



Subject:	Renewal of the Scheme of Delegation for Planning
Date:	18th November, 2022
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The Council must prepare a Scheme of Delegation for planning which sets out which decisions on Local and minor planning applications are delegated to officers. The current Scheme of Delegation was implemented in January 2020. In accordance with legislation, the Council is required to review the current Scheme of Delegation no more than every 3 years, i.e. it is next due to be reviewed by January, 2023.
1.2	This report essentially proposes to renew the existing Scheme of Delegation, subject to two minor changes, with a view to a more in-depth review at some point in the future.

1.3	The proposed amendments to Scheme of Delegation were noted by the Planning Committee on 18th October with no specific comments made. The Strategic Policy and Resources Committee is asked to agree the amendments to the Scheme as set out in this report. Under the legislation, the Scheme of Delegation must be agreed by the Department for Infrastructure (DfI).
2.0	Recommendations
2.1	The Committee is asked to approve the two minor changes to the current Scheme of Delegation for Planning with a view to it being sent to the Department for Infrastructure for approval.
3.0	Main Report
3.1	<p><u>Background</u></p> <p>Section 31 of the Planning Act (Northern Ireland) 2011 requires a council to prepare a Scheme of Delegation which enables a person appointed by the Council to determine applications for Local development, consents, agreements or approvals required by condition. All Major applications must by law be considered by the Planning Committee.</p>
3.2	Article 9 of the Planning (Development Management) Regulations (Northern Ireland) 2015 states that a council must not adopt a Scheme of Delegation until it has been approved by the Department for Infrastructure. Article 11 states that a council must prepare a Scheme of Delegation at intervals of no greater than three years.
3.3	<p><i>Development Management Practice Note 15: Councils Schemes of Delegation</i> provides Departmental guidance. It advises that the main benefits of delegation are:</p> <ul style="list-style-type: none"> • to enable the Planning Committee to devote its finite time to determining applications that present issues that the Committee are best served to determine; and • delegation of planning applications to officers is critical to affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, costs are minimised and members have more time to concentrate on the most complex cases.
3.4	The Council first published a Scheme of Delegation in March 2015 ahead of transfer of most planning powers to councils. It was then amended in June 2017 following a review (and

updated in March 2019 to take account of the Council's new departmental structure). Further amendments were made in January 2020.

3.5 The Scheme of Delegation sets out a range of planning functions which are delegated to officers. These include:

- Decisions on certain types of Local application;
- Decisions on other forms of consent and approval;
- Preservation of trees;
- Determinations under the Environmental Impact Assessment Regulations;
- Enforcing planning regulations;
- Temporary listing of buildings;
- Responding to LDP and planning application consultations from neighbouring Planning Authorities;
- Conducting of appeals and public examinations;
- Responding to planning related consultations from other agencies;
- Negotiating developer contributions in which the contribution exceeds £30k.

Renewal of the Scheme of Delegation

3.6 The Scheme of Delegation was last amended in January 2020 and was essentially a refinement of the Scheme adopted in 2017.

3.7 The current Scheme is considered to be working well and it is not proposed to make any significant changes to it at this stage. Instead, it is proposed that there is a fuller review, potentially next year, to tie in with the lean systems experimentation work that the Planning Service is undertaking in respect of processing of planning applications.

3.8 Delegation rates since 2018/19 are set out in table 1, below. It will be noted that the rate of delegated decisions in Belfast is slightly higher than the regional average, which is a positive indicator of an efficient Scheme of Delegation.

Year	2018/19	2019/20	2020/21	2021/22*	2022/23
BCC Delegation Rate (%)	93.4%	92.5%	93.2%	94.5%	N/A

NI Delegation Rate (%)	91.5%	91.2%	92.8%	N/A	N/A
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Table 1: % delegated decisions by year

*** Unverified**

3.9

The proportion of officer recommendations overturned by the Planning Committee is also substantially lower than the regional average as shown in table 2, below. This is positive indicator of Elected Member confidence in officer decisions in Belfast.

Year	2018/19	2019/20	2020/21	2021/22*	2022/23**
BCC Delegation Rate (%)	2.5%	2.2%	3.8%	N/A	N/A
NI Delegation Rate (%)	11.9%	11.6%	13.9%	N/A	N/A

Table 2: % officer recommendations overturned by Committee

Proposed adjustments to the Scheme of Delegation

3.10

It is recommended that the current Scheme of Delegation is renewed subject to two minor modifications set out below:

- Paragraph 3.8.1 – Procedure for Elected Members referring applications to the Committee.** It is recommended that the window for members requesting that an application is referred to the Committee is extended from 21 days to 28 days. Furthermore, that the 28-day period runs not only from the date that the application is advertised in the newspaper but also from the date of Neighbour Notification, whichever is the later.
- Paragraph 3.8.2 – Applications for demolition in a Conservation Area or Area of Townscape Character.** It is recommended that this is amended so that only applications for full demolition that are recommended for approval are required to be referred to the Committee. This will allow officers to refuse applications for full demolition under delegated powers.

3.11	<p>These changes are shown in the proposed modified Scheme of Delegation at Appendix 1, highlighted yellow for ease of reference. The current adopted Scheme of Delegation is provided at Appendix 2.</p> <p><u>Other Matters</u></p>
3.12	<p>When the Planning Committee previously considered the Scheme of Delegation in December 2019, it sought a comparison of the then proposed changes with the 2015 and 2017 Schemes of Delegated. This is provided again at Appendix 3. The proposed modifications to the current Scheme of Delegation (labelled 2019 at Appendix 3) are summarised at paragraph 3.10 of this report.</p>
3.13	<p>The Planning Committee also previously requested examples of other Schemes of Delegation. Hyperlinks to other examples are provided again below.</p> <p>Derry and Strabane Council (bottom of webpage): https://www.derrystrabane.com/planning</p> <p>Newry, Mourne and Down Council: https://www.newrymournedown.org/media/uploads/planning_scheme_of_delegation.pdf</p> <p>Horsham District Council (pages 37 and 38 of the Council’s Constitution): Horsham District Council : Document Constitution of Horsham District Council (moderngov.co.uk)</p>
Financial and Resource Implications	
3.14	<p>The renewal of the current Scheme of Delegation, subject to minor modifications, will enable the Council to continue to determine planning matters in an efficient and cost-effective manner.</p>
Equality or Good Relations Implications / Rural Needs Assessment	
3.15	<p>No adverse impacts have been identified.</p>
4.0	Documents Attached
	<p>Appendix 1 – Proposed Modified Scheme of Delegation Appendix 2 – Current Adopted Scheme of Delegation (January 2020) Appendix 3 – Comparison of 2015, 2017 and 2019 (current) Schemes of Delegation</p>