



DEFA Delegation No. 2019/10

GOVERNMENT DEPARTMENTS ACT 1987

DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE

Delegation of Functions relating to

**THE DETERMINATION OF PLANNING APPLICATIONS AND SIGNING OF NOTICES
BY PRINCIPAL PLANNER (ENFORCEMENT)**

In exercise of the powers conferred by section 3(2) of the Government Departments Act 1987¹, I authorise

Miss Abigail Morgan - Principal Planner (Enforcement)

in the **Department of Environment, Food and Agriculture** until further notice to exercise the functions of the Department relating to Planning Enforcement specified 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 no. 2018/09 is revoked.

Made:

Date.....20/5/19.....

Signed..........

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

¹ 1987 c.13

Schedule

FUNCTIONS OF THE DEPARTMENT RELATING TO PLANNING AND TO THE DETERMINATION OF PLANNING APPLICATIONS AND THE SIGNING OF NOTICES BY PRINCIPAL PLANNER (ENFORCEMENT)

- (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 —

Town and Country Planning Act 1999 (other than those delegated to the body known as the Planning Committee unless further delegated by that Committee).
- (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) power to sign planning decision notices;
 - (d) power to sign enforcement notices;
 - (e) power to sign stop notices; and
 - (f) power to sign registered building enforcement notices.
 - (g) 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; and
 - (h) power to determine whether in respect of development carried out without the benefit of planning approval undertaken within the four or ten year period (whichever is relevant) preceding a written request, there should be issued a letter on behalf of the Department indicating that, in terms of section 26 of the Town and Country Planning Act 1999, an enforcement notice will not be served, and the issue of such a letter.

Exceptions

- (4) The Principal Planner (Enforcement) must not determine an application for which authorisation would otherwise be given by this instrument –
 - (a) in which the Principal Planner (Enforcement) has a personal interest (whether or not a pecuniary interest);

(b) in which a member of the immediate family of the Principal Planner (Enforcement) 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 Principal Planner (Enforcement) consider(s) should properly be determined by the Department Member responsible for Planning or the Minister of the Department.