

# **PLANNING SCHEME OF DELEGATION**

# **HARROGATE BOROUGH COUNCIL**

## **PLANNING SCHEME OF DELEGATION**

This is a working document prepared for the convenience of Planning Division staff, applicants, agents and members of the public who need to refer regularly to the Planning Scheme of Delegation. It comprises relevant extracts from the Constitution of the Council.

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### **District Development Committee - 32 Elected Members**

The Committee is constituted on a politically proportional basis and its membership is drawn from the widest practicable geographical spread of Ward Members.

The terms of reference and delegated powers of the District Development Committee in relation to the functions specified are set out in Part F of the Planning Scheme of Delegation below.

### **District Development Sub-Committee - 16 Elected Members**

This Committee is constituted on a politically proportional basis and its membership is drawn from the widest practicable geographical spread of Ward Members to determine applications and functions referred to it set out in Part E of the Planning Scheme of Delegation below.

### **Planning Committee - 16 Elected Members**

The Committee is constituted on a politically proportionate basis to determine applications and functions referred to it in Part D of the Planning Scheme of Delegation.

The Cabinet Member (Planning) has an ex officio place on Planning Committee and on the District Development Committee and Sub-Committee.

### **Restrictions on Delegation**

The delegation to the District Development Committee, District Development Sub-Committee and Planning Committee is limited as set down in the Scheme as is that of the Head of Planning Services to whom delegation of functions specified in the Functions Regulations has also been made.

A "Code of Practice" is set out at the end of the Planning Scheme of Delegation to which regard will be had in implementing the delegation.

## **THE PLANNING SCHEME OF DELEGATION**

The scheme of delegation for the discharge of planning powers and duties has been prepared in accordance with Council Policy that decisions should be taken at the lowest appropriate level of delegation. This is in order to ensure that decisions are taken with all due speed and efficiency.

The scheme has been ordered so that the lowest level of delegation is shown first, followed by the next level up through all gradations of delegation.

The Scheme Order is as follows:-

Part A	Delegation to Officers
Part B	Delegation to Head of Planning Services
Part C	Delegation to Head of Planning Services in consultation with the Planning Committee Chairman
Part D	Delegation to Planning Committee
Part E	Delegation to District Development Sub-Committee
Part F	Delegation to District Development Committee
Code of Practice	

## **PART A**

### **DELEGATION TO OFFICERS**

In accordance with Section 101 of the Local Government Act 1972, as amended, the matters listed in **Part A** are delegated by Council to the Officers specified.

#### **LISTED MATTERS**

##### **TREE PRESERVATION ORDERS (TPO'S)**

**THE HEAD OF PLANNING SERVICES IS AUTHORISED TO MAKE PROVISIONAL TPO'S AND TO CONFIRM UNOPPOSED ORDERS.**

**TO NOT CONFIRM TPO'S WHERE IT IS DEEMED THAT THEY ARE NO LONGER NECESSARY IN THE INTERESTS OF AMENITY AND THERE ARE NO OUTSTANDING WRITTEN REPRESENTATIONS THAT THE ORDER BE CONFIRMED.**

##### **Hedges**

The Head of Planning Services be authorised to determine all Hedgerow Removal Notices and to serve Hedgerow Retention Notices.

The Solicitor to the Council following consultation with the Head of Planning Service be authorised to serve Hedgerow Replacement Notices.

##### **High Hedges**

The Head of Planning Services be authorised to determine all complaints submitted in connection with Part 8 of the Anti-Social Behaviour Act 2003 in consultation with the Chairman of the Planning Committee and to serve Remedial Notices.

The Solicitor to the Council following consultation with the Head of Planning Services be authorised to serve Remedial Notices under Section 69 of Part 8 of the Anti-Social Behaviour Act 2003.

**POWER TO DECLINE TO DETERMINE PLANNING APPLICATIONS**

**THE HEAD OF PLANNING SERVICES IS EMPOWERED TO DECLINE TO DETERMINE APPLICATIONS IN ACCORDANCE WITH SECTIONS 70A AND 70B OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND SECTIONS 81A AND 81B OF THE PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 (AS AMENDED).**

**CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT (DELHOP)**

Head of Planning Services in consultation, as appropriate, with the Solicitor to the Council to determine applications under Section 192 of the Town and Country Planning Act 1990 (as amended).

