



Belfast City Council

Report to:	Town Planning Committee
Subject:	Deferrals Process
Date:	7th November, 2013
Reporting Officer:	Petra Scarborough, Democratic Services Section, ext 6003
Contact Officer:	Petra Scarborough, Democratic Services Section, ext 6003

1	Relevant Background Information
1.1	<p>The Committee will recall that, at its meeting on 17th October, it had agreed to defer consideration of a report (attached) on the deferrals process to enable further information to be obtained on:</p> <ul style="list-style-type: none">• the authority permitting individual Members and the Committee as a whole to seek to defer applications for office meetings;• the level of support by the Council which may be available to them in the event of any subsequent challenge; and• clarification on the use of the Committee's delegated powers in relation to the deferrals process.

2	Key Issues
2.1	<p>Discussions have taken place with the Planning Service, the Urban Development Manager and the Town Solicitor and the following clarification has been obtained:</p>
2.2	<ul style="list-style-type: none">• The authority permitting individual Members and the Committee as a whole to seek to defer applications for office meetings; <p>The authority is contained in the Standing Order 46(f), viz.,</p> <p>The Town Planning Committee shall be responsible for:- Considering applications for permission to carry out development within the area of the Council and formulating views thereon for submission to the Department of the Environment for Northern Ireland, the Committee having delegated</p>

	<p>authority from the Council in this regard where its decisions are unanimous. Considering and commenting on housing development programmes and proposals submitted by the Government and the Northern Ireland Housing Executive.</p> <p>2.3</p> <ul style="list-style-type: none"> The level of support by the Council which may be available to Members in the event of any subsequent challenge: <p>In the event of a planning application being deferred for an office meeting by an individual Member and that request is not challenged by any other Member of the Committee, then it is the Committee as a whole which had agreed to defer the application.</p> <p>In the event that the Committee does not accept a proposal that a particular application be deferred, the decision, as it is not unanimous, falls to be determined by the full Council.</p> <p>In the event of a challenge being made to a decision to defer a particular application that challenge would, therefore, be against a Committee decision. Any such challenge would be referred to the Legal Services Department for attention as would any other challenge against any Committee decision.</p> <p>2.4</p> <ul style="list-style-type: none"> Use of the Committee's delegated powers in relation to the deferrals process: <p>The use of the Committee's delegated powers in relation to this issue is contained in the Standing Order 46(f) above. The Guidance Notes issued by the Planning Service in 2005 had stated that a long and established element in the consultation process had allowed for district councils to request the Planning Service to defer consideration of individual applications if they disagreed with the preliminary opinion. As the powers to consider applications for permission to carry out development within the area of the Council have been delegated to the Town Planning Committee, then any decision taken by that Committee is under the authority of the Council. It is however important that decisions represent the corporate view of the Council and are taken against the policy context (which is set out in paragraph 5.3 of this report).</p> <p>2.5</p> <p><u>Recording of decisions</u></p> <p>In order to protect Members' interests, however, it would be prudent to record decisions taken with regard to individual planning applications on the schedule as "deferred by the Committee" and the relevant criteria reason being stated.</p>
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3	Resource Implications
	Democratic Services to ensure Committee decisions are recorded to reflect the new arrangements.
4	Equality and Good Relations Implications
	None

5	Recommendations
5.1	The Committee is requested to note the information outlined above and to agree:
5.2	<ul style="list-style-type: none"> • to the future arrangements for the recording of the decisions of the Committee in relation to deferrals for office meetings; and
5.3	<ul style="list-style-type: none"> • to agree to provide a reason or reasons, based on the criteria set out below, when requesting a deferral of a planning application to enable an office meeting to be held: <ol style="list-style-type: none"> 1. applications which clarify the interpretation of a newly published or previously untested planning policy or where there is a lack of specific policy; 2. applications which involve a departure from the Regional Development Strategy or a development plan or a draft development plan; 3. applications which have significant environmental impact, requiring the submission of an Environmental Impact Statement; 4. applications which have generated strong local/neighbourhood objections based on valid planning concerns; 5. where the council considers that all material planning considerations have not been assessed or where the opinion has been made contrary to, or departs from, prevailing planning policy.

6	Decision Tracking
Mrs Petra Scarborough to carry out the decision of the Committee.	

7	Key to Abbreviations

8	Documents Attached
Appendix 1 - Report to Town Planning Committee on 17 October.	