



**Mid & East
Antrim**
Borough Council



SCHEME OF DELEGATION

PLANNING DEPARTMENT - EXTRACT
Revision Agree by Council AGM 7 June 2021

Scheme: Delegation of Planning Applications and Enforcement

The scheme of delegation for the determination of planning applications has been agreed by Mid and East Antrim Borough Council and approved by the Department of Infrastructure. The scheme of delegation is in accordance with Section 31 of The Planning Act (NI) 2011 and takes effect from 1 April 2015.

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 appointed person 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 a local objection raising significant material planning considerations.
- Applications which are significant departures from the Development Plan and which are recommended for approval.
- Applications submitted by members of council staff at Planning Officer grade, and senior council staff at Head of Service grade and above.
- Applications attracting significant objections from statutory consultees, where the officer's recommendation is to approve.
- Applications where the Head of Planning considers that the proposal merits consideration by the Committee.
- A legal agreement is required.

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

As well as determining planning applications, the Council will also have to administer the 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: -

- Agree the Plan Strategy and Local Policies Plan for the Council area prior to ratification by the full council.
- The making of a Tree Preservation Order, where there are unresolved objections to the provisional order.
- Confirmation of a Provisional Tree Preservation Order.
- Determination of Completion Notices.
- Determination of Discontinuance Notices.
- Determination of a Revocation Orders
- Modification and Discharge of Planning Agreements.
- Designation, variation or cancellation of a Conservation Area.
- Consultations from the Department on regionally significant planning applications, regional planning policy and planning legislation.
- Approve The Statement of Community Involvement.
- Agree the Local Development Plan Timetable and any subsequent revisions prior to submission to the Department for Infrastructure.

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 the Independent Examination.
- To monitor the uptake of zoned land within the Local Policies Plan.
- The serving of a provisional Tree Preservation Order.
- The investigation of formal planning enforcement proceedings through the issuing of 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, subject to the Chairman and Vice Chairman of the Planning Committee being informed.
- Application to the Courts for Injunctions, subject to the Chairman and Vice Chair of the Planning Committee being informed.
- Authority to apply 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.
- Determination of any application for carry 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.
- The Serving of a Temporary Listed /Building Preservation Notice.
- 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 Councils case during the course of the appeal, subject to consultation with the Chair of the Planning Committee as deemed appropriate by the Head of Planning.
- 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.

- 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
 - Consideration and approval of a waste management plan
- 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.

Part D - Publicity

The council has made a copy of this Scheme of Delegation available on the councils website at www.midandeantrim.gov.uk It is also available on request at Mid and East Antrim Borough Council, Planning Department, Silverwood Business Park, 190 Raceview Road, Ballymena, BT42 4HZ.