

Officer Scheme of Delegation for Development Management Matters

PART A

The Scope of Delegated Authority

The Delegated Officers are authorised to determine the following matters subject to the limitations of Part B below:-

1. Planning Applications and Related Matters

- (a) All planning applications.
- (b) All applications for Advertisement consent, Listed Building consent, Relevant Demolition consent, Hazardous Substance consent, and Tree Preservation Order consent.
- (c) All notifications in respect of planning related matters including, Prior Approval notifications, telecoms notifications, agricultural notifications, Trees in Conservation Area notifications and notifications of intention to demolish buildings.

2. Consultations

- (a) Observations on applications submitted to other local planning authorities for their determination.
- (b) Observations on Crown development and development proposed by other outside bodies referred to this Council as consultee authority.
- (c) Observations on development and ancillary works proposed by statutory undertakers, telecommunications code system operators and other organisations having permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or replacement legislation.

3. Procedural Matters

- (a) Finalising the conditions and reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Director of Law and Governance, including those within the terms of any relevant Planning Committee or Planning Panel resolution.
- (c) Agreeing to accept or not accept minor amendments to planning permission, or repeat applications.
- (d) Determining the need for information required to make a decision on an application including the need for, and scoping of, an Environmental Assessment.
- (e) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes).
- (f) Deciding the Council's preferred method for dealing with appeals (written representations, informal hearing or public inquiry) and their Conduct.
- (g) Compliance with the departure procedures contained Directions issued by the Secretary of State.
- (h) Determining the need for and making Tree Preservation Orders and confirming such Orders where there are no objections and determining the need for and issuing building preservation notices where urgently required.

- (i) Determining whether planning permission, Listed Building consent, Advertisement consent, Tree Preservation Order consent and Hazardous Substances consent is required.
- (j) Authorising officers to enter land and make applications to the magistrates court for a warrant authorising entry where applicable in relation to any matter set out in this Part A.

4. Enforcement and Matters of Lawfulness

- (a) Determining applications for certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development and, where appropriate, in consultation with Director Law and Governance.
- (b) Determining the need for and service of Planning Contravention Notices.
- (c) Determining the need for and service of Breach of Condition Notices.
- (d) Determining the need for and enforcement of control as to advertisements, the service of discontinuance notices and the removal or obliteration of unlawful placards or posters.
- (e) Determining the need for and service of Enforcement Notices and Listed Building Enforcement Notices.
- (f) Determining the need for and service of Stop Notices, Temporary Stop Notices and injunctions, if urgently required, and subject to the agreement of the Head of Legal Services and, in the case of Stop Notices, the Chair of Planning Committee.
- (g) In consultation with the Director Law and Governance to undertake prosecutions where applicable in relation to any matter set out in this Part A.
- (h) Issuing notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990 (as amended), and issuing notices in respect of derelict land under Section 215 of the Town and Country Planning Act 1990.
- (i) Determining the need for and taking direct action under Section 178 of the Town and Country Planning Act 1990 (as amended).
- (j) Determining the need for and carrying out urgent works and repairs under Section 54 of the Planning (Listed Buildings and Conservations Area) Act 1990.
- (k) Determining the need to and withdrawing any notice issued under sub- paragraphs (4)(b) to (h) above.

5. Rights of Way.

The determination of all non-executive decisions and carrying out of all functions relating to public paths and rights of way, including those specified in Schedule 1 of the Local Authorities (functions and responsibilities) (England) Regulations 2000. Functions be delegated to the appropriate Director unless required to be determined by Committee in compliance with relevant legislation.

