

Report of Director of Placemaking, Decarbonisation and Engagement

Subject: To Amend the Authority's Scheme of Delegation in relation to Planning Applications and Related Matters

Purpose of Report

This report proposes to amend the Authority's Scheme of Delegation in relation to Development Management. Temporary amendments were first agreed on 6th May 2020 and extended, most recently in December 2021. These amendments were introduced to assist the Authority in delivering the continuity of the Development Management service during the Covid -19 period. Some elements of the temporary amendments will now cease at the end of December 2022, but it is proposed that some are retained as permanent amendments. Some additional amendments are also proposed to improve the clarity of the Scheme and ensure any new powers which are introduced are captured immediately by the wording of the scheme.

Background

Background to Delegation

Section 70 of the 1990 Act provides Local Planning Authorities with the power to determine an application for planning permission. Section 101 of the Local Government Act 1972 allows the local authority to arrange for the discharge of its functions, including the determination of an application for planning permission, by a committee, sub-committee or by delegation to an officer of the authority (in the National Park this is to the Chief Executive/National Park Officer).

Every Local Planning Authority has a scheme of delegation setting out the development types or other criteria of planning applications which will be determined by the relevant committee. This scheme identifies the circumstances in which applications can be determined by the Head of Service (in the case of the National Park Authority the Chief Executive) under delegated powers. These circumstances normally relate to issues such as the type of development, the number of objections received, and who submits the application. Welsh Government guidance on Development Management matters is set out in the Development Management Manual (WG, 2017¹). The manual notes that the delegation of decision-making to officers has benefits for all stakeholders in terms of simplifying procedures and freeing up committee members to concentrate on more complex cases where there are policy issues.

¹ [Development management manual | GOV.WALES](#)

In determining the scope of a delegation scheme, Members must balance the benefits of transparency and the additional scrutiny brought by consideration in the Development Management Committee against the potential to save time in dealing with planning applications which can be determined without needing to wait for a committee cycle and decision.

The Development Management Manual (WG,2017) states that: *“A scheme of delegation should ensure that the right type of application is determined at the right decision level, reflecting the complexity and conformity of the proposal with planning policy. It should allow minor applications and those in conformity with the development plan, a straightforward route to determination since the LPA’s policy position is already stated in the local development plan which is in the interests of efficient and consistent decision making.”*

Existing Delegation Scheme

The existing scheme of delegation is attached at Appendix 1. Section D addresses Planning Applications and related matters.

The scheme currently lists all areas which are delegated to the Chief Executive as well as exceptions. As planning legislation changes, there is a risk that this may become out of date and therefore a simplification to Section D Section 1 is proposed, to clarify that all Development Management functions relating to town and country planning legislation in relation to Planning Applications and related matters are delegated to the Chief Executive and the Director with responsibility for planning, with the exceptions of those items specifically identified in Section 2. This includes delegation for matters such as the imposition of conditions/reasons, discharge of conditions, retrospective applications (if not falling within other exemptions), Listed Building and Conservation Area applications (if not falling within other exemptions), non material amendments, applications for certificates and matters relating to the scoping and screening of Environmental Impact Assessments and completion notices and discharge or modification of S.106 agreements (unless falling within other exemptions).

Temporary Covid-19 Measures Introduced to extend Delegation Scheme

The following temporary measures were introduced in May 2020 and subsequently extended, most recently in December 2021 to operate until 31st December 2022.

- i) Delegation to the Chief Executive/Director of Planning and Park Direction for applications submitted by the Authority or by a Member of the Authority or an employee of the Authority.
- ii) With agreement from the Chair and Deputy Chair of the Development Management Committee, delegation to the Chief Executive/Director of Planning and Park Direction for applications with a recommendation contrary to the view of the city/town/community council.
- iii) With agreement from the Chair and Deputy Chair of the Development Management Committee, delegation to the Chief Executive/Director of Planning and Park Direction for major applications which had not received any objections from third parties.

