

**PLANNING AND COMPULSORY PURCHASE ACT 2004 –  
DELEGATIONS****1. INTRODUCTION**

- 1.1 The Planning and Compulsory Purchase Act 2004 has introduced a wide range of measures relating to the planning function. Some of these changes need to be reflected in the scheme of delegation of powers to officers. The activities involved are divided between those that are delegated directly from Council, those under the Economy and Planning Portfolio and Cabinet and those delegated by the Planning Development Control Committee.
- # 1.2 Attached as appendices to this report are the proposed changes. In each case, proposed deletions are shown as type that has been struck through (~~proposed deletions~~). Proposed additions are shown in bold italics (***proposed additions***).
- 1.3 In addition to the changes proposed as a result of the Planning and Compulsory Purchase Act, it is also being suggested that the way in which officers are authorised to enter premises and to act under the Planning Development Control Committee is amended. Historically, each individual officer has been authorised by name. This means that there is a constant need to update the delegations, as officers join the Council and also leave. Elsewhere within the scheme of delegations, such authorisations are made by post. This is more efficient, and does not leave any gaps in time between an officer joining and the necessary authorisations being put in place.

**2. CRIME AND DISORDER, ENVIRONMENTAL AND FINANCIAL IMPLICATIONS**

- 2.1 None arising directly from this report, although an up to date scheme of delegations of powers does help the Council to operate in the most effective way.

**3. PORTFOLIO HOLDER'S COMMENTS FOR THE CABINET**

- 3.1 The Economy and Planning Portfolio Holder supports the recommendation in the report.

**4. RECOMMENDED:**

- 4.1 **For Council:**
- # That the amendments to the scheme of delegation of powers to officers, as set out at Appendix 1 to this report in so far as they relate to the Council functions, be approved and adopted;

4.2 **For Cabinet:**

# That the amendments to the scheme of delegation of powers to officers, as set out at Appendix 2 to this report in so far as they relate to the executive function, be approved and adopted;

4.3 **For Planning Development Control Committee:**

# That the amendments to the scheme of delegation of powers to officers, as set out at Appendix 3 to this report, be approved and adopted;

**For further information contact:**

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**Background Papers:**

Published documents

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APPENDIX 1

FUNCTIONS WHICH ARE NOT THE RESPONSIBILITY OF THE CABINET  
DELEGATIONS TO OFFICERS DIRECT FROM COUNCIL

No	Source Reference	Power Delegated	Delegation To	Minute
68	Local Government Act 1972 s.101	To make minor amendments to the submitted Local Development Documents, for the purpose of clarification; <b>and/or statement of community involvement</b> before or during the <b>independent</b> examination Council	Director of Community Services, Council or Head of Policy, Design and Information, or Team Leaders - Policy, Design and Information <del>or Project Leaders - Policy, Design and Information</del>	Council 75. of 22/04/02 Council 63. of 28/04/03 20. of 19/07/04
69	Local Government Act 1972 s.101 <del>Town and Country Planning Act 1990 (s.36)</del> <b>Planning and Compulsory Purchase Act 2004 s.19</b>	To prepare and publish draft Local Development Documents and other planning policy documents for public consultation  Remarks: Subject to appropriate consultation with members and other interested parties	Head of Policy, Design and Information	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 20. of 19/07/04