PART B

Limitation on Delegated Authority

1. The scheme of delegation relating to planning applications and related matters shall be limited solely to the items set out in Part A.
2. No delegated decision shall be made where the development in the opinion of the Delegated Officer, is likely to be of a controversial nature, taking into account such factors as the scale and nature of the proposed development, the history and sensitivity of the site and the likely level of public interest.
3. No delegated decision shall be made which in the opinion of the Delegated Officer is materially in conflict with any of the Council's approved planning policies.
4. No delegated decision on an application shall be made until the Specified Consultation Period has expired.
5. No delegated decision on a planning application shall be made if a written request or e-mail to the Delegated Officer or Case Officer is received within the Specified Consultation Period, giving notice of a representation from;
 - (a) A Ward Councillor in respect of an application within their Ward.
 - (b) A Ward Councillor where an application in an adjacent Ward will have an impact on their Ward.
 - (c) Any Ward Councillor, where with the prior agreement of the Chair, it can be demonstrated that the environmental planning effect on the Borough of Milton Keynes is significant.
 - (d) The Clerk or Secretary of a Parish or Town Council in respect of an application within their Parish.
 - (e) The Clerk or Secretary of a Town or Parish Council where an application in an adjacent Parish will have an impact on their Parish.
 - (f) In the case of a Minor or Other application, or a Tree Preservation Order consent, 5 or more members of the public from different households.
 - (g) In the case of a Major application 20 or more members of the public from different households.

In all cases a representation must form a material planning consideration.

An explicit request must be made in writing that the application be referred to the Planning Committee (Committee) or Planning Panel (Panel) for determination and such a request must form a material planning consideration.

Where a request to refer an application to Committee or Panel has been received from a Parish or Town Council, an undertaking to attend the meeting to address the Committee or Panel must be given.

Failure to attend a Committee or Panel, following an undertaking to so do, on two occasions within a 6 month Period will result in:

- (a) the Parish or Town Council being barred from requesting an application be referred to Committee or Panel for a 3 month period from the date of the second incidence; and

- (b) any applications within that parish being determined in accordance with the Officer recommendation under delegated powers. This would also be for a concurrent 3 month period and would only take effect in cases where no other parties have lodged representations and requested the case be heard before a Panel or Committee as at paragraph 5 of Part A.
6. A party having requested that an application be referred to Committee or Panel on a representation based on the principles above, may withdraw the request for a referral to Committee or Panel as long as notice of the withdrawal is received by the Delegated Officer or Case Officer prior to the publication of the agenda for the relevant meeting.
- In such cases, if no further representations triggering a referral to Committee or Panel exist, the application will be determined by Officer delegation in accordance with the Officer recommendation.
7. Planning applications submitted by or on behalf of the following shall be excluded from the delegation scheme and shall be determined by the Committee/Panel:
- Elected Councillors of the Council
 - Any employee of the Council (unless it is submitted on behalf of the Council)
 - Close family members (parents, children, siblings and partners) of any of the above

PART C

Definitions

'Case Officer' means the Planning Officer who has been allocated an application and will prepare a report and recommendation on whether the proposal should be approved/refused.

'Conduct' (in respect of appeals) includes, but is not limited to, the agreeing of statements of common ground, preparing and responding to applications for an award of costs, and, where circumstances indicate a need to concede a reason for refusal or a reason for serving an enforcement notice, agreeing that concession (in consultation with the Chair of the Committee or Panel where relating to a decision made by that Committee or Panel).

'Delegated Officer' means the Director of Planning and Placemaking and Head of Planning along with any officer who has been granted delegated authority by the Director or Head of Planning to carry out actions on his/her behalf pursuant to the scheme of delegation.

'Major' means an application type meets or exceeds the thresholds for "major development" as set out in the Procedure Order (or any statutory instrument which amends or revokes and replaces that Order).

'Minor' means an application type which does not exceed the thresholds for "major development" as set out in the Procedure Order (or any statutory instrument which amends or revokes and replaces that Order).

'Other' means an application for a change of use, householder development, advertisement consent, listed building consent or relevant demolition consent.

'Procedure Order' means the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any statutory instrument which amends or revokes and replaces that Order).

'Repeat application' means an application where the provisions under sections 70A, 70B and 70 C of the Town and Country Planning Act 1990 (as amended) or sections 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act apply.

'Specified Consultation Period' means any period required by legislation or as set out in the Council's Statement of Community Involvement), whichever is the greater, as set out in a written notification to that person(s).