

PLANNING SERVICES

Scheme of Delegation to the Head of Planning and Regeneration

To exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act, the Enterprise and Regulatory Reform Act and the Growth and Infrastructure Act together with any associated secondary legislation and regulations (unless expressly delegated to another officer) and to assess and determine nominations for local heritage assets and maintain a register except where:

In the case of all Applications;

1. In the opinion of the Head of Planning or the Professional Services Manager, the application is of a significant controversial or sensitive nature;
2. The application has been submitted by or on behalf of the Council;
3. The application is from an Elected Member or Officer
4. The application is accompanied by an Environment Impact Assessment (EIA);
5. The application is a significant or major departure and is recommended for approval;
6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
7. Applications will be delegated to the Head of Planning to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.

In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);

1. Is submitted under Section 106 BA of the Town and Country Planning Act 1990, if Committee consideration would be outside the date of determination delegated authority is given to the Head of Planning and Regeneration to agree amendments in consultation with the Head of Housing, the Cabinet Member of Housing and the Chair of Planning Committee.
2. In the case of renegotiations on another planning obligation issues the Ward Member or Chair or Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons otherwise they be delegated to the Head of Planning and Regeneration

In the case of Enforcement:

1. Formal enforcement action is proposed other than a Breach of Condition Notice or in the case where urgent action is required to commence enforcement proceedings, consisting of the service of a Temporary Stop Notice, Enforcement Notice, Stop Notice or commence Injunction proceedings. These proceedings to only be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.
2. Other than in consultation with the Legal Services Manager prosecution proceedings regarding any unauthorised advertising/fly posting.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information)

In the case of the Community Infrastructure Levy Regulations (CIL) and associated enforcement

1. Formal CIL enforcement action comprising CIL Stop Notice or in the case where urgent action is required to commence enforcement proceedings consisting of the service of a CIL Stop Notice or commence CIL Injunction proceedings. These proceedings only to be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.

In the case of Conservation:

1. It involves the designation of new, or amendment of existing Conservation Area boundaries
2. It requires the issue of repair and urgent work notices
3. It involves the submission of funding bids or schemes that have budgetary implications

In the case of the Local Plan:

Local Plan proposals and policies with reasoned justification for publication and consultation or adoption at the following stages (other than where minor modifications and other minor changes are made)

- Local Plan options consultation
- Publication and consultation of the 'submission' Local Plan
- Local Plan adoption

(or the equivalent stages of processes of successors to Local Plans).

In the case of Planning Policy:

- Representations to strategic plans and policies at a larger than District scale are to be made.
- Supplementary Planning Documents dealing with Mid Devon wide guidance and sites/areas for publication prior to consultation and for adoption (other than where minor modifications and other minor changes are made).

(Not including updating any contributions sought through S106 Agreements to reflect changes in the cost of provision of facilities).

BUILDING CONTROL AND SAFETY:

To exercise all the Council's powers under the Building Act 1984 or regulations made there under except where:-

In the case of charges

- The annual review of charge results in increases greater than the rate of inflation.

OTHER PROVISIONS

1. To authorise caravan rallies in accordance with the requirements of CS and C of DA 1960.
2. To make representations where appropriate and with the agreement of the Chairman and/or Vice Chairman of the Committee and Ward Member's (as appropriate) in respect of new Applications for Goods Vehicles Operators' Licenses, or when a significant variation of an existing licence is proposed.
3. To caution offender where there was evidence of a criminal offence and the offender admitted the commission of the offence but the public interest did not require a prosecution.