

Derry City and Strabane District Council (November 2025)

Scheme of Delegation: Delegation of Power to Determine Planning Applications and Consents and Enforcement

The scheme of delegation for the determination of planning applications was agreed by Derry City and Strabane District Council at its meeting of 29th October 2025 and was subsequently received approval from the Department of Infrastructure on 21st November 2025. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The scheme of delegation takes effect from 8th December 2025.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements under the Planning Act 2011 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 as defined in the Planning (Development Management) Regulations NI 2015;
- An application for planning permission where the application is made by the Council or Council has an interest in or an elected member of the Council; or where an application needs to be referred to DfI.

Part B – Delegated Applications:

Part 4 Section 7(4)(b) Local Government Act (Northern Ireland) 2014 allows a Council Committee to delegate to an officer of the Council. Derry City and Strabane District Council thereby authorises the Head of Planning (HOP) as the appointed person within the Council and those Senior Officers nominated by this Officer.

To determine all Local development applications as defined in the Planning (Development Management) Regulations NI 2015 whether for approval or refusal with the exception of:

- 1) Applications attracting more than five separate individual objections or a petition objecting to the application with five or more signatures (i.e. this excludes five letters of objection from a single person/organisation/household) objections must be based on material

planning matters. The HOP is to adjudicate on this where necessary in liaison with Chair.

- 2) Applications deemed as significant departures from the Local Development Plan and which are recommended for approval.
- 3) Applications submitted by members of Council staff at Planning Officer grade and other Senior Council staff at Heads of Service grade and above (or a close relative/friend of same). HOP to adjudicate in liaison with Chair.
- 4) Applications which the Chair or any elected Member of Council request to be referred to Committee for determination. Any such request must be submitted in writing, providing specified planning reason/s for such a referral as per the Protocol, within 4 weeks of delegated list being circulated to members or two weeks after the advertisement or re-advertisement date whichever is the later as per Protocol. The Member shall clearly state their reason/s for requesting referral of the application to the Planning Committee, which must be material planning reason/s. HOP to adjudicate in liaison with Chair.
- 5) Applications where the HOP considers that the proposal merits consideration by the Committee. The reason why referral to the committee is deemed appropriate shall be noted on the file.
- 6) All housing applications – outline or full for more than 25 housing units in all locations, including non-significant changes of house type, roads access etc.
- 7) Any applications having significant cross border environmental and economic impacts.
- 8) Applications for a House of Multiple Occupation (HMO) on any street where more than 10% of the dwelling units on the street are already operating as HMO developments.

Part C – 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. Derry City and Strabane District Council thereby authorises the Head of Planning (HOP) as the appointed person within the Council and those Senior Officers nominated by this Officer.

The Planning Committee shall be required to consider and determine:

- The formal reporting of planning enforcement matters to the public.
- The Designation, Variation or Cancellation of a Conservation Area.
- Applications to Courts for Injunctions.
- The making of a Completion Notice.
- Proposals involving the Revocation or Modification of a planning permission (does not relate to Minor Amendment process).
- Proposals requiring Discontinuance of the use or alteration or removal of buildings.

The following matters are delegated to the appointed officer:

- The making of a Tree Preservation Order.
- Confirmation of a Provisional Tree Preservation Order.
- The serving of a provisional Tree Preservation Order.
- The serving or affixing of a Building Preservation Notice – temporary listing.
- The serving of a Completion Notice.
- The making of an order to revoke or modify a planning permission.
- The making of an order requiring discontinuance of the use or alteration or removal of buildings.
- The investigation of formal planning enforcement proceedings through the issuing of Enforcement Notices, Listed Building Enforcement Notices, Breach of Condition Notices, Stop Notices, Temporary Stop Notices, Fixed Penalty Notices and Planning Contravention Notices.

- Determination of any application for a Certificate of Lawful Use or 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 any application for Non-Material Change of Use.
- Determination of any application for Discharge of Condition
- The power to formulate the precise wording of conditions on decision notices following decisions made by the Planning Committee.

Part D – Publicity

On adoption of this Scheme of Delegation the Council has made a copy available on the Council's website at www.derrystrabane.com available at the Council Planning Office, 98 Strand Road, Derry BT48 7NN.