

**Scheme of Delegation:
Delegation of Planning
Applications and Enforcement**

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The scheme of delegation for the determination of planning applications was agreed by the Council at its meeting on Tuesday, 20 December 2016 and was approved by Central Government on 31 January 2017. The approval is in accordance with Section 31 of the Planning Act (Northern Ireland) 2011. The scheme of delegation takes effect from 1 March 2017.

Part A – Mandatory Applications to be determined by the Planning Committee of the Council

By statute, certain types of application are required to be determined by the Planning Committee and therefore cannot be delegated to officers:

- Applications which fall within the Major category of development (as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015);
- Applications made by the Council or an Elected Member of the Council.
- Applications relating to land in which the Council has an interest.

Part B – Delegated Applications

Applications shall be delegated for determination by the authorised officer of the Council.

All local development applications will be delegated for approval or refusal with the exception of:

- Applications which are significant departures from the Local Development Plan and which are recommended for approval.
- Applications submitted by the Council, senior Council staff, members of Council staff involved in the consideration of planning applications, a Planning Officer or their immediate families, or the immediate family¹ of an elected Member.
- Applications which the Council considers should be referred to Committee for determination. A sound planning reason must be given for such a referral.
- Applications where the Head of Planning or other delegated officer considers that the proposal merits consideration by the Committee.
- Any application that the authorised officer is minded to approve under terms of this scheme of delegation, but which is the subject of an extant objection from a statutory consultee.
- Any application where a legal agreement is required.
- An application which has an associated application (which falls within the Major category of development (as defined by the Planning (Development Management) Regulations 2015) which is being determined by the Planning Committee.
- Any application in a rural setting which consists of five or more dwellings.

Part C – Enforcement and consideration of other Planning Matters

In addition to 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.

Matters to be considered and determined by the Planning Committee of the Council

- Determination of a request to revoke or modify planning permission

Matters to be delegated to the authorised officer

- The making of a Tree Preservation Order.
- Confirmation of a Provisional Tree Preservation Order.
- The serving of a provisional Tree Preservation Order.
- The investigation of breaches of planning control proceedings through the issuing of planning contravention notices, temporary stop notices, enforcement notices, stop notices, breach of condition notices, fixed

¹ Immediate family for the purposes of this Scheme of Delegation refers to wife/Husband/partner, son(s), daughter(s)

penalty notices, Replacement of Trees Notice and all other powers under Part 5 of the Planning Act (Northern Ireland) 2011 including powers of entry. Commencement of proceedings in a magistrates court and application to the High Court for an injunction..

- Determination of any application for a certificate of lawful development.
- Determination of applications for Alternative Development Value.
- 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.
- Determination of Applications for Non Material Changes
- Precise wording of Conditions/Refusal reasons relating to local applications in accordance with section 31 of the Planning Act (Northern Ireland) 2011.
- Precise wording of Conditions/Refusal reasons relating to major applications in accordance with section 7 of the Local Government Act (Northern Ireland) 2014.
- Power to formulate decision notices following decisions made in principle by the Planning Committee.
- To issue Environmental Impact Assessment screening and scoping opinions in accordance with legislative requirements.
- Making of an order to revoke or modify a planning permission
- The power to defend a Planning Appeal
- The obtaining of information under section 240 of the Planning Act (Northern Ireland) 2011
- Determination of a request for Correction of Errors in decision documents is currently legislated for
- Negotiating the terms of a Planning Agreement under section 76 of the Planning Act (Northern Ireland) 2011.

Part D – Publicity

On adoption of this scheme of delegation the Council made a copy available on the Council's website at www.lisburncastlereagh.gov.uk. A copy is also available for inspection at Island Civic Centre, The Island, Lisburn, Co Antrim, BT27 4RL

Part E – Review

This Scheme of Delegation will be subject to review by the Planning Committee periodically.