



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

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.

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.

To delegate to the Chief Planning Officer:

The authority to determine all local development applications whether for approval or refusal except where there are:

- Relevant material objections from a residents/amenity group
- Objection from a Ward Councillor or
- Objections from six or more respondents from different addresses

In such circumstances as are described above a decision cannot be made under delegated powers without first bringing the matter to the attention of the Members' briefing panel.

The Members' briefing panel shall be made up of the Chair of Planning Committee, Deputy Chair and two other members of the Planning Committee.

The panel shall not decide upon applications referred to it. It shall consider the nature and extent of objections to the application by viewing the Planning Officer report, the drawings and letters of objection.

Thereafter the panel shall either advise that they are satisfied with the proposed decision being made under delegated powers or they will recommend that the decision is made by the Planning Committee instead.

Applications to be determined by the Planning Committee

The legislation prohibits the appointed officer from determining applications in circumstances where the application is made by the Council or an elected member of the Council or where the application relates to land in which the Council has an estate. Furthermore the legislation requires that applications falling within the Major category of development be determined by the Planning Committee. In addition Council has agreed that two further categories of application be removed from the scheme of delegation. Accordingly the following categories of application will be determined by the Planning Committee:

- Applications which are significantly contrary to the development plan and which are recommended for approval.



- Applications which are submitted by members of staff directly involved in the consideration of planning applications, councillors and officers of the Council at the level of senior manager or above.
- Applications attracting objections from statutory consultees where the officer's recommendation is for approval.
- Applications which are submitted by Council or which relate to land in the ownership of the Council or in which the Council has a financial interest.
- All applications falling within the Major category of development.

Delegation of Enforcement Matters

- To delegate to the Chief Planning Officer authority
- To determine whether to take enforcement action and the service of any enforcement notice, planning contravention notice, breach of condition notice and submission notice to enable the Council to discharge any of their functions as planning authority including direct action.
- To serve any notice in connection with or to secure the removal of advertisements displayed in contravention of any regulations controlling the display of advertisements.
- In the interests of expediency, to take such action as necessary or appropriate in the interests of, or to preserve the position of the planning authority including the service of any stop notice (including a temporary stop notice) or the making of any statutory order including a tree preservation order.