

**Delegation to: Director of Regeneration and Development
Head of Development Management**

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
226.	Flyposting	In appropriate cases and following requests for posters to be removed, to take legal action, including prosecutions in the Magistrates Court, in respect of indiscriminate flyposting.	
227.	Town and Country Planning Act 1990 (Sections 191, 192 and 220), Planning (Listed Building and Conservation Areas) Act 1990 (Section 10) and Planning (Hazardous Substances) Act 1990 (Section 4)	<p>(1) To determine any application for full planning permission, outline planning permission, deemed planning permission, approval of reserved matters or any amendments to previously approved applications and to make observations in cases of consultations by Statutory Undertakers, Government Departments, adjoining local authorities, or the Kent County Council.</p> <p>(2) To determine applications for consent under Regulations made under Section 220 of the Town and Country Planning Act 1990, for the display of advertisements.</p> <p>(3) To determine applications for Certificates of Lawful Use and Development under Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).</p> <p>(4) To determine applications for "listed building consent" under Section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of proposals to alter or extend a listed building (but not in respect of demolition) provided there are no adverse representations.</p> <p>(5) To determine applications for hazardous substances consent under Section 4 of the Planning (Hazardous Substances) Act 1990 provided there are no adverse representations.</p>	<p>The powers in Column 2 to be exercised except in the following circumstances</p> <p>(a) made by or on behalf of the Council, a member of the Council or a member of staff;</p> <p>(b) those specifically requested in writing by a Member of the Council for consideration by the Planning Committee;</p> <p>(c) those brought to the Planning Committee on the Director of Regeneration and Development or Head of Development</p>

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		<p>Material amendments made to applications after consideration by the Planning Committee but prior to formal determination shall be put before the Planning Committee for reconsideration if, following any re-advertisement or re-consultation, issues not previously taken into account are raised by third parties.</p> <p>A report to the Planning Committee shall not be required where, irrespective of the intended decision of the Director of Regeneration and Development or Head of Development Management, third parties (including Town or Parish Councils) state no objections or are ambivalent or raise only issues which are not material planning considerations.</p>	<p>Management's initiative;</p> <p>(d) applications attracting more than two contrary third party written representations which cannot be sustained on planning considerations.</p>
228.	Town and Country Planning (General Permitted Development) Order 1995	To determine applications as to whether the prior approval of the Council is required to the method of proposed demolition and any proposed restoration of a site.	
229.	Town and Country Planning (General Permitted Development) Order 1995 (Part 6, Class A2(2) and Schedule 2, Part 24 Class A2(4)(a)), Town and Country Planning (General Permitted Development) (England) Order 2001 (Part 24), Land Compensation Act 1961 (Section 17) and Land Compensation Development Order 1974	<p>(a) To determine applications under the Town and Country Planning (General Permitted Development Order 1995 as to whether the prior approval of the Council is required, and the giving or refusing of such approval, for agricultural development pursuant to Part 6, Class A.2(2) of the Order.</p> <p>(b) To determine applications under the Town and Country Planning (General Permitted Development) (England) Order 2001 as to whether the prior approval of the Council is required, and the giving or refusing of such approval, for development by telecommunications code system operators pursuant to Part 24 of the Order, all in accordance with the following agreed arrangements:</p> <p>(i) All such proposals for masts, antennae or radio equipment housing to be reported to the Planning Committee or be the subject of consultation with the Chairman or Vice-Chairman of the Planning Committee if the intended decision is not to require prior approval.</p>	

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	<p>(ii) All such proposals to be delegated to the Director of Regeneration and Development or Head of Development Management if the intended decision is to require prior approval.</p> <p>(iii) If, following a decision that prior approval is required, the intended decision on any such proposal is to grant prior approval, the application be reported to the Planning Committee or be the subject of consultation with the Chairman or Vice-Chairman of the Planning Committee.</p> <p>(iv) If, following a decision that prior approval is required, the intended decision on any such proposal is to refuse prior approval, the application be determined by the Director of Regeneration and Development or Head of Development Management, unless more than two contrary representations have been received.</p> <p>(v) All prior approval applications for public call boxes, whether or not prior approval is required and whether or not such approval is to be given, to be delegated to the Director of Community or Development and Head of Development Management to determine, except if more than two contrary representations have been received or if they involve the removal of a K6 telephone kiosk and the recommendation is to grant approval, in which case the application will either be reported to Planning Committee or be the subject of consultation with the Chairman and Vice-Chairman of the Planning Committee.</p> <p>(vi) All proposals for the addition of telecommunications items and equipment to the masts at Langdon Cliffs (Swingate), Hougham and Whitfield be determined by the Director of Regeneration and Development and Head of Development Management unless more</p>	

