

RESPONSIBILITY FOR COUNCIL FUNCTIONS PLANNING

The powers and duties of the Council relating to the functions set out below are delegated to the Planning Committee, save that any decision to grant planning permission for a development which would be a material departure from the approved Local Plan shall be submitted to the Council for approval

Membership: 15 Members

Functions of the Planning Committee

Planning and conservation

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) and as set out below:

(1) Power to determine applications for planning permission

Delegation of Functions (concurrently with the Planning Committee)

The following functions are delegated to the Head of Economy and Planning

- (a) The service of notices requiring further information on outline planning applications or in the case of a validation dispute in accordance with Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision
- (b) The determination of the appropriate statutory notices for giving publicity to applications made under the Town and Country Planning Act 1990
- (c) The determination of applications for developments submitted to the Council (including the power to grant permission for development already carried out) for:

Functions of the Planning Committee

Delegation of Functions (concurrently with the Planning Committee)

- (i) planning permission under Part III of the Town and Country Planning Act, 1990;
- (ii) consent to carry out works to trees (including felling) under Part VIII of the Town and Country Planning Act 1990;
- (iii) consent to display advertisements under Part VIII of the Town and Country Planning Act 1990;
- (iv) consent to carry out works on or other development in connection with listed buildings under the Planning (Listed Building and Conservation Areas) Act 1990 and;
- (v) consent to carry out work in a conservation area under the Planning (Listed Building and Conservation Areas) Act 1990

EXCEPT WHERE:

- (a) a request has been received from a Member of the Council for an application to come before the Committee, or;
- (b) the application has been submitted by or on behalf of an employee or Member of the Council or;
- (c) the Head of Economy and Planning considers an application, that would otherwise be delegated, should come before the Committee or;
- (d) the application is for a major development (as defined under the Development Management Procedure Order) of any kind or;
- (e) the Head of Economy and Planning is minded to approve the development and any of the following applies:
 - (i) an approval would constitute a departure from the Local Plan or;
 - (ii) 4 or more objections have been received in writing during the Council's normal consultation period

Functions of the Planning Committee

Delegation of Functions (concurrently with the Planning Committee)

- from different individuals living in different households or;-
 - (iii) one or more objection has been received in writing during the Council's normal consultation period from a recognised residents' association, amenity or conservation group or;
 - (iv) one or more objection has been received in writing during the Council's normal consultation period from a statutory consultee or;
 - (v) the proposal involves the Borough Council as the applicant either alone or jointly with another person.
- (d) The determination of those matters imposed by condition, including
- (a) matters reserved for subsequent approval following the grant of outline permission (other than when the exceptions in 1(c) a,b,c or e above apply);
 - (b) details submitted pursuant to discharge a condition imposed on a planning permission;
 - (c) minor variations to approved development/ planning permissions to conservation areas and listed building consents, where no formal application is deemed necessary;
 - (d) amendment, relaxation or removal of conditions attached to a planning permission or an approval of reserved matters (* including the determination of applications where the development has already been carried out)
- (e) The approval of working amendments to plans and drawings approved in accordance with the provisions of the Town and Country Planning Act 1990 and Regulation 10 of the Town and

Functions of the Planning Committee

- (2) Power to decline to determine application for planning permission
- (3) Duties relating to the making of determinations of planning applications under Sections 69 and 92 of the Town and Country Planning Act 1990 and Article 15-18, 20-24, 27-30, 33-35 and 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision and directions made thereunder
- (4) Power to make determinations on Notification for Prior Approval and agree certain other matters relating to the exercise of permitted development rights including any clearance of conditions (except Prior Approval Notifications for electronic communications apparatus under Part 16 of the Town and Country Planning (General Permitted

Delegation of Functions (concurrently with the Planning Committee)

Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision

- (f) The agreement of the procedures for handling appeals lodged against decisions made by the Council under the Town and Country Planning Act 1990
- (g) Requests for screening and scoping opinions of the local planning authority with respect to the Environmental Impact Regulations

The following function is delegated to the Head of Economy and Planning

The power to decline to determine repetitive applications under Section 17 of the Planning and Compensation Act 1991.

The following function is delegated to the Head of Economy and Planning

Duties relating to the making of determinations of planning applications under Sections 69 and 92 of the Town and Country Planning Act 1990 and Article 15-18, 20-24, 27-30, 33-35 and 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision and directions made thereunder.

The following function is delegated to the Head of Economy and Planning

Power to make determinations on Notification for Prior Approval and agree certain other matters relating to the exercise of permitted development rights, including any clearance of conditions (except

Functions of the Planning Committee

Development) (England) Order 2015 or any subsequent re-enactment of that provision.

