

## **Appendix 1**

### **Planning Delegation Scheme**

#### **Definitions:**

- **Community of Practice Planning Lead Specialist: Planning CoP**
- **In writing: shall include email and be supported by planning reasons**
- **Planning & Licensing Committee at West Devon Borough Council: P&L Committee**
- **Working days: days which are not weekends or bank holidays**
- **Planning Application: full, outline and reserved matters only**
- **Representation: means representations from any source excluding internal consultees**

#### **General Planning Delegation to Officers**

1. Subject to paragraph 2 below, the Planning CoP has delegated authority for all functions assigned to the P & L Committee under the Town and Country Planning Acts, Orders, and Regulations (as set out in Part 3 of the Council's Constitution and as amended from time to time) except:

- Planning Applications
- Listed Building Consents
- Advertisement Consents
- TPO final confirmations (excluding emergency TPOs)
- Works to TPO trees

which in the opinion of the Planning CoP:

- are of sub-regional or district-wide significance
- relate to the Council's own land
- is an application submitted by a Councillor, (including Councillor as agent or professional advisor) or an Officer (or an immediate family member residing with the Councillor or Officer)
- ought to be determined by the P&L Committee
- in respect of which the Planning CoP receives within 21 days of notification or receipt of the application, a written request from an elected member that the application should be brought to P&L Committee giving clear and precise planning reasons in the context of the planning application in question and shall prior to the P&L Committee advise the Case Officer in writing of his/her view.

2. In the case of planning, listed building, advert and TPO applications and confirmations, where five or more written representations are received which are contrary to the Planning CoP's recommendations\*\* and where:

- The representations are received prior to the expiry of the statutory time period and
- The representations are considered material and relevant to the planning issues, and
- Such a representation could not be dealt with adequately by the imposition of a suitable condition,

the Planning CoP shall have delegated authority to determine these only where:

- agreement to issuing a delegated decision has been sought in writing from the Ward Member(s) and,
- no written request (supported by material planning reasons) has been received from the Ward Member(s) within 3 working days of this notification

\*\* A response from Parish & Town Councils contrary to officer recommendation will continue to trigger the need to seek agreement to delegate.

### **Delegation in respect of Enforcement Action**

The Planning CoP has delegated authority to:

- decide that no breach has been found
- decide that it is not expedient to take enforcement action (in accordance with the Council's Enforcement Policy)
- invite regularising Planning Applications where appropriate
- carry out all enforcement action (including but not limited to) issuing and serving Planning Contravention Notices, Enforcement Notices, Untidy Site Notices, Stop Notices, Breach of Condition Notices and Building Preservation Notices
- take Prosecutions and Injunctions in respect of which Ward Member(s) have been notified in writing allowing **3 working days** for Members to request (in writing supported by planning reasons) that the proposed action is brought to the P&L Committee for decision and no such request has been received
  - SAVE that the Planning CoP has delegated authority to take a Prosecution or Injunction where the Council's position would be compromised if action is not taken urgently
- The Planning CoP may refer complex matters to the Committee at her discretion, or where there are relevant budgetary implications.

## **Ward Members**

- For the avoidance of doubt all Members in a multi-Member ward shall be notified / consulted by the Planning CoP
- Unless a Ward Member requests an extension of time of up to 48 hours for a response, s/he must advise the Planning CoP of his/her views within three working days of receiving the notification.
- In the absence of a Ward Member consultation response within the permitted time frames, the Planning CoP shall determine the matter in accordance with the officer recommendation, without the Member's views.
- Where a Ward Member is unavailable for consultation (for whatever reason e.g. holiday, DPI or other interest) then s/he should nominate an alternative member to carry out this role and notify Member Services accordingly in writing

## **Action on decisions of the P&L Committee**

- Where the Committee **approves** an application, the Planning CoP will issue the Approval Notice including such conditions as are reasonably required to give effect to the Committee's decision
- Where the Committee **refuses** an application which the Planning CoP recommended should be approved, it shall give the reasons for the decision but the Planning CoP shall determine the wording of the reasons for refusal

## **Section 106 Agreements (where P&L Committee has made 'a minded to grant' decision on the application)**

The Planning CoP may:

- Authorise the execution of a section 106 agreement where required in advance of the grant of planning permission
- In consultation with the Ward Member(s), vary the terms of a section 106 agreement (or take such other action as necessary) to secure the objectives of the Committee which agreed the 106 agreement