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		<p>than two contrary third party representations have been received.</p> <p>(vii) All applications for the addition of any ancillary equipment (such as equipment cabins but not additional replacement antennae) be determined by the Director of Regeneration and Development and Head of Development Management.</p> <p>(viii) All applications under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as to whether the prior approval of the Council is required, and the giving or refusing of such prior approval, for development by Telecommunications Code systems operator within the Area of Outstanding Natural Beauty and Conservation Areas pursuant to Schedule 2, Part 24, Class A2 (4)(a) be determined by the Director of Regeneration and Development and Head of Development Management.</p> <p>(c) To determine applications for Certificates of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961 and the Land Compensation Development Order 1974.</p>	
230.	Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part II, Class A1)	To determine applications under the Town and Country Planning (General Permitted Development) Order 1995 as to whether the prior approval of the Council is required, and the giving or refusal of such prior approval, for development under Local or Private Acts or Orders pursuant to Schedule 2, Part 11, Class A1 of the 1995 Order.	
231.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 38) – Service of Building Preservation Notices and Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order	<p>(a) To authorise the service of Building Preservation Notices in accordance with Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(b) To institute listed building enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	

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	1994	(c) To make observations on notifications of "relevant work" under the Code of Practice relating to works proposed.	
232.	Town and Country Planning Act 1990 (Section 106)	To negotiate and authorise agreements.	
233.	Town and Country Planning Act 1990 (Sections 201, 198, 172 and 211(3)(B)(i))	<p>(a) To authorise the making of Provisional Tree Preservation Orders under Section 201 of the Town and Country Planning Act 1990, with immediate effect and continuing in effect for up to 6 months.</p> <p>(b) To confirm or not confirm Tree Preservation Orders in cases where there are not more than two written representations which are contrary to the Officer's recommendation regarding the making of the Order.</p> <p>(c) To determine applications for consent under an Order under Section 198 of the Town and Country Planning Act 1990, to the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees.</p> <p>(d) To impose, whenever it is appropriate in the granting of planning permission for any development, conditions requiring the preservation or planting of trees in accordance with Section 197 of the Town and Country Planning Act 1990; to approve tree planting schemes required to be submitted within a given period; and to take appropriate enforcement action under Section 172 of the Town and Country Planning Act 1990, requiring such schemes to be submitted, implemented and maintained in compliance with the terms of the conditions imposed.</p> <p>(e) To determine applications for consent under Section 211(3)(b)(i) of the Town and Country Planning Act 1990, for the carrying out of acts in respect of trees in Conservation Areas which may by virtue of Section 198(3)(a) of the 1990 Act be prohibited by a Tree Preservation Order.</p>	

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234.	Environmental Impact Assessment	<p>(a) To determine whether or not a planning application is a Schedule 1 or Schedule 2 application (these schedules list, respectively, development always requiring an Environmental Impact Assessment and development requiring an Environmental Impact Assessment if it is likely to have significant affects on the environment).</p> <p>(b) To provide an opinion (a Screening Opinion) on whether a Schedule 2 development requires an Environmental Impact Assessment, or whether or not a development requires an Environmental Impact Assessment prior to the submission of an application, and notifying an applicant or prospective applicant accordingly.</p> <p>(c) To provide environmental information to a developer and give a formal opinion on what should be included in an Environmental Statement (a Scoping Opinion).</p> <p>(d) To request further information from an applicant if the required information is lacking from an Environmental Statement.</p> <p>(e) To publicise the Environmental Statement and any subsequently received information.</p> <p>(f) To inform the public of any decision on any application accompanied by an Environmental Statement and the main reasons for it.</p>	
235.	Town and Country Planning Act 1990 (Section 215)	To serve, subject to any directions given by the Secretary of State for the Environment, notices requiring the proper maintenance of waste land.	
236.	Planning (Hazardous Substances) Act 1990 (Sections 11 and 24)	<p>(a) To determine the validity of claims for deemed hazardous substances consent.</p> <p>(b) To institute hazardous substances enforcement action.</p>	

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237.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Sections 67 and 73)	To determine whether development proposed in an application would affect the setting of a listed building, or the character or appearance of a conservation area and to advertise the proposal.	
238.	Costs incurred in planning appeals	To make application in appropriate cases for costs incurred in planning appeals and to determine the amount of costs where such applications are successful.	
239.	Town and Country Planning Act 1990 (Sections 187A, 171C, 171D, 172, 183, 196A and 214B) and Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 88)	<p>(a) To take appropriate enforcement action to secure compliance with any condition imposed on any grant of planning permission under Section 187A of the Town and Country Planning Act 1990.</p> <p>(b) To investigate any unauthorised development and to serve planning contravention notices in pursuance of Sections 171C and 171D of the Town and Country Planning Act 1990 and to hear any offers or representations in response to such notices.</p> <p>(c) To prioritise action in respect of investigation of breaches of planning control.</p> <p>(d) To authorise the issue of Enforcement Notices under Section 172 of the Town and Country Planning Act 1990.</p> <p>(e) To authorise the service of Discontinuance Orders under Section 102 of the Town and Country Planning Act 1990.</p> <p>(f) To authorise the service of Stop Notices under Section 183 of the Town and Country Planning Act 1990.</p> <p>(g) To determine whether development enforced against is Schedule 1 or Schedule 2 and to provide a screening opinion and the accompanying Notice in appropriate cases.</p> <p>(h) To withdraw enforcement notices where planning permission has</p>	

