



Subject:	Renewal of the Scheme of Delegation for Planning
Date:	24 th October 2025
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number ☐	
1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Sometime in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of main Issues
1.1	The Council must prepare a Scheme of Delegation for planning which sets out which decisions on Local and minor applications are delegated to officers. The current Scheme of Delegation was implemented in December 2022. In accordance with legislation, the Council is required to review its Scheme of Delegation every 3 years, i.e. it is next due to be renewed by 31 st December 2025.
1.2	The recommendation is to renew the existing Scheme of Delegation subject to several small changes.
1.3	The proposed amendments to the Scheme of Delegation have been noted by the Planning Committee and are to be agreed by the Strategic Policy and Resources Committee. Under the legislation, the Scheme of Delegation must be approved by the Department for Infrastructure (DfI).
2.0	Recommendations
2.1	The Committee is asked to agree the proposed minor changes to the Scheme of Delegation ahead of referral to the Department for Infrastructure.
3.0	Main report
	<u>Background</u>
3.1	Section 31 of the Planning Act (Northern Ireland) 2011 requires a Council to prepare a Scheme of Delegation which enables a person appointed by the Council to determine applications for Local development, consents, agreements or approvals required by condition. All Major applications must by law be considered by the Planning Committee.
3.2	Article 9 of the Planning (Development Management) Regulations (Northern Ireland) 2015 states that a council must not adopt a Scheme of Delegation until it has been approved by the Department for Infrastructure. Article 11 states that a council must prepare a Scheme of Delegation at intervals of no greater than three years.
3.3	<u>Development Management Practice Note 15: Councils Schemes of Delegation</u> provides Departmental guidance. It advises that the main benefits of delegation are: • to enable the Planning Committee to devote its finite time to determining applications that present issues that the Committee are best served to determine; • delegation of planning applications to officers is critical to affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, costs are minimised and members have more time to concentrate on the most complex cases.
3.4	The Council first published a Scheme of Delegation in March 2015 ahead of becoming a Planning Authority in April that year. It was then amended in June 2017 following a review (and updated in March 2019 to take account of the Council's new departmental structure). Further amendments were made in January 2020 and December 2022.
3.5	The Scheme of Delegation sets out a range of planning functions which are delegated to officers. These include:

- Decisions on certain types of Local application;
- Decisions on other forms of consent and approval;
- Preservation of trees;
- Determinations under the Environmental Impact Assessment Regulations;
- Enforcing planning regulations;
- Temporary listing of buildings;
- Responding to € and planning application consultations from neighbouring Planning Authorities;
- Conducting of appeals and public examinations;
- Responding to planning related consultations from other agencies;
- Negotiating financial developer contributions of less than £30k.

Renewal of the Scheme of Delegation

3.6 The Scheme of Delegation was last amended in December 2022 and was essentially a refinement of the Scheme adopted in 2017.

3.7 The current Scheme is considered to be working well, and it is not proposed to make any significant changes.

3.8 Delegation rates since 2020/21 are set out in Table 1, below. Historically, the rate of delegated decisions in Belfast comparable with the regional average.

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Belfast Delegation Rate (%)	92.5%	93.2%	94.5%	96.7%	94.7%
Regional Delegation Rate (%)	92.8%	93.1%	Unavailable	Unavailable	Unavailable

Table 1: % delegated decisions by year

3.9 The proportion of officer recommendations overturned by the Planning Committee has also been historically substantially lower than the regional average as shown in Table 2, below. This is positive indicator of Elected Members' confidence in officer decisions in Belfast.

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Belfast Overturn Rate (%)	3.8%	9.9%	3.5%	5.7%	2.8%
Regional Overturn Rate (%)	13.9%	15.8%	N/A	N/A	N/A

Table 2: % officer recommendations overturned by Committee

Proposed adjustments to the Scheme of Delegation

3.10 It is recommended that the current Scheme of Delegation is renewed subject to the following relatively minor alterations.

1. **Paragraph 3.8 – removal of sub-delegation by the Strategic Director of Place and Economy to the Operational Directors for Economic Development and City, Regeneration and Development.** This recognises that planning functions

should only be sub-delegated to the Operational Director of Planning and Building Control (the Strategic Director may also sub-delegate below that within the Planning Service).

