

**Officer Scheme of Delegation**

134	<p>To determine any application under the Town and Country Planning Legislation including:</p> <ol style="list-style-type: none"> <li>a. any application submitted wholly or partly under section 73 and/or section 73A of the Town and Country Planning Act 1990;</li> <li>b. any application for listed building consent;</li> <li>c. any application for permission in principle and/or technical detail consent;</li> <li>d. any reserved matter application; and/or</li> <li>e. whether to require / impose any condition, obligation, limitation and/or any other restriction and/or any other requirement in respect thereof,</li> </ol> <p>but excluding any application:</p> <ol style="list-style-type: none"> <li>i. submitted by or on behalf of a Member, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that Member, spouse or partner (as the case may be);</li> <li>ii. submitted by or on behalf of an employee of the Council, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that employee, spouse or partner (as the case may be) and either that employee:             <ol style="list-style-type: none"> <li>A. is directly involved in the processing of and/or determination of any such application; and/ or</li> <li>B. is a Chief Officer.</li> </ol> </li> <li>iv. on land which a person to which paragraph (i) or (ii) applies owns, leases or has a legal interest registered at HM Land Registry and that person has informed the Head of Planning of their interest for the application;</li> </ol> <p>v. ÷</p> <ol style="list-style-type: none"> <li>vi. that would in the opinion of the Officer exercising this power (“nominated Officer”):</li> <li>vii. be contrary to the Development Plan (as defined in section 38(3) Planning and Compulsory Purchase Act 2004 when assessed as a whole if the proposed decision of officers is approval; for outline or full planning permission for development within Schedule 1 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it exists at the time of the application being received by the Council in respect of which an Environmental Impact Assessment has been submitted; and/or</li> </ol> <p>viii. where:</p> <ol style="list-style-type: none"> <li>A.             <ol style="list-style-type: none"> <li>(1) any one or more Members has made a written representation relating to the application and there remains at least one representation which has not been withdrawn at the time that the application is to be determined; and/or,</li> <li>(2) one or more town and/or parish councils in whose area the application is situated (in whole or part) have made a written representation relating to the application at least one of which has not been withdrawn at the time that the application is to be determined; and</li> </ol> </li> <li>B. the representation(s):             <ol style="list-style-type: none"> <li>(1) have been received by the Council within 21 calendar days beginning with the date on which in relation to the application the Council first displays a site notice, or first publishes a press advert, or commences any procedure for notifying a Member (whichever is the earliest) (or such extended period as the nominated Officer considers appropriate in the circumstances); and</li> </ol> </li> </ol>
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- (2) in the opinion of the nominated Officer contain one or more material planning considerations; and
  - (3) contain a response that in the opinion of the nominated Officer is contrary to the proposed decision of Officers;  
and
- C.
- 1. The application is for major development \*\*\* or
  - 2. If the application is not for major development \*\*\* the nominated Officer will refer the application to:  
the Chair and Vice-Chair of the planning committee that the nominated Officer considers most relevant and the Chair or the Vice-Chair, in consultation with the relevant Ward Member(s), will decide whether or not the application should be determined by the most relevant planning committee\*\*\*\*

\* For the avoidance of doubt, reference to a “written representation” includes a representation submitted by electronic means.

\*\* For the avoidance of doubt, reference to a “proposed decision” means the actual decision that is proposed and not any reason(s) relating to that decision.

\*\*\* Major development as defined in article 2 of the Town and Country Planning (Development Management Procedure)(England) Order 2015

\*\*\*\* For the avoidance of doubt, if the Chair and Vice-Chair have not responded to the nominated Officer after 5 working days following the day of first communication with that Member for the purpose of deciding whether a matter should be referred to Planning Committee for determination the nominated Officer can proceed on the assumption that neither the Chair nor the Vice-Chair want the application to be referred to a planning committee. If the Chair and Vice Chair disagree then the Chair’s response will prevail.

#### Protocol for Members and Officers on Planning Procedures

8.2 Applications submitted by the Council or made by any person in respect of Council owned land will be determined in the same way as any other application.