Permanent Amendments proposed to Delegation Scheme Section 2

Exceptions:

Appendix 2 sets out the full replacement text proposed for Section D of the scheme of delegation as tracked changes. The additional elements address the following:

- Point 2 - that major full or outline applications may be delegated to officers where there are no objections received with the agreement of the Chair and Deputy Chair of the Development Management Committee
- Point 4 - that emerging plans must have received an Inspector's report before they can be given weight against existing Development Plans. This point also reflects the introduction of different tiers to the Development Plan system in Wales.
- Point 6 - that applications where staff members have an interest will be considered by the Committee where the employee is working either within the Planning Department or as a manager or senior manager of the Authority.
- Point 8 – that applications deemed contrary to the view expressed by the community council may be delegated to officers with the agreement of the Chair and Deputy Chair of the Development Management Committee.
- Point 12 is suggested for deletion – as all policy creation is non delegated and a matter for the National Park Authority, this is not required within this section.
- Point 14 is to improve clarity in relation to the modification of S.106 agreements and state that these are not delegated where these would vary a recommendation previously approved by the Development Management Committee.
- Point 15 to clarify that the Local Impact Report for Developments of National Significance would be considered by the Development Management Committee
- Point 16 to clarify that Responses to the Statement of Community Consultation for Nationally Significant Infrastructure Projects would be considered by the Development Management Committee

Section 5 is proposed for deletion as this is covered by amended wording to Section 1. It is now proposed that responses to the statement of community consultation should be considered by the Development Management Committee as this would be likely to be relating to matters of significant scale and therefore to be of interest to this Committee.

Additional Amendment proposed to Delegation Scheme Section 4) Enforcement

Amend **section b) Every enforcement case is delegated unless**

Add in:

- In the event of a planning appeal upholding any authorised enforcement action to be taken by the Authority, any deviation from the identified steps set out to ensure compliance, that have been upheld on appeal, should only be agreed and authorised by the Development Management Committee, whether that be

through its determination of a subsequent planning application(s) and/or otherwise, and not under delegated authority.

This clarification is proposed following a recommendation resulting from the investigation of a complaint by the Authority's Monitoring Officer.

Policy considerations

None

Financial considerations

There is the potential for applicants to request a refund of the application fee if a decision is not made within 16 weeks of validation for householder applications and 32 weeks for some other categories of applications, where no extension of time has been agreed with the applicant.

Risk considerations

The reputation of the Park Authority is a consideration in the timely management of planning application decisions.

Equality considerations

Where an application is delegated, comments from City/Town/Community Councils will be given proper consideration during the processing of the application and will be addressed in the delegated report.

Welsh Language

None

Conclusion

This operational change updates the Scheme of Delegation to ensure the effective delivery of the Development Management service.

RECOMMENDATION:

That Members resolve to amend the scheme of delegation Section D with regard to planning applications and related matters as outlined within this report and set out in full in Appendix 2.

Background Documents

Appendix 1 Scheme of delegation – Planning Applications and Related Matters
Appendix 2 Amended scheme of delegation for Section D Planning Applications and Related Matters

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Consultees: Tegryn Jones, Caroline Llewellyn, Janet Evans, Kate Attrill, Martina Dunne, Michael Kent, Alan Southerby.

PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY

DELEGATIONS TO OFFICERS



A) GENERAL

- 1) The CE/NPO is authorised to act on behalf of the National Park Authority in relation to any matters within the service area for which he/she is responsible subject to the following overriding provision:
 - a) Any action of the CE/NPO under delegated powers shall be in accordance with:
 - i. the overall policies approved by the National Park Authority or Policy Committee;
 - ii. Standing Orders;
 - iii. Financial Regulations.
 - b) Where the exercise of a delegated power is likely to affect another Local Authority, consultation shall take place with the relevant officer of that Authority whose service area is likely to be affected.
 - 2) Without prejudice to these delegations the CE/NPO is expected in appropriate cases to:
 - a) maintain a close liaison with the appropriate Committee Chairman (or in his/her absence the Vice-Chairman) and/or;
 - b) liaise with the other Committee spokesperson and/or;
 - c) ensure that the local Member (LA or WG) is advised of the exercise of delegated powers and/or;
 - d) ensure that the Monitoring Officer (Section 5 Local Government and Housing Act 1989) and/or Chief Financial Officer (Section 151 Local Government Act 1972) is consulted or informed.
- NB:** *Before exercising any delegated power the CE/NPO must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the appropriate Committee.*
- 3) Any power conferred upon the CE/NPO may be exercised by an authorised officer in his/her absence or at other times in accordance with any general directions of the CE/NPO. In the absence of the CE/NPO a second tier officer may authorise similarly the exercise of those powers.
 - 4) The CE/NPO, after consultation with the Chairman in relation to commercial organisations and businesses, may approve applications to hire the Authority's premises. (NPA 20/6/01)
 - 5) The CE/NPO, following consultation with the Chairman and Vice-Chairman, is empowered to authorise:

- (i) other Members to attend an approved event when the approved Member (e.g. the Chairman or Vice-Chairman) were unavailable;
- (ii) extended representation at an approved event when deemed desirable and appropriate, and
- (iii) appropriate Members to represent the Authority at a relevant event (in circumstances where the Authority had not had the opportunity to consider the matter).

Any action taken in respect of 5) above would be reported to the next main meeting of the Authority, and that the matter be kept under review. *(NPA 8/2/99)*

- 6) The Director of Planning and Park Direction is authorised to respond on behalf of the Authority on future SSSI notifications, subject to a report being made to the Authority on action taken. *(NPA 26/3/2003)*
- 7) The CE/NPO, in consultation with the Chairman, is delegated authority to approve Member representation at local launch events and other public relations opportunities as and when they arise. *(NPA 16/05/07)*
- 8) Confirmation of the Chief Executive's Performance Review Panel membership be delegated to the Administration and Democratic Services Manager, in consultation with the Chairman of the Authority. *(NPA 29/03/17)*
- 9) The development, implementation and working of car park operations be delegated to the Chief Executive with targets and strategy proposals being presented to Members at least annually. *(NPA 30/11/16)*

B) PERSONNEL

- 1) The CE/NPO is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions upon which they are employed as are specified in the Personnel Handbook of the Authority.
- 2) The CE/NPO is authorised to recommend unpaid leave of absence of up to 3 months duration wherever the duties and responsibilities of the applicant could be easily discharged by a temporary employee. *(Policy Committee 19/02/97)*

NB: *Consultation will take place with the Employee Forum on the Human Resource Strategy and the Appeals mechanism.*

- 3) The CE/NPO is authorised, in liaison with the HR Manager, to undertake future review and amendment of those posts designated 'politically restricted'. *(Personnel Committee 12/12/07)*
- 4) The Chief Executive, as Head of the Paid Service, is delegated authority by the NPA to make the following decisions:

- i) Recruitment, re-deployment, early retirement or efficiency retirement of staff with the exception of Chief Executive, Director, Section 151 Officer and Monitoring Officer;
- ii) Termination of specific areas of work, within existing service;
- iii) Any redundancy impacting on less than three members of staff (except Chief Executive, Director, Section 151 Officer and Monitoring Officer);
- iv) Any outsourcing or joint working proposal that has an impact on less than three staff, e.g. a need to transfer staff to or from another organisation;
- v) Joint working proposals not impacting on employment issues, e.g. not leading to redundancy or transfer of a member of staff;
- vi) Creation of new posts within the current budget of the Authority, which improve efficiency. (NPA 8/12/10)

- 5) The NPA is responsible for the approval of all HR strategy and policy documents prior to their implementation. However, delegation has been granted in accordance with the below matrix:

