



Ribble Valley
Borough Council

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SCHEME OF DELEGATION FOR DEVELOPMENT MANAGEMENT AND COUNTRYSIDE MATTERS

APRIL 2024

**(DRAFT VERSION FOR
P&D COMMITTEE APPROVAL)**

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1.0 INTRODUCTION

- 1.1 This delegated scheme is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those applications will be delegated to officers of the Council for decision. It will also clarify other decisions which are delegated to the Director of Economic Development and Planning.
- 1.2 From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed. For the avoidance of doubt, in cases where any legislation referred to in this document is subsequently updated, amended or replaced, then the new legislation shall take effect and be applied.

2.0 DETERMINATION OF APPLICATIONS UNDER DELEGATED POWERS

- 2.1 The following types of applications are delegated to the Director of Economic Development and Planning for decision. These applications are, however, subject to the Member call-in procedure unless explicitly stated otherwise.

➤ **Determination of Factual or Technical Applications**

- 2.2 Since the following types of application relate to issues of fact or the consideration of technical details, both refusals and approvals are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

- Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
- Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
- Determination of applications for a Certificates of Lawfulness of proposed works to listed buildings under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Applications to discharge conditions attached to approvals.
- Determination of requests for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

➤ **Determination of Prior Notifications/Approvals Applications**

- 2.3 Planning legislation dictates that certain developments are considered permitted development. However, for certain permitted developments, applicants are required to submit an application for prior notification or prior approval (this includes demolition, some agricultural development and certain changes of use). This procedure will not result in planning permission; it will instead determine whether prior approval is or is not required,

and if required, whether it is acceptable or not having regard to prescribed legislative criteria.

- 2.4 In addition, a Local Development Order in place at the Enterprise Zone (EZ) at BAE Samesbury dictates that certain developments within the EZ do not require planning permission, but applicants are required to submit an application for prior notification. This procedure will determine whether or not the development can go ahead without planning permission.
- 2.5 The Local Planning Authority has a limited time to respond to an application for prior approval or prior notification; and as failure to issue a timely decision would result in an automatic approval, all decisions in respect of these types of applications are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Determination of Householder Planning Applications**

- 2.6 One of the roles of the Planning and Development Committee is to consider development in the public interest, which includes major and complex proposals, which have the potential to have a wide impact on the Borough. Householder planning applications for works or extensions to a dwelling do not, generally, have a wide impact and it would not be in the public interest to consider these applications at Committee.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Determination of Amendments to a Planning Permission**

- 2.7 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous planning permission. Under this section a local planning authority may amend or remove conditions but may not amend any other part of the permission. Applications submitted under Section 73 are 'minor material amendments' to the approved scheme whose scale and nature result in a development which is not substantially different from the one which has been approved. As applications submitted under Section 73 do not change the principle of the development, decisions are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these types of applications remain delegated even if representations are received.

- 2.8 Section 96A of the Town and Country Planning Act enables an applicant to apply for a non-material amendment to an approved scheme. Such amendments are minor in nature and are not applications for planning permission. The Local Planning Authority has 28 days in which to make a decision. Given the limited timescale and the minor nature of such applications all decisions in respect of these types of applications are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Approval of Planning Applications with fewer than 10 objections**

2.9 The following types of planning application are delegated to the Director of Economic Development and Planning providing fewer than 10 objections (including Statutory Consultees) from separate addresses are received by the determination date. For the avoidance of doubt one letter submitted on behalf of multiple addresses will be counted as one objection:

- Outline and full applications for up to 9 new dwellings
- Substitution of house types
- Applications for new vehicular access points
- Full applications for a change of use
- All new build commercial premises including agricultural developments and residential care homes irrespective of the size.
- Proposals for new shop fronts on existing shops.
- Applications for advertisement consent.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- All applications about which the observations of the Council are requested
- Applications for temporary consent.
- Reserved matters applications.
- Modification and discharge of planning obligations in accordance with Section 106A of the Town and Country Planning Act 1990
- Applications on Council owned land (not made by or on behalf of the Council).
- Hazardous substance consent
- Permission in Principle.
- Applications for technical details consent following the grant of permission in principle
- Applications for development already carried out (retrospective applications).

