

Causeway Coast & Glens

District Council

Transferring Functions & Group Committee Wednesday 28th January 2015

Table of recommendations

No	Item	Recommendation
3.	Transferring Functions from DETI / Invest NI	<i>agree, in principle, to the SLA with Invest NI to allocate £49,253 to the Regional Start Initiative for the period up to 22nd October 2015 and to allocate £8,930 to the Social Enterprise Programme (SEP) for the period up until 3rd July 2015.</i>
4.	Draft Scheme of Delegation	<i>approve the draft Scheme of delegation, attached as Appendix A, subject to stated amendments</i>

Transferring Functions & Group Committee

Minutes of the Meeting of Causeway Coast & Glens District Council Transferring Functions & Group Committee, held in the Area Planning Office, Coleraine on Wednesday 28th January at 7pm.

In the Chair: Councillor Mullan

Members present: Councillors Beattie, Callan, Chivers, Cole, Douglas, Duddy, Fielding, King, Knight-McQuillan, Loftus, McCaul, McGuigan, McKeown, McKillop, S, Watton

In attendance: D Jackson, Chief Executive
R Baker, Lead, Leisure & Development
D Dickson, Head of Planning
S Duggan, Programme Administrator
S McMaw, Head of Convergence
S Mathers, Principal Development Management and Enforcement Officer
S Mulhern, Principal Development Plan Officer

1. Apologies

Apologies were recorded from Councillors Baird, Finlay and McCandless.

2. Declarations of Interest

There were no Declarations of Interest.

3. Transferring Functions from DETI / Invest NI

It was proposed by Councillor Duddy, seconded by Councillor Cole and AGREED: **to move to consider the item 'in committee'**.

R Baker presented the report, summarised as undernoted:

The Northern Ireland Executive has agreed, as part of the process of Local Government Reform (LGR), to transfer a number of economic development functions to Councils. The functions transferring are:

- ***Enterprise Awareness.***
- ***Start Up (RSI) provision.***
- ***Social Entrepreneurship (SEP).***

The regional budget for the current activity in these areas is £3.55m. Last year the 11 new Councils all agreed (Oct 2014 for Causeway Coast and Glens) to roll forward the existing contracts for the Regional Start Initiative (RSI) and the Social Entrepreneurs Programme (SEP) which will now run until October 2015 and June 2015 respectively.

Invest NI have extended the contracts with Enterprise NI and are now seeking to implement a Service Level Agreement with Causeway Coast & Glens Council to repay Invest NI the amounts relating to the RSI and SEP. This will allow Invest NI to continue to pay the existing contractors up to the end of the existing contract period. The SLA will take effect from 1st April 2015 and will remain in operation for the Regional Start Initiative until 22 October 2015 and to the 3rd July for the Social Enterprise Programme.

The allocation of funding to be spent on the Regional Start Initiative (RSI) for the Causeway Coast & Glens for the specified period is £49,253.

The allocation of funding to be spent on the Social Enterprise Programme (SEP) for the Causeway Coast & Glens for the specified period is £8,930.

IT IS RECOMMENDED that the Causeway Coast and Glens District Council agree to the SLA with Invest NI.

In response to a query, Mr Baker stated he would provide members with the detail of the SLA.

It was proposed by Councillor King, seconded by Councillor S McKillop and
AGREED: to recommend that Council agree, in principle, to the SLA with Invest NI to allocate £49,253 to the Regional Start Initiative for the period up to 22nd October 2015 and to allocate £8,930 to the Social Enterprise Programme (SEP) for the period up until 3rd July 2015.

It was proposed by Councillor Loftus, seconded by Councillor McCaul and **AGREED: to move out of "in-committee"**.

* **Councillor Beattie arrived at the meeting at 7.08pm during consideration of the above matter.**

* **R Baker left the meeting at 7.10pm.**

4. Draft Scheme of Delegation

D Dickson presented the report, attached as Appendix 1.

It was proposed by Councillor Duddy seconded by Councillor S McKillop and
AGREED: to recommend that Council approve the draft Scheme of delegation, attached as Appendix A, subject to incorporating/amending the following:

2.5 - replace 10 with 5

2.6 - replace 10 with 5

2.6 - add *Chief Executive and Chief Officers*

Define 'immediate family'

Add, 'that the *'Head of Planning may refer applications to the committee'*

Use the word "*shall*"

D Dickson advised she will back the amended Scheme to the next committee meeting.

- * **Councillor McKeown arrived at the meeting at 7.26pm during consideration of the above matter.**

5. Correspondence

Committee noted the following items of correspondence:

- DoE Protocol for the Operation of Planning Committees
- DCAL Scheme for the Transfer of Designated assets and liabilities, folio AN20549: Knocknacarry
- DSD, Introduction of Regeneration Bill and its associated Explanatory and Financial Memorandum
- DoE, Local Government Finance – Transferred Functions Grant, dated 20 Jan 2015

Councillor Duddy raised concern over proposed car parks transferring to Council without clear title deeds, the Chief Executive indicated he would seek a legal opinion on Possessory Title and affirmed that correspondence was being sent to the Minister outlining their concerns.

- OFMDFM, Civil contingencies arrangements at local level – getting ready for April 2015

6. Date of Next Meeting

Wednesday 11th February, 7pm, Area Planning Office, Castlerock Road, Coleraine

This being all the business the meeting closed at 8.15pm.

Appendix 1.

To: Transferring Functions and Group Committee

Draft Scheme of Delegation

Date: 28/01/2015

For Approval

Linkage to Corporate Plan	
Strategic Priority	Transition and Transformation
Objective	Preparation of the Scheme of Delegation for 1 April 2015
Lead Officer	Denise Dickson
Cost: (If applicable)	

1.0 Background

- 1.1** Section 31(1) of the Planning Act (Northern Ireland) 2011 requires a Council to prepare a Scheme of Delegation for operation within its area. A Scheme of Delegation enables the Council and the Planning Committee to delegate certain planning decisions to appointed officers – normally the Council’s Head of Planning and those nominated by this officer. This Scheme of Delegation must be agreed with the Department as soon as practicable after 1 April 2015.
- 1.2** Following the transfer of planning powers to Council on 1 April 2015, the Planning Committee will have responsibility for the majority of planning decisions on all major and local categories of planning applications contained in the hierarchy of development; the Department will retain responsibility for the determination of the Regionally Significant planning applications. Sub-ordinate planning legislation will detail the types of developments that fall within the 3-tier hierarchy of development; a draft of which is attached at Appendix B.
- 1.3** Under the provisions of the Planning Act, the Planning Committee must determine all major planning applications; planning applications made by the Council or an elected member of the council; and, an application relating to land in which the Council has an interest. Therefore, it can only delegate to officials those applications that fall within the local category of development.

2.0 Detail

- 2.1** Delegation to officers will allow the vast majority of local applications to be processed with greater efficiency both in costs and time than would be the case if they were to be decided by the Planning Committee. This will allow the Committee more time to focus on the more complex and contentious cases affecting the District.
- 2.2** Whilst the precise level of delegation to officers is a matter for the Council and the Planning Committee to agree upon, it should be noted that having a substantial number of applications appearing at Committee could lead to Members being overwhelmed by the quantum of work. Full planning reports for each application will need to be provided to and considered by the Committee prior to each meeting to demonstrate that they have fully taken into account all relevant issues and background before reaching a decision. Best practice suggests that 90-95% of applications should be dealt with under delegation arrangements. Members will recall from the study visit to Stafford-upon-Avon that the Planning Committee delegates 93% of planning applications to officials. Furthermore, the enforcement functions are dealt with by another committee.
- 2.3** A fundamental consideration for the Committee to consider is the number of applications that is currently presented to the 4 legacy Councils of the Causeway Coast and Glens District Council (Appendix C, circulated). It is considered too onerous for the Planning Committee to consider and make decisions on this current level as this would be some 24 new applications per month.
- 2.4** To delegate all local applications excluding those submitted by one of the four legacy councils) would equate to 95.5% of all applications decided in the period April-November 2014.
- 2.5** Appendix C, circulated, sets out the level of objections received in this period. If delegation also excluded those local applications that receive 10 or more objections this would equate to just 94.9% of the applications decided over the last 9 months. It is considered that the level of 10 or more objections provides a balance for the Committee to consider the more contentious applications within the District.
- 2.6** In addition to the major applications, council applications and those local applications attracting 10 or more objections, applications submitted by elected members, or those on land in which the Council has an interest must also be brought before the Planning Committee for decision. It is suggested that this should also include the immediate family of elected Members, planning officials and their immediate family. However, statistics relating to the number of these types of applications is not easily extracted from the Department's records and therefore has not been included in this calculation.
- 2.7** Furthermore, it is important to bear in mind that elected members may refer applications to the Planning Committee where they have a sound planning reason for doing so. To ensure expediency and certainty in the planning process, it is recommended that an elected member must request a referral to the Planning Committee within 25 working days of the application being validated. The Head of Planning will consider whether or not to grant this request. Where the request is

