

## Appendix 1 - Areas for consideration in relation to a future Scheme of Delegation (Specific to Planning)

1. The Planning Act (NI) 2011 s31(1) requires the Council to produce a Scheme of Delegation which allows decisions on certain types of planning applications to be delegated to officials. The scheme needs to be in place prior to the Planning Committee taking the decision-making powers on planning applications in April 2015. This Scheme has to be put the DoE for approval.
2. There will be reference to the Scheme of Delegation in the Planning (Development Management) Regulations 2015 (as drafted) when these are approved. The Regulations require the Scheme to specify the classes of application to which it applies and which of those can be determined by an appointed officer. The Regulations will also specify which applications cannot be delegated.

### Existing Position

3. The existing Planning Committee runs what is, in effect, a Scheme which is known as 'streamlining'. The 'streamlining' scheme was developed to allow minor applications with little impact to be taken through the Council consultation process more quickly, namely by notifying the Committee of the applications when they arrive in the office. The current list (see appendix 1) of application types in this scheme was agreed in March 2010. The safeguards which were attached to the list were that any item could be brought to the Town Planning Committee if:
  - Requested by a Councillor (through Democratic Services)
  - Where there is objection to the proposal ( irrespective of the number )
  - Where the recommendation of the Department is that it should be refused
  - Where the Area Planning Manager brings the proposal to the Committee due to the nature of the proposal.
4. As a result of the introduction of this streamlined scheme, there was a noticeable improvement in performance deciding minor applications. This was mainly due to the fact that decisions could be issued as soon as ready after the notification period rather than going through the Committee cycle.
5. The table below shows the numbers of applications considered for each of the last 5 months. It should be noted that there were two meetings per month prior to July:

	Streamlined	Considered by Committee
April	103	39
May	101	No meeting
June	97	71
July	92	No meeting
August	93	39

6. Over the last 13 months, the Committee has had to consider an average of 31.4 applications at each meeting. If that was to continue, there is the potential for meetings to become very long, given that there is at the least a consideration of the planning report and a vote on each application. (Detail in appendix 4)

## Safeguards

7. All applications are considered by a group of officers which must include an 'authorised' officer. The group talk through the report presented by a planning officer and agree a recommendation.

The Department identifies 'authorised officers' who may sign Decision Notices and other official documents. The standard is for the Area Manager and the 3 Principal Planning Officers to be authorised. However some Senior planning Officers are also authorised to sign off minor applications.

## Scheme of Delegation required by 2011 Act

8. The Development Management Regulations 2015 (as drafted) require that all major applications as defined by the Regulations have to go to Committee. These are very significant applications which exceed the thresholds set. (see appendix 2 )
9. Using the existing scheme as the starting point, it is likely that the number of applications which would have to be considered would require very long Committee meetings which would be extended by the requirement to deal with deferred applications, delegations and other planning matters.
10. No applications made by the Council, an elected member of the Council or where the Council has lands that are the subject of a planning application, can be delegated.

## Options

11. It is probably unrealistic to try to consider 30 or more applications at each meeting. To reduce the time required for Committee meetings there are options to be considered which could extend the existing Scheme:

11.1. Increase the number of meetings each month.

**Impact:** Traditionally, the planning Committee met twice a month. If the current number of applications continues that would mean considering approx 18 applications per meeting plus all applications deferred from previous meetings. This is likely to increase as development pressure returns to a more normal cycle. Applications for the 5 month period shown are 17% up on the same period last year

11.2. Extend the current scheme by :-

1. Removing the requirement to bring all refusals before the Committee: given that the Council is responsible for all decisions, requiring refusals to be brought to Committee is not consistent and may be regarded as unfairly delaying decisions. Analysis of the lists over the last year shows that an average of 7.8 applications per month appear on the agenda because they were refusals. Many of these have been identified as advertising signage which was contrary to policy
2. Removing the requirement for applications with objections to be brought before the committee. Analysis shows that an average of 11.3 applications per month appear on the agenda because there was at least one objection to the proposal. Many of these would have been extensions to houses where there was neighbour concerns. The Committee may take the view that where there is a substantial number of objections above a certain number, they would want to consider it. Limits such as a minimum of 6

objections which have planning merit and made by affected neighbours or interested bodies could be considered as this would ensure that individuals could not delay the process unnecessarily.

**Impact:** These are the most straightforward additions and where there are clear policy guidelines governing uses such as advertising signage and hoardings and on house extensions, then there is less reason to become involved. If there is disagreement with the policy, then that is what needs to be changed. It cannot be changed by making adverse decisions which may end up being challenged and/ or setting a precedent for future decisions.

