

Public Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

19th January, 2015

MEETING OF SHADOW PLANNING COMMITTEE

Dear Councillor,

The above-named Committee will meet in the Lavery Room - City Hall (immediately after the training session which commences at 4:30 pm) on **Thursday, 22nd January, 2015 at approximately 6.30 pm**, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

Suzanne Wylie

Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. Planning capacity building update (Pages 1 - 10)
3. Programme of Work - Transfer of Powers (Pages 11 - 14)
4. Planning Reform - The Planning Act (NI) 2011 (Phase2) (Pages 15 - 26)
5. Response to Consultation on Conservation of Habitats and Species Regulations (Northern Ireland) 2015 (Pages 27 - 34)
6. Routine Correspondence - Listing and De-listing of Buildings (Pages 35 - 36)

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Belfast District Council (Shadow)

Report to:	Shadow Planning Committee
Subject:	Capacity building programme update
Date:	22 January 2015
Reporting Officer:	Jill Minne, Director of Organisational Development John McGrillen, Director of Development

1	Relevant Background Information
1.1	Members noted, at the 20 November 2014 Shadow Planning Committee meeting, the capacity building programme to be delivered for members of the committee to the end of March 2015. Members were also advised that a parallel programme would also be put in place for Non Shadow Planning Committee members to ensure all members have an opportunity to develop knowledge and understanding of Planning issues should they be nominated to the Planning Committee.
1.2	Members were advised of the indicative itineraries of the planned study visits to Bristol City Council to take place on 14-15 January 2015 and to Cardiff City Council on 10-12 February 2015.
2	Key Issues
	Capacity building activities
2.1	The capacity building programme for Shadow Planning Committee members and the parallel capacity building programme for Non- Shadow Planning Committee members, for the period January to March 2015, is set out at Appendix One. The programmes of activities have been communicated to Members.
2.2	The remaining activities of the programme for Shadow Planning Committee will increasingly focus on practical sessions to provide members with the opportunity to consider the key issues, policy implications and outcomes of planning applications based in Northern Ireland.
2.3	The first practical session, held on 7 January 2015, was well received by members who indicated that it would be beneficial, given the usefulness of the session in considering planning applications, to have as many of these type sessions as possible prior to April. In light of this feedback from members additional practical sessions will be scheduled over the next three months.
2.4	Members should note that they can attend sessions of the parallel programme as a refresher session or if they were unable to attend a similar session of the committee's bespoke programme.
2.5	Fraud awareness sessions have been included in the capacity building programmes. The sessions will be delivered by officers from the Audit, Governance and Risk Service and will focus on the risks to the Council, including those arising from the new powers, and the

	roles and responsibilities of members.
2.6	Members are asked to identify any other areas or issues which they would think it would be helpful to include in the planned programme of activities.
	Best Practice Study Visits
2.7	The visit to Cardiff City Council will take place on 10-12 February with the visit to Bristol City Council (originally planned to take place on 14-15 January 2015) being re-scheduled to take place on 18- 19 March 2015.
2.8	Twelve elected members are scheduled to attend the study visit to Cardiff and at this stage three elected members have expressed an interested in undertaking the visit to Bristol. The detailed itineraries for the visits are currently being developed in conjunction with Planning colleagues in Cardiff City Council and Bristol City Council.
	Regional Training Events
2.9	Members will be aware of the DoE's regional capacity building programme which ended in December 2014. The programme sessions were attended by a number of Shadow Planning Committee members and feedback, in the main, was positive. Members will continue to be kept informed of other scheduled regional Planning events including conferences and seminars.
3	Resource Implications
3.1	Members are aware the capacity building modules, delivered by external facilitators, will be financed from the 2014-2015 £200,000 DOE funding allocation as will the costs of member and officer attendance on the study visit to Cardiff and Bristol. Attendance at regional events will be financed from the member development budget.
3.2	Corporate Human Resources will continue to work with key senior officers to ensure continued delivery of the capacity building programmes including the best practice study visits.
4	Equality and Good Relations Considerations
4.1	There are no equality or good relations implications.
5	Call In
5.1	This decision is subject to Call In.
6	Recommendations
6.1	The committee is asked to: Note the Shadow Planning Committee's capacity building programme of activities and that additional practical sessions will be added to this.
6.2	Advise of any additional issues or activities it wishes to be included in the programme of activities.
6.3	Note the dates and times for the study visits to Cardiff and Bristol Councils.
7	Decision Tracking
	Jill Minne, Director of Organisational Development John McGrillen, Director of Development
8	Key to Abbreviations
	DOE- Department of the Environment
9	Documents Attached
	Appendix One: Planning capacity building programme for Shadow Planning Committee members and Planning capacity building programme for Non Shadow Planning Committee members.

Appendix One:

**Shadow Planning Committee
Capacity Building Programme
January to March 2015**

Date and time	Session 1	Facilitator(s)	Venue
Wednesday 7 January 12.30 to 2.00 pm	Practical session	Peter Fleming, Fleming Mounstephen Planning with input from Belfast City Council and DoE Principal officers	Reception Room City Hall
Session Overview: The session will reflect a planning committee meeting. It will provide Members with an opportunity to consider a number of difficult applications and to discuss the associated key issues and policy implications. Members will be asked to make a decision on each application and discuss the suggested outcome versus the actual outcome. Following discussion Members will also be advised of the potential consequences of the decision reached. There will be a question and answer session and general feedback will be provided to the committee.			

Date and time	Session 2	Facilitator(s)	Venue
Thursday 22 January 4.30 to 6.30 pm (prior to Shadow Planning Committee)	Practical session	Alice Lester, TCPA with input from Belfast City Council and DoE Senior officers	Reception Room City Hall
Session Overview: The session will reflect a planning committee meeting. It will provide Members with an opportunity to consider a number of difficult applications and to discuss the associated key issues and policy implications. Members will be asked to make a decision on each application and discuss the suggested outcome versus the actual outcome. Following discussion Members will also be advised of the potential consequences of the decision reached. There will be a question and answer session and general feedback will be provided to the committee.			

Members can attend one or both sessions.

Meet and Greet the Planning Staff

Date and time	To meet transferring staff from DOE	Facilitator(s)	Venue
Tuesday 3 February 12.30 to 2.00 pm	Visit to DOE Planning Offices	John McGrillen, Clifford McIlwaine and Neil Dunlop	DOE Headquarters, Bedford Street, Belfast

Date and time	Session 3	Facilitator(s)	Venue
Thursday 19 February 4.30 to 6.30 pm (prior to Shadow Planning Committee)	Practical session	Hugh Ellis, TCPA with input from Belfast City Council and DoE Senior officers	Group Space Ulster Hall

Session Overview:

The session will reflect a planning committee meeting. It will provide Members with an opportunity to consider a number of difficult applications and to discuss the associated key issues and policy implications.