accepted the elected Member will be required to attend the Planning Committee at which the application is being decided and speaking rights will be granted to enable the elected Member to address the Committee on the application.

- 2.8** Finally, the Head of Planning may refer an application to the Planning Committee where it is considered that the proposal merits consideration by the Committee.

3.0 Other Planning Functions

- 3.1** In addition to determining planning applications, the Planning Committee will also have to make decisions on the preparation and adoption of a new Local Development Plan; Enforcement functions; Tree Preservation Orders; and other Certificates and Consents. These fall outside of Section 31(1) of the Planning Act for Scheme of Delegation.

- 3.2** However, Part 4 Section 7 (4)(b) of the Local Government Act (Northern Ireland) 2014 enables a Council to make administrative arrangements for the discharge of its functions. The Planning Committee can put in place its own administrative arrangements to delegate responsibility for these other Planning functions.

- 3.3** The Planning Committee should have an oversight role in these matters, but to allow efficiency both in costs and time, it is recommended that they are delegated to officers. Although not part of the statutory Scheme of Delegation, they can be included as a separate administrative function of the work of the Planning Committee. Therefore, it is proposed to include these matters in the Scheme of Delegation. The Planning Committee will be able to seek details on these matters but each request will have to be considered by the Head of Planning on a case by case basis, particularly if related to an enforcement case which may be subject to legal proceedings and Data Protection.

- 3.4** A new Scheme of Delegation can be prepared by Council at any time it deems appropriate. Under Regulation 11 of the Planning (Development Management) Regulations (Northern Ireland) 2015, the Council is required to prepare a Scheme of Delegation at intervals of no greater than three years.

4.0 Recommendation

- 4.1** It is recommended that the shadow Planning Committee approve a draft Scheme of Delegation (Appendix A).

Appendix A – draft Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

The Scheme of Delegation for the determination of planning applications was agreed by the Council at its meeting of XXX following approval by the Department of the Environment for Northern Ireland on XXX. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from XXX.

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 10 objections from separate addresses; or, a petition from more than 10 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 a planning officer or their immediate families, or the immediate family of an elected member.
- 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 Committee has endorsed this approach on XXX.

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.

The following matters are delegated to the appointed officer:

- The research, analysis, evaluation of information and drafting of Plan Strategy and Local Policies Plan in consultation, 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.
- 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 or 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

available at the Causeway Coast and Glens District Council Planning Office, County Hall, Castlerock Road, Coleraine

An advert was placed in the local press XXX

<p><u>Storage:</u></p>	<p>purpose of the line is the provision of a supply to more 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>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 dioxide or compressed air energy storage.</p>
<p><u>Gas Extraction:</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</p>	<p>a) Any proposal relating to the extraction of unconventional hydrocarbons.</p> <p>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:</p> <p>-for the transport of gas, oil or chemicals, or</p> <p>-for the transport of carbon dioxide streams for the purposes of</p>

<p><u>Pipelines:</u></p>	<p>gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.</p>	<p>geological storage, including associated booster stations.</p>
<p>3. Transport Infrastructure:</p> <p>Construction of 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 2,100 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>4. Waste Infrastructure:</p> <p>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.</p> <p>Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under</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.</p> <p>Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive</p>

<p><u>Waste Water :</u></p>	<p>heading D9) of non-hazardous 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>2008/98/EC under heading D9) of non-hazardous 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>5. Housing:</p> <p>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>6. Retailing:</p> <p>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>7. Business, Industry (Light and General), Storage and Distribution:</p> <p>(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>8. Minerals:</p> <p>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.</p> <p>b) Development involving underground mining where the surface of the site exceeds 2 hectares</p>
<p>9. All other development:</p> <p>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</p> <p>b) The area of the site is or exceeds 1 hectare.</p>	<p>N/A</p>