Type of document	Personnel Committee	Employee Forum	NPA	Leadership Team
New Policy - resulting in contractual change not driven by legislation or collective bargaining.	Consulted	Consulted	Approval	Consulted
New Policy - required as a result of new legislation or changes to NJC terms and conditions.	Informed	Informed		Approval
Existing Policy - which changes the general aims and objectives and direction of decision making.	Approval	Consulted		Consulted
Existing Policy - which <u>doesn't</u> change the general aims, objectives or direction of decision making, e.g. to reflect a change in working practice.				Approval
Procedures - that define how a policies (already approved by NPA or				Approval

other delegated Committee) are implemented.				
NJC Terms and Conditions - with a potential impact on resources (financial or otherwise), where the Authority has discretion on implementing.	Approval	Consulted		Consulted
NJC Terms and Conditions - where no discretion exists, e.g. <i>annual pay remit</i> .				Approval
Guidelines - which provide advice to staff and managers alike and are advisory in nature only.				Approval

Any policy change approved by delegation to Officers of the Authority, will be reported to the next available Personnel Committee meeting. (NPA 30/09/20)

C) ENTRY AND INSPECTION

The CE/NPO may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which the NPA has statutory powers.

Officers of the Development Management Section are authorised to enter onto private or public land or premises in the execution of their duties. (NPA 17/03/99)

D) PLANNING APPLICATIONS AND RELATED MATTERS

- 1) The following matters are delegated to the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) (*exceptions to this are listed under 2 (Exceptions) below*): (NPA 15/03/06)

Where applicants request that applications be considered by Committee to give them the opportunity to speak at Committee, these requests be refused if that is the only reason given. (NPA 14/10/09)

a) The consideration and determination of all submissions made under current planning legislation. These include:

- Planning applications;
- The imposition of conditions and reasons for decisions on planning permissions;
- Detailed information required by conditions of planning permissions;
- The discharge of conditions in relation to applications submitted by Members or officers or their immediate family, where officers or Members are declared as the owners on the ownership certificates, where officers have an interest in the application, by Members who have been Members of the Authority less than 12 months prior to the application, or the application is made on behalf of the Authority. (NPA 5/2/14);
- The formulation of reasons for the refusal of planning applications;
- Applications to develop land without compliance with conditions previously imposed;
- Retrospective applications;
- Listed Building and Conservation Area applications;
- Service of Listed Building Preservation Notice;
- Advertisement applications;
- Applications for Hazardous Substances Consent;
- Minerals and Waste applications;
- Proposals affecting trees covered by a Tree Preservation Order;
- Proposals required to be notified to the LPA. under Planning regulations (General Permitted Development Order, etc.);
- Applications for Certificates of Lawful Use and Development (CLEUD), and Certificates of Proposed Use and Development (CLOPUD);
- Applications to vary or discharge Section 106 agreements;
- The revocation or modification of a planning permission;
- Appeals against the refusal of planning permission, conditions of consent, etc.;
- Applications for Certificates of Appropriate Alternative Development.
- Approving applications for non-material amendments made under Section 96A of the Town and Country Planning Act 1990 (NPA 17/12/14)

b) The consideration and determination of issues under the Environmental Impact Assessment regime:

- The need for a Scoping Opinion;
- The need for a Screening Opinion;
- The need for the submission of an Environmental Impact Assessment;
- Engaging public consultation in respect of an Environmental Impact Assessment;
- Consideration of the adequacy of the Environmental Statement.

c) The consideration of “Working amendments” (Policy Committee 18/07/2001.

- the working programme within a quarry where the changes were contained within the excavated area of the quarry.

d) Other Functions:

- Tree Preservation Orders and applications to fell/lop within such areas;
- Purchase Notices;
- Designation of Conservation Areas;
- Completion Notices.

The Authority is also required to comment on applications being considered by other authorities.