Members will be asked to make a decision on each application and discuss the suggested outcome versus the actual outcome. Following discussion Members will also be advised of the potential consequences of the decision reached.

There will be a question and answer session and general feedback will be provided to the committee.

Fraud Awareness

Date and time	Facilitator(s)	Venue
Tuesday 24 February 12.30 to 2.00 pm Or Wednesday 25 March 5.00 to 6.30 pm Or Thursday 26 March 12.30 to 2.00 pm	Andy Harrison and Liam Mulholland - Audit, Governance and Risk Services	Lavery Room City Hall

Session Overview:

The session will focus on:

- Introduction to fraud
- Introduction to Bribery Act
- Risk to the council, inc those arising from new powers
- Council responses / arrangements
- Role of Members
- Role of Audit and Risk Panel

(Members need only attend one session)

Date and time	Session 4	Facilitator(s)	Venue
Monday 23 March 12.30 to 2.30 pm <i>Or</i> 5.00 to 7.00 pm	Planning's link to Regeneration, Community Planning and Health	Hugh Ellis and Michael Chang, TCPA	Group Space Ulster Hall
Session Overview: The session will focus on the purpose of planning and its linkages to the Community Plan and overall community planning. It will also explore how reuniting planning and health through local initiatives can help create healthy cities and tackle disadvantage. The session will include small group exercises.			

(Members need only attend one Session)

How to book a place:

If you would like to book a place on any of the sessions please contact either Julie McCormick, ext. 6321, email mccormickjulie@belfastcity.gov.uk or Lisa Rogan, ext. 3251, email roganl@belfastcity.gov.uk

**Non-Shadow Planning Committee Members
Capacity Building Programme
January to March 2015**

Date and time	Session 1	Facilitator(s)	Venue
Monday 19 January 12.30 to 2.30 pm <i>Or</i> 5.00 to 7.00 pm	Awareness of Planning Regime and Governance	Gideon Amos, TCPA and John Walsh, Town Solicitor	Reception Room City Hall
<p>Session Overview: The session will examine what is meant by ‘development’ and how it can contribute to achieving a vision for the city. It will explore the new planning regime and the challenges of delivering planning as a councillor in local government.</p> <p>The session will also focus on the governance arrangements which will apply including:</p> <ul style="list-style-type: none"> • Members role in planning – accountability and decision making • Code of Conduct • Scheme of delegation • Conflicts of interest • Scrutiny 			

(Members need only attend one session)

Meet and Greet the Planning Staff

Date and time	To meet transferring staff from DOE	Facilitator(s)	Venue
Friday 6 February 12.30 to 2.00 pm	Visit to DOE Planning Offices	John McGrillen, Clifford Mcllwaine and Neil Dunlop	DOE Headquarters, Bedford Street, Belfast

Date and time	Session 2	Facilitator(s)	Venue
Wednesday 18 February 5.00 to 7.00 pm <u>Or</u> Thursday 19 February 12.30 to 2.30 pm	Forward Planning: Strategic and Local Development Plan	Hugh Ellis and Michael Chang, TCPA	Group Space Ulster Hall
<p>Session Overview: The session will focus on the purpose of planning and the specific role to be undertaken by elected members. It will examine the key stages in the planning process and the importance of community involvement and stakeholder engagement.</p> <p>The session will include small group exercises.</p>			

(Members need only attend one session)

Date and time	Session 3	Facilitator(s)	Venue
Tuesday 24 February 12.30 to 2.30 pm <u>Or</u> 5.00 to 7.00 pm	Development Management	Hugh Ellis and Michael Chang, TCPA	TBC
<p>Session Overview: The session will focus on the policy tiers within the planning regime, the material considerations which must be taken account of and the actual processes of considering an application.</p> <p>The session will use case studies to create a test environment.</p>			

(Members need only attend one session)

Fraud Awareness

Date and time	Facilitator(s)	Venue
Tuesday 24 February 12.30 to 2.00 pm <i>Or</i> Wednesday 25 March 5.00 to 6.30 pm <i>Or</i> Thursday 26 March 12.30 to 2.00 pm	Andy Harrison and Liam Mulholland - Audit, Governance and Risk Services	Lavery Room City Hall
<p>Session Overview: The session will focus on:</p> <ul style="list-style-type: none"> - Introduction to fraud - Introduction to Bribery Act - Risk to the council, including those arising from new powers - Council responses / arrangements - Role of Members - Role of Audit and Risk Panel 		

(Members need only attend one session)

Date and time	Session 4	Facilitator(s)	Venue
Monday 23 March 12.30 to 2.30 pm <i>Or</i> 5.00 to 7.00 pm	Planning's link to Regeneration, Community Planning and Health	Hugh Ellis and Michael Chang, TCPA	Group Space Ulster Hall
<p>Session Overview: The session will focus on the purpose of planning and its linkages to the Community Plan and overall community planning. It will also explore how reuniting planning and health through local initiatives can help create healthy cities and tackle disadvantage.</p> <p>The session will include small group exercises.</p>			

(Members need only attend one session)

Date and time	Session 5	Facilitator(s)	Venue
Tuesday 24 March 12.30 to 2.30 pm <u>Or</u> 5.00 to 7.00 pm	Practical Session	Hugh Ellis and Michael Chang, TCPA with input from Belfast City Council and DoE Senior officers	TBC
<p>Session Overview: The session will reflect a planning committee meeting. It will provide Members with an opportunity to consider a number of difficult applications and to discuss the associated key issues and policy implications.</p> <p>Members will be asked to make a decision on each application and discuss the suggested outcome versus the actual outcome. Following discussion Members will also be advised of the potential consequences of the decision reached.</p> <p>There will be a question and answer session and general feedback will be provided to the committee.</p>			

(Members need only attend one session)

How to book a place:

If you would like to book a place on any of the sessions please contact either Julie McCormick, ext. 6321, email mccormickjulie@belfastcity.gov.uk or Lisa Rogan, ext. 3251, email roganl@belfastcity.gov.uk

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Belfast City Council (Shadow)

Report to:	Shadow Planning Committee
Subject:	Programme of work to facilitate the transfer of powers & progress report
Date:	22 nd January 2015
Reporting	John McGrillen, Director of Development
Contact officer:	Eve Bremner, Programme Manager, ext. 3275

1.0	Relevant background information
1.1	Members will be aware that an internal officer team has been established to support the transfer of planning by 1 st April 2015. The local DOE Planning Office has also now committed staffing resource to assist this work and staff will be co-located from mid-January onwards. An MOU has been agreed between Belfast City Council and the DOE as to how the transfer will progress.
1.2	A detailed project plan has been developed to support the delivery of the transition and an officer Steering Panel reports on progress regularly to the Director of Development and TMT.
1.3	The following report provides a high level update on progress and outlines key priorities for coming months. A more detailed report on progress against individual work streams can be found in Appendix 1.

