



Scheme of Delegation: Delegation of Planning Applications, Enforcement and other Planning Matters.

Introduction

Section 31 of The Planning Act (NI) 2011 requires that the Council must prepare a scheme of delegation by which any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category is to be determined by a person appointed by the Council.

Part 4 Section 7 of the Local Government Act (Northern Ireland) 2014 allows a Council Committee to delegate certain matters to an Officer of the Council. In relation to the scheme of delegation for planning applications, enforcement and other planning matters the person appointed by the Council to exercise delegated powers is the Development Manager – Planning and Development Plan Manager within the Council and those Officers nominated by the CEO in writing. Any reference to the Development Manager – Planning and Development Plan Manager in Part 1-4 shall also be deemed to be a reference to those Officers.

Scheme of Delegation for Planning Applications

The scheme of delegation for the determination of applications has been agreed by Newry, Mourne and Down District Council and is set out in the following paragraphs.

Part 1. Planning Applications required under the Planning Act to be determined by the Planning Committee

The Planning Act (NI) 2011 and the Planning (Development Management) Regulations (Northern Ireland) 2015 state that the following categories of application cannot 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;
- The application relates to land in which the Council has an interest or estate.

Part 2. Delegated Planning Applications

The Development Manager – Planning or Development Plan Manager is authorised to determine all planning applications that fall within the 'Local' category of development, applications in relation to tree preservation and those which relate to the issuing of consents and approvals with the following exceptions:

- Applications which are significant departures from the Local Development Plan and which are recommended for approval;
- Applications attracting six or more material planning objections from different addresses where the Officer's recommendation is for approval;
- Applications attracting a material planning objection from a statutory consultee, where the Officer's recommendation is for approval;
- An application which the Development Manager – Planning or Development Plan Manager considers should be brought before and decided by the Planning Committee;
- Applications which are submitted by members of staff directly involved in the consideration of planning applications and Officers of the Council at the level of Head of Service or above.

Where a Member of Council has requested that an application which would ordinarily be delegated is referred to Committee, the Development Manager - Planning, in consultation with the Chairperson or Deputy Chairperson and two other members of the Planning Committee (which in total will reflect the three main political groupings on the Committee) will determine whether that application should be referred to Committee. In all cases a sound planning reason must be given for such a referral. The detailed arrangements for such requests and how they will be processed will be set out in the Committee's Operating Protocol.

The above provision will not apply to applications where there are associated live enforcement issues or where all necessary information pertaining to the application, having been reasonably requested and, without reasonable justification, has not been provided within the timescale stipulated in the written request.

Part 3. Delegation of Enforcement Matters

The Development Plan Manager is authorised to carry out the enforcement responsibilities set out within The Planning Act (Northern Ireland) 2011, together with all regulations and orders made under the said legislation, on behalf of the Council.

Part 4. Determination of Other Planning Matters

The following functions are also delegated to the Development Manager – Planning and Development Plan Manager:

- The issuing of a certificate of lawful use or development;
- The making of a non-material change to a planning permission;
- The issuing of a correction notice;
- The screening of and determination decisions on development proposals required under the Environmental Impact Assessment or Habitats Regulations;
- Executing works in default of compliance with any notice or order or in an emergency, where empowered by statute, and recovering the costs of so doing;
- Temporary listing of buildings in urgent cases;
- Lodging objections, in consultation with the Chief Executive, in relation to local planning applications where the Council has been notified as part of the neighbourhood notification scheme;
- Generally carrying out all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council which are not specifically provided for within this Scheme of Delegation

The Development Manager – Planning and Development Plan Manager may, having taken legal advice, refer a decision back to Committee for reconsideration.