

Report on	The Review of the Scheme of Delegation for Planning
Date of Meeting	December 2021
Reporting Officer	Planning manager
Contact Officer	Planning manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to allow members prior consideration of the issues to be resolved as part of the review and to agree a date for a workshop, where all councillors will be invited to participate.
2.0	Background
2.1	Under the provisions of Planning Act (NI) 2011 and Planning (Development Management) Regulations (NI) 2015 the Council is required to prepare a scheme of delegation and keep it under review every 3 years. The current Scheme of delegation (May 2016) is now technically outside the specified period and work on a review has been hampered by the Covid pandemic.
3.0	Main Report
3.1	Members will be aware from the Council meeting on 25 th November that notice has been given to a change in standing orders to align them with Section 41 of the Local Government Act. The change allows for decisions by Committee and Officers to be further called in by request under the provisions of the Act by 6 councillors. Accordingly, a list of planning decisions made by the Planning Committee will go to members following the Committee. It is possible to do this for delegated decisions made by the Service Director. However, these are none contentious approvals and members are currently provided opportunity to call them to the planning committee. Given that a change to standing orders is currently being made, now is a very opportune time to review the scheme of delegation for planning.
3.2	Under the Planning Act (NI) 2011, A schemes of delegation provides for local applications, the presumption being major applications need to be considered by the Planning Committee. Also applications made by a member or the council or which relates to land the Council has an estate in, need to go to Committee because Officers are effectively prohibited from determining these by Planning (Development

	Management) Regulations NI 2015. Other than these statutory exclusions, the potential for delegation is wide ranging.
3.3	Mid Ulster's current scheme of delegation as adopted in 2016 is on the Council website. Our Scheme is based on a principle that the Planning Committee is the body for resolving disputes over whether development should take place and it provides a right for people to be heard where an application is to be refused or subject to objection. There is also no denying that the Planning Committee is effective both in listening to everyone and in effectively resolving disputes. This said there are applications presented to Committee and not discussed.
3.4	Our scheme results in the lowest percentage of decisions delegated to officers. According to DfI Planning Monitoring framework (2019/2020) some 83% of applications in Mid Ulster were delegated compared to a regional average of 91% of applications. Most councils delegate over 90% with Mid and East Antrim delegating 96% of applications to officers. The primary reason why Mid Ulster differs from other Councils is that all refusals and all applications subject to objection go to Planning Committee, this is not the case in other Councils (see Table 2). It is easier to determine applications more quickly when applications are delegated and it is one reason why Mid and East Antrim are achieving high turnaround figures. However, this does not stand true of all Council's with many councils receiving less applications and delegating more decisions but achieving worse performance figures than Mid Ulster.
3.5	In light of the above Members are being asked to consider whether they feel a change is needed. If Members were minded we could review existing practice by providing a list of the delegated decisions with the recommendation to the Service Director, thus allowing members to decide whether they want to call it into the Committee.
3.6	<p>It has also become clear that the scheme of delegation needs to be reformed as there are a wide range of planning powers where it is not clear if the Planning Manager or Committee are empowered to make the decision as they are not specified in our scheme of delegation. These include matters such as:</p> <ul style="list-style-type: none"> • Use of the power to decline to consider a subsequent application • Serving of completion notices • Determination of non-material changes • Revocation or modification of permissions and consents • Discontinuance and alteration or removal of buildings • Modification and discharge of conditions • Consent to revoke or modify a listed building or hazardous substance consent • Review Minerals planning permissions (not enacted yet) • Variation or withdrawal of an enforcement notice • Serving of a temporary stop notice • Hazardous substance prevention notices and variations of such notices • Certificates of Lawfulness of proposed use or development • Correction of errors (still to be enacted) • Minor amendments or inconsequential amendments

3.7	<p>Whilst not all of the above fall under the provisions of the Planning Act they can be delegated under the provisions of the Local Government Act.</p> <p>Members also need to consider the extent they wish to empower the Service Director to agree amendments to the Draft Plan Strategy as part of the Plan Examination process. It would most probably be advantage to allow the Service Director to alter the wording of the Plan, which in his judgement are only a minor alteration of text, but do not represent a significant change to policy.</p>
3.8	Members are reminded that a change in the scheme of delegation is also in effect a change to standing orders, it will therefore be necessary to give the Full Council prior notice of any revision. Agreement is also required in law from Dfl.
3.9	<p>In order to give all Council Members an opportunity to contribute to the review it is suggested that a copy of this paper is sent to all members and a work shop is held to discuss the issues identified, before the Service Director presents a draft revised scheme to the Planning Committee..</p> <p>.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That all members are invited to a workshop in January (date to be agreed) and this paper is sent to all members in order to inform the discussion.
6.0	Documents Attached & References

6.1	Appendix A - Table of difference in schemes of delegation between Councils
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Appendix One: Comparison of Schemes of Delegation between Councils.

Council	Employee of the council and close relatives	Departure form development plan/policy	Refusals required to go to Committee	Objections	Planning Manager referral	Member referral	Legal agreement	Associated application to Committee	Objection from stat consultee
Antrim & Newtownabbey	Any employee	x	x	2 through notified 5 wider	x	x			
Ards and North Down		x		6 or more	x	x			x
ABC	CX Directors or planning staff	x		4 or more and petition over 20	x	x	x	X	x
Belfast	Senior council staff and those in the directorate			Only certain apps conflicting with officers recommendation	x	Only within or adjoin their DEA			x
Causeway Coast	CX Chief officers planners			5 or more	X	X	X		
Derry City & Strabane	CX Directors, Heads or planning staff	x	x	5 or more	x	x	X		
Fermanagh & Omagh	Senior staff planners	x			x	x	x		x
Lisburn & Castlereagh	Senior staff planners	5 or more houses in a rural setting				x	x	x	x
Mid and East Antrim	Planners and senior staff	x		x	x	x	x		x
Newry Mourn & Down		x		Resident group 6 people or ward councillor					x

Antrim and Newtonabbey = fundamental change to a major application determined by planning committee. Exception for refusal where it relates to any enforcement notice already determined and therefore can be delegated. Must be made within 21 days of the application and be accompanied by a sound planning reason for council to differ to planning committee.

Belfast The thresholds relate to schemes of up to and including 12 housing units,

Derry within in 4 weeks of list or 2 of advert. No delegated authority for more 5 houses or more. Any with cross border environmental or economic impacts. All turbines.

Causeway coast 25 days to defer to committee

Fermanagh and Omagh 3 week notification for members

Newry and Mourne Panel to look at objections as above to decide whether they go to committee