

Causeway Coast & Glens District Council

To: Shadow Council

Date: 26th February 2015

For Information

Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions

The Scheme of Delegation for the determination of planning applications was agreed by the Council at its meeting of XXX following approval by the Department of the Environment for Northern Ireland on XXX. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation shall take effect from XXX.

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 has requested the application be referred to the Planning committee for consideration where the request has been made within 25 working days of the application being validated; accompanied with a statement outlining the material planning reasons why the application should be considered by the Planning Committee; and the request is accepted by the chair of the Planning Committee and Head of Planning.
- 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 family¹ of an elected member.
- A legal agreement is required.

¹ Immediate family for the purposes of this Scheme of Delegation refers to mother, father, 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 Committee has endorsed this approach on XXX.

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.
- 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 legal executive employed or instructed by the Council 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.
- 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 (Northern Ireland) Act 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.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Urgent Crown Listed Building Consent.
- 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
- 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 legal executive employed or instructed by the Council to draft and conclude legal agreements as considered necessary by the Head of Planning in connection with the Committee or delegated decisions and appeals.
- 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

The appointed officers are as follows:

- Denise Dickson – Head of Planning
- Shane Mathers – Principal Development Management and Enforcement Officer
- Sharon Mulhern – Principal Development Plan Officer
- Karen Dickson – Senior Planning Officer
- Jennifer Lundy – Senior Planning Officer
- Catherine McKeary – Senior Planning Officer
- Julie McMath – Senior Planning Officer
- Michael Wilson – Senior Planning Officer

Part D – Publicity

On adoption of this 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 District Council Planning Office, County Hall, Castlerock Road, Coleraine
An advert was placed in the local press XXX

<p><u>Storage:</u></p>	<p>power line above ground exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more one customer.</p> <p>Installations for the storage of petroleum, petrochemical or chemical products, where the storage capacity of the facility is expected to be 30,000 tonnes or more.</p>	<p>power line above ground is or more than 110 kilovolts and a length of more than 15 kilometres.</p> <p>a) Installations where the storage of petroleum, petrochemical or chemical products where the storage capacity of the facility is expected to be 200,000 tonnes or more.</p>
<p><u>Gas Extraction:</u></p>	<p>The extraction of petroleum and natural gas for commercial purposes where the amount extracted is more than 250,000 cubic metres per day.</p>	<p>b) Installations for the underground geological storage of petroleum, carbon dioxide or compressed air energy storage.</p> <p>a) Any proposal relating to the extraction of unconventional hydrocarbons.</p>
<p><u>Pipelines:</u></p>	<p>Pipelines with a diameter of more than 400 millimetres or more than 20 kilometres in length for the transport of gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.</p>	<p>b) Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.</p> <p>Pipelines with a diameter of more than 800 millimetres or a length of more than 40 kilometres: -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of</p>

		geological storage, including associated booster stations.
<p>3. Transport Infrastructure: Construction of new or replacement railways, airfields, harbours and ports, waterways, transit ways.</p>	<p>The area of the works is or exceeds 1 kilometre in length or 1 hectare.</p>	<p>Construction of lines for long–distance railway traffic and of airports with a basic runway length of 2,100 metres or more.</p> <p>Inland waterways and ports for inland–waterway traffic which permit the passage of vessels of over 1,350 tonnes.</p> <p>Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.</p>
<p>4. Waste Infrastructure: Construction of facilities for use for the purpose of waste management, disposal or treatment.</p> <p><u>Waste Management Facilities:</u></p>	<p>An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of 25,000 tonnes or more.</p> <p>Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.</p>	<p>An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake is or more than 100,000 tonnes.</p> <p>Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity for an annual intake is or more than</p>

<u>Waste Water :</u>	Waste water treatment plants with a capacity exceeding 50,000 population equivalent.	100,000 tonnes. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).
5. Housing: Construction of buildings, structures or erections for use as residential accommodation; includes private schemes.	a) development that comprises 50 units or more; or b) the area of the site is or exceeds 2 hectares.	N/A
6. Retailing: Includes comparison shopping and mixed retailing development; convenience shopping development; and commercial leisure development.	a) Development that comprises 1,000 sq metres or more gross floor space outside town centres; or b) The area of the site is or exceeds 1 hectare outside town centres.	N/A
7. Business, Industry (Light and General), Storage and Distribution: (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2004).	a) Development that comprises 5,000 sq metres or more gross floorspace; or b) The area of the site is or exceeds 1 hectare.	N/A
8. Minerals: Extraction of minerals.	The area of the site is or exceeds 2 hectares.	a) Development involving quarries or open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares. b) Development involving underground mining where the

		surface of the site exceeds 2 hectares
9. All other development: Any development not falling wholly within any single class of development described in Parts 1 to 8 above.	a) Development that comprises 5,000 sq metres or more gross floorspace; or b) The area of the site is or exceeds 1 hectare.	N/A