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		<p>subsequently been granted, to waive or relax any requirement of such notices, or to extend the period for compliance.</p> <p>(i) To authorise officers to enter on to land and listed buildings in connection with the making or confirming of a Tree Preservation Order and offences relating to Tree Preservation Orders, or trees in conservation areas in accordance with Sections 196A and 214B of the Town and Country Planning Act 1990 (as amended) and Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(j) To authorise no action in cases where, following initial investigation of a third party complaint, the Director of Regeneration and Development or Head of Development Management is satisfied that the service of a formal notice under Town and Country Planning legislation cannot be justified.</p> <p>(k) To authorise (in consultation with the Solicitor to the Council) the institution of proceedings for any offence under the Town and Country Planning legislation or Regulations made thereunder.</p>	
240.	Publication of applications for planning permission and other consents and supply of copies of planning applications to Town and Parish Councils	<p>(a) To publicise in appropriate local weekly newspapers the receipt of applications for planning permission and other consents.</p> <p>(b) To supply copies of the relevant applications for planning permission and other consents (including plans) to the Clerks of Town and Parish Councils within the District.</p>	
241.	Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989	To implement the provisions of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 as amended.	
242.	Hedgerow Regulations 1997	To exercise the Council's powers and duties in relation to the Hedgerow Regulations 1997.	

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243.	Response to all planning appeals	To determine the Council's response to all planning appeals, to include: (a) The completion of questionnaires and agreement on the procedure to be used; (b) The determination of whether a statement is necessary in written representations cases; (c) The determination of the form and content of statements and proofs of evidence; (d) The provision of representations and evidence at Public Inquiries and Informal Hearings.	
244.	Set aside planning conditions – retention of trees	To set aside Planning Conditions with no time limit relating to the retention of trees included in decisions pre-dating 1974.	
245.	Schedule 1 or 2 development – screening opinion	(a) Determination of whether development enforced against is Schedule 1 or Schedule 2 development. (b) Providing a screening opinion and the accompanying Notice in appropriate cases.	
246.	Tree work in Conservation Areas	To determine conservation area tree work applications where there are unresolved third party representations which accord with the provisions of the Human Rights Act 1998 and subject to consultation with the Chairman and Vice-Chairman of the Planning Committee.	
247.	Statutory register of planning applications	To maintain and administer the statutory register of planning applications.	
248.	Town and Country Planning (General Development Procedure) Order 1995 (Article 10)	To carry out any and all consultations required by Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 and to carry out any additional consultation which the Director of Regeneration and Development or Head of Development Management considers necessary or desirable in respect of any particular planning applications or other applications under the Planning Acts.	

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249.	Impose conditions upon planning permission and other consents	To impose conditions upon the grant of full or outline planning permission and upon other consents under the Planning Acts and to give reasons for the imposition of such conditions and, in the case of refusal of full or outline planning permission or other applications under the Planning Acts, to give reasons for that refusal.	
250.	Town and Country Planning Act 1990 (Section 172) and Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 38)	To issue Enforcement Notices including specifying dates and determining the periods for compliance.	
251.	Anti-Social Behaviour Act 2003 (Section 74)	To exercise the powers of entry under Section 74 of the Anti-Social Behaviour Act 2003 and also that he/she be empowered to authorise other officers to exercise those powers.	
252.	Anti-Social Behaviour Act 2003 (Part 8)	To discharge the powers and functions of the Council in relation to complaints made under Part 8 of the Anti-Social Behaviour Act 2003.	
253.	Validation of planning applications	To exercise all relevant statutory powers to (i) determine whether a planning application is valid and (ii) require applicant(s) to supply further information or evidence in support of a planning application. To prepare and finalise any future local requirements relating to those types of applications not currently covered and to amend any local requirements in future to reflect changes in circumstances.	
254.	Town and Country Planning (General Permitted Development) Order 1995 (as amended)	(a) To authorise the making of Article 4 Directions, and to undertake all necessary publicity and consultation. (b) To decline to authorise the making of Article 4 Directions in those cases where they are requested but no planning justification can be identified.	

Executive Functions

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255.	Dangerous trees	To require owners to carry out works to dangerous trees or to authorise entry onto land for the purpose of enabling such works to be carried out on behalf of the Council.	
256.	Anti-Social Behaviour Act 2003 (Part 8) (having regard to any amendments to the Functions and Responsibilities Regulations 2000)	To undertake all functions in respect of the processing of complaints about high hedges.	
257.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as "responsible authority".	
258.	Planning Performance Agreements	To authorise the Director of Regeneration and Development and Head of Development Management to negotiate and enter into Planning Performance Agreements.	

**Delegation to: Director of Regeneration and Development
Head of Development Management
Building Control Manager**

Executive Functions

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259.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 58)	To decide upon the recovery of sums paid out in respect of repairs to properties.	
260.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the Town Grant Scheme	Where the total amount repayable does not exceed £250, and subject to the concurrence of the Section 151 Officer, to determine if grants made should be repaid.	