- (5) Power to enter into agreement regulating development or use of land

- (6) Power to issue a certificate of existing or proposed lawful use or development

- (7) Power to serve a completion notice

Delegation of Functions (concurrently with the Planning Committee)

Prior Approval Notifications under Par 16) including the power to grant permission where the development has already been carried out.

The following function are delegated to the Head of Economy and Planning

- (a) Power to authorise the entering into of agreements regulating development or the use of land under Section 106 of the Town and Country Planning Act 1990.
- (b) Power to make a determination on an application under Section 106A and 106BA of the Town and Country Planning Act 1990.
- (c) Power to make representations in an appeal to the Planning Inspectorate under Sections 106B and 106BC of the Town and Country Planning Act 1990.

The following functions are delegated to the Head of Legal, Democracy and HR

- (d) To enter into and complete legal agreements where these are considered necessary in connection with the grant of planning permission under delegated powers.
- (e) To agree minor variations or alterations of an agreement under Section 106 of the Town and Country Planning Act 1990 as amended not affecting the substance of the obligations

The following function is delegated to the Head of Economy and Planning or the Head of Legal, Democracy and HR

Determination of applications submitted pursuant to Section 191 and Section 192 of the Town and Country Planning Act 1990 for proposed lawful use and development certificates and certificates of lawful, established use and development

Functions of the Planning Committee

- (8) Power to respond to consultations
- (9) Power to authorise entry onto land under Section 196A of the Town and Country Planning Act 1990 or the right of entry under warrant under Section 196B of the same Act.
- (10) Power to require the discontinuance of a use of land under Section 102 of the Town and Country Planning Act, 1990
- (11) Power to serve a planning contravention notice, breach of condition notice, stop notice or a temporary stop notice

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Economy and Planning

The power to determine the Council's response to:

- (i) consultations from West Sussex County Council in respect of Regulation 3 development;
- (ii) consultations from statutory undertakers and other bodies for which planning permission is deemed to have been granted by the Town and Country Planning General Permitted Development Order 2015 or any subsequent enactment of that order;
- (iii) consultations and applications for prior approval from any statutory undertakers, electronic communications and telecommunication operators.

UNLESS any of the exceptions a,c or e as stated in 1(c) apply.

The following function is delegated to the Head of Economy and Planning

Power to authorise entry onto land without a warrant under Section 196A of the Town and Country Planning Act 1990 or the right of entry under warrant under Section 196B of the same Act, together with supplementary powers under Section 196C of the Act including demonstrating authority to enter.

(a) The following functions are delegated to the Head of Economy and Planning or the Head of Legal, Democracy and HR

Under the Town and Country Planning Act 1990

- the service of planning contravention notices (S1)
- the service of breach of condition notices (S2)
- The service of a temporary stop notice

Functions of the Planning Committee

- (12) Power to apply to the Magistrates Court for a Planning Enforcement Order
- (13) Power to issue an enforcement notice
- (14) The power to execute works the subject of an enforcement notice and to recover the cost of the works in accordance with Section 178 of the Town and Country Planning Act, 1990

Delegation of Functions (concurrently with the Planning Committee)

- (b) The following function is delegated to the Head of Economy and Planning or the Head of Legal, Democracy and HR (after consultation with the Chair)
The service of Stop Notices under S183 of the Town and Country Planning Act, 1990
- (c) The following function is delegated to the Head of Economy and Planning or the Head of Legal, Democracy and HR
The right to withdraw a breach of condition notice after it has been issued or to waiver or relax any requirement of the notice.

The following function is delegated to the Head of Economy and Planning and the Head of Legal, Democracy and HR
Power to apply to the Magistrates Court for a Planning Enforcement Order under Section 171 of the Town and Country Planning Act 1990.

- The following functions are delegated to the Head of Economy and Planning or the Head of Legal, Democracy and HR
- (a) The issue and service of enforcement notices.
 - (b) To take all steps necessary to terminate breaches of planning control where enforcement action has been authorised including civil or criminal proceedings where appropriate.
 - (c) The right to withdraw an enforcement notice after it has been issued or to waiver or relax any requirement of the notice (Section 173A of the Town and Country Planning Act 1990)

The following function is delegated to the Head of Economy and Planning in consultation with the Head of Legal, Democracy and HR
The power to execute works the subject of an enforcement notice and to recover the cost of the works in accordance with Section 178 of the Town and Country Planning Act, 1990

Functions of the Planning Committee

- (15) Power to apply for an injunction restraining a breach of planning control under Section 187B of the Town and Country Planning Act, 1990
- (16) Power to determine applications for hazardous substances consent, and related powers
- (17) 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
- (18) Power to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990
- (19) Power to authorise entry under Sections 88(2) (a), (b), (c) and (d) of the Planning (Listed Buildings and Conservation Areas) Act, 1990
- (20) Power to authorise an application to a Court for a warrant to enter land under section 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Legal, Democracy and HR

