

## **Scheme of Delegation on Planning Applications and Other Matters**

The Scheme of Delegation for the determination of planning applications was agreed by the Council at its meeting of 26 June 2023. The Council agreed that the Scheme of Delegation be implemented following approval by the Department for Infrastructure. This approval was obtained on 6 July 2023. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from 6 July 2023.

### **Part A – Delegated Applications:**

The appointed officer is the Head of Planning within the Council and those nominated by this officer.

The appointed officer and those nominated by this officer shall determine all planning and other applications (namely those applications listed at Part B of this document) whether for approval or refusal with the exception of:

1. An application which falls within the Major or Regionally Significant categories of development;
2. An application made by the council or an elected member of the council;
3. An application relating to land in which the council has an estate;
4. An application attracting objections from 4 or more separate postal addresses or a petition carrying 20 or more signatures citing material planning issues and which is recommended for approval (identically worded letters will be treated as a petition);
5. An application which represents a substantial departure from the Development Plan and which is recommended for approval.
6. An application submitted by the Council's Planning department staff, Strategic Directors or Chief Executive of the Council or their immediate families and which is recommended for approval. (For the purpose of this Scheme of Delegation immediate family refers to mother/father/brother/sister/wife/ husband/partner/son(s), daughter(s).
7. An application attracting an objection from a statutory consultee, and which is recommended for approval;
8. An application referred to the Planning Committee by a councillor within 5 working days of councillors receiving a copy of the weekly list. A sound planning reason must be given for such a referral. (For clarification: The weekly list is a list of applications which have been considered by planning officers under the Scheme of Delegation and which includes the decision that planning officers propose to make in respect of each application).
9. An application where the Head of Planning considers the proposal to merit consideration by the Planning Committee;
10. An application which requires the completion of a legal agreement.
11. An application which has an associated application which is being determined by the Planning Committee.

### **Part B – Enforcement and Determination of Other Matters**

As well as determining planning applications, the Council will have to administer the enforcement of planning controls, process other planning consents and determine other planning matters. **Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014** allows a council committee to delegate any of its functions to an officer of the council. The Council endorsed this approach on 22 June 2015.

The following matters are delegated to the appointed officer and those nominated by the appointed officer.

#### Part B(i)

- 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 to carry out works to trees.
- Determination of any application for hazardous substance consent.
- Determination of any application for Non Material Changes to a planning permission.
- Determination of any application for discharge of a condition to a planning permission

#### Part B(ii)

- The making, modification and/or revocation of a Tree Preservation Order (TPO) or a Provisional TPO.
- The serving of a TPO and/or Provisional TPO.
- Updating Tree Preservation Orders
- Determination of all requests for a TPO or Provisional TPO to be served
- Preparation of Councils evidence for Independent Examinations of the Local Development Plan
- Represent the Council at Independent Examinations of the Local Development Plan
- Agree minor modifications such as typographical or factual changes or modifications to Local Development Plan documents, which do not materially alter the overall objectives of a particular policy or proposal
- The serving or affixing of a Building Preservation Notice
- All matters relating to planning enforcement including the issuing of enforcement notices, breach of condition notices, submission notices, stop notices, temporary stop notices, fixed penalty notices, information notices, planning contravention notices, injunctions and court proceedings.
- Authority to apply to the Magistrate's Court for a warrant to enter land and/or buildings in accordance with powers provided by the Planning (Northern Ireland) Act 2011.
- Issuing of a Correction Notice.
- Issuing of a Completion Notice
- Issuing of a Certificate of Lawful Development or Use

- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 or any successor legislation, to:

Issue screening opinions determining whether applications fall within Schedule 1 or 2 of the regulations;

Issue scoping opinions regarding the information that is required to be provided in an Environmental Statement.

- Selection of planning appeal format and preparation of the Council's evidence for a planning appeal case, including non-determination appeals.
- Applications for consent, agreement or variation of a condition imposed on any grant of consent except for a major application.

### **Part C - Publicity**

On adoption of this Scheme of Delegation the council made a copy available on the Council's website at [www.armaghbanbridgecraigavon.org](http://www.armaghbanbridgecraigavon.org) and at the Area Planning Office, Bridgewater House, Banbridge.