2.0	Key issues
2.1	<p>Key activities undertaken in December and January include:</p> <ol style="list-style-type: none"> 1. Governance - consultation with party groups took place in December and subsequently governance proposals, including the scheme of delegation and committee protocol, are being brought to Shadow SP&R on 30th January. 2. Planning portal - a connection to the regional Planning Portal has been established on the Council's network. 3. Resources - revenue budgets have been developed and will be brought through the political process in January and February. 4. Staff transfer - names of transferring staff have been confirmed. A total of 43 individuals will join the Council; equivalent to 40.5 Full time equivalent posts. 5. Accommodation - office accommodation has been confirmed in the Cecil Ward building. Decant and works are due to take place from late January onwards to facilitate planning staff moving to their new offices by April.

	<p>6. Capacity Building - a range of 'mock' committee sessions have been scheduled from January onwards to give members an opportunity to experience the decision making process in a test environment.</p>
2.2	<p>Priorities for February include:</p> <ol style="list-style-type: none"> 1. Works to Cecil Ward to facilitate Planning staff moving in late-March 2. Confirmation of revenue budgets 3. Completion of process mapping to resolve interface with Council systems such as SAP 4. Recruitment of Director of Planning & Place 5. Putting in place an interim Business Support resource (following the transfer of the current DP Admin post within the local Planning Office) that can be embedded with the Planning Team to learn about their systems. 6. Confirmation of committee room arrangements 7. Providing training to transferring staff on Council systems. 8. Increased public communications e.g. correspondence with applicants with regard to transfer and new contact details
2.3	<p>Some key dates in February that members may wish to be aware of:</p> <ul style="list-style-type: none"> • 3rd February, 12.30-2pm - Meet & greet with local planning office staff (<i>Shadow Planning Committee members</i>) • 6th February, 12.30-2pm - Meet & greet with local planning office staff (<i>Open to all other members</i>) • 10th-12th February - Members study visit to Cardiff • 18th February, 5pm & 19th February, 12.30pm - Session on Local Development Planning (<i>Open to all members; NB this is a repeat of a session previously delivered to Shadow Planning Committee</i>) • 19th February, 4.30pm - 'Mock' Committee session (<i>Shadow Planning Committee members prior to committee session</i>) • 24th February, 12.30pm - Fraud awareness (<i>Open to all members</i>)
2.4	<p>Further details of these sessions are available from Lisa Rogan, Human Resources (ext. 3251) or Barry Flynn, Democratic Services (ext. 6312).</p>

3.0	Resource Implications
3.1	There are no cost implications associated with this report.

4.0	Equality and Good Relations Considerations
4.1	There are no equality or good relations implications identified at present.

5.0	Call In
5.1	N/A

6.0	Recommendations
6.1	Members are asked to note the report.

7.0	Decision Tracking
7.1	Members should note that the Director of Development will ensure that any decisions in relation to the programme of work will be brought before the appropriate committee.

8.0	Documents Attached
Appendix 1 - Project Progress report 09.01.15	

WORKSTREAM/ACTIVITY	START	FINISH	STATUS	PRIORITY/ IMPACT	COMMENTARY
Committee Models	01/09/2014	30/01/2015	Complete	n/a	
Code of conduct	10/09/2012	24/03/2015	Complete	n/a	<ul style="list-style-type: none"> In place - training provided to elected members and further training in respect of planning element has been incorporated into the capacity bldg. programme.
Subordinate legislation	07/07/2014	01/04/2015	On Target	High	<ul style="list-style-type: none"> Draft response to Phase 2 consultation on secondary legislation brought to Shadow SP&R in Dec 14.
Scheme of Delegation	23/06/2014	03/03/2015	On Target	High	<ul style="list-style-type: none"> Draft proposals brought to Party briefings in December. No significant issues raised. Governance paper being brought to Shadow Planning for info - 22.1.15 and as part of overall governance paper to Shadow SP&R on 30.1.15
Committee TOR	01/11/2014	30/01/2015	On Target	High	
Committee Protocol	01/08/2014	30/01/2015	On Target	High	
Staff Transfer - HR	16/05/2014	31/03/2015	On Target	High	<ul style="list-style-type: none"> Names of transferring staff (40.5 FTEs, an increase of 1 FTE from previous proposal) confirmed w/beg 6th January.
Accommodation - Staff	06/06/2014	01/04/2015	On Target	High	<ul style="list-style-type: none"> Location confirmed as Cecil Ward Building Draft floor proposals in place and decant of 4th floor to begin late January; with structural work to follow and completion by 23.3.15 (<i>provisional dates subject to confirmation of decant schedule</i>)
Accommodation - Committee Room	24/09/2014	31/03/2015	On Target	High	<ul style="list-style-type: none"> Initial meeting with Facilities Mgt & Dem Services to discuss room requirements. Options identified and paper being prepared and initial costs indicate a procurement exercise will be req'd for ICT/AV equipment .
Development Management	13/01/2014	31/03/2015	On Target	High	<ul style="list-style-type: none"> Workshops have been held to review the end to end processes for DM and the key changes identified. Testing of processes will take place with planning staff and with access to the Portal in Jan & Feb. It has been agreed that we will run a pilot with the EPU team for the Pre-application and internal Consultees process.
Enforcement	16/07/2014	19/02/2015	On Target	High	<ul style="list-style-type: none"> The enforcement process has been reviewed and no changes are being proposed. Resources have been discussed with Clifford Mcllwaine. It has been confirmed that the transferring staff allocation will be sufficient to deal with the enforcement process as currently exists.
TPOs	16/05/2014	19/12/2014	Behind Schedule	Medium	<ul style="list-style-type: none"> Regular meetings between LPDU and DOE are taking place and the end-to-end process has been mapped . resource implications identified and discussions ongoing within P&L dept. regarding capacity to absorb Arborocultural function.
Local Development Plan & SCI	02/06/2014	30/04/2015	Behind Schedule	Medium	Paper presented to TNT on synergies with Community Planning
Shared/Specialist Services	01/11/2014	31/03/2015	Behind Schedule	Medium	<ul style="list-style-type: none"> The Minerals function will not now be delivered as a shared service and the resources will be allocated to the Council clusters with the greatest historic workloads. The Environmental Responsibilities have been proposed late in the transfer process as a 'shared service' arrangement e.g. one council manages the delivery of the service on behalf of the remaining councils (initially Mid-Antrim).
Data Transfer	01/09/2014	31/03/2015	Behind Schedule	Medium	<ul style="list-style-type: none"> DOE have approximated volume of files for Belfast area. Still some work to be done in relation to transferring areas. Unlikely to be completed pre-April 15 but it is not considered business critical as DOE have confirmed ongoing access to files if required by councils. DOE have indicated they will enter into detailed discussions in Jan 15 in relation to how records will transfer. BCC contract in place that can be used from 1st April. DOE have confirmed arrangements for transfer of back office shared databases