3. There are certain types of application for which the threshold could be extended: e.g.
  - larger housing applications e.g. up to 25 units
  - Including small office units e.g. up to 200 sq.m.

This has been discussed in the past but no resolution made in favour of a change. For office development, 200 sq m is the limit for out-of-centre applications.

**Impact:** This an area where a sound development plan will provide the necessary guidance for making decisions on applications. BMAP will provide that guidance until a new local Plan is produced.

4. There is potential for delegating applications within larger establishments such as the harbour, the hospital estates and schools. Many of the applications in these sites are of little impact due to the relative size of developments within the larger context. Even large developments within the harbour estate are of little planning concern. On the hospital sites, applications for stores or changes to buildings are usually of little impact and on school sites there will be an established need which frequently can only be met within the school boundary.

**Impact:** There are only a small number of such applications but they are normally straightforward.

### **Bringing normally delegated applications before committee**

11.3. There needs to be a mechanism to ensure that applications which are on the Delegated list but are of public note or concern are brought before the Committee. In most cases this will happen automatically as the planning manager will be aware of issues arising as the application progresses. However, members should be able to ask for an application to be brought to Committee on the basis of:

1. The amount of public objection/support for an application which is contrary to current policy or has no policy context. The request should go through the Committee Chair or Deputy.
2. Where there is more than 6 relevant representations citing planning considerations on an application contrary to the recommendation of the planning officer; this may be either a recommendation for approval or refusal.
3. Where there is a request from a community group to be heard by the Committee on a planning issue raised by an application.

#### **Also**

1. The City Planner, planning manager or deputy or any director should have the power to put items to Committee on the basis of the issues raised by the application.

2. Any personal application by an elected member or senior officer of the Council or their close relation will be determined by Committee.
3. Any application by a planning officer where objections are received will be determined by the Committee.

### **Other responsibilities**

12. There are a number of other areas which should be delegated to the senior planning manager.
  - a. All enforcement matters including the expediency of taking/not taking action, issuing enforcement notices and taking further action, including prosecution and direct action in respect of any breach of control.
  - b. Deal with decisions, correspondence and consultations relating to Listed Buildings, Conservations Areas and other Environment protection designations.
  - c. Dealing with all types of appeal and their format.
  - d. Deal with all work relating to Tree Preservation Orders, and the management of trees protected by the Planning Act or conditions relating to a development.
  - e. Nominate officers to represent Council on forums or working parties.
  - f. Enter into, modify or discharge planning or legal agreements required to allow development to proceed (under s76 of the Planning Act (NI) 2011).

The Scheme must be reviewed at least every 3 years.

## Appendix 2 - Streamlining

The first streamlined consultation process applied to the following categories of application:

- extension and alterations to dwellings;
- minor works, for example, ATM machines, boundary walls, fences, roads in industrial estates, etc
- residential garages, garden sheds and other similar development within the curtilage of an existing dwelling;
- reserved matters (where there are no objections);
- advertisements and direction signs;
- electricity lines (up to 33 kv) and substations;
- change of house types on approved sites;
- shop fronts and minor alterations to commercial business and industrial premises;
- new accesses and hard standing serving development;
- agricultural buildings, structures and associated works;
- minor alterations and extensions to schools, churches, health centres and other educational, civic or community facilities; and
- other similar development proposals which are minor in nature, for example, smoking shelters and disability access arrangements.

At a subsequent meeting, the Committee agreed to the extension of the above list of types of planning applications which could be considered within the Streamlined Consultation Process, to include:

- conservation area consent;
- listed building consent;
- change of use;
- all extensions and alterations;
- floodlighting;
- housing applications for up to five dwellings;
- renewable energy generators; solar power; domestic wind turbines; and
- open space facilities.
- alteration to conditions

At the Special meeting of the Town Planning Committee of 29 November 2012, the committee was presented with an additional list of application types which the Minister proposed should be added to the current list.

- all other minor and intermediate applications;
- housing applications up to a maximum of 25 units; and
- office accommodation up to a maximum of 200 sq metres.

There was no recommendation resulting from this proposal and they are currently not included in the scheme.

By agreement the following are brought to Committee

- all HMO applications
- All hot food bars, amusement arcades, and communications equipment
- applications recommended for refusal or with any objection.

