

Waverley Scheme of Delegation to the Joint Executive Head of Planning Development – Proposed (clean version)

O. JOINT EXECUTIVE HEAD OF PLANNING DEVELOPMENT

Development Control

	Authority	Function
O1	<p>To make all decisions, take all actions and exercise all powers in respect of the Council’s Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council’s Development Management, Planning Policy and Planning Enforcement functions:</p> <ul style="list-style-type: none"> i. Caravan Sites and Control of Development Act 1960 ii. Countryside and Rights of Way Act 2000 iii. Enterprise and Regulatory Reform Act 2013 iv. Environment Act 2021 v. Environmental Protection Act 1990 vi. Growth and Infrastructure Act 2013 vii. Housing Act 2004 viii. Human Rights Act 1998 ix. Infrastructure Act 2015 x. Local Democracy, Economic Development and Construction Act 2009 xi. Local Government Act 2003 xii. Localism Act 2011 xiii. Planning (Hazardous Substances) Act 1990 xiv. Planning (Listed Buildings and Conservation Areas) Act 1990 xv. Planning Act 2008 xvi. Planning and Compensation Act 1991 xvii. Planning and Compulsory Purchase Act 2004 xviii. Pollution Prevention and Control Act 1999 xix. Town and Country Planning Act 1990 xx. Self-build and Custom Housebuilding Act 2015. Neighbourhood Planning Act 2017 xxi. Anti-Social Behaviour Act 2003 xxii. The Conservation and Habitat and Species Regulations 2010 <p>Including:</p> <p>(A) To determine planning applications, applications for advertisement consent, non-material amendments, and minor material amendments applications, details to comply with conditions, variation/removal of</p>	<p>Non-executive or executive as appropriate to the function being exercised</p>

	<p>condition applications, prior notifications/prior approval notices, permissions in principle, and certificates of lawfulness.</p> <p>(B) To determine applications for Listed Building and Conservation Area consent and to take action in relation to Listed Buildings and Conservation Areas.</p> <p>(C) To respond to consultations and notifications from other local authorities, public bodies, etc.</p> <p>(D) To determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment.</p> <p>(E) To make Screening and Scoping Opinions.</p> <p>(F) To undertake Screening Opinions and Appropriate Assessments pursuant to Part IV of the Conservation (Natural Habitats and Conservation) Regulations 1994.</p> <p>(G) To take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land.</p> <p>(H) To serve, amend, vary, withdraw, or revoke any notices, permissions, or certificates (as appropriate) (including but not limited to enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, breach of condition notices community infrastructure stop notices, certificates of lawfulness).</p> <p>(I) To fulfil functions in connection with the proper maintenance of land (Section 215 Notices).</p> <p>(J) To decide not to take enforcement action when it is not considered expedient to do so.</p> <p>(K) To deal with all matters relating to High Hedges.</p> <p>(L) On receipt of a Hedgerow Replacement Notice to determine whether the hedge is important in accordance with the Hedgerow Regulation 1997.</p> <p>(M) In the case of important hedges to issue Hedgerow Replacement Notice in accordance with the Hedgerow Regulation 1997.</p> <p>(N) To authorise the waiving of replanting requirements in accordance with Section 206 of the Town and Country Planning Act 1990.</p>	
--	--	--

	<p>(O) To authorise the service of tree replacement notices under Section 207 and 213 of the Town and Country Planning Act 1990 (as amended).</p> <p>(P) To make provisional Tree Preservation Orders.</p> <p>(Q) In consultation with the Chair of the Planning Committee and the relevant local ward councillor(s), to confirm unopposed Tree Preservation Orders.</p> <p>(R) In consultation with the Chair of the Planning Committee and the relevant local ward councillor(s) to decide not to confirm a Tree Preservation Order.</p> <p>(S) To respond to the Licencing Authority in connection with consultations on applications under the Licencing Act 2003 and Gambling Act 2005 on behalf of the Local Planning Authority.</p> <p>(T) To apply to the Licencing Authority for a review of a premises licence or club premises certificate or licence under Section 197 of the Gambling Act 2005.</p> <p>(U) To maintain the Local Land Charges Register and issue certificates of search.</p> <p>(V) The making and/or adoption of any plan for the purposes of neighbourhood planning.</p> <p>(W) In consultation with the Portfolio Holder and S151 Officer, to review annually the pre-application charging regime, including the level of fees.</p> <p>(X) In consultation with the appropriate Portfolio Holder, to review and adjust the level of fees charged for the Assisted Land Charges Service for private search companies.</p> <p>(Y) To decline to determine repetitive applications.</p> <p>(Z) To make and confirm Article 4 Directions where there are no objections.</p> <p>EXCEPT FOR</p> <p>1. Planning applications defined as 'major' by the Government (i.e. 10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare) and which in the judgement of the Joint Executive Head of Planning Development have major strategic implications for the authority.</p>	
--	--	--

	<ol style="list-style-type: none"> 2. Planning applications where a Waverley Borough Councillor asks that the application be determined by the Planning Committee and puts forward relevant planning grounds to the Joint Executive Head of Planning Development. 3. A householder application with 10 or more letters of representation with a view contrary to the officer recommendation. 4. A major or minor application (non-householder) with 20 or more letters of representation with a view contrary to the officer recommendation. 5. Any planning application where the Council is the applicant. 6. Any planning application where the applicant is a Waverley Borough Councillor or employee, including Joint Officer, or their relative. 7. Any planning application which is required to be referred to the Secretary of State. 	
	Authority	After consultation with
O2	To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Planning Committees, except where the variation proposed relates to the proposed tenure mix and amount of the affordable housing provision.	The Chair of Planning Committee and Ward Councillors (with the exception of deeds of variation that secure all original clauses, secured for applications under s73 or s73A)
O3	To agree the terms of, and variations to, Section 106 Legal Agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission: <ul style="list-style-type: none"> • under delegated powers; or • Section 106 agreements that are the subject of an appeal; or • following a refusal on appeal. 	N/A