

Causeway Coast & Glens Borough Council

To: Planning Committee

Date: 23rd September 2015

Report on Review of the Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

For Information

Linkage to Corporate Plan	
Strategic Priority	Development Management
Objective	Performance Management
Lead Officer	Denise Dickson
Cost: (If applicable)	Minimal

1.0 Background

- 1.1 In accordance with Section 31 of The Planning Act (Northern Ireland) 2011, the Department of Environment agreed the Scheme of Delegation for Development Management, Development Plan, Enforcement and other Planning Functions for Causeway Coast and Glens Borough Council on 1st April 2015.
- 1.2 At the Planning Committee meeting held 26th August 2015, it was agreed that a workshop should be held to review the Scheme of Delegation. It was agreed that the workshop should take place before the next meeting to be held in September.
- 1.3 A workshop to review the Scheme of Delegation was held on 7th September 2015. The workshop was open to all elected members.

2.0 Details

- 2.1 A copy of the current Scheme of Delegation is attached at Annex 1. Discussions took place in relation to the various elements within the Scheme and the following proposals for amendment were put forward for consideration by the Planning Committee:

Part B – Delegated Applications

In relation to bullet point 3 reword:

- **PROPOSAL 1:** Applications where an elected member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral.
- **PROPOSAL 2:** Applications where an elected member who sits on the Planning Committee has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral.
- **PROPOSAL 3:** Applications where an elected member who does not sit on the Planning Committee has requested the application to be referred to the

Planning Committee, accompanied with a statement outlining the material planning reasons for the referral.

PROPOSAL 4: Applications where an elected member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral and this request is signed by a minimum of 4 elected members who sit on the Planning Committee.

PROPOSAL 5: Applications where an elected member has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral and this request is signed by a minimum of 4 elected members.

Comments: Either of the 5 proposals will require extra staff time to prepare Planning Committee reports and will result in additional timeframe for the processing of what would otherwise be a delegated application. However, if the number of referrals are low in number the extra staff time will likewise be minimal. However, the number of referrals to the Planning Committee must be monitored to ensure that additional resources are not required. Furthermore, Council are required to advise DoE on an annual basis, as part of the performance management report, the number of referrals made to the Planning Committee.

In relation to bullet point 4

- **PROPOSAL 6:** Remove "...or the immediate family of an elected member."
Comments: This reduces the time for determining local applications submitted by an elected members family and distances the elected member, if they sit on the Planning Committee, from the decision making process.

3.0 Recommendation

3.1 IT IS RECOMMENDED that the Planning Committee

- discuss and agree the preferred proposal in relation to bullet point 3 of Part B and agree proposal 6 in relation to bullet point 4 of part B.
- agree that the Head of Planning
 - amends the Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions
 - brings the amended Scheme to the full Council meeting for ratification
 - submits the amended Scheme to the Department of Environment for agreement in accordance with Section 31 of The Planning Act (Northern Ireland) 2011.

Causeway Coast & Glens Borough Council

Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

The Scheme of Delegation for the determination of planning applications was approved by the Department of the Environment for Northern Ireland on 01 April 2015. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The Scheme of Delegation shall take effect from 01 April 2015.

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

Statutory requirements 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 addresses; or, a petition from more than 5 from separate addresses raising material planning considerations.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications where an elected member has requested the application be referred to the Planning committee for consideration where the request has been made within 25 working days of the application being validated; accompanied with a statement outlining the material planning reasons why the application should be considered by the Planning Committee; and the request is accepted by the chair of the Planning Committee and Head of Planning.
- Applications submitted by or on behalf of the Chief Executive of the Council, a chief officer of the Council, a planning officer or their immediate families, or the immediate family¹ of an elected member.
- A legal agreement is required.

¹ Immediate family for the purposes of this Scheme of Delegation refers to mother, father, wife/ husband/ partner, son(s), daughter(s).

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.
- 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 and drafting of Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination.
- To instruct a solicitor or legal executive employed or instructed by the Council 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 review the impact of the implementation of the Plan Strategy and Local Policies Plan.
- 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, 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.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with powers provided in the Planning (Northern Ireland) Act 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 carry 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.
- Determination of a request for a Correction Notice
- Providing advice on general planning inquiries
- Providing advice on Pre-Application Discussions
- Providing advice on Pre-Application Notices.
- Applications for Non Material Changes.
- Discharge of planning conditions
- Determination of the type of planning appeal and amendments to Council's case during the course of appeal, subject to consultation as deemed appropriate by the Head of Planning with the Chair of the Planning Committee and representing the Council at appeal as necessary.
- 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 legal executive employed or instructed by the Council to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 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

The appointed officers are as follows:

- Denise Dickson – Head of Planning
- Shane Mathers – Principal Development Management and Enforcement Officer
- Sharon Mulhern – Principal Development Plan Officer
- Karen Dickson – Senior Planning Officer
- Jennifer Lundy – Senior Planning Officer
- Catherine McKeary – Senior Planning Officer
- Julie McMath – Senior Planning Officer
- Michael Wilson – Senior Planning Officer

Part D – Publicity

On adoption of this 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, County Hall, Castlerock Road, Coleraine.