2. **Paragraph 3.8.1 – confirmation that the 28-day period for an Elected Member to request that an application is referred to the Committee is also from the date that an application is re-advertised or re-notified to neighbours.** This change is intended to provide further clarity to the referral process and provides a larger window for Members to request that an application is referred to the Committee.
3. **Paragraph 3.8.1 – parts of the administration of the referral process is proposed to be dealt with by the Planning Service rather than Democratic Services to reduce “hand-offs”.** This change is intended to improve efficiency and handling of referral requests.
4. **Paragraph 3.8.1 – change to the definition of City Centre to include as defined by the draft Belfast Local Development Plan: Local Policies Plan 2035 once published.** Any Elected Member may request that an application in the City Centre is referred to the Committee. The boundary of the City Centre is currently defined by the draft Belfast Metropolitan Area Plan 2025; the proposed change reflects that this is to be replaced by the new draft Policies Plan once published.
5. **Paragraph 3.8.2 – incorporation of the provision under paragraph 3.8.2 (f) of the current Scheme of Delegation that gives officers delegated authority to refuse applications (other those for Major development) where all the necessary supporting documentation has been reasonably requested but not provided within 28 days of the request.** It is proposed to move this provision from paragraph 3.8.2 (f) to paragraph 3.8.2 because in its current position, this provision potentially conflicts with the other provisions of paragraph 3.8.2. The intention of this provision has always been that the decision on the application is delegated if reasonably requested supported documentation is not provided within 28 days, irrespective of whether other provisions of the Scheme of Delegation under paragraph 3.8.2 require the application to be referred to the Committee. The objective is to ensure the quality of applications and that they are supported by the right information. For this provision to be effective, it should be moved to paragraph 3.8.2.
6. **Paragraph 3.8.2 (a) ii. and v. – increasing the threshold for delegated decisions on applications for retail and community relates uses from up to 500 sqm to below 1,000 sqm.** The proposed increase to the threshold reflects the adoption of the Belfast Local Development Plan: Plan Strategy 2035 and Policy RET2 that requires a retail impact assessment to be submitted for town centre uses of 1,000 sqm gross or above.
7. **Paragraph 3.8.2 (i) – removal of “partial” demolition so that only applications for full demolition of a Listed Building are required to be determined by the Committee.** The proposed removal of “partial” reflects the fact that many relatively minor proposals technically involve “demolition”, such as the removal of the small area of roofing to make way for a rooflight or creation of a new internal doorway. The change would avoid applications for minor demolition proposal having to be referred to the Committee. Elected Members have the reassurance that the provisions of paragraph 3.8.5 require an application to be referred to the Committee where the officer recommendation is to approve and there is an objection from DfC Historic Environment Division.

	8. Paragraph 3.8.2 (i) – correction of terminology to “Proposal of Application Notice”. The proposed change corrects the terminology in the current Scheme of Delegation which incorrectly refers to “Pre-application Notice”. 9. Paragraph 3.8.4 (i) – clarification that this provision concerning the delegation of Developer Contributions of a value not exceeding £30k relates to “Financial” Developer Contributions. The proposed change is to avoid any ambiguity that this provision also relates to the value of “in-kind” Developer Contributions, which is not the intention of this provision. 10. Paragraph 3.8.5 – re-ordering of the sub provisions; change to the grading definition in paragraph 3.8.5 (d); clarification that the provisions only relate to applications for full or outline planning permission (and not other forms of consent); and clarification that paragraph 3.8.5 that requires applications for Major development to be determined by the Committee does not apply to associated applications such as a Non-Material Change to a Major permission or Discharge of Condition. The proposed changes are intended to generally tidy up the provisions, reflecting legislation that states the types of application that cannot be delegated and must be determined by a Committee, as well as clarification of some of the other provisions.
3.11	These changes are shown as “track changes” in the proposed amended Scheme of Delegation at Appendix 1 , highlighted yellow for ease of reference. The current adopted Scheme of Delegation is provided at Appendix 2 for comparison.
3.12	By way of context, the report to the 18 th November 2022 Strategic Policy and Resources Committee, which set out the proposed changes to the previous Scheme of Delegation can be viewed at this link (item 19).
	<u>Other Schemes of Delegation</u>
3.13	Members previously requested examples of other Schemes of Delegation. Hyperlinks to other examples are provided again below. Derry and Strabane Council (bottom of webpage): https://www.derrystrabane.com/getmedia/de1c6642-ab21-481d-b7a6-ae058a567f82/Approved-Delegated-Scheme.pdf Newry, Mourne and Down Council: https://www.newrymournedown.org/media/uploads/planning_scheme_of_delegation.pdf Horsham District Council (pages 37 and 38 of the Council’s Constitution): Horsham District Council : Document Constitution of Horsham District Council (moderngov.co.uk) <u>Administration of the Elected Member application referral process</u>
3.14	Changes are proposed to the process for Members to refer an application to Committee given that current practices resulted in a referral request being missed.
3.15	Where Members would like to request that an application is referred to Committee, they should email the Director of Planning and Building Control and the Planning mailbox setting out: - The reference number of the application

	- Site address and proposal - Planning grounds for referral to Committee.
3.16	On receipt of the request, the Planning Portal will be updated to ensure that the decision is changed to a Committee decision pending consideration of the referral request. This should ensure that no decisions are issued when a referral request has been made.
3.17	The Director of Planning and Building Control will consider the request in consultation with the City Solicitor (where necessary) and will confirm the decision on the request to the Elected Member. Where the referral request is agreed, the Committee report will detail that the application is before the Committee as a result of a Member request and it will detail the Member who made the request and the reasons why.
3.18	Following ratification of the Scheme of Delegation, new guidance will be issued to all Elected Members setting out the detail of the new application referral process.
	Financial & Resource Implications
3.19	The renewal of the current Scheme of Delegation, subject to minor modifications, will enable the Council to continue to determine planning functions in an efficient and cost-effective manner.
	Equality or Good Relations Implications / Rural Needs Assessment
3.20	No adverse impacts have been identified.
4.0	Appendices – Documents Attached
	Appendix 1 – proposed amended Scheme of Delegation Appendix 2 – current adopted Scheme of Delegation (December 2022)