WORKSTREAM/ACTIVITY	START	FINISH	STATUS	PRIORITY/ IMPACT	COMMENTARY
ICT	11/12/2014	09/05/2015	Behind Schedule	High	<ul style="list-style-type: none"> • Connection to Portal established on BCC network • BCC have confirmed ongoing use of NI Direct for telephony.
Procurement/Contracts	26/05/2014	09/01/2015	Behind Schedule	Medium	<ul style="list-style-type: none"> • DOE have provided skeleton information on types of contacts - but no actual copies have been provided.
Finance - Budgets and Estimates (Management Accounts)	01/07/2014	16/02/2015	On Target	High	<ul style="list-style-type: none"> • Draft revenue budget has been developed - internal challenge process is ongoing • Draft financial proposal received from DOE in October and formal response submitted. • DOE have not responded formally to BCC response.
Capacity Building Members	16/05/2014	31/03/2015	On Target	High	<ul style="list-style-type: none"> • January- March 2015 programme developed for Shadow Planning Committee and parallel programme developed for other shadow council members to be delivered January-March 2015. • Study visit to Cardiff planned for February 15
Capacity Building - Development Industry	16/05/2014	12/02/2015	On Target	Medium	<ul style="list-style-type: none"> • Industry event being held February 2015
Capacity Building - Officers	16/05/2014	30/04/2015	Not yet due	Medium	<ul style="list-style-type: none"> • Site visits to take place in Jan & Feb with DOE staff (initial briefing by CX took place in Nov 14) • Skills audit of transferring staff to take place in Jan & Feb. to identify 'business critical' training needs • Parallel process to take place for BCC staff affected by transfer
Capacity Building - Public	02/06/2014	31/03/2015	On Target	High	<ul style="list-style-type: none"> • Council website holding page in place & ongoing articles in City Matters and Interlink • Comms activity to intensify closer to date of transfer e.g. City matters to be delivered at end of March confirming contact details for new office • DOE are retaining regional website with guidance and planning portal. BCC website will contain a 'bounce page' to this site so guidance on legislation for the public consistent
Organisational Development	01/09/2014	30/04/2015	On Target	High	<ul style="list-style-type: none"> • Recruitment of Director post underway • draft outline for interim Business Support resource in place



Report to:	Shadow Planning Committee
Subject:	Planning Reform & Transfer to Local Government: Proposals for Subordinate Legislation The Planning Act (NI) 2011 (Phase2)
Date:	22nd January 2015
Reporting Officer:	John McGrillen, Director of Development (Ext. 3509)
Contact Officers:	K. Sutherland Ext 3578

1	Relevant Background Information
1.1	This report and appended details are for information as the response was considered and agreed at Shadow Strategic Policy and Resources Committee on 19 th December 2014 and Shadow Council on 6 th January 2015.
1.2	The Department of the Environment (DOE) published the Phase 2 Planning Reform & Transfer to Local Government: Proposals for Subordinate Legislation for public consultation which closed on the 31 st December 2014.
1.3	The consultation document contains a range of proposals for subordinate legislation to exercise powers already established in the Planning Act (Northern Ireland) 2011. This subordinate legislation is required to bring the 2011 Act fully into operation and support the new two-tier planning system.
1.4	This is key supporting legislation for the future operation of the planning functions by the Council from April 2015. The response to the first phase was submitted earlier last year.
1.5	The submitted response to the consultation on Planning Reform and Transfer to Local Government is attached in Appendix 1 for information.

2	Key Issues
2.1	<p>The key Phase 2 proposals relate to the following elements of the planning process:</p> <ul style="list-style-type: none"> • Simplified Planning Zones (SPZ) • Amount of Fixed Penalties • Modification and Discharge of Planning Agreement
2.2	Simplified Planning Zones
	The 2011 Act provides new powers to Councils to take forward SPZs. The Department will have an oversight role in the process including providing advice and guidance and if necessary an intervention role.
2.3	With these powers an SPZ created by Council has the effect of granting planning permission within an identified geographic area for particular development, or any class of development, specified in the scheme. Relevant development can then proceed without the need to apply for planning permission providing it

	meets the requirements set out in the SPZ scheme.
2.4	The Department has powers to make, adopt and alter a SPZ scheme as set out in The Planning (NI) Order 1991, although the Department has never exercised these powers therefore the process remains untested.
2.5	The Council would generally welcome the SPZ powers as a tool to support local economic development in the Belfast area.
2.6	Amount of Fixed Penalties It is proposed that Fixed Penalty Notices (FPNs) are to be made available to councils as an additional, discretionary enforcement power.
2.7	Councils would be able to issue FPNs for breaches of an enforcement notice (EN) or a breach of condition notice (BCN). The option of prosecution through the courts will continue to be available.
2.8	The Council would support the principle of these powers providing Council enforcement staff with the ability to take direct action to remedy a breach of planning control. The support, in principle, is subject to clarification of queries regarding the process and implications in relation to any ongoing breach of planning control.
2.9	Modification and Discharge of Planning Agreements A planning agreement is a voluntary, legally-binding agreement which can be utilised to overcome identified barriers to the granting of planning permission, normally for large-scale major planning applications, which cannot be suitably addressed by way of conditions attached to the permission.
2.10	The proposed subordinate legislation will give councils the power to enter into planning agreements where they operate as the 'relevant authority' on planning matters, and will provide the necessary detail on the modification or discharge of planning agreements within the new development management system.
2.11	The proposals will reproduce the provisions currently in place for the Department, but will reduce the appeal period from 6 months to 4 months, to bring this in line with other planning appeal periods in the reformed two-tier system.
2.12	It should be noted that the responsibility for the planning agreement relating to the George Best Belfast City Airport will remain with the Department.
2.13	The Council supports the provision of the power to enter into planning agreements.
2.14	The consultation response requested views via 4 questions and the submitted response is outlined in Appendix 1.