**Certificate of Lawfulness of existing use or development (DELGAL)**

Solicitor to the Council in consultation, as appropriate, with the Head of Planning Services to determine applications under Section 191 of the Town and Country Planning Act 1990 (As amended).

**Powers of Entry**

Head of Planning Services or Solicitor to the Council to exercise the powers of the Council under Sections 196A, 196B, 196C of the Town and Country Planning Act 1990 through Officers specifically authorised to investigate the particular matter.

The Head of Planning Services and the Solicitor to the Council be authorised to enter any land for the purposes of Regulations 12 and 13 of the Hedgerow Regulations 1997 and be authorised to give authority to other Officers and external experts for such purposes.

The Head of Planning Services or the Solicitor to the Council be authorised to enter any land to exercise the powers of the Council under Section 74 of Part 8 of the Anti-Social Behaviour Act 2003 and be authorised to give authority to other Officers and external experts for such purposes.

**Enforcement**

The Head of Planning Services or Solicitor to the Council to serve Planning Contravention Notices

under Sections 171C and 171D of the Town and Country Planning Act 1990 with discretion to specify a time and place meeting and to consider any representations which may be made thereat.

The Head of Planning Services to authorise and the Solicitor to the Council to serve Breach of Condition Notices and Tree Replacement Notices after prior consultation with Solicitor to the Council.

**THE SOLICITOR TO THE COUNCIL BE AUTHORISED TO SERVE TEMPORARY STOP NOTICES IN CASES WHERE IT IS AGREED FOLLOWING REPRESENTATIONS FROM THE HEAD OF PLANNING SERVICES AND THE CHAIR OF THE RELEVANT AREA PLANNING COMMITTEE THAT THE HARM FROM THE UNAUTHORISED DEVELOPMENT JUSTIFIED ITS IMMEDIATE CESSATION.**

The Head of Planning Services to authorise the Solicitor to the Council to serve Enforcement Notices in relation to breaches of control following consultation with the Chairman of the Planning Committee and the Solicitor to the Council and in relation to Notices under Section 215 of the Town and Country Planning Act 1990.

The Solicitor to the Council, when a decision to serve an Enforcement Notice has been taken, be authorised to serve a Stop Notice where representations from both the Head of Planning Services, following the undertaking of a cost benefit assessment, and Planning Committee or the chair of the Committee are received.

The Fire Safety and Safety of Places of Sport Act 1987 Regulations Part III. Issue of General Safety Certificates.

**Power to require Information**

The Head of Planning Services and/or Solicitor to the Council to serve notice under s330 Town and Country Planning Act 1990.

**PART B**

**DELEGATION TO HEAD OF PLANNING SERVICES [DELHOP]**

In accordance with Section 101 of the Local Government Act 1972, as amended, the matters listed in this part be delegated by the Council to the Head of Planning Services, for determination with power to approve and in the case of development by

Statutory Undertakers, adjoining District Councils, North Yorkshire County Council and the Crown the power to comment unless:

- (A) APPROVAL OF THE APPLICATION WOULD NOT BE IN ACCORDANCE WITH COUNCIL PLANNING POLICY.**
- (B) THE APPLICANT IS THE BOROUGH COUNCIL.**
- (C) THE APPLICANT IS A MEMBER OR OFFICER OF THE COUNCIL OR IS THE SPOUSE OR OTHER CLOSE RELATIVE OF SUCH AN APPLICANT.**
- (D) AN APPEAL HAS BEEN DISMISSED, OR ENFORCEMENT ACTION TAKEN IN RESPECT OF THE SAME DEVELOPMENT.**
- (E) A PREVIOUS SIMILAR APPLICATION HAS BEEN REFUSED AT A HIGHER LEVEL OF DELEGATION.**
- (F) IF ANYONE [THIS WOULD INCLUDE A MEMBER OF THE COUNCIL] OR ANY ORGANISATION HAS OBJECTED IN WRITING TO THE APPROVAL OF THE APPLICATION IT WILL NOT BE DETERMINED BY THE HEAD OF PLANNING SERVICES UNDER THIS PART OF THE SCHEME PROVIDED THAT:
  - THE OBJECTION HAS BEEN MADE IN WRITING TO THE HEAD OF PLANNING SERVICES AND HAS BEEN RECEIVED BEFORE DETERMINATION OF THE APPLICATION; AND**
  - THE OBJECTION IS BASED ON PLANNING GROUNDS; AND**
  - THE OBJECTIONS ARE NOT OVERCOME BY AN AMENDMENT TO THE APPLICATION; OR THE IMPOSITION OF CONDITIONS.****

