

Planning Advice



# Guide to Planning in Mid Ulster

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February 2024



This community guide provides an introduction to Mid Ulster District Council's role and responsibilities in relation to planning. We also have guides available for local planning in each of the 11 Councils and a guide for regional planning which is the responsibility of the Department for Infrastructure.

### **What does the planning system do?**

The planning system regulates and facilitates the development and use of land, while furthering sustainable development and improving well-being. It operates in the public interest taking into account the present as well as the future needs of society. Planning deals with the physical environment such as land, buildings, heritage and natural resources.

### **Who operates the planning system?**

There are two levels to the planning system:

- Regional planning which is operated by the Department for Infrastructure (DfI); and
- Local council-wide planning which is operated by the local councils.



## Mid Ulster District Council Planning Responsibilities

Mid Ulster District Council is responsible for the following planning functions:

- Deciding on local and major planning applications,
- Planning enforcement, and
- Preparing a Local Development Plan for the Mid-Ulster District Council area.

## How is a planning application in Mid Ulster District Council decided?

### Before the application is submitted

#### Pre-application Advice

Mid Ulster District Council provides pre-application discussions which allow people to speak with a planning officer to discuss their proposal before making an application.

#### Pre-application Community Consultation (PACC)

For all major developments, applicants must carry out pre-application community consultation before a planning application is submitted. Twelve weeks before an application is submitted applicants must submit a proposal of application notice (PAN) demonstrating how the community consultation will be carried out.

The minimum standards for pre-application community consultation include:

- at least one public event held in the area where the proposal is located;
- at least one newspaper advertisement placed in a local newspaper at least seven days prior to the public event. The advertisement is required to provide details about the proposed development and the public event.

### Submitting a Planning Application

For all **major developments** a pre-application community consultation report must be submitted with the planning application. The report must provide details about the PACC undertaken including who was consulted and details about the consultation methods used. The report must state if there were any changes made to the proposal as a result of consultation with the community.

**Local developments** do not require a pre-application consultation report.

### What happens when a planning application is submitted?

Once a planning application has been submitted, the details of the application can be viewed at Mid Ulster District Council's planning office or online via Mid Ulster's own [planning portal](#).

Planning applications in the Mid Ulster District Council area will have a planning reference number which begins with LA09, for example LA09/2017/1234/F.



All planning applications for the Council area can be submitted to: Mid Ulster District Council, Magherafelt Council Offices, Ballyronan Road, Magherafelt, BT45 6EN.

### Advertisement and Neighbour Notification

All planning applications will be advertised in a local newspaper and it is a legal requirement for neighbours to be notified about the planning application.

### Consultation with Other Agencies

Mid Ulster District Council will consult other agencies with relevant areas of expertise about the planning application. The agencies which are consulted will depend on the type of application. Some agencies that may be consulted include Roads Service, the Northern Ireland Environment Agency, Environmental Health and Water Service. They may have no objections, recommend that the application is refused, request additional information or recommend that certain conditions are attached to a planning application.

### Commenting on Planning Applications in the Mid Ulster Council Area

Any person, group or organisation can comment on a planning application. This can be done in writing to the Mid Ulster District Council planning office. All comments are put on the planning application file and they are available for others to see. The council requests that comments are submitted within 14 days from the date the planning application is advertised. However, all written comments received after the 14 day period must be taken into

account until the point when a decision is reached.

### How is a Decision Reached?

Each planning application is assigned to a planning case officer. The planning officer will visit the site and once consultations are completed will produce a report summarising the relevant issues in relation to the planning application and make a recommendation as to whether the application should be approved or refused.

### Planning Group Meetings

Internal group meetings are held between the planning case officer and senior planners. At this meeting the planning application and the case officer's recommendation are discussed and the group decides if it agrees with the case officer's recommendation.