3	Resource Implications
3.1	The resource implications cannot be quantified at this stage. The new legislation will have both financial and staff resource implications arising from the changed administrative and legislative processes required under the new Act. The ongoing work in relation to the transfer under LGR will seek to clarify the resource requirements for comparison with the transferring budget or provision when this is provided by DoE.

4	Equality and Good Relations Considerations
4.1	There are no specific Equality and Good Relations Considerations attached to this report.

5	Recommendations
5.1	Committee is requested: <ul style="list-style-type: none"> note the response to the consultation appended which has been agreed by Shadow Council and was forwarded to the Department.

6	Decision Tracking
Timeline: January 2015 Reporting Officer: Keith Sutherland	

7	Key to Abbreviations
DOE- Department of the Environment SPZ- Simplified Planning Zone FPN- Fixed Penalty Notice EN- Enforcement Notice BCN- Breach of Condition Notice	

8	Documents Attached
Appendix 1: Submitted Response to the Proposals for Subordinate Legislation Phase 2 Public Consultation Appendix 2: Summary of the Planning Reform & Transfer to Local Government: Proposals for Subordinate Legislation	

**Appendix 1: Submitted Response to the Proposals for Subordinate Legislation
Phase 2 Public Consultation.**

Response forwarded to DOE following approval by Shadow Strategic Policy and Resources Committee.



Department of the
Environment

www.doeni.gov.uk

**Planning Reform & Transfer to Local
Government:
Proposals for Subordinate Legislation
Phase 2 Public Consultation Paper
Response Form**

Once you have completed this form please return to:

Planning Reform & Transfer to Local Government Consultation – Phase 2
Planning Policy Division
Department of the Environment
Level 6 Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

By e-mail to: PPDConsultations@doeni.gov.uk

or by text phone to 028 9054 0642

All responses should be submitted to the Department no later than 31st December 2014

RESPONDENT INFORMATION

Please note that returning this form will help in managing your response as part of this consultation.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

1. Name/Organisation

Belfast City Council

Title (*Please tick as appropriate*)

Mr Ms Mrs Miss Dr Other

Surname

Forename

2. Postal Address

The Cecil Ward Building, 4-10 Linenhall Street, Belfast

Postcode:

BT2 8BP

Phone:

Email:

3. Are you responding:

As an individual

On behalf of a group/organisation

4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Community Group/Organisation

Environment Group

Council/Councillor

MLA, MP, MEP

Other Please state:

5. Acknowledgement

Individual responses will not be acknowledged unless specifically requested.

Questions are numbered as they appear in the consultation paper

Question 1: Do you agree with the proposed approach in subordinate legislation for councils making and adopting SPZs?

Yes No

The Council welcomes the transfer of powers from the Department to local councils to designate Simplified Planning Zones ('SPZs').

It is noted that SPZs will have the effect of granting of planning permission within a designated geographic zone for a particular type or class of development, and therefore allow relevant developments to proceed without the need to progress through the normal rigorous planning processes. However, the Council is concerned that it would not have the opportunity to ensure that environmental issues affecting human health are adequately characterised and addressed. Such issues include, but are not limited to, the internal and external noise climate, land contamination and ambient air quality. These issues may be associated with a new development or a change of use for existing premises.

Moreover, it is assumed that the SPZ process would not provide for local objections and issues to be heard regarding development proposals. As a consequence, the Council would be concerned regarding the impact on the planning process of the comprehensive removal of provisions for public consultation and for the submission of letters of objection and / or issues.

It should be noted that earlier in 2014, the Department consulted upon 'A Strategic Planning Policy Statement for Northern Ireland' and in so doing, the Department affirmed that the purpose of the Northern Ireland planning system is to secure the orderly and consistent development of land with the objective of furthering sustainable development and improving well-being. The Department provided further clarification by confirming that the planning system should positively and proactively facilitate development that contributes to a more economically, socially and environmentally sustainable Northern Ireland.

Whilst it is acknowledged that the designation of SPZs is a matter for individual councils, the Department has indicated that SPZs have been identified as a future tool to support economic development. In order to satisfy the abovementioned strategic objective for the planning system, it is imperative that the designation of SPZs is reflective not only of economic issues but also of local social and environmental priorities.

In relation to the draft Planning (Simplified Zones) Regulations (NI) 2015, Regulation 17 requires a Council not to adopt proposals for the making or alteration of a scheme until such times as the Department has notified the Council of its decision. This is already stated in Paragraph 6(2) of Schedule 1 of the Planning Act (NI) 2011 ('the 2011 Act'). Therefore the inclusion of such a provision in the Regulations appears superfluous.

Question 2: Do you agree with the proposed level of fixed penalty in relation to a breach of an enforcement notice? If not, what do you think the level should be and why?

Yes No

The Council agrees in principle with the proposed level of fixed penalty (FPNs) in relation to a breach of an enforcement notice.

The Council is however concerned about the assertion that issuing FPNs will avoid “potentially lengthy and costly court prosecutions” as the payment of the FPN does not resolve the substantive breach of planning control.

The Council would ask whether the Department has carried out any research in relation to the costs of carrying out works in default and then seeking to recover the money as a summary debt, and the extent to which statutory authorities have been able to recover said debts in other similar type scenarios.

In addition, the Council is concerned that the consultation document is unclear as regards the position once a FPN has been paid but the breach of planning control has not been resolved.

Paragraph 4.9 of the consultation document states that where a FPN is paid but the breach of planning control is not resolved, “the council may not prosecute in respect of that particular breach. The council may, however, itself, carry out the works necessary to comply with the requirements of an EN and...the cost of the work can be reclaimed from the owner of the land.” That would suggest that once a FPN is issued and paid, the offender is discharged from any further liability completely as regards the breach of planning control.

It is accepted that Section 146 of the 2011 Act provides a power to do works in default. It is also accepted that Section 153 states that a FPN can be offered to discharge any liability for a conviction for an offence. However, the legislation also sets out the basis upon which a Notice ceases to have effect, which is essentially until such times as planning permission is granted, the relevant notice is complied with or is withdrawn. The legislation does not say that upon payment of a FPN the notice is considered withdrawn.

It is therefore the Council’s interpretation of the legislation that whilst a FPN will discharge liability for an offence observed on a particular date or dates (as specified in the FPN) it will not discharge liability generally for failure to comply with the Notice or the substantive offence. In other words, the failure to comply with either an enforcement notice or breach of condition notice is a continuing offence, i.e., that an offence is committed every day until such times as the Notice is complied with, withdrawn etc.

