

## **H. DELEGATIONS TO CORPORATE LEAD OFFICER ECONOMY & REGENERATION**

The following functions are to be delegated to the Corporate Lead Officer Economy & Regeneration and to any officers authorised by him/ her from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions.

1. To negotiate and complete purchases and sales of land and property, granting of leases to and from the Council in accordance with the Asset Management Plan and Council's Capital Programme.
2. To negotiate and complete wayleave agreements, easements and licences.
3. To grant consents relating to the use of Council land and premises.
4. Certifying that valuations are acceptable for conveyancing, leasing and other relevant purposes in respect of any asset or interest to be disposed of, acquired or leased in accordance with the Asset Management Plan.
5. To accept and serve any notices required under the Agricultural Holdings Act 1986 (as amended) and the Agricultural Tenancies Act 1995.
6. To submit planning applications in respect of the Council's land, buildings or Engineering Works as required to assess the development potential prior to the sale of land or to carry out developments on behalf of the Council
7. In consultation with the Corporate Lead Officer, Legal & Governance Services to approve requests for the assignment of leases and the underletting and sub-letting of premises where consent for such requests cannot reasonably be withheld.
8. To take action on behalf of the Council as landowner and under the Criminal Justice and Public Order Act 1994 relating to unauthorised occupation of land and to utilise the services of process servers where appropriate.
9. With regard to the future management of farms and small-holdings the short listing of applicants for advertised farms, their letting and serving of Notices to Quit, in consultation with the appropriate Cabinet Member, and with the appropriate Local Member being kept informed.
10. To undertake rent reviews as is appropriate for those properties owned and managed by the Council.
11. To submit grant funding bids for regeneration projects and housing schemes,
12. To provide European support advisory services and monitoring support for County Council EU funded projects and to external projects

13. To determine, in consultation with the Cabinet Member for Economic and Community Development, applications for grant under the Community Grants and Business Grants schemes
14. To determine advertising and marketing programmes and expenditure to promote Ceredigion.
15. To accept articles and materials which are donations to the County Council Museum.
16. To exercise, in the absence of the Corporate Lead Officer – Porth Cymorth Cynnar, powers and duties, and to authorise Officers, under the provisions of:
  - a. the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015; and
  - b. The Renting Homes (Fees etc.) (Wales) Act 2019 (including Regulations made thereunder)

17. **Coast and Countryside**

To authorise entry by officers consultants and contractors under:

- 16.1 To register Section 31 declarations under the Highways Act 1980 with regards to any legal deposits made by landowners to prevent new claims of public rights of way being made on their land under Sec 53 of the Wildlife & Countryside Act 1981 which include a map of their holding and declaration that they do not intend to dedicate any public rights of way to the public.
- 16.2 To make and confirm Tree Preservation Orders under the Town and Country Planning Act 1990
- 16.3 To determine applications for the cutting lopping or topping of any tree covered by a TPO.
- 16.4 To determine notifications for the removal of a hedgerow under the Hedgerow Regulations 1997.
- 16.5 To determine applications in respect of high hedges under the Anti-social Behaviour Act 1993 (Part 8).
- 16.6 To provide for the amendment of the registers maintained under the Commons Registration 1965 [Commons and Town and Village Green Registers] where;
  - I. any land registered under this Act ceases to be common land or a town or village green; or
  - II. any land becomes common land or a town or village green; or

- III. any rights registered under this Act are apportioned, extinguished or released, or are varied or transferred in such circumstances as may be prescribed in respect of Section 13 of the Commons Registration Act and Section 31 of the Highways Act 1980

16.7 To determine cases of presumed dedication under Section 31 of the Highways Act 1980.

16.8 To determine applications to modify the definitive map and statement under Section 53 of the Wildlife and Countryside Act 1981.