**IT WILL BE FOR THE HEAD OF PLANNING SERVICES TO DECIDE WHETHER THE STIPULATIONS ARE MET.**

**NOTE: MEMBERS RAISING AN OBJECTION TO AN APPLICATION UNDER THIS PARAGRAPH ARE LIKELY TO BE DISBARRED FROM DEBATING AND VOTING ON THE APPLICATION IN THE EVENT THAT IT IS ULTIMATELY REFERRED TO COMMITTEE FOR DETERMINATION.**

- (G) THAT A MEMBER OF THE BOROUGH COUNCIL HAS MADE REPRESENTATIONS TO THE HEAD OF PLANNING SERVICES WHICH SATISFIES HIM ON GOOD PLANNING GROUNDS THAT IT WOULD BE INAPPROPRIATE FOR THE APPLICATION TO BE DETERMINED UNDER PARTS B OR C OF THIS SCHEME OF DELEGATION.**

#### **LISTED MATTERS**

##### **Householder**

Development of one or more private domestic garages not within the cartilage of a dwellinghouse.

All development requiring express planning

permission within the curtilage of a dwellinghouse or flat except where one or more separate dwelling units are to be created.

## **Residential**

Substitution of house types and changes of layout on developments already having detailed planning permission, where this would not result in an overall increase in the number of dwellings previously approved, whether or not the proposed house type has already been permitted for use elsewhere on the development.

Determination of applications (demolition of dwellings or building adjoining dwellings) made under Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order.

## **Industrial & Commercial**

Use Class B1, B2 or B8 new buildings or extensions or alterations located within an existing or permitted industrial/commercial site or one allocated for such development in a plan approved by the Council for development control purposes.

## **Agricultural & Forestry**

All new agricultural, horticultural, forestry and equestrian buildings and extensions.

Determination of applications made under Parts 6 and 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

## **Recreation**

Buildings and operations required in connection with existing outdoor recreational uses.

## **Alterations and Extensions to Other Buildings and Reserved Matters Applications Following an Outline Permission**

Alterations and extensions and Reserved Matters applications for residential institutions and for all types of non-residential buildings save for where specifically provided for above and ancillary buildings within the same curtilage.

## **Operations**

Vehicular and pedestrian accesses, private roads, footpaths, bridleways, gates, fences, walls, surface level car parks, hard standings, floodlights and other engineering operations but excluding the construction of new highways for vehicular traffic.

All telecommunications development including amongst other things radio, telecom etc, aerials, dish and other antennas and other apparatus

whether on or attached to existing buildings or existing purpose built masts and all similar Crown development at RAF Menwith Hill.

Overhead lines and buildings and engineering operations of Statutory Undertakers.  
Determination of applications (developments by telecommunications code system operators) made under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order.

**Change of Use**

All changes of use to land and buildings other than to one or more dwelling units, caravan sites and land of more than 0.41 hectares (1.0 acre) in area.

**Caravans**

Increase in number of caravans on an existing site.

**Signs**

All applications for advertisements.

**Temporary**

Temporary buildings and temporary residential caravans to meet temporary circumstances but not where the intention is to later seek planning permission permanent accommodation on or near the site.

**Similar Schemes**

Any application for a development similar to that already permitted under a previous full permission, approval of reserved matters or outline permission supported with detailed illustrative material.

Minor amendments to approved schemes.

**Trees**

Applications for consent to fell, top or lop trees subject to a Tree Preservation Order, observations to the Forestry Authority on Felling Licence applications and responses to notifications of proposed works to trees within conservation areas.

**Conditions**

Confirmation of compliance with conditions imposed on Permissions.

**Listed Building and Conservation Area Consent**

All listed building and conservation area consent applications being companions to planning applications or separate applications in their own right falling within Part B of this scheme.

Responses to all consultations made under the Ecclesiastical Exemption (Listed Building and Conservation Areas) Order 1994.

### **Renewals**

All applications for renewal of planning permission or other consents where planning circumstances have not changed since the last permission or consent.

### **Agreements**

To authorise negotiation and execution of Agreements for regulating the development use of land and amendments to such Agreements in respect of developments proposed to be approved under Part B of this scheme.

Applications under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge planning obligations, in respect of development falling within Part B of this scheme.

