

Scheme of Delegation for Planning (Development Management)

The Scheme of Delegation for planning was agreed by Mid Ulster District Council at its meeting of [INSERT]. Approval by the Department for Infrastructure was obtained on [INSERT]. The Department approval is in accordance with Section 31 of The Planning Act (NI) 2011 and Regulation 9 of the Planning (Development Management) Regulations (Northern Ireland) 2015. The Scheme of Delegation takes effect and is adopted from [INSERT DATE OF DFI APPROVAL].

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application cannot 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/estate.

Part B – Delegated Applications to the Planning Manager or their nominee:

The exercise of the following functions, in line with relevant Council policies, is delegated to the Planning Manager. In the event of absence by the Planning Manager, then the exercise of the following functions is delegated to either Head of Service in the planning Department that the Planning Manager nominates:-

To determine all local development applications and any application for consent, agreement or approval required by a planning condition, with the exception of:

- Any application referred to the Planning Committee for determination by a Council Member on material planning consideration grounds.

Part C – Publicity:

On adoption of this scheme of delegation the council made a copy

- available on the councils website at www.midulstercouncil.org.
- available at Mid Ulster Council Offices

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Scheme of Delegation for Planning (Consents, certificates, TPOs, enforcement and other determinations)

The Scheme of Delegation for Planning (consents, certificates, tree preservation orders, enforcement of planning control and other determinations) was agreed by Mid Ulster District Council at its meeting of [*Thursday 26 March 2020*]. The Scheme of Delegation takes effect from 1 April 2020 and is in accordance with Section 7(1)(a) of the Local Government Act (Northern Ireland) 2014.

Consents, certificates, TPOS and other:

The Planning Manager, or their nominee in cases of absence, is delegated the authority to exercise the following functions:-

- i. determining applications for works to, or demolition of, buildings or structures in conservation areas and areas of townscape character, except where it involves full demolition of a main building (excluding buildings which are ancillary or incidental);
- ii. determining applications for listed building consent
- iii. determining applications for the display of advertisements;

The above applications are delegated with the exception of the following which require determination by the Planning Committee:

- The application is made by the council or an elected member of the council.
 - The application relates to land in which the council has an interest.
- iv. temporary listing of buildings including the issuing of building preservation notices and listing in urgent cases;
 - v. determining applications for certificates of lawful development;
 - vi. determining applications for a non-material change;
 - vii. determining Pre-Application Notifications;
 - viii. exercising the Council's powers in relation to the preservation of trees;
 - ix. exercising the Council's powers in relation to hazardous substances;
 - x. the making of a screening opinion or scoping opinion in relation to Environmental Impact Assessment; Strategic Environmental Assessment/Sustainability Appraisal; Habitats Regulations Assessment; and Rural Needs Impact Assessment;

- xi. administering statutory registers;
- xii. registering and removing notices and charges in the Statutory Charges Register, in consultation with the Council Solicitor
- xiii. conducting of planning related appeals to the Planning Appeals Commission; Public Examinations and other planning related public inquiries. This does not apply in relation to the Council's Local Development Plan.

Breaches of Planning Control, Enforcement and other action

The Planning Manager, or their nominee in cases of absence, is delegated the authority to exercise the following functions:-

- i. executing works in default of compliance with any notice or order in an emergency and where empowered by statute and recovering the costs of so doing;
- ii. enforcing all regulations and orders made under planning legislation and issuing, serving and withdrawal of notices. The functions in relation to Enforcement Notices, Stop Notices, Urgent Works Notices, are only delegated in circumstances where the Planning Manager considers that urgency or immunity requires immediate action;
- iii. instructing the Council Solicitor to institute and/or defend legal proceedings on behalf of the Council;
- iv. authorising officers pursuant to relevant legislation for the purpose of exercising statutory powers.