

Scheme of Delegation for the Planning Department

The revised Scheme of Delegation for the determination of planning applications was approved by the Department for Infrastructure on 17th January 2019. The approval is in accordance with Section 31 of The Planning Act (Northern Ireland) 2011. The revised Scheme of Delegation shall take effect from 28th January 2019.

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.

Part B – Delegated Applications:

The following applications for planning permission shall be delegated for determination by the appointed officer of the Council. The appointed officer is the Head of Planning within the Council and those nominated by this officer.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications attracting more than 5 objections from separate addresses; or, a petition from more than 5 from separate addresses raising material planning considerations.
- Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.
- Applications where an Elected Member of Council has requested the application to be referred to the Planning Committee, accompanied with a statement outlining the material planning reasons for the referral.¹ This referral process excludes Pre Application Notices, Applications for Works to Trees, Discharge of Conditions, Non Material Changes, Certificates of Lawful Development and those applications where the refusal relates to road safety or flooding, or where additional information including design changes required to determine the application has not been submitted following a reasonable request.
- Applications submitted by or on behalf of the Chief Executive of the Council, a chief officer of the Council, a planning officer or their immediate families, or the immediate family² of an elected member.
- A legal agreement is required.

¹ This referral procedure will be assisted by the circulation of a weekly list of those contentious delegated applications where the decision is ready to issue. A contentious application is one where the decision is to refuse permission or consent.

² Immediate family for the purposes of this Scheme of Delegation refers to wife/ husband/ partner, son(s), daughter(s).

Part C – Development Plan, Enforcement and Determination of Other Matters

As well as determining planning applications, the Council will also have to administer the development plan, enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the council.

The Planning Committee shall be required to consider and determine: -

- the Council's strategic and local policies for the implementation of the Council's objectives in relation to the development of land within the Council area.
- agree the Plan Strategy and Local Policies Plan for the Council Area prior to ratification by the full Council
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Confirmation of a Building Preservation Notice.
- Determination of Revocation Orders.
- Application to the Courts for Injunctions.
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.

The following matters are delegated to the appointed officer:

- The research, analysis, evaluation of information and drafting of Plan Strategy and Local Policies Plan, including representing the Council at Independent Examination.
- To instruct a solicitor or Counsel or other consultant to assist in the preparation of the Plan Strategy and Local Policies Plan; assist in the preparation for, and represent the Council at the Independent Examination as considered necessary by the Head of Planning in consultation with the Planning Committee.
- To monitor the uptake of zoned land within the Local Policies Plan.
- To review the impact of the implementation of the Plan Strategy and Local Policies Plan.
- Responding to consultations on planning matters on behalf of Council.
- The serving of a provisional Tree Preservation Order.
- Updating Tree Preservation Orders as necessary.
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Breach of Condition Notices, Listed Building Enforcement Notices, Stop Notices, temporary Stop Notices, Fixed Penalty Notices, and Planning Contravention Notices.
- The formal reporting of planning enforcement matters to the Public Prosecution Service/ Commencement of proceedings in a Magistrates Court.
- Authority to apply to the Magistrates Court for a warrant to enter land and/or buildings in accordance with 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.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent.
- Determination of applications for Certificates of Alternative Development Value.

- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.
- Issuing Building Preservation Notice where immediate action is necessary.
- Determination of a request for a Correction Notice
- Providing advice on general planning inquiries
- Providing advice on Pre-Application Discussions
- Providing advice on Pre-Application Notices.
- Applications for Non Material Changes.
- Discharge of planning conditions
- To determine the acceptance or otherwise of Section 46 applications
- To determine the acceptance or otherwise of Section 48 applications
- Determination of the type of planning appeal and amendments to Council's case during the course of appeal, subject to consultation as deemed appropriate by the Head of Planning with the Chair of the Planning Committee and representing the Council at appeal as necessary.
- To issue a formal Notice of Decision following a Committee resolution for support or non-support of an application and, for a delegated application, Order, Notice or Consent.
- To instruct a solicitor or counsel to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- To instruct a solicitor or Counsel or other consultant in the preparation for and attendance at Planning Appeals, Independent Examinations, Judicial Reviews and other Hearings.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 or any successor, to
 - Consider and determine waste management plans.
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 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
- All other statutory powers connected to the exercise of the planning functions which have been transferred to Council and are not specifically listed, shall be deemed to be delegated unless otherwise provided for within this Scheme.

The appointed officers are as follows:

- Head of Planning
- Officers at Principal Officer grade
- Officers at Senior Planning Officer grade

Part D – Publicity

On adoption of this revised Scheme of Delegation the Council made a copy available on the Council's website at www.causewaycoastandglens.gov.uk. A copy is also available at the Causeway Coast and Glens Borough Council Planning Office, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY.