

PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICE

PLANNING (DEVELOPMENT MANAGEMENT)

SCHEME OF DELEGATION

This Scheme of Delegation is set out in two parts.

Part 1 relates to the authorisation of Officers to determine a range of planning related matters (Delegated Powers). These powers enable Officers to deal with a range of planning applications, notifications, consultations, enquiries and compliance matters without formal a formal resolution from Planning Committee.

Part 2 relates to a range of planning related matters which should be referred to Planning Committee for a formal resolution.

Having such a Scheme of Delegation enables the Local Planning Authority (LPA) to strike an appropriate balance between effecting timely decisions on the majority of planning matters whilst maintaining the necessary democratic checks Planning Committee provides.

1. PART 1 – OFFICER LEVEL DECISIONS

Subject to the provisions in Part 2 of the Scheme of Delegation, Part 1 authorises the Head of Service, Development Manager and any Officer so authorised by them to determine the range of applications, notifications, consultations, pre-application enquiries, general enquiries and compliance

Planning Scheme of Delegation

actions listed in Columns 1 and 2 of Appendix A.

In relation to the following, the scheme authorises the above Officers to: -

1.1. Determine Planning or other Applications:-

- 1.1.1. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval, and where 3, or less, individual written objections have been received from different properties* raising objections material to that application.
- 1.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending refusal.
- 1.1.3. All types of applications, notifications, consultations, pre-application enquiries, general enquiries and compliance matters listed in Column 2 of Appendix A.

1.2. Determine Pre-Application Enquiries and General Enquiries

- 1.2.1 All types of pre-application and general enquiries requiring a written response from the Local Planning Authority.

1.3. Deal with Compliance Issues:-

- 1.3.1. Cases which have been investigated by a Planning Compliance Officer and require no further action.
- 1.3.2. Cases which require the service of a formal notice as listed in Column 2 of Appendix A.
- 1.3.3. Legal action in association with breaches of Notices served under the provisions contained in paragraph 1.3.2 above and any other appropriate
**legal action not associated with such notices.

1.4. Deal with Miscellaneous Issues:-

- 1.4.1. To decide the type of planning appeal process to be adopted, subject to consultation with the Local Ward Member(s), and to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 1.4.2. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms have not been significantly altered,

Planning Scheme of Delegation

subject to informal consultation with the Local Ward Member(s).

- 1.4.3. Minor amendments to the wording of planning conditions / reasons for refusal/notes to applicants on applications determined at Planning Committee, including minor amendments to Committee authorised enforcement notices where the substance of the suggested condition /reason for refusal /note to applicant / notice is not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 1.4.4 To make and serve Tree Preservation Order Notices. To deal with applications for works to Trees in Conservation Areas.
- 1.4.5 To respond to all EIA screening and scoping requests.

1.5 Deal with matters relating to Nationally Significant Infrastructure Projects (NSIPs) and Developments of National Significance (DNS)

1.5.1. To submit observations on behalf of the Council:

- Responding to the relevant Decision Making Body on environmental impact assessment screening and scoping opinion consultations.
- Responding to the developer's consultation on the Statement of Community Consultation.
- Responding to the Decision Making Body's consultation on the adequacy of the developer's consultation.

1.5.2 To agree to enter into Planning Performance Agreements with developers.

1.5.3 To agree Statements of Common Ground.

1.5.4 To represent the Council at Examination Hearing Sessions and make verbal / written representations during the Examination.

1.5.5 To approve details submitted to the Local Planning Authority in accordance with Requirements contained in NSIP Development Consent Orders.

2. PART 2 – COMMITTEE LEVEL DECISIONS

2.1. The scheme requires referral of the following to Planning Committee for

Planning Scheme of Delegation

formal resolution. This means that the following would not fall within Part 1 of this scheme:-

Planning or other applications

- 2.1.1. All types of application listed in Column 1 of Appendix A on which Officers are recommending approval and where 4, or more, individual written objections have been received from different properties raising planning objections material to that application.
- 2.1.2. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval where an explicit* relevant material planning objection has been received from a City/Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.1.3. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee.

Departures

- 2.1.4. All types of applications listed in Column 1 of Appendix A on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.

Member Call-In

- 2.1.5. Any application not already determined under Part 1 above which the Ward Member for the Ward in which the application site is located has submitted a written request, based on valid planning grounds, that the application be referred to Planning Committee. The adjoining Ward Member(s) may request referral to Committee where it can be justified that there would be a material planning impact on that area. Requests for referral to Committee must be made in writing to the Head of Planning, Public Protection and Countryside Service and/or the Development Manager.

Officer Call-In

- 2.1.6 Any other application, notification, consultation, enquiry and enforcement matter listed in Column 1 and 2 of Appendix A which the Head of Service or Development Manager considers necessary to report to Planning Committee

Planning Scheme of Delegation

due to interest or circumstance.

Applicant

2.1.7 All types of applications listed in Column 1 of Appendix A submitted by, on behalf of, or on land in the ownership of:

A County Councillor,

Member of the Senior Leadership Team (SLT)

Member of staff of Planning, Public Protection and Countryside Service

A *close relative of any of the above

Legal Modifications

2.1.8 Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.

Nationally Significant Infrastructure Projects (NSIPs) and Developments of National Significance (DNS)

2.1.9. Any formal response to the developer's statutory pre-application consultation.

2.1.10. Any formal response to the relevant Decision Making Body on NSIP / DNS application consultations, including the Local Impact Report.

Referral Back To Committee

2.1.11 Any application which has been determined contrary to Officer recommendation at Planning Committee but which, in the opinion of the Head of Service in consultation with the Monitoring Officer, could involve one of the following:

a) A significant departure from the adopted Development Plan.

Planning Scheme of Delegation

- b) A significant risk of costs being awarded against the Council at any subsequent planning appeal, legal challenge, possible Welsh Government call-in or Ombudsman investigation.

2.1.12 The returning report will, in all circumstances, be referred back to Planning Committee in order to protect the interests of the Council and will contain additional information pertaining to the two areas a) and/or b) above.

Planning Scheme of Delegation

| Column 1 – Types of applications | | Column 2 – Notifications/Consultations/Enforcement Actions | |
|----------------------------------|--|--|---|
| Application Code | | Application Code | |
| AC | Approval of planning Conditions | AA | Agricultural Prior Notification (Roads, tanks, other) |
| AD | Advert Applications | AG | Agricultural Prior Notification (Buildings) |
| CA | Conservation Area Consent | CT | Certificate of Appropriate Alternative Development |
| LB | Listed Building Consent | DA | Demolition Prior Approval |
| | | DM | Demolition Notification – Dwellings |
| MA | Minerals Application | EL | Electricity Line |
| OB | Modification/Discharge of obligation (Section 106) | FA | Forestry Prior Approval |
| PC | Retrospective Applications | FE | Forestry Notification |
| PF | Full Planning Permission | GD | Government Department |
| PO | Outline Planning Permission | HE | Notification to remove Hedgerow |

Planning Scheme of Delegation

| | | | |
|----|--|-----|--|
| PR | Reserved Matters | HR | Hedgerow Retention Notice |
| PS | Section 73 Variation/Removal of planning condition | HS | Hazardous Substances Consent |
| TP | Works on trees with Tree Preservation Orders | LE | Certificate of Lawfulness for Existing Use/Development |
| WA | Waste | LP | Certificate of Lawfulness for Proposed Use/Development |
| | | NA | Neighbouring Authority Consultation |
| | | NMA | Non Material Amendment |
| | | TA | Telecommunications Prior Approval |
| | | TB | Telecommunications Notification |
| | | TC | Work on trees in Conservation Areas |
| | | ENQ | All pre-application and general enquiries |
| | | ENF | Advertisement Discontinuance Notices, Breach of Condition Notices, Community Protection Notices, Completion Notices, Conservation Area Enforcement Notices, Enforcement Notices, Enforcement Warning Notices, Hazardous Substances Contravention |

Planning Scheme of Delegation

| | | | |
|--|--|--|--|
| | | | Notices, Hedgerow Replacement Notices, High Hedge Remedial Notices, Listed Building Enforcement Notices, Maintenance of Land Notices, Planning Contravention Notices, Repairs Notices, requisitions for information, Stop Notices, Temporary Stop Notices, Tree Replacement Notices and Urgent Works Notices |
|--|--|--|--|

Planning Scheme of Delegation

INTERPRETATION

FOR CLARITY REGARDING THE SCHEME OF DELEGATION:

Valid Representations

Representations will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain a full, valid postal address. For the purposes of the Scheme * “different” properties means they should have a different postal address point.

Electronic representations will only be accepted by e-mail. They will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individual’s name and a full postal address.

Anonymous letters and e-mails without a name and full postal address will not be taken into account.

Representations which are considered to contain libellous, discriminatory, defamatory or otherwise offensive remarks will not be considered.

Petitions containing names and signatures along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as one single representation.

Definitions

“Close relative” is defined as spouses/partners, parents, children, brothers and sisters.

*Explicit means any response should clearly state either “**No Objections**”, “**No Observations**”, “**Support**” or “**Object**” (providing material reasons for the objection).

“Significant Departure” is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the adopted Local Development Plan.

Planning Scheme of Delegation

For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order

**For the purposes of this any other appropriate legal action shall include Injunctions.

For the purposes of this scheme all planning applications will include those made by or on behalf of the Council.