## **PART C**

### **DELEGATION TO HEAD OF PLANNING SERVICES IN CONSULTATION WITH THE CHAIR OF THE PLANNING COMMITTEE, OR WITH THE CHAIR OF DISTRICT DEVELOPMENT SUB-COMMITTEE**

In accordance with Section 101 of the Local Government Act 1972, as amended the matters listed in this part be delegated by the Council to the Head of Planning Services for determination in consultation with the Chair (or Vice-Chair in absence) of the Planning Committee, or the Chair (or Vice-Chair) of the District Development Sub-Committee (in the absence of both the Chair and Vice-Chair of Planning Committee) with power to act unless:

- (A) APPROVAL OF THE APPLICATION WOULD NOT BE IN ACCORDANCE WITH COUNCIL PLANNING POLICY .**
- (B) THE APPLICANT IS THE BOROUGH COUNCIL.**
- (C) THE APPLICANT IS A MEMBER OR OFFICER OF THE COUNCIL OR. SPOUSE OR OTHER CLOSE RELATIVE OF SUCH AN APPLICANT.**
- (D) THE DECISION WOULD NOT BE IN LINE WITH THE DECISION MADE BY A COMMITTEE ON A PREVIOUS SIMILAR APPLICATION.**
- (E) THAT A MEMBER OF THE BOROUGH COUNCIL HAS MADE REPRESENTATIONS TO THE HEAD OF PLANNING SERVICES WHICH SATISFIES HIM ON GOOD PLANNING GROUNDS THAT IT WOULD BE INAPPROPRIATE FOR THE APPLICATION TO BE DETERMINED UNDER PART C OF THIS SCHEME OF DELEGATION.**

## LISTED MATTERS

<b>All Head of Planning Services items</b>	In relation to all matters listed in Part B delegated to the Head of Planning Services for approval only, power also to refuse
<b>Residential</b>	<p>The conversion of any building into one or more residential units, flats, bed-sits, houses in multiple occupation for permanent or holiday occupation and the erection of any associated extensions or new buildings for such purposes providing the converted buildings remain the dominant element.</p> <p>Where an outline permission for dwelling units exists, the approval of Reserved Matters in accordance with the Outline Permission.</p> <p>Increase in number of dwellings by up to 10% on a housing development which has full or outline permission.</p>
<b>Listed Building and Conservation Area Consent</b>	All listed building and conservation area consent applications being companions to planning applications for developments falling within Part C of this scheme or separate applications in their own right falling within Part C of this scheme.
<b>Conditions</b>	Relaxation, deletion or variation of planning conditions.
<b>Agreements</b>	<p>To authorise negotiation and execution of agreements for regulating the development and use of land and amendments to such Agreements in respect of developments proposed to be approved under Part C of this scheme.</p> <p>Applications under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge planning obligations in respect of development falling within Part C of this scheme.</p>
<b>Building Conservation</b>	<p>Building Preservation Notices.</p> <p>Urgently needed works for the preservation of an unoccupied listed building.</p>
<b>Public Rights of Way</b>	Applications for diversion/stopping up Orders under Planning Legislation.
<b>Determination Applications under the Town and Country Planning (General Permitted Development) Order</b>	Borough Council applications made under the Town and Country Planning (General Permitted Development) Order - Part 6 Agricultural Development; Part 7 Forestry Development; Part 24 Telecommunications Development and Part 31 Demolition of Dwellings.

## **PART D**

### **DELEGATION TO PLANNING COMMITTEE**

**Part D(1)** - In accordance with Section 101 of the Local Government Act 1972, as amended, the Planning Committee shall have power to determine all matters properly falling within its terms of reference including, without prejudice to the generality of the foregoing, the matters listed below and any reference from the Head of Planning Services (HOPS) either acting on his own or following consultation with the relevant Chair. Planning Committee is empowered to determine any application and development control matter unless such determination would

- (i) be contrary to an objective policy (as highlighted in the Committee report) of the Local Plan or Local Development Framework and the Head of Planning Services is not recommending approval which shall automatically stand referred to the District Development Sub-Committee for determination. At the Planning Committee meeting the Solicitor to the Council will be the final arbiter on which policies are objective in whole or in part or
- (ii) the determination of a matter which involves a contingent liability to pay compensation or where the Solicitor to the Council advises costs may be awarded against the Council in a subsequent appeal (such advice may be given either before or after the vote is taken)

When the decision is contrary to the recommendation of the HOPS the Planning Committee must minute the reasons for taking that decision.