➤ **Refusal of Planning Applications**

2.10 All applications submitted to the Local Planning Authority can be refused under delegated powers without prior reference to the Planning and Development Committee.

➤ **Tree Works Applications**

- 2.11 All applications submitted to the Local Planning Authority for works to protected trees (i.e. protected by virtue of a Tree Preservation Order or being within a Conservation Area) are delegated to the to the Director of Economic Development and Planning. In the case of works to trees within a Conservation Area the Council only has six weeks to make a decision.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Heritage Partnership Agreements**

- 2.12 Proposals for Consented Work applications, Certificate of Lawfulness of Proposed Works and amendments and additions to any Heritage Partnership Agreements are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Applications for the Stopping Up or Diversion of Public Rights of Way**

- 2.13 Applications requesting the Local Planning Authority to make an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 for the Stopping Up or Diversion of a Public Right of Way, in order to allow development to take place, are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

3.0 DETERMINATION BY PLANNING AND DEVELOPMENT COMMITTEE

- 3.1 The following types of applications are to be determined by the Planning and Development Committee:-

➤ **Applications Made by Interested Parties**

- 3.2 Any application made by an elected Member or senior officer of the Council, or a close relation of either of such persons shall be placed before Planning and Development Committee where representations objecting to the application have been received (delegation is still permitted if the application is refused). For these purposes a close relation is defined as a spouse, partner, sibling, parent or offspring and a senior officer is deemed to be Head of Service and above in all services except the Economic Development and Planning Directorate where it includes all officers.

➤ **Applications Made by Ribble Valley Borough Council**

- 3.3 Any application made by or on behalf of Ribble Valley Borough Council shall be placed before the Planning and Development Committee.

➤ **Applications that require Secretary of State Consultation**

- 3.4 Any application that falls within the application criteria to consult the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2024 shall be placed before the Planning and Development Committee.

➤ **Major Housing Development**

- 3.5 Any major planning application for new housing development, which is recommended for approval, shall be placed before the Planning and Development Committee.

➤ **Senior Officer Referrals**

- 3.6 Any planning application which falls within the delegated powers procedure but is nonetheless considered appropriate to bring to the Planning and Development Committee by the Director of Economic Development and Planning.

➤ **Non Determination Appeals**

- 3.7 Any application that is subject to an appeal against non-determination shall be placed before the Planning and Development Committee for Committee Members to reach a resolution on how the application would have been determined had the Council been in a position to issue a decision. This is unless it is not possible to take a full report to Committee due to the need to meet necessary appeal deadlines, in which case the application will be delegated to the Director of Economic Development and Planning.

➤ **Member Call-Ins**

- 3.8 Where the ward councillor is of the view that there is a relevant planning reason¹ then they have the right to request any application within their ward appearing on the weekly list (apart from the types of applications listed as being outside of the call-in procedure) to be presented to the Planning and Development Committee for decision, provided that:
- A call-in request form (see Appendix A) is completed by the ward councilor which includes the identification of a relevant planning reason; and
 - This form is received by the Director of Economic Development and Planning and/or Head of Development Management and Building Control either in paper or electronic form within 14 days of the date of the weekly list of planning applications, which includes the planning application requested
- 3.9 If the ward councillor is unclear whether there is a relevant planning reason or not, they are advised to contact the case officer.
- 3.10 Where a valid call-in request form is received

¹ This is in line with the guidance produced by the Planning Advisory Service (PAS) and Lawyers in Local Government (LLG) with regard to the need to record reasons for call-in and that they should relate to matters of planning concern, to avoid bias or any perception of bias.

