

## **DELEGATION TO THE DEVELOPMENT MANAGEMENT MANAGER**

The Development Management Manager is authorised to exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act and the Growth and Infrastructure Act (unless expressly delegated to another officer) except where:-

### **Exceptions and Conditions There is excepted from the delegation to the Development Management Manager any matter:-**

- (a) reserved to the full Council;
- (b) delegated to a committee;
- (c) which comprises or includes a function described in:-
  - 1. appendix 1 (functions which cannot be exercised by a delegated officer);
  - 2. appendix 2 (corporate personnel functions unless authorised by the Chief Executive);
- (d) which is required to be discharged by another officer;
- (e) which is a function which for any other reason cannot be exercised by the Development Management Manager.

The Development Management Manager must at all times comply with the Council's Constitution and particularly the principles of decision making found in Article 15 of this Constitution together with further statements made below. (Note The terms of reference of committees are set out in Part 3 of this Constitution.)

The delegation is subject to and with the benefit of the general provisions at 5 below.

### Delegation specific to the Planning Function

To exercise all the powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, (unless expressly delegated to another officer) except where:-  
In the case of all Applications:

- 1. In the opinion of the Development Management Manager or the Area Planning Officer, the application is of a significant controversial or sensitive nature;
- 2. The application has been submitted by or on behalf of the Council;
- 3. The application is from an Elected Member or Officer
- 4. The application is accompanied by an Environment Impact Assessment (EIA);
- 5. The application is a significant or major departure and is recommended for approval;
- 6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
- 7. Applications will be delegated to the Development Management Manager to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.
- 8. With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval brought before the committee for determination.

**In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);**

1. The Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) requires that the Committee consider the proposed changes having given clear planning reasons.
2. In the case of renegotiations on another planning obligation issue the Ward Member, Chair and Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons, otherwise they be delegated to the Development Management Manager.

**In the case of Formal enforcement action:**

1. In the opinion of the Development Management Manager, the proposed enforcement action raises matters of significant public interest and /or significant cost to the Council for which there is no budget and/or would prevent a person from residing or continuing to reside on land within the district;
2. The action relates to land in which the Council, a Member or an Officer has an interest;
3. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the Director of Legal, HR and Governance (Monitoring Officer) or a solicitor employed by the Council, in consultation with the Director of Place and Economy and/ or Development Management Manager. (Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information)

**In the case of the Community Infrastructure Levy Regulations (CIL) and associated enforcement**

Formal CIL enforcement action comprising CIL Stop Notice or in the case where urgent action is required to commence enforcement proceedings consisting of the service of a CIL Stop Notice or commence CIL Injunction proceedings. These proceedings only to be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.

**In the case of Conservation:**

1. It requires the issue of repair and urgent work notices
2. It involves the submission of funding bids or schemes that have budgetary implications.