#### **LISTED MATTERS**

Everything listed in Parts Band C.

Determination of applications made by the Borough Council.

Determination of applications for hazardous substances consent made under the Planning (Hazardous Substances) Regulations 1992, (as amended).

Revocation or Modification of planning permission without compensation by the Council.

Confirmation of Provisional Tree Preservation Orders.

Authorising the negotiation and execution of Agreements for regulating the development and use of land and amendments to such Agreements.

Determination of applications under Section 106A of the Town and Country Planning Act 1990 (as Amended) to modify or discharge planning obligations.

Advertisement Control - discontinuance notices.

Enforcement Notices.

Stop Notices.

Discontinuance Notices.

Repair Notices and power to acquire a listed building in need of repair.

Article 4 Directions.

Publication for consultation of planning briefs for development within the Committee area and final approval of such briefs.

Footpath and Bridleway creations/diversions/stopping up orders under Highway legislation falls within the responsibility of this Committee. (The powers are delegated to the Director of Resources but can be exercised by the Committee).

Commenting upon the development control proposals from other Authorities or bodies which may affect development in and the environment of the District.

## **PART E**

### **DELEGATION TO DISTRICT DEVELOPMENT SUB-COMMITTEE (DDSC)**

In accordance with Section 101 of the Local Government Act 1972, as amended, the District Development Sub-Committee shall have power to determine all planning and related applications of District-wide importance referred to it by the Director of Development Services.

**Part E(1)** - The Director of Development Services shall only determine whether an application is of district-wide importance following consultation with the Chair of the Planning Committee, Political Group Leaders and consideration of the following criteria:-

- applications for development of major importance being of significant interest or benefit to the District as a whole;
- application which raise important or novel issues of development control.

The determination by the Director of Development Services may be made at any time between the receipt of a valid application and its consideration and determination by Planning Committee.

When the decision is contrary to the recommendation of HOPS the DDSC must minute its reasons for making that decision.

Subject to this requirement, the DDSC is empowered to determine any application and development control matter whether or not such determination complies with Council planning policy or the recommendation of the Head of Planning Services.

**Part E(2)** - In addition the District Development Sub-Committee shall have the following powers and functions:-

- (i) To determine applications referred to it in accordance with the Scheme of Delegation or by the Planning Committee or the Solicitor to the Council.
- (ii) To act as a consultation and advisory body on the formulation of Local Development Documents when requested by the Cabinet Member (Planning) or as required by law.
- (iii) To act as a Steering Committee for member training on planning matters.
- (iv) To receive reports on the situation regarding licensed premises in the area including the general impact of alcohol related crime and disorder.

## **PART F**

### **DELEGATION TO DISTRICT DEVELOPMENT COMMITTEE (DDC) - 32 Members**

- (i) DDC shall meet as and when required to undertake the following functions:
  - (a) Full power to approve for consultation or adoption of policies and proposals which form part of the development plan prepared by the authority and
  - (b) To approve the Council's response to consultation on the Regional Spatial Strategy and development plan policy prepared by other authorities and bodies in accordance with the Budget and Policy Framework rules in Part 4 of this Constitution.

### **CODE OF PRACTICE**

- a) Members will be posted or emailed the "Weekly List" of all new planning applications received no later than the Tuesday following its publication the previous Friday. On this list each application will be categorised as to its expected decision level, i.e. Planning Committee; Head of Planning Services or Head of Planning Services in consultation with the relevant Chairman. Applications not categorised for determination by the Head of Planning Services will always be first considered by the Planning Committee. The exceptions are applications for Lawful Development Certificates, which are determined by the Solicitor to the Council and Forestry Authority Register details, high hedge complaints and Hedgerow Removal Notices which are categorised for officer decision.
- b) If a Member wishes to object to an application under Part B or make representations under Part C, these shall be made in writing to the Head of Planning Services and normally be received within 21 days of the date of publication of the list on which the application appears.
- c) Weekly delegation meetings (normally on Mondays) are held with the Planning Committee Chair and/or Vice-Chair or in their joint absence the Chair or Vice-Chair of the District Development Sub-Committee.
- d) The service of all types of enforcement notice and remedial notices by virtue of Part 8 of the Anti-Social Behaviour Act 2003 under Part A of the scheme, shall be notified immediately to the Ward Member(s) and the Chairman of the Planning Committee and to the Planning Committee at its next meeting.
- e) The Scheme of Delegation refers to "Council Planning Policy" - this is policy which has been approved by the Authority for development control purposes.

