

Title of Report:	Amendment to Scheme of Delegation.
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28 April 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Head of Planning

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	
Capital/Revenue	
Code	
Staffing Costs	

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes	Date: 14/04/2021
	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes	Date: 14/04/2021
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

FOR DECISION

1.0 Background

- 1.1** The revised Scheme of Delegation for the Planning Department was previously reviewed and agreed on 26 February 2020 and took effect on 01 May 2020.
- 1.2** Planning Committee, at its meeting held on 24 March 2021, resolved that the wording in bullet point 2 of Part B of the Scheme of Delegation should be amended insofar as it relates to the delegation of decisions regarding amendments and in particular design issues.

2.0 Details

- 2.1** Since 01 May 2020 when the revised Scheme of Delegation took effect, 6 delegated planning applications have issued as a refusal primarily due to failure to amend design resulting in unacceptable development and not placed on the 'contentious decisions to issue' list to facilitate referral to Planning Committee for decision.

3.0 Recommendation

- 3.1** **IT IS RECOMMENDED** that the Planning Committee AGREE to the amended wording of bullet point 2 of Part B of Scheme of Delegation for the Planning Department.

Scheme of Delegation for the Planning Department

The revised Scheme of Delegation for the determination of planning applications was approved by the Department for Infrastructure on ~~30 March 2020~~ XX XX 2021. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The revised Scheme of Delegation shall take effect from ~~01 May 2020~~ XX XX 2021.

Introduction

Part 4 Section 7 (4) (b) of the Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate certain matters to an officer of the Council. In relation to planning applications, enforcement and other planning matters the person appointed by the Council to exercise delegated powers is the Head of Planning and those senior officers nominated by this officer as detailed in the Scheme of Delegation.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory provisions within the Planning Act (Northern Ireland) 2011 require that certain types of application must be determined by the Planning Committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council, and
- The application relates to land in which the Council has an interest.

Part B – Delegated Applications:

The following applications for planning permission shall be delegated for determination by the appointed officer of the Council. The appointed officer is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications attracting more than 5 objections from separate postal addresses, or, a petition from more than 5 from separate postal addresses raising material planning considerations, where the officer's recommendation is to approve. The objection must include the postal address for the objector to be considered under this exception.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications listed on the 'Contentious Delegated Decisions to Issue' where an Elected Member of Council has requested the application be referred to the Planning Committee. The request must be accompanied with a statement outlining the material planning reasons for the referral and be received prior to 10am on the Monday following the issue of the

Commented [DD1]: New bullet point created

¹ A contentious application is one where the decision is to refuse permission or consent. An authorised officer will liaise with the Chairperson and/or Vice Chairperson of the Planning Committee to determine whether the reasons which have been provided constitute material planning reasons so as to merit referral to Planning Committee. The requesting Member will be advised if the request has been successful or rejected.

weekly list on which the application is listed.¹ This contentious application list and referral process excludes Pre Application Notices, Applications for Works to Trees, Discharge of Conditions, Non Material Changes, Certificates of Lawful Development and those applications where the refusal relates to road safety, flooding, or where additional supporting information or amendments have been requested but not submitted in full within the timeframe provided, or where the principle of the design is considered unacceptable.

- Applications submitted by or on behalf of the Chief Executive, a chief officer, a planning officer or elected member of the Council, or their immediate families (spouse, partner, children).
- A legal agreement is required.

Part C – Development Plan, Enforcement and Determination of Other Matters

As well as determining planning applications, the Council will also have to administer the development plan, enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the council.

The Planning Committee shall be required to consider and determine: -

- the Council's strategic and local policies for the implementation of the Council's objectives in relation to the development of land within the Council area.
- agree the Plan Strategy and Local Policies Plan for the Council Area prior to ratification by the full Council.
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Confirmation of a Building Preservation Notice.
- Determination of Revocation Orders.
- Application to the Courts for Injunctions.
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.

The following matters are delegated to the appointed officer:

- The research, analysis, evaluation of information, drafting and production of the Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination and making decisions on behalf of Council throughout the Plan preparation, Independent Examination and adoption process.
- To instruct a solicitor or Counsel or other consultant to assist in the preparation of the Plan Strategy and Local Policies Plan; assist in the preparation for, and represent the Council at the Independent Examination as considered necessary by the Head of Planning in consultation with the Planning Committee.
- To monitor the uptake of zoned land within the Local Policies Plan.
- To monitor, review and report on the impact of the implementation of the Plan Strategy and Local Policies Plan.
- Respond to consultations and correspondence on planning matters on behalf of Council.
- The serving of a provisional Tree Preservation Order.
- Updating Tree Preservation Orders as necessary.
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices,

Submission Notices, Stop Notices, temporary Stop Notices, Fixed Penalty Notices, and Planning Contravention Notices.

- The formal reporting of planning enforcement matters to the Public Prosecution Service/ Commencement of proceedings in a Magistrates Court including representing Council at Court hearings and making decisions on behalf of Council during such proceedings.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with powers provided in the Planning Act (Northern Ireland) 2011
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.
- Issuing Building Preservation Notice where immediate action is necessary.
- Determination of a request for a Correction Notice, when commenced.
- Providing advice on planning enquiries
- Providing advice on Pre-Application Discussions
- Providing advice on Pre-Application Notices.
- Applications for Non Material Changes.
- Discharge of planning conditions
- To determine the acceptance or otherwise of Section 46 applications
- To determine the acceptance or otherwise of Section 48 applications
- Determination of the type of planning appeal, preparation and submission of Statements of Case including reasons for refusal, conditions and informatives, Rebuttal Statements and Award of Costs applications, provide responses, agree amendments and make decisions on behalf of Council during appeal proceedings.
- To issue a formal Notice of Decision following a Committee resolution for support or non-support of an application and, for a delegated application, Order, Notice or Consent.
- To instruct a solicitor or counsel to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- To instruct a solicitor or Counsel or other consultant in the preparation for and attendance at Planning Appeals, Independent Examinations, Judicial Reviews and other Hearings including making decisions on behalf of Council during such proceedings.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 or any successor, to
 - Consider and determine waste management plans.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 or any successor legislation, to
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2)
 - Issue scoping opinions as to the information to be provided in any Statement, and
 - Undertake appropriate consultations and notifications
 - Determine whether an application should be accompanied by an Environmental Statement
- All other statutory powers connected to the exercise of the planning functions which have been transferred to Council and are not specifically listed, shall be deemed to be delegated unless otherwise provided for within this Scheme.

The appointed officers are as follows:

- Head of Planning
- Officers at Principal Officer grade
- Officers at Senior Planning Officer grade

Part D – Publicity

On adoption of this revised Scheme of Delegation the Council made a copy available on the Council's website at www.causewaycoastandglens.gov.uk. A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY.