

Chief Planning Officer

Subject to the exceptions listed below, the Chief Planning Officer¹ is authorised to discharge the following Council (non-executive) functions:

1 Town and Country Planning and Development Control

| | | |
|-----|---|---|
| (a) | To determine application for planning permission | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 |
| (b) | To determine applications to develop land without compliance with conditions previously attached | Section 73 of the Town and Country Planning Act 1990 |
| (c) | To grant planning permission for development already carried out | Section 73A of the Town and Country Planning Act 1990 |
| (d) | To decline to determine application for planning permission | Section 70A of the Town and Country Planning Act 1990 |
| (e) | Duties relating to the making of determinations of planning applications | Sections 69 and 92 of the Town and Country Planning Act 1990 and Articles 5, 10,12, 15 to 18, 15 20 to 242, 25 to 30 and 32 to 35 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015/595 ² 1995 (SI 1995/419) and directions made thereunder |
| (f) | To determine application for planning permission made by a local authority, alone or jointly with another person | Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (SI 1992/1492) |
| (g) | To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights | Parts 1 to 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (SI 2015/596) ³ |
| (h) | To enter into agreement regulating development or use of land | Section 106 of the Town and Country Planning Act 1990 |
| (i) | To issue a certificate of existing or proposed lawful use or development | Sections 191 and 192 of the Town and Country Planning Act 1990 |
| (j) | To serve a completion notice | Section 94(2) of the Town and Country Planning Act 1990 |
| (k) | To grant consent for the display of advertisements | Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 |
| (l) | To authorise entry onto land | Section 196A of the Town and Country Planning Act 1990 |

¹ The fact that a function has been delegated to the Chief Planning Officer does not require the Chief Planning Officer to give the matter his/her personal attention and the Chief Planning Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Planning Officer remains responsible for any decision taken pursuant to such arrangements.

²² This Order replaced 1995/419 which is cited in the Functions and Responsibilities Regulations

³ This Order replaced 1995/418 which is cited in the Functions and Responsibilities Regulations

Officer Delegation Scheme (Council (non-executive) functions)

| | | |
|------|--|---|
| (m) | To require the discontinuance of a use of land | Section 102 of the Town and Country Planning Act 1990 |
| (n) | To issue a temporary stop notice | Section 171E of the Town and Country Planning Act 1990 |
| (o) | To serve a planning contravention notice, breach of condition notice or stop notice | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990 |
| (p) | To issue an enforcement notice | Section 172 of the Town and Country Planning Act 1990 |
| (q) | To apply for an injunction restraining a breach of planning control | Section 187B of the Town and Country Planning Act 1990 |
| (r) | To determine applications for hazardous substances consent, and related powers | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 |
| (s) | To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25), and paragraph 6(5) of Schedule 14 to that Act |
| (t) | To require proper maintenance of land | Section 215(1) of the Town and Country Planning Act 1990 |
| (u) | To determine application for listed building consent, and related powers | Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 |
| (v) | Duties relating to applications for listed building consent | Section 13(1) of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and Arrangements for Handling Heritage Applications Direction 2015 and The Conservation Areas Direction 2015 ⁴ |
| (w) | To serve a building preservation notice, and related powers | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings and Conservation areas) Act 1990 |
| (x) | To issue enforcement notice in relation to demolition of listed building in conservation area | Section 38 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 |
| (y) | To acquire a listed building in need of repair and to serve a repairs notice | Sections 47 and 48 of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 |
| (z) | To apply for an injunction in relation to a listed building | Section 44A of the Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 |
| (aa) | To execute urgent works | Section 54 of Planning (Listed Buildings and Buildings and Conservation Areas) Act 1990 |

⁴ This Direction replaced Circular 01/01 cited in the Functions and Responsibilities Regulations

2 Commons Registration

| | | |
|-----|--|---|
| (a) | To register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to (i) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67) or (ii) an order section 147 of the Inclosure Act 1845 (c8 & 9 Vict c 118) | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843) |
| (b) | To register variation of rights of common | Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471) |
| (c) | Functions relating to the registration of common land and town or village greens | Part 1 of the Commons Act 2006 (c.26) |
| (d) | Power to apply for an enforcement order against unlawful works on common land | Section 41 of the Commons Act 2006 |
| (e) | Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference. | Section 45(2)(a) of the Commons Act 2006. |
| (f) | Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens | Section 45(2)(b) of the Commons Act 2006 |

3 Hedgerows and Trees

| | | |
|-----|---------------------------------------|--|
| (a) | The protection of important hedgerows | The Hedgerows Regulations 1997 |
| (b) | The preservation of trees | Sections 197 to 214D of the Town and Country Planning Act 1990, and the Town & Country Planning (Tree Preservation)(England) Regulations 2012 ⁵ |

4 High Hedges

| | | |
|-----|------------------------------|--|
| (a) | Complaints about high hedges | Part 8 of the Anti-Social Behaviour Act 2003 |
|-----|------------------------------|--|

⁵ These Regulations replace the Regulations cited in the Functions and Responsibilities Regulations.

Officer Delegation Scheme (Council (non-executive) functions)

Exceptions:

The Chief Planning Officer is not authorised⁶ to discharge the following functions:

1 Town and Country Planning and Development Control

| | |
|-----|---|
| (a) | the determination of applications following a written request ⁷ to the Chief Planning Officer by a Ward Member <ul style="list-style-type: none">• concerning an application within the Ward he/she represents, or• concerning an application within a neighbouring Ward where that Ward Member considers that the development would have a significant effect on the ward he/she represents that an application be referred to the relevant Plans Panel; |
| (b) | the determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force; |
| (c) | the determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council; |
| (d) | the determination of applications for major development ⁸ which the Chair ⁹ considers are sensitive, controversial or would have significant impacts on local communities; |
| (e) | the approval of applications, where approval would reverse a previous decision taken by Plans Panel; |
| (f) | the approval of applications, where approval would conflict with an objection raised by a statutory technical consultee; |
| (g) | where the Chair ¹⁰ considers that the application should be referred to the relevant Plans Panel for determination because of the significance, impact or sensitivity of the proposal; |
| (h) | the determination of applications submitted in a personal capacity by or on behalf of Members, Directors or any other officer who carries out development management functions. |

⁶ Under this delegation scheme (council functions). A Plans Panel may however arrange for the discharge of **any** of its functions by the Chief Planning Officer - (Section 101(2) Local Government Act 1972).

⁷ This request must be made to the Chief Planning Officer and should normally be made within 21 days of the date of validation. The application can be legally determined after the 21 day statutory advertisement deadline if no such request has been received by that deadline. The request must set out the reason(s) for the referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties (these being those which are notified by means of a letter as part of the Council's policy regarding publicity on householder planning applications).

⁸ "Major Development" for these purposes means:

- Residential development involving the erection of ten or more dwellings or, if the number of dwellings are not known, sites of 0.5 hectares or more.
- Other development proposals (apart from minerals and waste development) where the application would result in the erection of gross floorspace of not less than 1,000 msq, or sites of 1 hectare or more.
- Minerals and waste development where an Environmental Statement is required.

⁹ In conjunction with the Chief Planning Officer

¹⁰ In conjunction with the Chief Planning Officer

2 Commons Registration

| | |
|-----|--------------------------------------|
| (a) | Where objections have been received. |
|-----|--------------------------------------|