

**Proposed Changes to Section P (Planning) of Part 3 (Scheme of Delegation) of the Constitution**

<b>Const. Ref.</b>	<b>Responsibility/Function</b>	<b>Officer Responsible</b>	<b>Jointly or also delegated to</b>	<b>Reason for Proposed Change</b>
71	To respond to consultations by <del>borough and district councils</del> <b>other authorities</b> regarding their own development or the development of land of which they wish to dispose, <del>where the proposal does not accord with the Development Plan and/or the County Council intends to object.</del>	Assistant Director (Highways, Transport and Planning)	In consultation with the Cabinet Member and local member(s)	To reflect current practice and factual update
72	To respond to consultations by <del>borough and district councils</del> <b>other authorities</b> regarding <del>non-strategic</del> Development Plan documents.	Assistant Director (Highways, Transport and Planning)		To reflect current practice and factual update
73	To exercise the Council's planning functions with regard to <del>Areas of Outstanding Natural Beauty</del> <b>National Parks and National Landscapes.</b>	Assistant Director (Highways, Transport and Planning)		Factual update
77	To undertake duties relating to the <b>submission of and</b> making of determinations of planning applications under <del>Sections 69 and 92</del> <b>Part III</b> of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (Development Management Procedure) Order <del>2010</del> <b>2015</b> and any directions made thereunder.	Assistant Director (Highways, Transport and Planning)		To reflect current practice and factual update
78	To approve and issue all public notices and all advertisements required <del>under Article 8 of</del> <b>by</b> the Town and Country Planning (Development Management Procedure) Order <del>2010</del> <b>2015.</b>	Assistant Director (Highways,		Factual update

Const. Ref.	Responsibility/Function	Officer Responsible	Jointly or also delegated to	Reason for Proposed Change
		Transport and Planning)		
80	To implement a decision in principle by the Planning and Rights of Way Committee to refuse planning permission for an application under Regulation 3 of the Town and Country Planning General Regulations 1992 or to grant consent subject to conditions, if after further investigation and discussion under Standing Order 7.08 <b>6.08</b> it is concluded that the decision is justified.	Assistant Director (Highways, Transport and Planning)	In consultation with Chairman of the Planning and Rights of Way Committee and the Cabinet Member wishing to implement a decision	Correction
82	<p>Where there are no substantive material objections and either (i) the matter is not contrary to the Development Plan or (ii) the matter may be contrary to the Development Plan but material considerations outweigh the Development Plan provisions:</p> <p>a. <del>to determine applications in respect of temporary development of a minor nature, to vary a planning condition, to retain buildings or works temporarily, or to extend the time by which the development must be completed or to renew a time expired permission</del></p> <p>b. <del>to determine applications for the approval of reserved matters pursuant to an outline planning permission or matters reserved by condition upon a full planning permission</del></p> <p>c. <del>to determine amendments to working schemes and to monitoring schemes following the completion of a landfill site; and</del></p> <p>d. <del>to determine any other County Matter application.</del></p>	Assistant Director (Highways, Transport and Planning)		To reflect current practice and clarification

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	<p><b>a. to grant planning permission for any County Matter application; and</b></p> <p><b>b. to approve amendments to a working and/or monitoring scheme secured via a condition or legal agreement attached to a planning permission.</b></p> <p><b>Where the matter is contrary to the Development Plan and there are no material considerations that outweigh the Development Plan provisions:</b></p> <p><b>a. to refuse planning permission for any County Matter application; and</b></p> <p><b>b. to reject amendments to a working and/or monitoring scheme secured via a condition or legal agreement attached to a planning permission.</b></p>			
85	<p>To appear and give evidence at a planning appeal where the planning application concerned was not determined by the County Council as Planning Authority <b>represent the County Council at planning appeals and examinations, including submitting statements of case and proofs of evidence, agreeing Statements of Common Ground, and appearing and giving evidence.</b></p>	Assistant Director (Highways, Transport and Planning)		To reflect current practice
86	<p>To determine in respect of County Matter <b>planning Impact Assessment</b> is required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 <b>2017 and the scope of any such assessment</b>, and to provide advice to borough and district councils in non-County Matter applications.</p>	Assistant Director (Highways, Transport and Planning)		To reflect current practice and factual update

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87	To determine in respect of any planning permission granted whether a variation is <del>major or minor</del> <b>material</b> and if <b>it is</b> not, <del>major</del> to authorise such variation.	Assistant Director (Highways, Transport and Planning)		To reflect current practice
90	To respond to all consultations by <del>district planning</del> <b>other</b> authorities under Schedule 1 of the Town and Country Planning Act 1990 <b>in respect of planning applications that they are responsible for determining</b> (subject to a member's right to have the matter referred to the <b>relevant</b> Cabinet Member for Highways and Transport).	Assistant Director (Highways, Transport and Planning)		To reflect current practice and factual update
91	To authorise the execution of urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 <b>and recover any associated expenses.</b>	Assistant Director (Highways, Transport and Planning)		To reflect current practice
94	To issue <b>notices, including</b> enforcement notices, stop notices, and breach of condition notices, <b>and temporary stop notices</b> , and under Sections 172 to 190 <b>Part VII</b> of the Town and Country Planning Act 1990 <del>and temporary stop notices under Section 171E of the Town and Country Planning Act 1990.</del>	Assistant Director (Highways, Transport and Planning)	In consultation with Director of Law and Assurance	Clarification
96	To authorise entry onto land under <del>Section 196A</del> of the Town and Country Planning Act 1990.	Assistant Director (Highways, Transport and Planning)		Clarification