- An acknowledgement email will be sent to the ward member's council email address;
 - The call-in request form will be uploaded to the relevant planning application on the Council's website and placed on the planning application file; and
 - The fact that the application has come before committee as a result of a call-in by the ward member and the planning reason(s) cited in the call-in request form will be set out in the introduction section of the officer's report to the Planning and Development Committee.
- 3.11 Where an invalid call-in request form is received (e.g. out of time, no relevant planning reason stated, the form has not been completed correctly, the call-in was not made by the ward member or the application type cannot be called-in) the councillor will be contacted and advised of this as soon as possible and the application will follow the delegation route unless a subsequent valid call-in request form is received within the original timeframe.
- 3.12 For the avoidance of doubt, as set out in section 2 of this delegation scheme, call-in requests cannot be made for the following application types:-
- Factual / technical applications
 - Prior notifications/approvals
 - Householder applications
 - Non-material amendments
 - Tree works applications
 - Heritage partnership arrangements
 - Applications for the stopping up or diversion of public rights of way

4.0 OTHER DECISIONS DELEGATED TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

4.1 These powers are delegated to the Director of Economic Development and Planning

➤ Development Management

- (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
- (b) The statutory or the discretionary need to advertise various types of applications.
- (c) What statutory or other consultations/notifications are required
- (d) Determination on matters relating to fees arising on an application
- (e) Determination as to whether or not to decline to determine an application under Sections 70A-D of the Town and Country Planning Act
- (f) Determination as to whether or not applications should be subject to an Environmental Impact Assessment (EIA)
- (g) Determination of an application as finally disposed of

- (h) Negotiations leading to the satisfactory completion of Section 106 Agreements - unless the Planning and Development Committee has formally requested further involvement at the time of the resolution of the application.
- (i) Decisions whether to use consultants to prepare and present an appeal case following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee.

➤ **Enforcement**

4.2 In all cases where there is a breach of planning control, the Director of Economic Development and Planning is authorised to take the necessary action to regularise the situation, including the service of:

- A notice on untidy sites (Section 215 Notice),
- An Enforcement Notice,
- A Breach of Condition Notice
- A Temporary Stop Notice
- A Planning Contravention Notice

➤ **Listed Buildings and Conservation Areas**

4.3 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Economic Development and Planning is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

4.4 In respect of Listed Buildings authorise the Director of Economic Development and Planning to serve/ apply for:

- An Urgent Works Notice
- A Repairs Notice
- An injunction in relation to a listed building.

➤ **Tree Preservation And Countryside**

4.5 The Director of Economic Development and Planning is authorised to make:

- a) provisional tree preservation orders where necessary because of the immediate threat to tree involved
- b) Confirmation of tree preservation orders when no objections have been received
- c) Decisions on complaints received in relation to High Hedge legislation
- d) Decisions on notifications under the Hedgerow Regulations
- e) Confirmation of Stopping Up or Diversion Orders of a public rights of way where such requests are made to the Local Planning Authority in accordance with Section 257 of the Town and Country Planning Act
- f) Responses to Lancashire County Council on the consultation stage of Stopping Up or Diversion Orders of a public right of way.

COUNCILLOR CALL-IN FORM

Applications can only be called in **within 14 days** of the date of the weekly list which includes the planning application requested.

I wish to call-in the following application for determination by the Planning and Development Committee

Application number	
Application address	
Weekly List date	
Have you been asked to call the application in following a request from the agent/ applicant/ objector (if yes, please indicate which)	
Relevant Planning Reason for Call-in (e.g. impact on residential amenity, impact on character of the street scene, car parking, highway issues, impact on trees and landscaping, impact on listed building/conservation, high level of public interest, departure from planning policy)	
Any other information / comments	

A relevant planning reason must be given in order for the form to be accepted. If you are unclear whether there is a relevant planning reason please contact the case officer.

Name: Cllr _____ Ward: _____

Signed: _____ Date: _____

This form should be emailed to planning@ribblevalley.gov.uk or sent to the planning department, Ribble Valley Borough Council and marked for the attention of the Head of Development Management and Building Control