



DEFA Delegation No. 2024/01

GOVERNMENT DEPARTMENTS ACT 1987

DEPARTMENT OF ENVIRONMENT, FOOD AND AGRICULTURE

Delegation of Functions relating to:

PLANNING

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

Mr Stephen Butler (when Head of Development Management)
Miss Abigail Faye Elizabeth Morgan (as Acting Head of Development Management and Principal Planner – Enforcement)
Mr Christopher Richard Leonard Balmer and Mr Jason Paul Singleton (as Principal Planners)

In the **Department of Environment, Food and Agriculture** until further notice to exercise the functions of the Department relating to Planning 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 this Schedule shall be taken to impinge on the authority of the Chief Officer to manage the staff of the Department, not to execute his responsibilities as Departmental Accounting Officer.

Nothing in this Schedule shall be taken to curtail any separate delegation, including those to the Director of Planning and Building Control or the Departmental Member with responsibility for Planning and Building Control.

The authorisations contained in DEFA Delegation no. 2023_06 are revoked.

Redacted

Date: 8th March 2024

Hon. C Barber, MHK
Minister for Environment, Food and Agriculture

¹ 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 and Building including the powers, duties and responsibilities of the Department arising from those functions.
- (2) Those functions include the functions of the Department under the Town and Country Planning Act.
- (3) Those functions include (for the **Head of and Acting Head of Development Management only**) the functions of the Department under the following Acts –
 - (a) Conveyancing Act 1983;
 - (b) Copyright Act 1991; and
 - (c) Housing (Miscellaneous) Provisions Act 2011 (in respect of the functions in section 6).
- (4) Those functions include the power to determine the following types of applications submitted under the Town and Country Planning Act 1999 unless that application should more properly be determined by the Planning Committee -
 - (a) planning approval (section 10(1));
 - (b) variation of condition (section 10(3));
 - (c) reserved matters (section 10(6)(d));
 - (d) works affecting registered building (section 15);
 - (e) demolition in conservation area (section 19(3));
 - (f) display of advertisements (section 22(2)(b)); and
 - (g) variation of condition of registered building consent (paragraph 3 of Schedule 3).
- (5) Those functions include the power to -
 - (a) determine submissions required by conditions attached to any approval of the types of application listed at (4), irrespective of who determined the application; and
 - (b) refuse a 'similar application' under Section 10(6)(c) of the Town and Country Planning Act 1999.
- (6) Those functions include the power to -
 - (a) determine Minor Changes applications (section 10(6A) of the Town and Country Planning Act 1999)
 - (b) determine Telecommunication Prior Approval Applications (schedule 4 of the Town and Country Planning (Telecommunications) Development Order 2019²).
- (7) Those functions include the power to –
 - (a) determine whether or not a planning, registered building or advert application is required to be submitted in specific circumstances;
 - (b) determine whether in respect of development carried out without the benefit of planning approval undertaken within the four or ten year period (whichever is

² SD No. 2019/0393

- 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 letter;
- (c) determine Certificates of Lawfulness of Use or Development applications (section 24(1) the Town and Country Planning Act 1999); and
 - (d) 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.

- (8) Those functions include the power to sign -
 - (a) Decision notices;
 - (b) Enforcement notices;
 - (c) Stop notices; and
 - (d) Registered building enforcement notices.
- (9) Those functions include the power to determine that an appeal request does not satisfy the requirements of any Orders or Procedures made under the Town and Country Planning Act (1999).

Management Functions

- (10) Those functions include (for the **Head of and Acting Head of Development Management only**) the power to exercise such management functions as provided for under the following Civil Service Regulations or analogous thereto, to the extent set out below:

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

Exceptions

- (11) The Head of Development Management, Acting Head of Development Management, Principal Planner – Enforcement or Principal Planner or Principal Registered Buildings Officer must not make a determination for which authorisation would otherwise be given by this instrument –
 - (a) if they have a personal interest (whether or not a pecuniary interest);
 - (b) if a member of their immediate family is the applicant;
 - (c) if a member or officer of the Planning and Building Control Directorate or a member of the immediate family of such a member or officer, is involved; or
 - (d) if they consider it should properly be determined by the Department Member responsible for Planning or the Minister of the Department.