The Council would request that the Department confirm that is also their interpretation of the legislation.

Question 3: Do you agree with the proposed level of fixed penalty in relation to a breach of a condition notice? If not, what do you think the level should be and why?

Yes No

The Council agrees in principle with the proposed level of fixed penalty in relation to a breach of condition notice for residential properties were the breach is relatively minor.

However, it is concerned that the proposed level of fixed penalty is not a sufficient deterrent to commercial premises or interests who fail to comply with a breach of condition notice. It is therefore recommended that a graduated scale of FPNs be introduced so as to more accurately reflect the type and scale of the breach of condition.

Also, see points raised in response to Question 2 regarding FPNs generally.

Question 4: Do you agree that the period of appeal against the determination of applications to modify or discharge an agreement should be reduced from 6 months to 4 months in line with other appeal provisions under the 2011 Act?

Yes No

The Council agrees that the period of appeal against the determination of applications to modify or discharge an agreement should be reduced from 6 months to 4months.

The Council is concerned as to how the generation and negotiation of planning agreements will be resourced and would request further clarification on how the Department envisages this will be delivered. In particular, the Council is concerned about whether transferring staff will have the necessary skills and experience to deal with planning agreements.

All responses should be submitted to the Department no later than 31st December 2014.

Appendix 2

Summary of the Planning Reform & Transfer to Local Government: Proposals for Subordinate Legislation PHASE TWO

Purpose of this document is to introduce the second phase of consultation discussing the subordinate legislation involved in the improvements in the planning process and establishing the two-tier planning system in Northern Ireland. The first phase of consultation ended in August and responses to this second phase must be submitted by 31st December 2014.

The proposals in this phase 2 consultation relate to:

- Simplified planning zones
- Levels of fixed penalties
- Modification and discharge of planning agreements

This subordinate legislation is required to bring into effect the 2011 Act fully into operation and the new two-tier planning system. From 1st April 2015, councils will be the planning authorities responsible for:

- local development planning – creating a clear vision of how the council area should look in the future by establishing what type and scale of development should be encouraged in the council area and where it should be located;
- development management – determining the vast majority of planning applications; and
- planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.

3 Simplified Planning Zones (SPZ)

The 2011 Act sections 33 to 38 and Schedule 1 provide the powers for new councils to take forward SPZs, the Department will continue its role in the process including providing advice and guidance.

The council will have to consult and notify relevant statutory consultees before finalising initial proposals. Finalised proposals must be publicised in newspapers, on the website and hard copies in council offices. The council will manage objections and representations and reach a decision on each of these prior to the adoption of proposals which is to be advertised in local newspapers. If a council decides not to proceed with a scheme or alterations it shall newspaper advertise in the same manner and advise those who have made valid objections or representations and not withdrawn them.

Proposed regulations require a council to provide the Department with copies of all newspaper notices and documents made available for inspection and provide details on the mechanisms by which the Department may issue directions to a council where it feels this may be necessary.

Any SPZ scheme must be kept as part of a council's planning register so that it is readily accessible by the general public.

4 Amount of Fixed Penalties

Fixed Penalty Notices (FPNs) are to be made available to councils as an additional, discretionary enforcement power.

Councils can issue FPNs for breaches of an enforcement notice (EN) or a breach of condition notice (BCN). The option of prosecution through the courts will continue to be available.

Reflecting the Scottish model the Department proposes fixed penalties of £2,000 for being in breach of an EN and £300 for being in breach of a BCN. Sections 153 and 154 of the 2011 Act provide for 25% reduction of the amount payable where a fixed penalty is paid within 14 days.

5 Modification and Discharge of Planning Agreements

The proposed 2015 Regulations (Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015) will essentially reproduce the existing provisions of the 2005 Regulations and also include:

- A revised appeal period of 4 months
- Transitional arrangements in relation to planning agreements and appeals functions exercised prior to the date on which the proposed regulations come into operation, by the Department, which will be exercised after that date by the relevant council. Schedule 2 will set out the planning agreement for which responsibility remains with the Department
- Revocation of the 2005 regulations with effect from 1 April 2015.

For those agreements already in the system it is proposed that in line with the new hierarchy of development the Department will retain responsibility for any planning agreement made in relation to what would be considered regionally significant development and all others will transfer to the new councils. The planning agreement related to the George Best Belfast City Airport is the only one remaining with the Department.

Proposed Change to the Period of Appeal- any appeal under section 78 of the 2011 Act shall be made within 4 months of the date of the notice of the determination giving rise to the appeal; or in the case of an appeal under section 78(1)(a) (non-determination), the expiry of the period specified in the regulations. The 4 month period of appeal would then be consistent with other appeal provisions under the 2011 Act.

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Belfast District Council (Shadow)

Report to:	Shadow Planning Committee
Subject:	Response to Consultation on Conservation of Habitats and Species Regulations (Northern Ireland) 2015
Date:	22 January 2015
Reporting Officer:	Rose Crozier, Assistant Director of Parks and Leisure
Contact Officer:	Claire Sullivan, Policy and Business Development Unit Manager Orla Maguire, Biodiversity Officer

1	Relevant Background Information
	<p>The Department of Environment Northern Ireland (DoENI) has circulated its draft Conservation of Habitats and Species Regulations (Northern Ireland) 2015 and has invited comments from the Council on these. A short summary of the provisions is provided in Appendix 1.</p> <p>The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 ('the Habitats Regulations') transpose the requirements of the EC 'Habitats' Directive and aspects of the 'Wild Birds' Directive. Since they were originally made in 1995, the Habitats Regulations have been subject to amendment on 6 separate occasions.</p> <p>In order to make better regulation and to improve transparency and legal clarity the Department has decided to undertake this 'consolidation' exercise in order to bring the original set of Regulations and the subsequent amendments together into one comprehensive statute.</p> <p>The proposed Regulations comprise a consolidation of existing policy, an alignment with other nature conservation legislation and technical amendments to reflect the revised allocation of planning responsibility to Councils.</p>
2	Key Issues
	<p>Following consideration by relevant officers across the Council, a response has been completed in draft form for approval by Members. This is provided at Appendix 2.</p> <p>Belfast City Council is already deemed a Competent Authority within the existing Regulations and therefore the Council is required to consider the effect on a</p>