## Appendix 3 - Schedule to the Development Management Regulations, Regulation 2 and 3

### Major Development Thresholds

1. In the Table below—
  - a. “airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14);
  - b. “area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;
  - c. “floor space” means floor space in a building or buildings.
2. The Table below sets out the classes of development belonging to the category of major development.

Description of Development	Major Developments – Threshold or criteria	Major Developments prescribed for the purpose of Section 26(1) of the Planning Act (Northern Ireland) 2011 i.e. Regionally Significant Development.
1. <b>EIA Development:</b>	Development of a description in paragraphs; 1,3,4, 5, 6, 11, 12, 15, 17, 18, 19, 22, 23 and 24; mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012	Development of a description in paragraph 1, 3, 23 and 24 mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012
2. <b>Energy Infrastructure:</b> <u>Generating stations:</u>  <u>Power Lines</u>  <u>Storage</u>	<p>The construction or extension of an on-shore generating station (when constructed or extended) where its capacity is or more than 5 megawatts</p> <p>The installation of a power line above the ground exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer</p> <p>Installations for the storage of petroleum, petrochemical or chemical products, where the storage capacity of the facility is expected to be 30,000 tonnes or more.</p>	<p>The construction or extension of an on-shore generating station (when constructed or extended) where its capacity is or more than 30 megawatts</p> <p>The installation of a power line above the ground exceeds 110 kilovolts and a length of more than 15 kilometres</p> <p>a) Installations where the storage of petroleum, petrochemical or chemical products where the storage capacity of the facility is expected to be 200,000 tonnes or more.</p> <p>b) Installations for the underground geological storage of petroleum, carbon</p>

<p><u>Gas Extraction</u></p>       <p><u>Pipelines</u></p>	<p>The extraction of petroleum and natural gas for commercial purposes where the amount extracted is more than 250,000 cubic metres per day.</p> <p>Pipelines with a diameter of more than 400 millimetres or more than 20 kilometres in length for the transport of gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations</p>	<p>dioxide or compressed air energy storage.</p> <p>a) Any proposal relating to the extraction of unconventional hydrocarbons. b) Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.</p> <p>Pipelines with a diameter of more than 800 millimetres or a length of more than 40 kilometres: -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.</p>
<p><b>3. Transport Infrastructure:</b> Construction of a new or replacement railways, airfields, harbours and ports, waterways, transit ways</p>	<p>The area of the works is or exceeds 1 kilometre in length or 1 hectare</p>	<p>Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2100 metres or more.</p> <p>Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.</p> <p>Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.</p>
<p><b>4. Waste Infrastructure:</b> Construction of facilities for use for the purpose of waste management, disposal or treatment.</p> <p><u>Waste Management Facilities:</u></p>	<p>An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of 25,000 tonnes or more. Waste disposal installations for the incineration or chemical</p>	<p>An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake is or more than 100,000 tonnes. Waste disposal installations for the incineration or chemical</p>

<p><u>Waste Water :</u></p>	<p>treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of nonhazardous waste with a capacity exceeding 100 tonnes per day.</p> <p>Waste water treatment plants with a capacity exceeding 50,000 population equivalent.</p>	<p>treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of nonhazardous waste with a capacity for an annual intake is or more than 100,000 tonnes.</p> <p>Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).</p>
<p><b>5.Housing:</b> Construction of buildings, structures or erections for use as residential accommodation; includes private schemes.</p>	<p>a) development that comprises 50 units or more; or b) the area of the site is or exceeds 2 hectares.</p>	<p>N/A</p>
<p><b>6. Retailing:</b> Includes comparison shopping and mixed retailing development; convenience shopping development; and commercial leisure development.</p>	<p>a) Development that comprises 1,000 sq metres or more gross floor space outside town centres; or b) The area of the site is or exceeds 1 hectare outside town centres.</p>	<p>N/A</p>
<p><b>7.Business, Industry (Light and General), Storage and Distribution:</b> (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004).</p>	<p>a) Development that comprises 5,000 sq metres or more gross floorspace; or b) The area of the site is or exceeds 1 hectare</p>	<p>N/A</p>
<p><b>12. Minerals:</b> Extraction of minerals.</p>	<p>The area of the site is or exceeds 2 hectares.</p>	<p>a) Development involving quarries or open–cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares. b) Development involving underground mining where the surface of the site exceeds 2 hectares</p>
<p><b>13. All other development:</b> Any development not falling wholly within any single class of development described in Parts 1 to 8 above.</p>	<p>a) Development that comprises 5,000 sq metres or more gross floorspace; or b)The area of the site is or exceeds 1 hectare.</p>	<p>N/A</p>