



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

## **Scheme of Delegation: Delegation of Planning Applications, Enforcement and other Planning Matters**

The scheme of delegation for the determination of planning applications was agreed by Fermanagh and Omagh District Council at its meeting of 1 April 2015 following approval by the Department of the Environment for Northern Ireland on 1 April 2015. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The scheme of delegation takes effect from 1 April 2015.

### **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 appointed person within the Council is the Head of Planning and other officers nominated by the Head of Planning.

To determine all local development applications whether for approval or refusal with the exception of:

- Applications which are significant departures from the Development Plan and which are recommended for approval.
- Applications submitted by members of Council staff (or close relatives, that is, spouse, partner, child(ren), parent(s) or sibling(s) involved in the consideration of planning applications, including senior council staff.
- Applications attracting objections from statutory consultees, where the officer's recommendation is to approve.
- Applications which the Council considers should be referred to Committee for determination, a material planning reason (for example a reason relating to planning policy,) must be given for such a referral.
- Applications which the Head of Planning considers that the proposal merits consideration by the Committee. E.g. an application subject to an Enforcement Notice where the recommendation is to refuse permission
- A legal agreement is required.

### **Part C - : Delegation of Planning Consents, Certificates, Tree preservation Orders, other determinations and Enforcement**

As well as determining planning applications, the Planning Committee 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 such functions to an officer of the council. The Planning Committee has endorsed this approach on 19 February 2015.

The following matters are delegated to the appointed officer:

- The serving of a provisional Tree Preservation Order.
- The investigation of formal planning enforcement proceedings through the issuing of enforcement notices, stop notices, temporary stop notices, fixed penalty notices, submission notices and planning contravention notices.
- 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 to carry out works to trees.
- Determination of any hazardous substance consent.
- Applications for Non Material Changes.

#### **Part D - Publicity**

The Council has made a copy of this Scheme of Delegation available on its website at [www.fermanaghomagham.com](http://www.fermanaghomagham.com). Copies are also available on request for inspection at the Planning Offices in Enniskillen and Omagh and in the Townhall, Enniskillen and the Grange, Omagh.

#### **Part E – Review**

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