	<p>European site before granting a consent or authorisation for any plan or project.</p> <p>However, under Local Government Reform responsibility for certain planning decisions will be assumed by councils and the principle implication of this revised legislation is that these assessment provisions apply those planning decisions which will now fall to councils, including the review of any existing consents that may affect identified sites.</p> <p>Our response highlights that NIEA has a crucial role to play within the assessment process required under this legislation.</p> <p>The Council believe that it is important that the DoENI continues to act as an independent advisor, providing expertise on the natural environment to all decision-making bodies, including councils and other Competent Authorities.</p> <p>It is critical that the DoENI is sufficiently resourced to ensure that they have the intellectual capital and experience to undertake this role.</p> <p>Consideration needs to be given to capacity building in all Competent Authorities, including councils, around implementation and compliance with these Regulations.</p> <p>The Council considers there is a need for an overarching framework and associated procedures in order to be able to assess more precisely the likely impacts on a European site, including cumulative impacts, the impact of plans and projects outside the Council's boundary and impacts on potential European sites or extensions to existing sites.</p> <p>Without such a framework capable of capturing data NI wide for all Competent Authorities and data sharing provisions there will be potential delays in decision making, legal challenges and possible fines from the European Union.</p> <p>The deadline for submission of the final response is the 30th of January 2015. As this is after the February Shadow Council meeting it is proposed that the attached consultation response, subject to any amendments proposed by this Committee, is submitted to DoENI with the caveat that it has not yet been ratified by the Shadow Council and may be subject to further amendment.</p>
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3	Resource Implications
	<p><u>Financial</u></p> <p>None at present</p> <p><u>Human Resources</u></p> <p>There are no human resource implications at present.</p> <p><u>Asset and Other Implications</u></p> <p>None at present</p>

4	Equality and Good Relations Considerations
4.1	DoENI has completed an Equality Impact Assessment screening exercise in order to identify if any of the proposals included in this consultation will have an

	impact on the Section 75 groups and has concluded that no adverse differential impact is likely.
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5	Call In
5.1	This decision is subject to Call In.

6	Recommendations
	Members are asked to: (i) Note the contents of this report; and (ii) Approve submission of a final response to DoENI, subject to any comments or amendment provided, by the deadline of 30 January 2015.

7	Decision Tracking
	The Biodiversity Officer will submit the consultation response to DoENI by the deadline.

8	Key to Abbreviations
	NIEA – Northern Ireland Environment Agency DoENI – Department of the Environment Northern Ireland

9	Documents Attached
	Appendix 1 – Summary of the provisions within the proposed Conservation of Habitats and Species Regulations (Northern Ireland) 2015 Appendix 2 – Draft consultation response

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Regulation 56 and 61

In relation to Regulation 56 and 61, it would appear to require councils to review previous planning decisions made by the Department. Regulation 61(3) provides that where a planning permission falls to be reviewed under the review provisions it shall be reviewed by a council. It is difficult to see the basis upon which the Department would require a council to review the decisions of any other Competent Authority and we would seek a rationale for this. We would ask that clarification is provided on whether the Council will be required, under the new planning regime, to review previous planning decisions made by the Department and other Competent Authorities. If that is the case, the Council would request that the Department provide a rationale for same.

Regulation 58

This relates to co-ordination where more than one competent authority is involved. The Council is concerned that Regulation 58 (4) provides that competent authorities other than the Department must seek and have regard to the views of the other authorities involved but there is no such obligation upon the Department. No rationale has been provided for why this is the case and an explanation is sought for this omission. In the interests of openness and procedural fairness, the Department should be expected to explain the basis upon which it disagrees with what may be valid concerns on the part of other Competent Authorities.

The Council considers there is a need for a process to identify a lead competent authority where multiple bodies are involved.

It is also noted that councils will be under a duty to review permissions in relation to the winning and working of minerals, i.e., quarries, mines etc. The draft Development Management Regulations published in May 2014 set out the classes of development identified as either major or regionally significant developments.

Major developments were identified as being minerals works where the site exceeds 2 hectares and regionally significant applications as developments involving quarries or open-cast mining where the site surface exceeds 25 hectares, peat extraction where the site surface exceeds 150 hectares or development involving underground mining where the site surface exceeds 2 hectares.

It is noted that all mineral permissions, including those which do not fall under the above definition as either major or regionally significant, were previously determined by the Department. The Council understands that the Department undertook a review of mineral permissions including dormant sites and would welcome the publication, or assurance of the availability of up-to-date information, in relation to the location, size and current status of all such mineral permissions.

Conclusion

The Council considers there is a need for an overarching framework and associated procedures in order to be able to assess more precisely the likely impacts on a European site, including cumulative impacts, the impact of plans and projects outside the Council's boundary and impacts on potential European sites or extensions to existing sites. The availability of adequate resource capacity and expertise within the Northern Ireland Environment Agency will be essential to ensure timely and robust determinations.

The Council is concerned that without such a framework capable of capturing data NI wide for all Competent Authorities and data sharing provisions there will be potential delays in decision making, legal challenges and possible fines from the European Union. It is imperative that robust fit for purpose guidance and structures are developed to ensure that all decisions in relation to plans and projects which affect habitats are taken in accordance with the obligations upon all Competent Authorities within the draft Regulations and the EC 'Habitats' and 'Wild Birds' Directives.

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Appendix 2 – Consultation Response on The Conservation of Habitats and Species Regulations (Northern Ireland) 2015

Belfast City Council (the Council) welcomes this opportunity to comment on **The Conservation of Habitats and Species Regulations (Northern Ireland) 2015 (the Regulations)**. Protection of the natural heritage is in line with the Council's Corporate Plan key theme – *Better Care for Belfast's Environment*. The Council considers that the proposed updates and consolidated 'Habitats Regulations' are required given Local Government Reform and in particular the changes in the Planning system.

Implications for Belfast City Council

The Council is already deemed a Competent Authority within the existing Habitats Regulations and is therefore required to consider the effect on a European site before granting a consent or authorisation for any plan or project.

However, under Local Government Reform responsibility for certain planning decisions will be assumed by councils and the principle implication of this revised legislation is that these assessment provisions apply in relation to those planning decisions which will now fall to councils, including the review of any existing consents that may affect identified sites.

Key Issues

The Department of the Environment (the Department) has a major role to ensure that this legislation is implemented in an appropriate and legally sound manner. The Department designates sites, identifies the conservation priorities based on relevant scientific data, undertakes condition assessment and monitoring of sites. The Department has an important role in the control and assessment of potentially damaging operations and in the management of sites and species as well as operating an oversight type role in the new planning system in relation to planning decisions taken by councils.

The Northern Ireland Environment Agency (NIEA) also holds information on the condition of European sites and threats to these sites. In addition, it has a crucial role to play within the assessment process required under this legislation to offer advice on the specific environmental issues which may arise in each case to ensure the most up-to-date and accurate information is being used.

