

Appendix 3 - Part 3 Appendix Planning functions

Note: strikethrough indicates text removed. Underline indicates new text.

Section	Part 3 Appendix Planning functions	
Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Town and country planning and development control		
Power to determine application for planning permission.	Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990
<u>Power to determine application permission in principle.</u>	<u>Chief Executive</u>	<u>Sections 70(1)(A) of the Town and Country Planning Act 1990</u>
<u>Power to determine technical details for a permission in principle.</u>	<u>Chief Executive unless under Part 4 Section 8 redirected to Planning and Regulatory Committee</u>	<u>Sections 70(2)(ZZA) of the Town and Country Planning Act 1990</u>
Power to determine applications to develop land without compliance with conditions previously attached.	Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Section 73 of the Town and Country Planning Act 1990
Power to grant planning permission for development already carried out.	Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Section 73A of the Town and Country Planning Act 1990

Power to make determinations, give approval and agree certain other matter relating to the exercise of restrictions on permitted development	Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Article 4 and Article 5 to the Town and Country Planning (General Permitted Development) (England) Order 2015
Power to decline to determine application for planning permission.	Chief executive	Sections 70A, 70B and 70C and 70D of the Town and Country Planning Act 1990
Duties relating to the making of determinations of planning applications.	Chief executive	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Management Procedure) Order 2015 1995 (S.I. 1995/419) and directions made thereunder

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Planning and regulatory committee Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Chief executive	Town and Country Planning (General Development Management Procedure) Order <u>2015</u> Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
Power to enter into agreement regulating development or use of land.	Chief executive	Section 106 of the Town and Country Planning Act 1990
Power to issue a certificate of existing or proposed lawful use or development.	Chief executive	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990

Power to serve a <u>commencement</u> or completion notice.	Chief executive	Section 93G and 93H 94(2) of the Town and Country Planning Act 1990
Power to grant consent for the display of advertisements.	Chief executive	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I 2007/783)
Power to authorise entry onto land.	Chief executive	Section 196A of the Town and Country Planning Act 1990
Power to require the discontinuance of a use of land.	Chief executive	Section 102 of the Town and Country Planning Act 1990

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Chief executive	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
Power to issue a temporary stop notice.	Chief executive	Section 171E of the Town and Country Planning Act 1990
Power to issue an enforcement notice.	Chief executive	Section 172 of the Town and Country Planning Act 1990
Power to apply for an injunction restraining a breach of planning control.	Chief executive	Section 187B of the Town and Country Planning Act 1990
Power to determine applications for hazardous substances consent, and related powers.	Planning and regulatory committee and chief executive	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990

Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Chief executive	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act
Power to require proper maintenance of land.	Chief executive	Section 215(1) of the Town and Country Planning Act 1990
Power to determine application for listed building consent, and related powers.	Planning and regulatory committee and chief executive Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Council function	Who has the function been delegated to?	Provision of Act or Statutory Instrument
Duties relating to applications for listed building consent.	Chief executive Chief Executive unless within Terms of Reference of Planning and Regulatory Committee (Part 3 Section 5) or Redirection granted under Part 4 Section 8 <u>redirected to Planning and Regulatory Committee</u>	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)] 9 and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01 10
Power to serve a building preservation notice, and related powers.	Chief executive	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990