



**DEFA Delegation No. 8/17**

**GOVERNMENT DEPARTMENTS ACT 1987**  
**DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE**  
**Delegation of Functions relating to**  
**PLANNING AND BUILDING CONTROL**

In exercise of the powers conferred by section 3(2) of the Government Departments Act 1987<sup>1</sup>, I authorise

**Mr Steve Butler, Head of Development Management**

in the **Department of Environment, Food and Agriculture** until further notice to exercise the functions of the Department relating to Planning in the Schedule to this authorisation subject to any standing orders made by the Department under section 3(4) of that Act.

Nothing in the Schedule shall be taken to impinge on the authority of the Chief Executive to manage the staff of the Department, nor to execute his responsibilities as Departmental Accounting Officer.

The authorisation contained in DEFA Delegation 7/15 is revoked.

Made: 19 June 2017

*T. S. Baker*

*AS ACTING MINISTER*

**Hon. G Boot, MHK**  
**Minister for Environment, Food and Agriculture**

---

<sup>1</sup> 1987 c.13

## Schedule

### **FUNCTIONS OF THE DEPARTMENT RELATING TO PLANNING**

- (1) The functions of the Department, whether created by statute or otherwise, in connection with Planning including the powers, duties and responsibilities of the Department arising from those functions.
- (2) Those functions include the functions of the Department under the following Acts —
  - Conveyancing Act 1983
  - Copyright Act 1991
  - Town and Country Planning Act 1999 (other than those delegated to the body known as the Planning Committee unless further delegated by that Committee)
  - Housing (Miscellaneous) Provisions Act 2011 (in respect of the functions in section 6)
- (3) Those functions also include —
  - (a) power to determine planning applications submitted under the Town and Country Planning Act 1999 other than those delegated to the body known as the Planning Committee unless further delegated by that Committee;
  - (b) power to determine whether or not a planning application is required to be submitted in specific circumstances;
  - (c) powers to sign planning decision notices;
  - (d) power to sign enforcement notices;
  - (e) power to sign stop notices;
  - (f) power to sign registered building enforcement notices;
  - (g) power to exercise the functions of the Department under the Town and Country Planning (Certificates of Lawful Use or Development) Regulations<sup>2</sup>;
  - (h) power to exercise the functions of the Department under the Town and Country Planning Act 1999, of whether in specific circumstances, an enforcement notice should be issued by the Department;
  - (i) power to determine whether in respect of unauthorised building operations undertaken within the four year period preceding a written request, there should be issued a letter on behalf of the Department indicating that, in terms of section 26 of

---

<sup>2</sup> SD 253/05 as amended by SD 674/05

the Town and Country Planning Act 1999, an enforcement notice will not be served, and the issue of such a letter;

- (j) power to determine submissions required by conditions of any planning approval;
- (k) power to determine, in article 14(3) of the Town and Country Planning (Development Procedure)(No2) Order 2013, applications to extend the period within which an approved development must be begun; and
- (l) exercise such management functions as provided for under the following Civil Service Regulations or analogous thereto, to the extent set out below:

<b>Civil Servants</b>	<b>Authority</b>
Disciplinary Procedure	<ul style="list-style-type: none"><li>• Up to Final Written Warning</li><li>• Appeals up to Final Written Warning</li></ul>
Capability Procedure	<ul style="list-style-type: none"><li>• Submission of an Adverse Report</li><li>• Up to Final Warning</li></ul>
Grievance Procedure	<ul style="list-style-type: none"><li>• Up to Stage 3</li></ul>

### **Exceptions**

- (4) The Head of Development Management must not determine an application for which authorisation would otherwise be given by this instrument –
  - (a) in which the Head of Development Management has a personal interest (whether or not a pecuniary interest);
  - (b) in which a member of the immediate family of the Head of Development Management is the applicant;
  - (c) in which any member or officer of Planning and Building Control or a member of the immediate family of such a member or officer, is involved; or
  - (d) in which the Head of Development Management considers should properly be determined by the Department Member responsible for Planning or the Minister of the Department.