### Planning Committee

Mid Ulster District Council's Planning Committee will decide on major planning applications or those which may be significant for the council area. Some planning applications for small-scale developments (e.g. house extension) are not required to go to the Planning Committee for a decision and they are decided by senior planning officers under the Council's scheme of delegation. The Planning Committee can request to consider an application rather than it be delegated. Any request must be on specific planning grounds. The Planning Committee meeting is held on the **first Tuesday of each month at 7.00 pm.**



The committee is made up of **16 councillors** and their details can be found on the Council's website or by contacting Democratic Services.

### Speaking Rights at Planning Committee

Any person, group or organisation can request to speak at the Planning Committee about a planning application. To request to speak at Mid-Ulster District Council's Planning Committee a speaking request form **must** be submitted **12 noon, two working days before** the Planning Committee meeting. Once the council receives a request it will get in touch with you with more information.

### Lobbying Councillors

You can speak to your local councillor about your concerns or the merits of a particular planning application. However, you should be aware of the role of councillors who are Planning Committee members and those who are not (see below for details).

### Councillors' Role – Planning Committee Members

Councillors who are Planning Committee members cannot be advocates for or against a development which they will be the decision maker on. Planning Committee members must keep an open mind and listen to all representations and evidence submitted at the committee. Applications decided by Planning Committee members must be decided on valid planning grounds in accordance with planning policy and legislation.

Planning Committee members can:

- Listen to the views expressed,
- Give advice regarding the planning policy and legislation,
- Seek factual information about the planning application,
- Advise those who are lobbying to speak to the planning case officer about their issues,
- Advise those who are lobbying to speak to a councillor who is not a Planning Committee member.

Planning Committee members **cannot**:

- Take payment or reward in kind to lobby council on planning matters,
- Decide how they will vote before the committee meeting has taken place,
- Use their position for personal gain or to put any person or group at an advantage,
- Vote on applications in accordance with political group meetings,
- Lobby for a particular outcome on a planning application,
- Meet developers or groups alone or put themselves in a position where they appear to favour a person, company or group,
- Put pressure on or influence planning officers to give a particular recommendation which is contrary to their professional view,
- Attempt to influence planning officers to include policies or proposals in the Local Development Plan (e.g. zoning of land) which would put an individual or group at an advantage.



## Councillors' Role – Non Planning Committee Members

A councillor who is not on the Planning Committee can encourage people to engage in the planning process. Councillors who are not on the Planning Committee are not part of the decision-making process.

Non Planning Committee Members can:

- Make representations and speak to the Planning Committee,
- Make the planning case officer aware of constituents' issues,
- Assist constituents in making representation on planning applications,
- Attend public meetings and events in relation to proposed developments,
- Pass on views of constituents in relation to the Local Development Plan.

Non Planning Committee Members **cannot:**

- Take payment or reward in kind to lobby council on planning matters,
- Apply pressure on other councillors to obtain a commitment to vote in a certain way,
- Attempt to influence planning officers to include policies or proposals in the Local Development Plan,
- Make public statements about pending policies in the draft Local Development Plan prior to public consultation.

## Decision Notice

Mid Ulster District Council will issue a decision notice either refusing or approving the planning application.

If the application is approved, the planning permission is made up of the approval notice and the "stamped approved" drawings. The development must be built in accordance with these drawings. The decision notice will set out the conditions that must be complied with including the time within which the development must begin.

In the case of a refusal notice, it will set out the reasons for the refusal of the planning application. The applicant has the right to appeal this decision to the Planning Appeals Commission (an independent body) within **four months** of the decision being issued. There is no right of appeal for objectors to a planning application if they are unhappy with the decision.



### Contact Details

Mid Ulster District Council Planning  
Service  
Ballyronan Road  
Magherafelt BT45 6EN  
T: 03000 132 132  
E: [planning@midulstercouncil.org](mailto:planning@midulstercouncil.org)

### Our Contact Details

Community Places  
2 Downshire Place  
Belfast BT2 7JQ  
T: 9023 9444  
E: [hello@communityplaces.info](mailto:hello@communityplaces.info)

Community Places is a charity and we provide free, confidential, independent planning advice to people and communities who cannot afford a planning consultant. We receive funding from the Department for Infrastructure towards our Planning Advice Service.





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