegated to the Strategic Director of Place and Economy. Democratic Services will notify the Member that made the request of the outcome of their request to refer the application to the Planning Committee. Where the application is to be referred to the Planning Committee, Democratic Services will notify all Members. Where an application is referred to the Planning Committee under this provision the planning service shall notify the applicant at least five calendar days before the application is discussed by the Planning Committee</p>

¹ City Centre as defined by the Belfast Metropolitan Area Plan 2015

² City Centre as defined by the **Draft** Belfast Metropolitan Area Plan 2015

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<p>3.9.1 The functions listed below in relation to the legislation set out in Appendix B and legislation made thereunder for which the Planning Committee has responsibility:</p> <p>(e) determining applications for developments of up to four dwellings;</p>	<p>3.7.2 The functions listed below in relation to the legislation set out in Appendix C and legislation made thereunder for which the Planning Committee has responsibility. The thresholds set out at paragraph 3.8.2 (a) only apply where a representation³ has been received which conflicts with the Planning Officer's recommendation. Where no representations have been received that conflict with the Planning Officer's recommendation, the thresholds do not apply and the decision is delegated to the Strategic Director of Place and Economy.</p> <p>(a) determining applications for the following categories of local developments⁴ , including building, engineering and other operations and material changes of use:</p> <ul style="list-style-type: none"> i. housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units; 	<p>No change (now 3.8.2)</p>

³ Representation means a consultation response received during the consultation period including, but not limited to, responses from technical consultees, neighbours and the public. Conflict must be related to material planning considerations. Correspondence from an applicant is not deemed to be a Representation.

⁴ The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

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<p>Not included</p> <p>(a) determining applications for small scale office development (up to 200sq metres);</p> <p>(b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;</p> <p>(b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;</p> <p>(b) minor alterations and extensions to, residential, community/civic, commercial or industrial premises;</p> <p>Not included</p>	<ul style="list-style-type: none"> ii. retailing below 500 square metres gross floor space outside the City Centre or District Centres; or below 2,500 square metres gross floor space within the City Centre or District Centres; iii. office space below 5,000 square metres gross floor space; iv. business, light industry, general industry and storage and distribution below 2,500 square metres gross floor space; v. community-related scheme up to 500 square metres gross floor space; vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space within town centres; vii. hotels and hostels below 30 beds; 	
<p>(c) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc.;</p>	<p>(b) determining applications for minor works such as works required for the purposes of providing disability access; the erection of smoking shelters etc.;</p>	<p>(b) determining applications for landscaping, car parking and minor works ancillary to the main use of the land which they are to be located; works required for the purposes of providing disability access; the erection of smoking shelters etc.;</p>

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(d) determining applications for the alteration and extension for residential purposes to existing residential units to include residential garages or sheds within the curtilage of an existing dwelling;	(c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;	No change
(j) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;	(d) determining applications for landscaping, car parking and other minor works to the main use of the land on which they are to be located;	Included in 3.8.2(b)
(g) determining applications for change of use excluding those relating to purpose build student accommodation, houses of multiple occupation, amusement arcades and hot food bars;	(e) determining applications for change of use but excluding those relating to student accommodation; houses in multiple occupation unless the site is located within an HMO node in BMAP; and amusement arcades;	(d) determining applications for change of use but excluding those relating to student accommodation; houses in multiple occupation unless the site is located within an HMO node in BMAP; and amusement arcades;
(o) varying and removing conditions except when the variation and removal relates to, or constitutes, a major development;	(f) varying or removing conditions except when the variation or removal relates to, or constitutes, a major development;	No change (now (e))
(w) deeming as refused, any application where all of the necessary supporting documentation has been reasonably requested but not provided, without	(g) refusing, any application, other than an application for major development, where all of the necessary supporting documentation has been reasonably	No change (now (f))

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reasonable excuse, to the Council within six weeks from the date of receipt of that application;	requested but not provided to the Council within 28 days from the date of the request;	
Not included	(h) determining applications for discharge of conditions;	No change (now (g))
Not included	(i) determining applications for a non-material change;	No change (now (h))
(h) determining applications for works to buildings or structures in conservation areas and areas of townscape character;	(j) determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character, except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental);	No change (now (i))
(i) determining applications for listed building consent, excluding demolition;	(k) determining applications for listed building consent, excluding partial or full demolition	No change (now (j))
(u) temporary listing of buildings in urgent cases;	(l) temporary listing of buildings in urgent cases;	(r) temporary listing of buildings including the issuing of building preservation notices and listing in urgent cases
(f) determining applications for the display of advertisements;	(m) determining applications for the display of advertisements;	No change (now (k))