Power to apply for an injunction restraining a breach of planning control

The following function is delegated to the Head of Economy and Planning

Power to require proper maintenance of land

The following function is delegated to the Head of Legal, Democracy and HR or the Head of Economy and Planning

To serve notices under Section 215 of the Town and Country Planning Act 1990 on owners of land

The following functions are delegated to the Head of Economy and Planning

Power to authorise entry under Sections 88(2) (a), (b), (c) and (d) of the Planning (Listed Buildings and Conservation Areas) Act, 1990

The following function is delegated to the Head of Economy and Planning

Power to authorise an application to a Court for a warrant to enter land under section 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990

Functions of the Planning Committee

- (21) Power to issue a listed building enforcement notice
- (22) Power to serve a building preservation notice and related powers
- (23) Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
- (24) Powers to acquire a listed building in need of repair and to serve a repairs notice
- (25) Power to execute urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act, 1990
- (26) Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

Delegation of Functions (concurrently with the Planning Committee)

- The following function is delegated to the Head of Economy and Planning
Power to issue a listed building enforcement notice.
- The following function is delegated to the Head of Economy and Planning
Power to serve a building preservation notice and related powers.
- The following function is delegated to the Head of Economy and Planning
Power to issue enforcement notice in relation to demolition of unlisted building in conservation area under Section 74 of the Planning (Listed Building and Conservation Areas) Act, 1990
- The following function is delegated to the Head of Economy and Planning
Powers to acquire a listed building in need of repair and to serve a repairs notice.
- The following function is delegated to the Head of Economy and Planning
Power to execute urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act, 1990.
- The following function is delegated to the Head of Economy and Planning
Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

Functions of the Planning Committee

(27) Power to approve schemes submitted to the Council by developers and other applicants for planning permission in pursuit of agreements and obligations entered into under section 106 of the Town and Country Planning Act 1990.

(28) Power to revoke planning permission issued under the scheme of delegation

(29) Power to issue a deemed refusal in accordance with Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, where an applicant has not confirmed their intention to provide an Environmental Assessment within the statutory period

Miscellaneous Functions

(30) Powers relating to the preservation of trees, including:

- dealing with applications for dispensation with respect to the duty to replace trees
- dealing with applications for dispensation of the duty to replace trees in conservation areas
- dealing with applications to enforce the duty to replace trees in conservation areas
- power to give directions as to the replanting of land

Delegation of Functions (concurrently with the Planning Committee)

The following functions are delegated to the Head of Economy and Planning

Power to approve schemes submitted to the Council by developers and other applicants for planning permission in pursuit of agreements and obligations entered into under section 106 of the Town and Country Planning Act 1990.

Where the scheme concerns the provision of affordable housing, such power is to be exercised in consultation with the Head of Strategic Housing

The following function is delegated to the Head of Economy and Planning

Power to revoke planning permission issued under the scheme of delegation

The following function is delegated to the Head of Economy and Planning

Power to issue a deemed refusal where an applicant has not confirmed their intention to provide an Environmental Assessment within the statutory period.

The following functions are delegated to the Head of Economy and Planning or the Head of Legal, Democracy and HR

- (a) The making of tree preservation orders and provisional tree preservation orders, including the confirmation and modification of orders provided no objections have been lodged by a third party during the Council's normal consultation period.
- (b) Dealing with applications and duties relating to the replacement of trees following an application to fell, as defined by Section 206

Functions of the Planning Committee

- power to revoke or modify a tree preservation order

(31) Power to deal with complaints about high hedges.

(32) Powers relating to the protection of important hedgerows

Delegation of Functions (concurrently with the Planning Committee)

of the Town and Country Planning Act 1990 and the enforcement of the replacement of trees under Section 207 of the same Act

- (c) A decision to revoke or vary a tree preservation order

The following functions are delegated to the Head of Economy and Planning in consultation with the Chair of the Planning Committee

- (a) Approval of any charging scheme to be imposed in respect of the Council's functions under Part 8 of the Anti-Social Behaviour Act, 2003 (dealing with complaints about high hedges).
- (b) Power to deal with complaints about high hedges including the service of remedial notices, handling of any appeals or other decisions from relevant authorities and powers of entry in relation to carrying out of such duties as set out under Part 8 of the Anti-Social Behaviour Act 2003 or any subsequent re-enactment of that provision.

