

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 Lead Planner or other Officer nominated by the Chief Executive or relevant Director and other officers nominated by the Lead Planner.

The scheme of delegation for the determination of planning applications was agreed by Fermanagh and Omagh District Council at its meeting of 07th July 2022 following approval by the Department for Infrastructure on 21st July 2022. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The scheme of delegation takes effect from 22nd July 2022.

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

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 an employee of the Council (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 made by a close relative (that is, spouse, partner, child(ren),

- parent(s) or sibling(s)) of an elected member of the Council
- Applications attracting material objections from statutory consultees, where the officer's recommendation is to approve;
- Applications which a member of the Planning Committee considers should be referred to Committee for determination following publication of the list of new planning applications or notification of a recommendation to refuse a planning application or approve a planning application where there is an objection. A referral must be made in writing within 3 weeks from the notification of new planning applications or within one week from the notification to refuse planning permission or approve permission where there is an objection. A material planning reason eg a reason relating to planning policy, must be given for such referrals.;
- Applications which the Lead Planner considers that the proposal merits consideration by the Committee eg an application subject to an Enforcement Notice where the recommendation is to refuse permission; or
- A legal agreement is required.
- Applications for mineral exploration which will be determined by the Council.

Part C – Delegation of Enforcement

As well as determining planning applications, the Planning Committee will also have to administer the enforcement of planning.

The following matters are delegated to the appointed officer:

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, submission notices and planning contravention notices;

Part D – Delegation of the determination of other consents and planning matters.

The following matters are also delegated to the appointed officer

- The serving of a provisional Tree Preservation Order;
- Determination of any application for a certificate of lawful development and all other notifications under the Planning (General Permitted Development) Order 2015 with the exception of Part 16 Permitted Development Rights notifications which will be determined by the Council;
- 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 protected trees;
- Determination of any hazardous substance consent;
- Serving of a temporary listed building preservation notice;
- Applications for Non-Material Changes;
- Discharge of planning conditions;
- Determination of a revocation order (where there is agreement with the applicant);
- and

- The screening of and determination of decisions on development proposals required under the Environmental Impact Assessment or Habitats Regulations

With the exception of any application made by an employee of the Council (or close relatives, that is, spouse, partner, child(ren), parent(s) or sibling(s)) involved in the consideration of the application, including senior council staff, or by a close relative of an elected member of the Council.

Part E – Publicity

The Council has made a copy of this Scheme of Delegation available on its website at www.fermanaghomagh.com.

Copies are also available on request for inspection at the Planning Offices:

County Buildings, 15 East Bridge Street, Enniskillen BT74 7BW
Connect Centre 16 High Street, Omagh, BT78 1BQ

Part F – Review

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