**PORTFOLIO: PLANNING AND TRANSPORT** Councillor Don Mackenzie



**Main Role**

To be the political focus and driving force for the preparation and continual updating of the Development Framework (the "Development Plan").

To act as guardian of the Development Plan and ensure that it is consistently applied to development control decisions.

To coordinate the Council's activities towards achieving Council objectives relating to all planning, and building control and transport issues.

**Duties and Responsibilities**

1. To have responsibility for monitoring the implementation of the Council Objectives relating to Planning and Transport issues by:
  - a. Setting performance targets relating to the objectives.
  - b. Ensuring goals and milestones are met.
  - c. Reviewing relevant areas of service provision.
  - d. Developing new policies and strategies if necessary.
  - e. Assuming responsibility for the achievement of agreed Service Improvement Plans relating to the areas of responsibility included within this portfolio.
  
2. To be the Cabinet Member having overall responsibility for operational risk management, procurement and policy issues in decision-making for all aspects of Town and Country Planning including:
  - (a) Preparation of the development plan policies and proposals for approval by the District Development Committee and any modification and amendments for such approval before consultations with the public
  - (b) Adoption of Conservation Areas
  - (c) Schemes of grant aid
  - (d) Dangerous buildings and building regulations
  - (e) Conservation and management of the countryside
  - (f) Areas of special control for advertisements

- (g) Simplified planning zone schemes
  - (h) Consultations on draft legislation, circulars and planning policy guidance, proposals for SSSI's and other national designations and plans of adjacent planning authorities except those forming part of the Development Plan
  - (i) Approval of Development Plan Documents for consultation prior to submission draft stage
  - (j) Authority to amend Statutory Plans in the light of the Secretary of State's response
  - (k) Design guidance - issue for consultation and final approval for publication
  - (l) Approval of Local Development Documents which do not form part of the development plan
  - (m) Parking policy and operation
  - (n) Concessionary fares
  - (o) Parish, Christmas and decorative lighting
3. Joint executive arrangements with NYCC for highway functions in the areas of Harrogate town and Knaresborough, with certain adjoining areas, are further delegated to the Cabinet Member. These will be undertaken with highway functions of the Borough Council which do not fall within Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or any amendment of or addition to that schedule.
  4. The Cabinet Member must refer to the Cabinet:
    - (a) proposals for the acquisition or disposal of land for planning, highways and parking purposes;
    - (b) policies and proposals which form part of the Development Plan including those prepared by other authorities or bodies.
  5. To work together with other Cabinet Members to achieve the Council's aims and objectives.
  6. To consider and report to the Council in respect of any Notice of Motion duly referred.
  7. To be responsible for preparing budget estimates and draft capital programme and to set charges for services within the ambit of the portfolio following the parameters of the budget strategy fixed by the Council.
  8. To be responsible for authorising the submission of applications for planning permission and other similar applications except for those involving the Housing Land of the Authority.
  9. See also further delegation under Planning Scheme of Delegation relating to this Cabinet Member.

(c) **PLANNING SCHEME OF DELEGATION**

The scheme of delegation for the discharge of planning powers and duties has been prepared in accordance with Council Policy that decisions should be taken at the lowest appropriate level of delegation. This is in order to ensure that decisions are taken with all due speed and efficiency.

The Scheme Order is as follows:-

Part G	Delegation to Officers
Part H	Delegation to Head of Planning Services in consultation with Planning Cabinet Member
Part I	Matters which may be referred by the Cabinet Member for consultation

**PART G**

**DELEGATION TO OFFICERS**

In accordance with Section 15 of the Local Government Act 2000, the matter listed in Part G is delegated by the Cabinet to the Officer specified.

**LISTED MATTERS**

<b>Powers of Entry</b>	Head of Planning Services or Solicitor to the Council to exercise the powers of the Council under Sections 214B, 214C and 214D and 324 and 325 of the Town and Country Planning Act 1990 Sections 88, 88A and 88B of the Planning (Listed Buildings and conservation Areas) Act 1990 through officers specifically authorised to investigate the particular matter.
<b>Objections to HGV Operators' Licences</b>	To authorise the Solicitor to the Council following consultation with the Chairman of District Development Sub-Committee, Chairman of the Planning Committee and the local Member to submit objections or

representations to the Traffic Commissioner on applications for Goods Vehicle Operators Licences.

