



Subject:	Pilot for amending the process for notifying Conservation Area Consent (DCA) applications to the Department for Infrastructure
Date:	16 th January 2024
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	To report on a pilot for amending the process for notifying Conservation Area Consent applications to the Department for Infrastructure (DfI). The pilot is intended to reduce the number of such applications that the Council is required to notify to DfI, therefore reducing administrative processes and speeding up the application process for those applications.
1.2	The pilot will run from 1 st February 2024 and is expected to be for an initial period of 6-months with the option of extending.
2.0	Recommendation
2.1	The report is for notation.

3.0	Main Report
	<p data-bbox="272 188 448 224"><u>Background</u></p> <p data-bbox="165 255 1469 524">3.1 Section 105 of the Planning Act (Northern Ireland) 2011 (“the Act”) states that Conservation Area Consent is required for demolition of a building in a Conservation Area. Such applications are more commonly referred to as “Demolition in a Conservation Area” applications, or “DCA applications”. There are a number of exclusions for the requirement for Conservation Area Consent including, amongst others, where the cubic content of the building does not exceed 115 cubic metres or part of such a building; or demolition of a gate, wall, fence or other measure of enclosure which is less than 1 metre high where abutting a highway or public open space, or 2 metres high in any other case.</p> <p data-bbox="165 560 1449 757">3.2 Section 90 of the Act empowers the Department for Infrastructure (DfI) to issue a direction requiring that DCA applications are referred to it. The current direction requires all DCA applications which councils intend to approve to be notified to DfI before the decision can be issued. Officers advise that this is wholly disproportionate since demolition in a Conservation Area is essentially a local matter and not generally of regional importance. This notification process is not required in other jurisdictions such as England and Wales.</p> <p data-bbox="165 792 1465 990">3.3 Indeed, the requirement for councils to notify all DCA applications to DfI is unnecessary bureaucracy and an example of the excessive “red tape” which currently exists in the NI planning system. These notifications require additional administrative processes and adds to determination periods. It also causes uncertainty for applicants. BCC Planning Service has raised this issue with the Department from time to time and met DfI in 2019, requesting reform of the notification process.</p> <p data-bbox="165 1025 1465 1223">3.4 Following its call for evidence in 2021, DfI published its review of the implementation of the Act in January 2022. As part of this review, DfI set out its commitment to reviewing the various current directions, including that relating to the notification of DCA applications by councils. The review of the Conservation Area Consent notification process also forms part of the regional planning improvement programme following publication of the NI Audit Office and Public Accounts Committee reports on the NI planning system in 2022.</p>
	<p data-bbox="272 1263 480 1299"><u>Evidence base</u></p> <p data-bbox="165 1330 1469 1464">3.5 The Department has confirmed that between September 2018 and 04 November 2023, 415 DCA applications were notified to it. Of these, no DCA applications were referred (‘called in’) to the Department for determination. However, DfI is aware of six DCA applications that were called-in between April 2015 and September 2018.</p> <p data-bbox="165 1500 1469 1733">3.6 However, the Committee will be aware of DfI’s more recent decision to call-in the DCA application relating to the proposed demolition of existing dwellings and erection of two new dwellings at 448 and 450 Lisburn Road (LA02/2021/1318/DCA). The Council is unaware of any further call-in decisions and therefore this would represent a single DCA application called-in over an approximate 5-year period. This equates to only 0.25% of all DCA applications called-in during that time. This clearly demonstrates that the current notification requirements are disproportionate.</p> <p data-bbox="272 1765 628 1800"><u>Pilot notification process</u></p> <p data-bbox="165 1832 1453 1998">3.7 It is pertinent that for the period in question, 354 of the 415 DCA applications were notified by BCC, representing 85% of all DCA applications across the region. Clearly, BCC is responsible for the vast majority of DCA notifications in NI due to the number of Conservation Areas across the city and it has been approached by the Department about taking part in a pilot for reforming the DCA notification process.</p>

<p>3.8</p> <p>3.9</p> <p>3.10</p>	<p>Under the pilot, BCC will only be required to notify DCA applications to DfI under the following circumstances:</p> <p>(a) where the proposal involves <u>full demolition</u> of the building and/or;</p> <p>(b) where, prior to a decision being taken, the council intends to grant consent and specialist conservation advice [from within the Planning Service] raises concern(s) about the proposed demolition.</p> <p>A copy of the draft temporary direction is provided at Appendix 1.</p> <p>The pilot is exclusively with Belfast City Council, which is the only council involved in the pilot at this time.</p>
<p>3.11</p>	<p><u>Aims and Objectives of the pilot</u></p> <p>It is envisaged that the pilot will:</p> <ul style="list-style-type: none"> • reduce administrative processes and increase efficiency to improve performance against statutory targets, while safeguarding the character or appearance of conservation areas; • provide more certainty for applicants and stakeholders around the decision making process; • enable a review of the checks and balances of the conservation area consent process to deliver change addressed in the regional planning improvement programme; • guide and promote continuous improvement by identifying, constructively responding to, and exploring new ways in the delivery of planning; and • encourage collaboration and joined up working between stakeholders.
<p>3.12</p>	<p>Officers strongly welcome the pilot, which is expected to streamline the current DCA notification process, and acknowledge the positive role that the Department has played in proposing the pilot and helping to bring it forward.</p> <p>Monitoring and Review</p>
<p>3.13</p>	<p>The pilot will commence on 1st February 2024 and will be for an initial period of six months, with the option to extend.</p>
<p>3.14</p>	<p>Data will be collected during the pilot to enable the Department to review the impact on the DCA notification process. As well as recording the applications that have been notified, information will be captured in relation to the DCA applications that would have been required to notified to DfI under the old process.</p>
<p>3.15</p>	<p>The outcome of the pilot will be reported to the Committee.</p>
<p>4.0</p>	<p>Financial & Resource Implications</p>
<p>4.1</p>	<p>The pilot is expected to reduce administrative processes and speed up the application process for some Conservation Area Consent applications. This will have a positive impact on finances and resources.</p>

5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations / rural needs implications associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – Copy of draft Conservation Area Consent Notification Direction.