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(n) issuing and serving certificates of lawful development;	(n) determining applications for certificates of lawful development (existing and proposed);	No change (now (l))
(s) exercising the Council's powers in relation to the preservation of trees;	(o) exercising the Council's powers in relation to the preservation of trees;	No change (now (n))
Not included	(p) determining Pre-Application Notifications;	No change (now (m))
Not included	(q) the making of a screening opinion or scoping opinion under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 (or any order legislation re-enacting that legislation with or without modification);	(o) the making of a screening opinion or scoping opinion in relation to Environmental Impact Assessment⁵; Strategic Environmental Assessment/Sustainability Appraisal⁶; Habitats Regulations Assessment⁷; and Rural Needs Impact Assessment⁸
(x) generally enforcing all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council.	(r) enforcing all regulations and orders made under the said legislation and issuing and serving of notices;	No change (now (p))

⁵ Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

⁶ Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (EAPP)

⁷ Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

⁸ Rural Needs Act (Northern Ireland) 2016

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(t) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;	(s) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;	No change (now (r))
(l) instituting legal proceedings, in consultation with the Town Solicitor, on behalf of the Council;	(t) instituting legal proceedings, in consultation with the City Solicitor, on behalf of the Council;	No change (now (s))
(m) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;	(u) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;	No change (now (t))
(v) lodging objections, in consultation with the Town Solicitor, in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme;	(v) lodging representations including objections, in consultation with the City Solicitor, in relation to planning applications where the Council has been notified as part of the neighbourhood notification scheme or where the Council's interests are likely to be affected by the application;	(u) lodging representations including objections, in consultation with the City Solicitor, in relation to planning applications where the Council has been notified as part of the statutory process or where the Council's interests are likely to be affected;
Not included	Not included	(v) responding to consultations from neighbouring authorities in relation to their Local Development Plan;
(q) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;	(w) administering statutory registers;	No change

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(r) registering notices and charges in the Statutory Charges Register;	(x) registering and removing notices and charges in the Statutory Charges Register, in consultation with the City Solicitor;	No change
Not included	(y) conducting of appeals to the Planning Appeals Commission and planning-related public inquiries;	(y) conducting planning related appeals to the Planning Appeals Commission; Public Examinations and other planning related public inquires;
Not included	Not included	(z) responding to planning related consultations from Government Agencies unless the Strategic Director of Place and Economy considers that the consultation raises a significant planning issue for the Council, relates to a matter which is controversial or likely to be of significant public interest.
Not included	Not included	3.8.3 In relation to planning related Public Examinations, the Strategic Director of Place and Economy may, in consultation with the City Solicitor / Chief Executive where it is considered necessary, carry out the following functions: (a) agree minor, typographical or factual changes or modifications to the

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		<p>Council's Local Development Plan Documents; and</p> <p>(b) agree changes to the wording (but not the trigger points) of the operational policies which may change the emphasis but not the overall objectives of the policy.</p>
<p>3.9.6 Negotiating contributions from developers subject to obtaining Committee consent in respect of those agreements in which the contribution exceeds £30k.</p>	<p>3.7.3 Negotiating, contributions from developers subject to obtaining Committee consent in respect of those agreements in which the contribution exceeds £30k.</p>	<p>3.8.4 Negotiating financial contributions from developers subject to obtaining Committee consent in respect of those agreements in which the contribution is equal to or less than £30,000.</p>
<p>3.9.7 The delegated functions set out above do not apply to the following planning applications:</p> <ul style="list-style-type: none"> (a) Those made by elected members; (b) Those made by Council staff; (c) Those made by the Council; (d) Those in which the Council has an interest or estate. 	<p>3.7.4 The delegated functions set out above do not apply to the following planning applications:</p> <ul style="list-style-type: none"> (a) Those made by elected members of the Council; (b) Those made by Council staff at senior management grade (PO12) or above and all staff in Place and Economy Department and Legal Services; (c) Those made by the Council; (d) Those in which the Council has an estate; (e) Proposals for major development; 	<p>3.8.5 – no change</p>

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	(f) There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve (g) Purpose built student accommodation	
3.9.8 All other applications or permissions which are not specifically listed in paragraph 3.9.5 shall be deemed to be delegated unless otherwise provided for within this Scheme.	3.7.5 All other applications or permissions which are not specifically listed in paragraph 3.8.1, and which are not applications for major development shall be deemed to be delegated unless otherwise provided for within this Scheme.	3.8.6 All other applications, permissions or provisions of the legislation which are not specifically listed above shall be deemed to be delegated unless otherwise provided for within this Scheme.
3.9.9 Where a function is normally delegated but raises issues which the Director believes should be considered by the Committee, that application will be referred to the Committee.	3.7.6 Where a function is normally delegated but raises issues which the Strategic or Operational Director believes should be considered by the Committee, that application will be referred to the Committee.	3.8.7 Where a function is normally delegated but raises issues which the Strategic or Operational Director believes should be considered by the Committee, that matter will be referred to the Committee.
3.9.10 The Town Solicitor, in consultation with the Director, may refer a decision back to Committee for reconsideration.	Not included	Not included