16.9 To make Public Path Orders Diversion Orders Extinguishment Orders and Creation orders under the relevant sections of the Town and Country Planning (Public Path Orders) Regulations 1993 Highways Act 1980 & Town & Country Planning Act 1990 and to confirm orders where no objections have been received, or where objections made are subsequently resolved<sup>27</sup>. To make Definitive Map Modification Orders under various sub –section of Section 53 of the Wildlife & Countryside Act 1981 including:

- Additions under Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981
- Deletions under Section 53 (3) (c) (iii) of the Wildlife and Countryside Act 1981
- Alignment changes under both Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981 and Section 53 (3) (c) (iii) of the Wildlife and Countryside Act 1981
- Status changes under Section 53 (3) (c) (ii) of the Wildlife and Countryside Act 1981

16.10 To upgrade or downgrade the Map and/or Statement under changes under both Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981 and Section 53 (3) (c) (iii) of the Wildlife and Countryside Act 1981<sup>28</sup>. To make Roads Used Public Paths (RUPP's) Reclassification Orders under Sec 54 of the Wildlife & Countryside Act 1981 and Countryside and Right Of Way Act 2000 and confirm orders where no objections or withdrawn objections.

16.11 The Duties and responsibilities set out in Section 40 of the Natural Environment and Rural Communities Act 2006 relating to conserving biodiversity

16.12 To make Legal Event Modification Orders (LEMO'S) in relation to Public Path Orders, Definitive Map Modification Orders or RUPP reclassification orders.

16.13 The powers to make Traffic Regulation Orders of the Road Traffic Regulation Act 1984 including:

- Emergency closures
- Temporary closures
- Permanent closures

16.14 The powers to take enforcement action as appropriate.

16.15 Powers in respect of Common Land & Village Greens, including management / enforcement action as appropriate under section 9 of the Commons Registration Act 1965, protection of unclaimed Common Land.

16.16 To undertake all duties and responsibilities under the following sections of the Highways Act 1980:-

- Section 41 - Duty to maintain highways maintainable at public expense
- Section 62 – General power of improvement
- Section 66 – Power to provide and maintain barriers, rails or fences for the purpose of safeguarding persons using the highway.
- Section 76 – Power to carry out works for levelling the highway
- Section 77 – Power to change the levels of the highway Alteration of levels
- Section 82 – Power to provide install cattle grids & by-passes
- Section 83 – Power to remove of cattle grids & by-passes
- Section 91 – Power to construct a bridge to carry existing highway maintainable at public expense.
- Section 92 – Power to reconstruction a bridge maintainable at public expense.
- Section 94 – Powers of highway authorities & bridge owners to enter into agreements<sup>1</sup>
- Section 100 – Power to undertake drainage of the highway
- Section 101 – Power to fill in roadside ditches
- Section 102 – Power to carry out works to protect highways against hazards of nature
- Section 122 – Power to make temporary diversion where highway is about to be repaired or widened
- Section 130 – Powers in respect of the duty to assert and protect the rights of the public to the use and enjoyment of any highway for which the highway authority, including any roadside waste which forms part of it.
- Section 131 – Powers to issue penalties for damaging highways
- Section 134 – Power of ploughing and cropping of Public Rights Of Way (PROW)

- Section 135 – Power to temporary divert footpath or bridleway
- Section 137 – Power to issue penalty for wilful obstruction
- Section 143 – Power to remove obstructions from highways
- Section 145 – Powers as to gates across highways
- Section 146 – Duty to maintain stiles etc. on footpaths & bridleways
- Section 147 – Power to authorise new structures on PROW
- Section 149 – Power to remove nuisances on highways
- Section 150 – Duty to remove snow & soil from highways
- Section 154 – Power to remove dangerous trees
- Section 163 – Duty to prevent water falling on or flowing on to the highway
- Section 164 – Power to require removal of barbed wire
- Section 178 – Restriction on placing rails, beams etc. over highways
- Section 289 – Power of entry of highway authority for the purpose of survey
- Section 290 – Supplementary provisions as to power of entry for the purpose of survey
- Section 291 – Powers of entry of highway authority for purpose of maintenance
- Section 293 – Power of entry onto land for PROW works
- Section 296 – Power of council to execute works by agreement
- Section 197 – Power of highway authority to require ownership details
- Section 300 – Right to use vehicles and appliances on footpaths and bridleways for maintenance and improvements