***Planning and  
Compulsory  
Purchase Act s.18***

***To prepare a statement of  
community involvement***

***Head of Policy Design and  
Information.***

***Planning and  
Compulsory  
Purchase Act s 32***

***To decide if representations  
fall within the definitions of  
Representations that may be  
disregarded.***

***Head of Policy Design and  
Information***

**FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET  
RELATING TO ECONOMY AND PLANNING PORTFOLIO**

**DELEGATIONS TO OFFICERS**

No	Source	Power Delegated	Delegation To	Minute Reference
	<i>The Acquisition of Land Act 1981 s.5A S.105 of the Planning and Compulsory Purchase Act 2004</i>	<i>To require information about interests in land which it is intended to compulsory purchase</i>	<i>Head of Legal and Democratic Services, or Solicitors or Employed Barrister</i>	
302	Building Act 1984 Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990	To initiate and undertake prosecutions on behalf of the authority pursuant to these Acts and any amending legislation, or Regulations made pursuant to the Acts on matters which are the responsibility of the Cabinet	Head of Legal and Democratic Services or, in his or her absence, Solicitors, or Employed Barrister, in consultation with the Head of Development Control, or Head of Policy, Design and Information, or Area Planning Officers, or Principal Planning Officer, or Planning Officers, or Assistant Planning Officers, or	Cabinet 201. of 8/04/02 Cabinet 42. of 4/08/04

Local Government  
(Miscellaneous  
Provisions) Act  
1976  
***Planning and  
Compulsory  
Purchase Act 2004***

Tree Team Leader, or Tree  
Officers, or Conservation and  
Urban Design Team Leader, or  
Conservation Officers, or  
Principal Building Control  
Surveyor, or Senior Building  
Control Surveyor, or District  
Building Control Surveyors

Remarks: General Delegation put in  
to replace specific authorities under  
various sections of these Acts

***Town and  
Country Planning  
Act 1990 s.304  
Planning  
and Compulsory  
Purchase Act 2004  
s.115***

***To pay grants for research and  
education/assistance***

***Head of Policy Design and  
Information***

**FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET  
CABINET FUNCTIONS GENERALLY  
DELEGATIONS TO OFFICERS**

<b>No</b>	<b>Source</b>	<b>Power Delegated</b>	<b>Delegation To</b>	<b>Minute Reference</b>
	<i>The Acquisition of Land Act 1981 s.5A S.105 of the Planning and Compulsory Purchase Act 2004</i>	<i>To require information about interests in land which it is intended to compulsory purchase</i>	<i>Head of Legal and Democratic Services, or Solicitors or Employed Barrister</i>	

**FUNCTIONS WHICH ARE DELEGATED TO THE  
PLANNING DEVELOPMENT CONTROL COMMITTEE  
DELEGATIONS TO OFFICERS**

<b>No</b>	<b>Source</b>	<b>Power Delegated</b>	<b>Delegation To</b>	<b>Minute Reference</b>
211	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 <b>Planning and Compulsory Purchase Act 2004</b>	After having ensured that all statutory requirements have been complied with, and after considering all representations received, to approve all types of application submitted under the Acts provided that:-  (1) they accord with the provisions of the appropriate development plan <b>documents</b> , other adopted policy guidance or development brief standards  (2) they comply with all the relevant adopted local authority standards  (3) the decisions would not conflict with any objections received from an elected District Council member within the specified consultation period	Head of Development Control, or Area Planning Officers, or Principal Planning Officer	Council 75. of 22/04/02 Council 63. of 28/04/03



(4) that a member of the Planning Development Control Committee has not requested that the planning application should be determined by the Planning Development Control Committee

(5) the decision would not conflict with an objection received from a statutory consultee received within the specified consultation period

(6) the decision would not conflict with an objection from the Town or Parish Council received within the specified consultation period

(7) in all cases the Head of Development Control considers it prudent to exercise his or her delegated authority, failing which he or she shall report the matter to the Committee

***(8) would not be of sufficient scale to affect objectives in the Regional Spatial Strategy.***

Subject to:-  
 (i) the prior completion of such Agreements as the Head of Development Control deems appropriate to secure controls over the development or financial contributions/works for the benefit of the community, in accordance with planning policies and guidance  
 (ii) the imposition of such conditions as the Head of Development Control deems appropriate

Remarks: Includes determination of applications for agricultural buildings; for the demolition of buildings; and for telecommunications equipment

212	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 <b>Planning and Compulsory Purchase Act 2004</b>	After having ensured that all statutory requirements have been complied with, and after considering all representations received, to refuse all types of application submitted under the Acts where he or she is satisfied that the proposals are contrary to the provisions of the appropriate development plan <b>documents</b> , planning policy guidance and circulars, do not comply with relevant adopted local authority	Head of Development Control, or Area Planning Officers, or Principal Planning Officer	Council 75. of 22/04/02 Council 63. of 28/04/03
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standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance, provided that:

