

# SCHEME OF DELEGATION FOR PLANNING

## APPROVED JANUARY 2020

### 3.8 Strategic Director of Place and Economy

The exercise of the following functions, **in line with relevant Council policies**, is delegated to the Strategic Director of Place and Economy, who may delegate his/her relevant powers to his/her deputies unless otherwise stated, namely Director (Operational) of Economic Development, Director (Operational) of Planning and Building Control and Director (Operational) of City Regeneration and Development:

#### Planning

3.8.1 An elected Member of the Council may request that an application that relates to a site within their District Electoral Area or within an adjoining District Electoral Area or within the City Centre<sup>1</sup> is referred to the Planning Committee provided that the request is made in writing or by email to Democratic Services within 21 days of the application being publicly advertised in the newspaper. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning considerations. The Strategic Director of Place and Economy shall determine whether the reason/s are material planning consideration/s and of sufficient importance for consideration by the Planning Committee. Democratic Services will advise the relevant Member of their decision. If the decision is not to refer the application to the Planning Committee, then the decision shall be delegated to the Strategic Director of Place and Economy. Democratic Services will notify the Member that made the request of the outcome of their request to refer the application to the Planning Committee. Where the application is to be referred to the Planning Committee, Democratic Services will notify all Members. Where an application is referred to the Planning Committee under this provision the planning service shall notify the applicant at least five calendar days before the application is discussed by the Planning Committee.

3.8.2 The functions listed below in relation to the legislation set out in Appendix C and legislation made thereunder for which the Planning Committee has responsibility. The thresholds set out at paragraph 3.8.2 (a) only apply where a representation<sup>2</sup> has been received which conflicts with the Planning Officer's recommendation. Where no representations have been received that conflict with the Planning Officer's recommendation, the thresholds do not apply and the decision is delegated to the Strategic Director of Place and Economy.

- (a) determining applications for the following categories of local developments<sup>3</sup>, including building, engineering and other operations and material changes of use:

---

<sup>1</sup> City Centre as defined by the Draft Belfast Metropolitan Area Plan 2015

<sup>2</sup> Representation means a consultation response received during the consultation period including, but not limited to, responses from technical consultees, neighbours and the public. Conflict must be related to material planning considerations. Correspondence from an applicant is not deemed to be a Representation.

<sup>3</sup> The definition of local development is provided for by section 25 of the Planning Act (Northern Ireland) 2011

- i. housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units;
  - ii. retailing below 500 square metres gross floor space outside the City Centre or District Centres; or below 2,500 square metres gross floor space within the City Centre or District Centres;
  - iii. office space below 5,000 square metres gross floor space;
  - iv. business, light industry, general industry and storage and distribution below 2,500 square metres gross floor space;
  - v. community-related scheme up to 500 square metres gross floor space;
  - vi. recreation and culture below 1,000 square metres gross floor space outside town centres or below 5,000 square metres gross floor space within town centres;
  - vii. hotels and hostels below 30 beds.
- (b) determining applications for landscaping, car parking and minor works ancillary to the main use of the land which they are to be located; works required for the purposes of providing disability access; the erection of smoking shelters etc.;
  - (c) determining applications for alterations and extensions to residential property and ancillary and incidental residential development within the curtilage of residential property;
  - (d) determining applications for change of use but excluding those relating to student accommodation; and amusement arcades;
  - (e) varying **or** removing conditions except when the variation **or** removal relates to, or constitutes, a major development;
  - (f) refusing any application, other than an application for major development, where all of the necessary supporting documentation has been reasonably requested but not provided to the Council within 28 days from the date of the request;
  - (g) determining applications for discharge of conditions;
  - (h) determining applications for a non-material change;
  - (i) determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character, except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental);
  - (j) determining applications for listed building consent, excluding partial or full demolition
  - (k) determining applications for the display of advertisements;
  - (l) determining applications for certificates of lawful development (existing and proposed);
  - (m) determining Pre-Application Notifications;
  - (n) exercising the Council's powers in relation to the preservation of trees;
  - (o) the making of a screening opinion or scoping opinion in relation to Environmental Impact Assessment<sup>4</sup>; Strategic Environmental Assessment/Sustainability Appraisal<sup>5</sup>; Habitats Regulations Assessment<sup>6</sup>; and Rural Needs Impact Assessment<sup>7</sup>

---

<sup>4</sup> Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

<sup>5</sup> Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (EAPP)

<sup>6</sup> Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

<sup>7</sup> Rural Needs Act (Northern Ireland) 2016

- (p) enforcing all regulations and orders made under the said legislation and issuing and serving of notices;
- (q) executing works in default of compliance with any notice or order and in an emergency where empowered by statute and recovering the costs of so doing;
- (r) temporary listing of buildings including the issuing of building preservation notices and listing in urgent cases;
- (s) instituting legal proceedings, in consultation with the City Solicitor, on behalf of the Council;
- (t) authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers;
- (u) lodging representations including objections, in consultation with the City Solicitor, in relation to planning applications where the Council has been notified as part of the statutory process or where the Council's interests are likely to be affected;
- (v) responding to consultations from neighbouring authorities in relation to their Local Development Plan;
- (w) administering statutory registers;
- (x) registering and removing notices and charges in the Statutory Charges Register, in consultation with the City Solicitor;
- (y) conducting of planning related appeals to the Planning Appeals Commission; Public Examinations and other planning related public inquires;
- (z) responding to planning related consultations from Government Agencies unless the Strategic Director of Place and Economy considers that the consultation raises a significant planning issue for the Council, relates to a matter which is controversial or likely to be of significant public interest.

3.8.3 In relation to planning related Public Examinations, the Strategic Director of Place and Economy may, in consultation with the City Solicitor / Chief Executive where it is considered necessary, carry out the following functions:

- (a) agree minor, typographical or factual changes or modifications to the Council's Local Development Plan Documents; and
- (b) agree changes to the wording (but not the trigger points) of the operational policies which may change the emphasis but not the overall objectives of the policy.

3.8.4 Negotiating financial contributions from developers in respect of those agreements in which the contribution is equal to or less than £30,000.

3.8.5 The delegated functions set out above do not apply to the following planning applications:

- (a) Those made by elected members of the Council;
- (b) Those made by Council staff at senior management grade (PO12) or above and all staff in Place and Economy Department and Legal Services;
- (c) Those made by the Council;
- (d) Those in which the Council has an estate;
- (e) Proposals for major development;

- (f) There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve
- (g) Purpose built student accommodation

3.8.6 All other applications, permissions or provisions of the legislation which are not specifically listed above shall be deemed to be delegated unless otherwise provided for within this Scheme.

3.8.7 Where a function is normally delegated but raises issues which the Strategic or Operational Director believes should be considered by the Committee, that matter will be referred to the Committee.