2) EXCEPTIONS

The following matters have to be the subject of a report to the Development Management Committee:

- Any application subject to an Environmental Impact Assessment;
- Any “major” application as defined by the need to advertise the proposal under article 8 of the General Development Procedure Order, 1995;
- Any application that is contrary to the provisions of the Development Plan but which is to be recommended for approval;
- Any application where there is conflict between the Development Plan policies and policies proposed in an emerging plan;
- Any application (except discharge of condition or non-material amendment (NPA 10/08/16) – see above) submitted by a Member of the Authority, or a member of his immediate family, or a Member who has left the Authority less than twelve months prior to the submission of the application;
- Any application (except discharge of condition – or non-material amendment (NPA 10/08/16) see above) submitted by, or in which an officer employed by the Authority has an interest;
- Any application (except discharge of condition – or non-material amendment (NPA 10/08/16) see above) where the owner of the land is a Member or an officer of the Authority as declared on the ownership certificate accompanying the application;
- Any application that is to be determined contrary to the view expressed by the Community Council, where that view is a material planning consideration. The only reason for bringing an item to Committee in these circumstances should be based on a material planning consideration. The comment ‘support’ or ‘object as it is retrospective’ would not be judged a sufficient reason to bring an item to Committee if the officer recommendation was contrary. (*Caveat amended by NPA 14/10/09*);
- Any application that is to be recommended for approval contrary to the advice of a Statutory Consultee;
- Any application which the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or

the Head of Park Direction (Lead officer on Planning Policy) *(NPA 10/08/16)* decides should be referred to Committee because it raises matters of significant public and/or Member interest or where the matter is considered to be contentious or controversial. Justification for this approach to be recorded on the file;

- Any application made by or on behalf of the Authority or an application in which the Authority has a financial interest as landowner;
- The designation of a Conservation Area;
- Any application that a Member requests be brought before the full Committee. Members wishing to take advantage of this provision are to advise the officer in writing using the appropriate form within 21 days from the receipt of a valid application, giving the reasons why they would like the matter considered by the Committee. *(Criterion added NPA 14/10/09 and amended NPA 07/12/11)*

- 3) The Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) *(NPA 10/08/16)* be authorised to approve provisional Tree Preservation Orders – the signatures of any two officers being required on such an Order. *(NPA 20/09/04)*

4) **ENFORCEMENT**

- a) Consideration of the need to serve the following are delegated to the Chief Executive (National Park Officer), in the absence of the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) *(NPA 10/08/16)*:

- Planning Contravention Notices (Principal Planning Officers also authorised to sign, subject to no officer signing PCNs which relate to cases on which they are the case officer) *(NPA 01/02/12)*;
- Breach of Condition Notices;
- Enforcement Notices;
- Listed Building Enforcement Notices;
- Stop Notices;
- Injunctions;
- Institute Prosecutions or other legal proceedings.

- b) Every enforcement case is delegated unless *(NPA 01/02/12)*:

- i. There is a breach of planning control and the case is contrary to the provisions of the Development Plan but it is recommended that enforcement action should not be taken (this would not include cases that are lawful by virtue of the passage of time or are of such a minor nature that it is not expedient to take action);
- ii. There is a breach of planning control and the case complies with the provisions of the Development Plan but it is recommended that enforcement action should be taken;

- iii. The case relates to a Member of the Authority, or a Member of his /her immediate family or a Member who has left the Authority less than twelve months prior to the commencement of the investigation;
- iv. The case relates to a site in which an officer employed by the Authority has an interest;
- v. The case is one which the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) or the Authority's Solicitor/Legal advisor decides should be referred to Committee because it raises matters of significant public and/or Member interest or where the matter is considered to be contentious or controversial or which could have financial implications for the Authority. Justification for this approach is to be recorded on the file;
- vi. The case relates to land in which the Authority has an interest or has a financial interest as landowner;
- vii. Any Member may ask for a particular case to be brought before the Committee by writing to the Head of Development Management and giving full reasons which should be based on planning grounds;
- viii. Prosecution action is required – unless in relation to a breach of the advertisement regulations or in relation to works to a listed building which are criminal offences and often require immediate action as a result.

This scheme of delegation relates to the taking or not of enforcement action, breach of condition action, action under Section 215 of the Town and Country Planning Act, action in respect of unauthorised advertisements, etc.

The delegation for taking action is given to the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) and the two Principal Planning Officers. The Authority's Legal Advisor will also be required to check all enforcement notices.

The delegation for serving a Stop Notice is given to the Chief Executive or Director of Planning and Park Direction in consultation with the Chair or Deputy Chair of the Development Management Committee.

5. The following matters under the Nationally Significant Infrastructure Projects regime:

- All procedural matters including responses to the Statement of Community Consultation and adequacy of consultation request;
- Response to Pre-application enquiries;
- Preparation and Presentation of Evidence at Examinations;
- The consideration and determination of information required by conditions of development consent orders.

E) DELEGATION IN RESPECT OF CONSULTATIONS IN RESPECT OF THE NEW LICENSING REGIME *(NPA 30/3/05; confirmed NPA 15/03/06)*

- (a) That in cases where no objection was to be made to the extension of an existing, or introduction of a new, licence that the Team Leader: Development Management (or in his/her absence the Director of Park Direction and Planning) be authorised to advise the County Council of the National Park Authority's views;
- (b) That in cases where objection was to be made to the extension of an existing, or introduction of a new, licence that the Team Leader: Development Management (or in his/her absence the Director of Park Direction and Planning) in consultation with the Chief Executive and the Chairman or Deputy Chairman of the Development Management Committee, be authorised to advise the County Council of the Authority's views;
- (c) That in cases where the National Park Authority was being asked to defend its view to either the Licensing Sub Committee or full Committee of the County Council, the Team Leader: Development Management (or in his/her absence an appropriate officer of the Authority as determined by the Chief Executive) should be authorised to attend the relevant Committee and give those views.

F) ACCESS AND RIGHTS OF WAY

- (a) The Chief Executive (National Park Officer) be authorised to make and confirm Public Path Diversion Orders which have received no objection during the preliminary round of consultations. *(NPA 16/06/97)*
- (b) The Chief Executive (National Park Officer), in consultation with the Chairman and any relevant Local Member, be delegated the power to authorise the making of Public Path Creation Agreements under Section 25 of the Highways Act 1980, and that a list of all completed Creation Agreements be produced for Members' information on an annual basis. *(Policy 16/02/00)*
- (c) The Chief Executive (National Park Officer) to authorise individual members of staff to make Public Path Creation Orders under Section 26 of the Highways Act 1980; Public Path Extinguishment Orders under Section 118 of the Highways Act 1980 and exercise powers of entry to land under Section 293 of the Highways Act 1980. *(NPA 28/03/18)*

Date of last revision: January 2021

Appendix 2: Amended Development Management Scheme of Delegation December 2022

D) PLANNING APPLICATIONS AND RELATED MATTERS

- 1) ~~All development management functions relating to town and country planning conferred by legislation are delegated to the~~ The following matters ~~are delegated to the~~ Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) (exceptions to this are listed under 2 (Exceptions) below): (NPA 15/03/06)

Where applicants request that applications be considered by Committee to give them the opportunity to speak at Committee, these requests be refused if that is the only reason given. (NPA 14/10/09)

The Chief Executive's (NPO) delegated powers may be exercised by any officer on his/her behalf in accordance with the Chief Executive's general direction.

~~a) The consideration and determination of all submissions made under current planning legislation. These include:~~

- ~~• Planning applications;~~
- ~~• The imposition of conditions and reasons for decisions on planning permissions;~~
- ~~• Detailed information required by conditions of planning permissions;~~
- ~~• The discharge of conditions in relation to applications submitted by Members or officers or their immediate family, where officers or Members are declared as the owners on the ownership certificates, where officers have an interest in the application, by Members who have been Members of the Authority less than 12 months prior to the application, or the application is made on behalf of the Authority. (NPA 5/2/14);~~
- ~~• The formulation of reasons for the refusal of planning applications;~~
- ~~• Applications to develop land without compliance with conditions previously imposed;~~
- ~~• Retrospective applications;~~
- ~~• Listed Building and Conservation Area applications;~~
- ~~• Service of Listed Building Preservation Notice;~~
- ~~• Advertisement applications;~~
- ~~• Applications for Hazardous Substances Consent;~~
- ~~• Minerals and Waste applications;~~
- ~~• Proposals affecting trees covered by a Tree Preservation Order;~~
- ~~• Proposals required to be notified to the LPA under Planning regulations (General Permitted Development Order, etc.);~~