(1) The decision would not conflict with any representation submitted by an elected District council member within the specified consultation period

(2) The decision would not conflict with any representations submitted by the Town or Parish Council within the specified consultation period

(3) In all cases the Head of Development Control considers it prudent to exercise his or her delegated authority failing which he or she shall report the matter to the Committee

214 Town and Country  
Planning Act 1990  
(s.70A)  
**s.70 B**

To decline to determine an application for planning permission

Head of Development Control,  
or Area Planning Officers, or  
Principal Planning Officer

Council  
75. of 22/04/02  
Council  
63. of 28/04/03

**Planning Listed Buildings and Conservation Areas Act 1990 s.81A and 81B**

**To decline to determine an application for relevant consent**

**Head of Development Control, or Area Planning Officers, or Principal Planning Officer.**

215 Planning (Hazardous Substances) Act 1990

To approve applications for hazardous substance consent, to impose conditions and to agree minor amendments to previously approved proposals provided that:-

Head of Development Control, or Area Planning Officers, or Principal Planning Officer

Council  
75. of 22/04/02  
Council  
63. of 28/04/03

(1) They accord with the provisions of the appropriate development plan **documents**, other adopted policy guidance or development brief

(2) They comply with all the relevant adopted local authority standards

(3) The decision would not conflict with any objections received from an elected District Council member within the specified consultation period

(4) The decision would not conflict with an objection received from a statutory consultee or Town or Parish Council received within the specified consultation period

(5) In all cases the Head of Development Control considers it prudent to exercise his or her delegated authority, failing which he or she shall report the matter to the Committee.

***(6) are not of sufficient scale to affect objectives in the Regional Spatial Strategy.***

To refuse applications submitted under the Act where:-

Head of Development Control,  
or Area Planning Officers, or  
Principal Planning Officer

(1) He or she is satisfied that the proposals are contrary to the provisions of the appropriate development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practices and would cause demonstrable harm to an interest of acknowledged importance  
and

(2) The refusal would accord with the advice of the Health and Safety Executive in respect of the application

Provided that:-

(1) The decision would not conflict with any representation submitted by an elected District Council member within the specified consultation period

(2) The decision would not conflict with any representation received from a Town or Parish Council within the specified consultation period

(3) In all cases the Head of Development Control considers it prudent to exercise his or her delegated authority, failing which he or she shall report the matter to the Committee

<p>216 Town and Country (General Regulations) 1992 (Regs.3 and 4)</p>	<p>To approve applications submitted under Regulations 3 and 4, after having ensured that all the statutory regulations have been complied with and after considering all representations received provided that the decision:-</p>	<p>Head of Development Control, or Area Planning Officers, or Principal Planning Officer</p>	<p>Council 75. of 22/04/02 Council 63. of 28/04/03</p>
	<p>(1) Accords with the provisions of the appropriate development plan <b>documents</b>, other adopted policy guidance or development brief;</p> <p>(2) Complies with all the relevant adopted local authority standards;</p> <p>(3) Would not conflict with any objections from an elected District Council Member or Town or Parish Council received within the specified consultation period;</p>		

(4) Would not conflict with an objection from a statutory consultee received within the specified consultation period;

(5) In all cases is one which the Head of Development Control considers it prudent to make under his or her delegated authority. Failing which he or she shall report the matter to Committee

***(6) is not of sufficient scale to affect the objectives in the Regional Spatial Strategy.***

Subject to such conditions as he or she deems it appropriate to impose.