## **Grants**

Authorisation of grant on grant and project schemes as follows:

### **Town Schemes, Historic Buildings, Environmental, Enhancement, Countryside**

Forward Planning Principal Officer £1, 000 max  
Chief Planner (Forward Planning) £3,000 max  
Head of Planning Services No limit

## **Building Control**

Head of Planning Services is authorised to undertake the following:

Service of notices of work in contravention of Building Regulations.

To grant or refuse applications for relaxation/dispensation of the Building Regulations.

To pass or reject full plans deposited under the Building Regulations..

To accept or reject initial notices submitted by approved inspectors/developers.

To serve notice under Section 81 of the Building Act 1984 (Power to serve notice about demolition).

To issue Completion Certificates in accordance with Regulation 15 of the Building Regulations 1991.

To inspect regulated stands in accordance with Section 35 of the Fire Safety and Safety of Places of Sport Act 1987.

Clean Air Act 1993, Section 16 - Power to reject plans where chimney etc will be a nuisance etc.

To serve notice under section 78 of the Building Act 1984 (Dangerous Building - Emergency Measures).

To issue street/postal numbers in respect of new houses/buildings in accordance with Section 64 of the Towns Improvement Clauses

Act 1847 (houses to be numbered and streets named).

To issue Regulation Certificates in accordance with Regulation 13A of the Building Regulations 1991.

To act as the Council's "Appointing Officer" to make such appointments as are required under Section 10(8) of the Party Wall etc Act 1996.

## **PART H**

### **DELEGATION TO HEAD OF PLANNING SERVICES IN CONSULTATION WITH THE CABINET MEMBER**

In accordance with Section 15 of the Local Government Act 2000 as amended the matter listed in Part H is delegated to the Head of Planning Services for determination in consultation with the Cabinet Member for Planning.

#### **LISTED MATTERS**

##### **Building Conservation**

Requests to the Department for Culture, Media and Sport to "spot list" buildings which appear to be of listable quality. (Addresses of buildings spot listed by the Head of Planning Services under this delegated authority will be notified immediately to the relevant Ward Councillor and Parish Council).

##### **Environmental Impact Assessment**

The determination whether Environmental Impact Assessment (EIA) is required on each and every Schedule 2 application for planning permission.

The determination of developers formal applications for a "Screening Opinion" as to whether a particular Schedule 2 development will require Environmental Impact Assessment (EIA).

The determination of developers formal applications for a "Scoping Opinion" on the content of an Environmental Statement (EIA).

## **PART I**

The Cabinet Member for Planning is entitled to consult the relevant Committees on the following matters and any other matter the Cabinet Member so decides.

## LISTED MATTERS

<b>Planning Committee</b>	Mineral extraction and waste disposal (tipping).
<b>District Development Sub-Committee</b>	Non-statutory plans, policies and guidance promoted by this and other authorities and by Government.
<b>District Development Committee</b>	Statutory local plans not forming part of the development plan of the District.

#### 4. **JOINT ARRANGEMENTS**

Neither the Council nor the Cabinet have joint Committees as described in Article 11 with delegated powers.

The following Advisory Committees and Advisory Groups with formal constitutional arrangements have been established. These bodies do not exercise any functions of the Council or the executive, but act as advisory bodies to the Council or the executive.

##### **(i) Nidderdale Area Of Outstanding Natural Beauty - Joint Advisory Committee**

- Membership - 12 Councillors of whom up to 6 from Harrogate Borough Council  
- 15 representatives of other bodies in the AONB

Local authorities to give priority to elected members with wards in the AONB.

Chair or Vice-Chair to be a Councillor.

##### **Terms of Reference**

- (a) To promote awareness and understanding of the Area of Outstanding Natural Beauty for the purposes for which it was designated.
- (b) To advise the local authorities and other bodies on countryside conservation, informal recreation and environmental management issues affecting the AONB.
- (c) To advise on the preparation and implementation of a Management Plan for the AONB.
- (d) To consider and offer advice on development plan policies, proposals and reviews insofar as they relate to the AONB.
- (e) To act as a forum for the discussion of major issues affecting the character of the AONB and, where appropriate, make recommendations.
- (f) To act as a forum where the local authorities can discuss and co ordinate their activities in the area.
- (g) To agree and monitor an annual programme of work, within resources made available by the constituent bodies and others.