- ~~Applications for Certificates of Lawful Use and Development (CLEUD), and Certificates of Proposed Use and Development (CLOPUD);~~
- ~~Applications to vary or discharge Section 106 agreements;~~
- ~~The revocation or modification of a planning permission;~~
- ~~Appeals against the refusal of planning permission, conditions of consent, etc.;~~
- ~~Applications for Certificates of Appropriate Alternative Development.~~
- ~~Approving applications for non-material amendments made under Section 96A of the Town and Country Planning Act 1990 (NPA 17/12/14)~~

~~b) The consideration and determination of issues under the Environmental Impact Assessment regime:~~

- ~~The need for a Scoping Opinion;~~
- ~~The need for a Screening Opinion;~~
- ~~The need for the submission of an Environmental Impact Assessment;~~
- ~~Engaging public consultation in respect of an Environmental Impact Assessment;~~
- ~~Consideration of the adequacy of the Environmental Statement.~~

~~c) The consideration of “Working amendments” (Policy Committee 18/07/2001. Amended NPA 17/12/14)~~

- ~~the working programme within a quarry where the changes were contained within the excavated area of the quarry.~~

~~d) Other Functions:~~

- ~~Tree Preservation Orders and applications to fell/lop within such areas;~~
- ~~Purchase Notices;~~
- ~~Designation of Conservation Areas;~~
- ~~Completion Notices.~~

~~The Authority is also required to comment on applications being considered by other authorities.~~

2) EXCEPTIONS

The following matters have to be the subject of a report to the Development Management Committee:

1. Any application subject to an Environmental Impact Assessment;
2. Any application meeting the statutory definition of a “major” application (outline or full) as defined by the need to advertise the proposal under article 8 of the General Development Procedure Order, 1995; unless no objections have been received in which case it may be delegated to officers with the agreement of the Chair and Vice Chair of the Development Management Committee.

3. Any application that is contrary to the provisions of the Development Plan but which is to be recommended for approval;
4. Any application where there is conflict between the Development Plan policies and policies proposed in an emerging plan (where an Inspector's Report has been received) or between different levels of the Development Plan;
5. Any application (except discharge of condition or non-material amendment *(NPA 10/08/16)* – see above) submitted by a Member of the Authority, or a member of his immediate family, or a Member who has left the Authority less than twelve months prior to the submission of the application;
6. Any application (except discharge of condition – or non-material amendment *(NPA 10/08/16)* see above) submitted by, or in which an officer employed either within the Planning Department or as a manager or senior manager by the Authority has an interest;
7. Any application (except discharge of condition – or non-material amendment *(NPA 10/08/16)* see above) where the owner of the land is a Member or an officer of the Authority as declared on the ownership certificate accompanying the application;
8. Any application that is to be determined contrary to the view expressed by the Community Council, where that view is a material planning consideration, unless delegated to officers with the agreement of the Chair and Vice Chair of the Development Management Committee. The only reason for bringing an item to Committee in these circumstances should be based on a material planning consideration. The comment 'support' or 'object as it is retrospective' would not be judged a sufficient reason to bring an item to Committee if the officer recommendation was contrary. *(Caveat amended by NPA 14/10/09);*
9. Any application that is to be recommended for approval contrary to the advice of a Statutory Consultee;
10. Any application which the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) *(NPA 10/08/16)* decides should be referred to Committee because it raises matters of significant public and/or Member interest or where the matter is considered to be contentious or controversial. Justification for this approach to be recorded on the file;
11. Any application made by or on behalf of the Authority or an application in which the Authority has a financial interest as landowner;
- ~~12. The designation of a Conservation Area;~~
12. Any application that a Member requests be brought before the full Committee. Members wishing to take advantage of this provision are to advise the officer in writing using the appropriate form within 21 days from the receipt of a valid application, giving the reasons why they would like the matter considered by the Committee. *(Criterion added NPA 14/10/09 and amended NPA 07/12/11)*
13. Any modification to a S.106 agreement which would vary a recommendation previously approved by the Development Management Committee.

