

Appendix 1B

Waverley Scheme of Delegation of Functions to Officers

Extract showing current delegations to the Joint Executive Head of Planning Development with tracked changes

O. JOINT EXECUTIVE HEAD OF PLANNING DEVELOPMENT

Development Control

	Authority	After Consultation with	Function
O.1	<p>To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where:</p> <p>(a) the application is not materially different from the original application;</p> <p>(b) the material considerations affecting the decision have not changed;</p> <p>(c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.</p>	<p>The Chair of the relevant Planning Committee and Ward Councillors</p>	<p>Non-executive</p>
O.2	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 the relevant Planning Committee and Ward Councillors (with the exception of deeds of variation that secure all original clauses, secured for applications under s73 or s73A)	Non-executive

	Authority	Function
O.3	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 under delegated powers and Section 106 agreements following a refusal on appeal.	Non-executive
O1-	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	Non-executive, or Executive as appropriate to the function being exercised

	<p>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 1995 2021 v. Environmental Protection Act 1990 vi. Growth and Infrastructure Act 2013 vii. Housing Act 1996 viii. vi. Housing Act 2004 ix. vii. Human Rights Act 1998 x. viii. Infrastructure Act 2015 xi. ix. Local Democracy, Economic Development and Construction Act 2009 xii. x. Local Government Act 2003 xiii. xi. Localism Act 2011 xiv. xii. Planning (Hazardous Substances) Act 1990 xv. xiii. Planning (Listed Buildings and Conservation Areas) Act 1990 xvi. xiv. Planning Act 2008 xvii. xv. Planning and Compensation Act 1991 xviii. xvi. Planning and Compulsory Purchase Act 2004 xix. xvii. Pollution Prevention and Control Act 1999 xx. xviii. Town and Country Planning Act 1990 xxi. Building Act 1984 xxii. xix. Self-build and Custom Housebuilding Act 2015 xxiii. xx. Neighbourhood Planning Act 2017 xxiv. xxi. Anti-Social Behaviour Act 2003 xxv. xxii. The Conservation and Habitat and Species Regulations 2010 	
Q.5	<p><u>Including:</u></p> <ul style="list-style-type: none"> (A) To determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices, permissions in principle, and certificates of lawfulness. (B) To determine applications for listed building and Conservation Area consent and to take action in relation to listed buildings and Conservation Areas. (C) To respond to consultations and notifications from other local authorities, public bodies, etc. (D) To determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment. <p><u>E To make Screening and Scoping Opinions</u></p>	Non-executive

<p>F. To undertake Screening Opinions and Appropriate Assessments pursuant to Part IV of the Conservation (Natural Habitats and Conservation) Regulations 1994</p> <p>(GE) 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>(HF) To serve, amend, vary, withdraw, revoke any notices, permissions, 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 undertake default works, authorise entry, require discontinuance.</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 a 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 replacement of tree replacement notices under Section 207 and 213 of the Town and Country Planning Act 1990.</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 unopposed Tree Preservation Orders.</p> <p>S. To respond to the Local Licensing Authority in connection with consultations on applications under the Licensing Act 2003 and Gambling Act 2005 on behalf of the local planning authority;</p>	
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- T. To apply to the Local Licensing Authority for a review of a premises licence or a club premises certificate or licence under Section 197 of the Gambling Act 2005.
- U. To maintain the Local Land Charges Register and issue certificates of search.
- V(⊖) The making and/or adoption of any plan for the purposes of neighbourhood planning.
- W. In consultation with the Portfolio Holder and S151 Officer, to review annually the pre-application charging regime, including the level of fees.
- 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.
- Y. to decline to determine repetitive applications.
- Z. to make and confirm Article 4 Directions where there are no objections.

~~(H) In consultation with the relevant Planning Committee Chair and Vice-Chair, and relevant Ward Member(s), to determine planning applications with a connection to a Member or Officer, which satisfy all other requirements of a decision under delegation.~~

except for:

- ~~(a) planning applications that must be referred to the relevant Planning Committee in accordance with Part 3 of the Constitution and as set out below:~~
 - ~~(a.1) All housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted.~~
 - ~~(a.2) 1 Applications defined as major, as defined by the Government (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 and the relevant Planning Committee Chair, meet the following criteria have major strategic implications for the authority.~~
 - ~~i. have a significant planning impact beyond the Area in which they are situated, and/or~~
 - ~~ii. are of strategic importance, and/or~~
 - ~~iii. involve new planning issues for the Borough; or~~
 - ~~iv. are a revised application for parcel of land within a development with an extant planning permission previously determined by a~~

~~Planning Committee that increases the total number of dwellings on the total site; and/or~~

~~v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more; or~~

~~(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chair or Vice Chair of the relevant Planning Committee and the ward member request that it be referred to the Planning Committee and put forward relevant grounds as set out in (a.2)(i) to (v) above, the Joint Chief Executive and Joint Executive Head of Planning Development will normally submit the application to the Planning Committee.~~

~~(b)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.](#)~~

~~any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Planning Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Joint Executive Head of Planning Development (or any officer(s) nominated by them), which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the relevant Planning Committee for determination.~~

~~(For (b) above) Where the three-week call-in period has expired, but the Joint Executive Head of Planning Development is satisfied that there is sufficient justification on planning grounds and the application has not been determined, they may, after consultation with the Chair of the relevant Committee, arrange for that application to be referred to the Committee.~~

~~(c) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application.~~

~~3. [A householder application with 10 or more letters of representation with a view contrary to the officer recommendation.](#)~~

	<p>4. <u>A major or minor application (non-householder) with 20 or more letters of representation with a view contrary to the officer recommendation.</u></p> <p>(e)5. any planning application where the Council is the applicant.</p> <p>6. <u>any application where the applicant is a Waverley Borough Councillor or employee, including a Joint Officer, or their relative.</u></p> <p>(e)7. any planning application which is required to be referred to the Secretary of State.</p> <p>(f) planning applications which, by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both, and not from the same individual or the same household) shall only be determined under delegated powers after the Joint Executive Head of Planning Development (or any officer nominated by them) has received written confirmation from the relevant Ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.</p>	
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Licensing

	Authority	Function
O.6	<p>Under the Licensing Act 2003:</p> <p>(a) to respond to the Licensing Authority in connection with consultations on applications on behalf of the local planning authority;</p> <p>(b) to apply for a review of a premises licence or a club premises certificate.</p>	Non-executive