

- **APPENDIX C DELEGATED AUTHORITY ON PLANNING MATTERS**

Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of [Thursday 20th April 2023] following approval by the Department for Infrastructure on 7 October 2022. The approval is in accordance with Section 31 of The Planning Act (NI) 2011.

The revised Scheme of Delegation takes effect from [28th April 2023].

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

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the council or an elected member of the council, and
- The application relates to land in which the council has an interest/estate.

Part B – Delegated Applications:

The appointed person within the Council is the Service Director of Planning

To determine all local development applications with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).
- Applications submitted by an elected member or their close relative (parents, partners, siblings and children).
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.
- All refusals of planning permission.
- Applications where the Service Director of Planning considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

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
Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

An advert was placed in the local press.

Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations

As well as determining planning applications, the Council will also have to administer the enforcement of planning and the processing of other planning consents, orders etc. The Scheme of Delegation for Senior Officers in relation to planning consents, certificates, orders, enforcement and other determinations was agreed by Mid Ulster District Council at its meeting of [*Thursday 20th April 2023*]. The Scheme of Delegation takes effect from [*Friday 28th April 2023*] and is in accordance with Section 7 (4) (b) of the Local Government (Northern Ireland) Act 2014.

Delegated planning consents, certificates, orders and other decisions:

The following matters are delegated to the Service Director:

- The investigation of complaints of breach of planning control including the decision to not take enforcement action and/or to close an enforcement case or investigation and/or to withdraw or vary an enforcement notice;
- In exceptional circumstances, such as; immediate risk to human health; environmental harm etc., issue an Enforcement Notice or Stop Notice, subject to the Planning Committee being informed at the next available opportunity.
- The service of a Breach of Condition Notice, Submission Notice or planning contravention notices
- To instruct the Council's Legal representative to make an application to the Courts for Injunctions, subject to the Chair and Vice Chair of the Planning Committee being informed.
- Application to the Magistrates Court for a warrant to enter land and/or buildings in accordance with the powers provided in the Planning Act (Northern Ireland) 2011.
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent or variations of same.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent.
- Applications for Non Material Changes.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Crown Listed Building Consent.

- Determination of a Correction Notice.
- Discharge of Planning Conditions.
- Registering Notices and Charges in the Statutory Charges Register.
- To make determinations under Section 46 (Power to Decline).
- To make determinations under Section 48 (Power to decline).
- Determination of the type of planning appeal and amendments to Council's case during the course of the appeal, subject to consultation with the Chair of the Planning Committee as deemed appropriate by the Head of Development Management.
- Negotiating Section 76 Planning Agreements including developer contributions on planning applications prior to a final decision being taken by the Planning Committee.
- The preparation of evidence on behalf of Council and defending planning decisions at Planning Appeals, Independent Examinations and other Hearings.
- Engage freely with the Planning Appeals Commission at the Independent Examination pre-hearing stage.
- To provide additional information or to request same, where the Commissioner deems this necessary.
- Agree minor, typographical or factual changes or modifications to the Local Development Plan documents.
- Agree changes to the justification and amplification text, for example to provide greater clarity on a particular policy.
- Agree changes to a particular policy or proposal in the draft Local Development Plan document suggested by the Commissioner, where that change would not fundamentally alter the thrust of that policy / proposal, or the change is necessary to make the policy / proposal sound, with no substantive implications for other aspects of the Plan or overall objectives of the policy.
- Responding to minor consultations on planning matters on behalf of the Council, which do not fall within the remit of the Planning Committee.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to:-
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2);
 - Issue scoping opinions as to the information to be provided in any statement, and undertake appropriate consultations and notifications;
 - Determine whether an application should be accompanied by an Environmental Statement.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland 2015 or any successor, to consider and approve a waste management plan
- Instruct the Council's Legal representative in relation to any legal action on planning matters, provided the Committee is informed.

The applications for listed building consent, conservation area consent and advertisement consent 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.
- The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)
- The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- The application is recommended for refusal.
- Where the Service Director of Planning considers that the proposal merits consideration by the Committee.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.