The following functions are delegated to the Head of Economy and Planning

- (a) The determination of hedgerow applications submitted under the Hedgerows Regulations 1997 and the service of retention/replacement notices
- (b) The appointment of authorised officers to enter land in the exercise of a right of entry conferred by the Hedgerows Regulations 1997

The following function is delegated to the Head of Legal, Democracy and HR, in conjunction with the Head of Economy and Planning

- (c) Legal proceedings (including injunction proceedings) in respect of the unauthorised removal of hedgerows to which the Hedgerows Regulations 1997 apply

Functions of the Planning Committee

- (33) The designation of employees as authorised officers
- (34) Power to create footpath or bridleway by agreement (Section 25 of the Highways Act, 1980)
- (35) Power to create footpaths and bridleways (Section 26 of the Highways Act, 1980)
- (36) Power to stop up footpaths and bridleways (Section 118 of the Highways Act, 1980)
- (37) Power to determine application for public path extinguishment order (sections 118ZA and 118C(2) of the Highways Act, 1980)
- (38) Power to make a rail crossing extinguishment order (Section 118A of the Highways Act, 1980)
- (39) Power to make a special extinguishment order (Section 118B of the Highways Act, 1980)
- (40) Power to divert footpaths and bridleways (Section 119 of the Highways Act 1980)
- (41) Power to make a public path diversion order (Sections 119ZA and 119C(4) of the Highways Act, 1980)
- (42) Power to make a rail crossing diversion order (Section 119A of the Highways Act, 1980)

Delegation of Functions (concurrently with the Planning Committee)

The following functions are delegated to the Head of Economy and Planning

The designation of employees as authorised officers for the purposes of the Town and Country Planning Acts

Functions of the Planning Committee

Delegation of Functions (concurrently with the Planning Committee)

- (43) Power to make a special diversion order (Section 119B of the Highways Act, 1980)
- (44) Power to require applicant for order to enter into agreement (Section 119C(3) of the Highways Act, 1980)
- (45) Power to make an SSSI diversion order (Section 119D of the Highways Act 1980)
- (46) Duty to keep register with respect to applications (Sections 118ZA, 118C, 119ZA and 119C of the Highways Act, 1980)
- (47) Power to decline to determine certain applications (Section 121C of the Highways Act, 1980)
- (48) Duty to assert and protect the rights of the public to use and enjoyment of highways (Section 130 of the Highways Act, 1980)
- (49) Duty to serve notice of proposed action in relation to obstruction (Section 130A of the Highways Act, 1980)
- (50) Power to apply for variation of order (Section 130 B of the Highways Act, 1980)
- (51) Power to extinguish certain public rights of way (Section 32 of the Acquisition of Land Act, 1981)
- (52) Power to extinguish public right of way over land acquired for clearance (Section 294 of the Housing Act, 1981)

Functions of the Planning Committee

- (53) Power to authorise stopping up or diversion of footpath or bridleway (Section 257 of the Town and Country Planning Act 1990)
- (54) Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act, 1990)
- (55) Power to authorise the stopping up or diversion of a highway (Section 247 of the Town and Country Planning Act 1990)
- (56) Registration of common land and town or village green under Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)
- (57) Power to apply for an enforcement order against unlawful works on common land under Section 41 of the Commons Act 2006
- (58) Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006
- (59) Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town and village greens under Section 45(2)(b) of the Commons Act 2006
- (60) Power to approve sites for entry into Part 2 of the Brownfield Land Register

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Economy and Planning

Functions of the Planning Committee

- (61) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register
- (62) Power to determine applications for Permission in Principle under Part 2 of the Brownfield Land Register
- (63) Power to determine applications for Technical Details Consent under Part 2 of the Brownfield Land Register
- (64) Duties and powers in relation to the enforcement of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same
- (65) Duties and powers in relation to the calculation of the chargeable amount and the determination of liability, in respect of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegation of Functions (concurrently with the Planning Committee)

Power to approve sites for entry into Part 2 of the Brownfield Land Register

The following function is delegated to the Head of Economy and Planning

Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register

The following function is delegated to the Head of Economy and Planning

Power to determine applications for Permission in Principle under Part 2 of the Brownfield Land Register

The following function is delegated to the Head of Economy and Planning

Power to determine applications for Technical Details Consent under Part 2 of the Brownfield Land Register

The following function is delegated to the Head of Economy and Planning and/or the Head of Legal, Democracy and HR

Exercise the Council's duties and powers in relation to the enforcement of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same

The following function is delegated to the Head of Economy and Planning

Exercise the Council's duties and powers in relation to the calculation of the chargeable amount and the determination of liability, in respect of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Functions of the Planning Committee

- (66) Duties and powers in respect of appeals relating to the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same
- (67) Duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy (CIL), in accordance with any relevant policies adopted by the Council as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same
- (68) Duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Economy and Planning

Exercise the Council's duties and powers in respect of appeals relating to the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same

The following function is delegated to the Head of Economy and Planning

Exercise the Council's duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy (CIL), in accordance with any relevant policies adopted by the Council as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same

The following function is delegated to the Head of Economy and Planning in consultation with the relevant Cabinet Member

Exercise the Council's duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.