The Council also notes that the Department is under a duty to respond to certain consultations as per the draft Planning (General Development Procedure) Order (NI) 2015, which was published in the Department's public consultation on subordinate legislation in May 2014. Those consultations include developments where the proposal is likely to affect priority habitats or species and designated areas (See Schedule 3 Part 1). The Department is under a duty to provide a substantive response within 21 days or such period as may be agreed. Therefore the Council would seek an assurance that the Department will have sufficient resources so as to provide those substantive responses, particularly when other Competent Authorities will be reliant upon the expertise and knowledge of the Department as set out above. It is the Council's understanding that the proposed shared service will only cover Habitat Regulation Assessments and not the range of environmental responsibilities which councils will have to assess as a Planning Authority.

The Council believe that it is important that the Department continues to act as an independent advisor, providing expertise and maintaining information resources on the natural environment to support decision-making bodies, including Councils and other Competent Authorities. The NIEA has a crucial role to play in assessing what the impacts are likely to be and it is critical that they are sufficiently resourced to ensure that they have the intellectual capital and experience to undertake this role.

All decision-makers need a clear view of the environmental value of sites where development, or plans and projects, are proposed. They will also require expert analysis of the potential impact of any such development so as to ensure compliance with the Regulations. Consideration needs to be given to capacity building in all Competent Authorities including councils around implementation and compliance with these Regulations.

Regulations 53-59 require an assessment of the effects of a plan or project in-combination with other plans and projects on European sites in Northern Ireland or offshore marine sites. Consideration of these possible in-combination effects is part of the assessment process. Projects and plans may affect European sites outside the Council's boundary and the Council will be required to assess any impact on any European site. The NIEA should provide guidance on the plans or projects that need to be considered as part of the in-combination test.

In undertaking assessments it will be necessary to work with neighbouring councils and may require working with other Competent Authorities NI wide, depending on the nature of the plan or project. Consequently the Council would welcome the Departments guidance on how relevant data will be shared including information on Local Development Plans, Community Plans, Spatial Plans, planning applications (including consented but not completed), other consents such as discharge consents and mineral consents.

There is also a need to ensure that ecological information is available to all Competent Authorities and kept up-to-date. It is important to discuss any monitoring needs with the NIEA at an early stage and identify what information is needed and how it can be most effectively obtained to confirm that European sites are not being adversely affected by development.

The need for a robust assessment process is demonstrated through recent legal cases in the Republic of Ireland such as Kelly v An Bord Pleanala (25 July 2014) IEHC 400 which have resulted in legal challenges and the over ruling of planning decisions due to the Board not having conducted an appropriate assessment and failing to give adequate reasons for its determination that the proposed development would not adversely affect the integrity of European Sites.

Comments on specific regulations

Regulation 6

Regulation 6(1) as drafted appears to suggest that the duty to comply with the Directives only applies to competent authorities in the context of the marine area. The Council would presume this is not what is intended when one considers the rest of Regulation 6 and would seek clarification on this.

Regulation 55

This relates to considerations of overriding public interest where a plan or project has a negative assessment of the implications for a European site. Pursuant to Regulation 55(3), where a competent authority other than the Department wishes to obtain the opinion of the European Commission as to whether those reasons are sufficient it must first make a written application to the Department.

Regulation 55(4) provides that the Department, 'if it thinks fit', may seek the opinion of the Commission. The Council believes it is imperative that the Department should be obliged to provide written reasons for the decision not to seek the Commission's opinion, as any subsequent decision as to whether to grant or refuse the application will be made by the other Competent Authority, and it will be that authority which will be liable to legal challenge. It is therefore important, from a procedural fairness perspective, that the Department must provide written reasons for such a decision.



Belfast City Council

Report to:	Shadow Town Planning Committee
Subject:	NIEA – Intention to List and Delist Buildings
Date:	Thursday, 22nd January 2015
Reporting Officer:	Barry Flynn, Democratic Services Officer
Contact Officer:	Eilish McGoldrick, Democratic Services Officer

1.0	Relevant Background Information
	Correspondence has been received from the Northern Ireland Environment Agency (NIEA) regarding the proposed listing and delisting of buildings in Belfast. Article 42(3) of the Planning (NI) Order 1991 requires the Agency to consult with the Council before removing or placing any building from or on the statutory list of buildings of special architectural or historic interest.

2.0	Key Issues
	<p>The Committee's comments are sought in respect of the correspondence, copies of which will be made available at the meeting:</p> <p><u>Advance Notice of Listing</u></p> <p>The Department is currently considering the listing of the following properties and has requested the Council's comments in this regard:</p> <ul style="list-style-type: none"> • Westcourt Centre, former St Mary's Christian Brothers' School, 8 – 30 Barrack Street; • West Belfast Orange hall, 342 – 344 Shankill Road; • Caretaker's House, West Belfast Orange Hall, 7 Brookmount Street; • Albert Hall, 110 – 120 Shankill Road Mission Hall; • Malvern Primary School, Forster Street; • North Belfast Working Men's Club, 32 Danube Street; and • Psychiatric Building, Mater Hospital, 37 Crumlin Road

Northern Ireland Environment Agency – Advance Notice of Delisting

The Department is currently considering the delisting of the following properties and welcomes the receipt of the views of the Council:

- 276 Tennent Street, Edenderry Gardens;
- 278 Tennent Street, Edenderry Gardens;
- 280 Tennent Street, Edenderry Gardens;
- 282 Tennent Street, Edenderry Gardens;
- 284 Tennent Street, Edenderry Gardens;
- 286 Tennent Street, Edenderry Gardens;
- 288 Tennent Street, Edenderry Gardens;
- 290 Tennent Street, Edenderry Gardens;
- 292 Tennent Street, Edenderry Gardens;
- 294 Tennent Street, Edenderry Gardens;

- Kelly's Cellars, 30 – 32 Bank Street;

- 11 College Place North;
- 13 College Place North;

- Arthur Chambers, 4-14 Arthur Street;

- 4 – 8 Church Lane;
- 10 Church Lane; and

- Ulster Bank (former Methodist Church), 11 – 16 Donegall Square East.

3.0	Resource Implications
	None
4.0	Equality Implications
	None
5.0	Recommendations
	The Committee's comments are sought in this matter – it is anticipated that this report will be brought also to the current Town Planning Committee for comment.
6.0	Decision Tracking
	None
7.0	Key to Abbreviations
	None
8.0	Documents Attached
	The detailed correspondence will be available for information at the meeting.