14. Responses to the statement for community consultation for Nationally Significant Infrastructure Projects.

13-15. Local Impact Reports for Developments of National Significance.

- 3) The Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) be authorised to approve provisional Tree Preservation Orders – the signatures of any two officers being required on such an Order. (NPA 20/09/04)

4) **ENFORCEMENT**

- a) Consideration of the need to serve the following are delegated to the Chief Executive (National Park Officer), in the absence of the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16):
- Planning Contravention Notices (Principal Planning Officers also authorised to sign, subject to no officer signing PCNs which relate to cases on which they are the case officer) (NPA 01/02/12);
 - Breach of Condition Notices;
 - Enforcement Notices;
 - Listed Building Enforcement Notices;
 - Stop Notices;
 - Injunctions;
 - Institute Prosecutions or other legal proceedings.
- b) Every enforcement case is delegated unless (NPA 01/02/12):
- i. There is a breach of planning control and the case is contrary to the provisions of the Development Plan but it is recommended that enforcement action should not be taken (this would not include cases that are lawful by virtue of the passage of time or are of such a minor nature that it is not expedient to take action);
 - ii. There is a breach of planning control and the case complies with the provisions of the Development Plan but it is recommended that enforcement action should be taken;
 - iii. The case relates to a Member of the Authority, or a Member of his /her immediate family or a Member who has left the Authority less than twelve months prior to the commencement of the investigation;
 - iv. The case relates to a site in which an officer employed by the Authority has an interest;
 - v. The case is one which the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) or the Authority's Solicitor/Legal advisor decides should be referred to Committee because it raises matters of

significant public and/or Member interest or where the matter is considered to be contentious or controversial or which could have financial implications for the Authority. Justification for this approach is to be recorded on the file;

- vi. The case relates to land in which the Authority has an interest or has a financial interest as landowner;
- vii. Any Member may ask for a particular case to be brought before the Committee by writing to the Head of Development Management and giving full reasons which should be based on planning grounds;
- viii. Prosecution action is required – unless in relation to a breach of the advertisement regulations or in relation to works to a listed building which are criminal offences and often require immediate action as a result.
- ix. In the event of a planning appeal upholding any authorised enforcement action to be taken by the Authority, any deviation from the identified steps set out to ensure compliance, that have been upheld on appeal, should only be agreed and authorised by the Development Management Committee, whether that be through its determination of a subsequent planning application(s) and/or otherwise, and not under delegated authority

viii.x.

This scheme of delegation relates to the taking or not of enforcement action, breach of condition action, action under Section 215 of the Town and Country Planning Act, action in respect of unauthorised advertisements, etc.

The delegation for taking action is given to the Chief Executive (National Park Officer), and/or the Director who has responsibility for Planning and/or the Team Leader: Development Management (Lead officer on Development Management) and/or the Head of Park Direction (Lead officer on Planning Policy) (NPA 10/08/16) and the two Principal Planning Officers. The Authority's Legal Advisor will also be required to check all enforcement notices.

The delegation for serving a Stop Notice is given to the Chief Executive or Director of Planning and Park Direction in consultation with the Chair or Deputy Chair of the Development Management Committee.

5. ~~The following matters under the Nationally Significant Infrastructure Projects regime:~~

- ~~• All procedural matters including responses to the Statement of Community Consultation and adequacy of consultation request;~~
- ~~• Response to Pre-application enquiries;~~
- ~~• Preparation and Presentation of Evidence at Examinations;~~

~~The consideration and determination of information required by conditions of development consent orders.~~