Council  
75. of 22/04/02  
Cabinet  
~~201. of 8/04/02~~



218	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990	To deal with minor modifications to approved plans, and to vary or to discharge conditions imposed on consents	Head of Development Control, or Area Planning Officers, or Principal Planning Officer, or Planning Officers, or Assistant Planning Officers, or Head of Policy, Design and Information, or Tree Team Leader, or Conservation and Urban Design Team Leader; <b>or Landscape and Open Space Team Leader</b>	Council 75. of 22/04/02 Council 63. of 28/04/03
246	Planning (Listed Buildings and Conservation Areas) Act 1990 (S.89) Town and Country Planning Act 1990 (S.330(1) and S.330(2)) Miscellaneous Provisions Act 1976 (s.16)	To require information on interests in land and its use	Head of Legal and Democratic Services, or Solicitors, or Employed Barrister, or Head of Development Control, or Principal Planning Officer; <b>or Head of Policy Design and Information, or Conservation and Urban Design Team Leader</b>	Council 75. of 22/04/02 Council 63. of 28/04/03 Council 20. of 19/07/04

<p>248 Town and Country Planning Act 1990  Planning (Listed Buildings and Conservation Areas) Act 1990  Planning (Hazardous Substances) Act 1990, (including Regulations thereunder)  Local Government (Miscellaneous Provisions) Act 1976  Local Government Act 1972 s.101 and s.222</p>	<p>To initiate, defend, conduct and settle legal proceedings on behalf of the Council in respect of any of the functions of the Council which are delegated to the Committee</p>	<p>Head of Legal and Democratic Services, or Solicitors, or Employed Barrister</p>	<p>Council  75. of 22/04/02  Council  20. of 19/07/04</p>
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<p>257 Town and Country Planning Act 1990  Planning (Listed Buildings and Conservation Areas) Act 1990  Planning (Hazardous Substances) Act 1990  <b>Planning and Compulsory Purchase Act 2004</b></p>	<p>In respect of any function which is delegated to the Committee, to enter premises for the purposes of the Acts and any amending statutes or regulations made pursuant to the Acts</p>	<p><del>J Ward, G Ashworth, Mrs L Evans, P Hughes, M Bailey, N Miller, Miss J Norman, C Elliott, A Huggett, T Barnett, B Buck, S Gange, S Avery, S Clothier, I Rayner, R Lofthouse, T Patchell, D Wise, T Bartram, M Bryant, D Blackman, P Jameson, B Wilson, R Payne, N Williamson, M Poole, Miss P Freeland, Mrs G Butter, A Foster, Miss J Debnam, S Trueick, G Hoyle, M Hill, C Ropello, B Leamore, Ms G O'Rourke, Ms A Coles, Mrs N Heaselden, Director of Community Services, Head of Policy, Design and Information, Head of Development Control, Principal Planning Officer, Planning Enforcement Officer, Area Planning Officer, Planning Officer, Assistant Planning Officer, Principal Building Control Surveyor, Senior Building Control Surveyor, Assistant Building Control Surveyor, District Building Control Surveyor, Enforcement Officer, Head of Policy Design and</del></p>	<p>Council  75. of 22/04/02  Cabinet  201. of 8/04/02</p>
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Information, Policy and Plans  
 Team Leader, Project Leader,  
 Conservation and Urban Design  
 Team Leader, Architect,  
 Conservation Officer, Landscape  
 and Open Space Team Leader,  
 Landscape Architect, Open Space  
 Co-Ordinator, Urban Designer,  
 Tree Team Leader, Arboriculturist,  
 Arboricultural Officer, Corporate  
 Tree Manager, Employed  
 Barrister, Solicitors, Head of Legal  
 and Democratic Services,  
 Committee Administrator

258 Environment Act Authorisation to Enter Premises  
 1995 (s.97)  
 Hedgerow  
 Regulations 1997  
 (Reg.12)

~~N Gibbs, Ms G O'Rourke, Miss J  
 Debnam, Mrs N Heaselden, R  
 Payne, J Ward, N Williamson, B  
 Wilson~~ Director of Community Services,  
 Head of Legal and Democratic  
 Services, Committee Administrator,  
 Solicitor, Urban Designer,  
 Head of Policy, Design and  
 Information, Landscape and  
 Open Space Team Leader,  
 Tree Team Leader

Council  
 75. of 22/04/02