16.17 To undertake all duties and responsibilities under the following section of the Countryside and Right Of Way Act 2000:-

16.18 Section 63 (6) – Duty of enforcement to prevent obstructions

16.19 Section 137ZA – Power to order offender to remove obstruction

16.20 To undertake the duty of signposting footpaths and bridleways under Section 27 of the Countryside Act 1968.

16.21 The power to obtain landownership details under Section 297 of the Highways Act 1981.

16.22 Duty to issue penalties and require the removal of misleading notices and signs under Section 57 of the National Parks and Access to the Countryside Act 1949

16.23 The power to order the removal of obstructions under Section 137ZA of the CROW Act 2000.

## 18 Proper Officer Responsibilities

The Corporate Lead Officer Economy & Regeneration is designated Proper Officer for Ceredigion County Council in relation to the following matters:

- Section 78 Building Act 1984: Exercise powers to deal with dangerous buildings, etc.

## 19 Specific powers and duties

- .1 To act on a day to day basis and within the scheme of delegation in the following areas
  - a) Development Management and Building Control (including Listed Buildings).
  - b) Dangerous buildings and unsafe structures
  - c).The determination of building regulations applications, serving of statutory notices, the enforcement of and implementation of measures relating to dangerous buildings and to administer statutory duties relating to Building Regulations.
  - d) To manage the Council's Local Land Charges Service.
- 20 To negotiate and enter an agreement on behalf of the local planning authority with the sustainable drainage systems approving body as to the undertaking of enforcement under s.32 and Schedule 3 of the Flood and Water Management Act 2010 and secondary legislation made thereunder.
- 21 To undertake all duties in relation to Coronavirus Act 2020 associated legislation, including but not limited to:
  - The Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2020

## **DEVELOPMENT MANAGEMENT SERVICE**

### **SCHEME OF DELEGATION**

This Scheme of Delegation enables Officers within the Development Management Service to deal with a wide range of applications, notifications, consultations, pre-application advice requests, general enquiries and enforcement / compliance matters without formal authorisation from the Council's Development Management Committee.

The Scheme of Delegation seeks to strike an appropriate balance in ensuring an efficient planning service and a customer focused approach, whilst ensuring that the more sensitive planning applications are given the appropriate scrutiny by members of the Development Management Committee. The scheme aims to allow members to concentrate on those strategically important cases, major developments or

controversial cases and remove those cases which typically would not warrant member discussion and evaluation at committee.

## **PART 1 – OFFICER LEVEL DECISIONS**

(Subject to the provisions of Part 2), Part 1 authorises the Corporate Lead Officer (CLO) for Economy & Regeneration, along with the Corporate Manager for Planning Services, the Service Manager Development Management and the Development Management Area Team Leaders (as so authorised by the CLO) to determine the range of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement / compliance actions as listed below:

### **The determination of planning or other applications (including for works which have already been carried out):**

1. The determination of planning applications for householder and minor developments (incl. outline and full applications)).
2. The determination of planning applications for the winning and working of minerals.
3. The determination of planning applications for waste developments.
4. The determination of applications for the approval of reserved matters, following the grant of outline planning permission.
5. The imposition of conditions on planning permissions and other consents and approvals.
6. The determination of applications for the approval of details required by conditions attached to a planning permission other than “matters reserved”.
7. The determination of planning applications to develop land without compliance with a condition attached to a planning permission (S.73 TCPA 1990 – Removal of a condition)
8. The determination of planning applications which seek to vary a condition attached to a planning permission (S.73 TCPA 1990 – Variation of a condition).
9. The determination of planning applications for the removal of agricultural occupancy, rural enterprise or affordable housing conditions attached to a planning permission, where such an application is made by a bank or building society in possession.
10. The determination of planning applications whereby Officers are recommending **refusal** and such recommendation represents a significant departure from the adopted policies of the Development Plan.
11. The determination of applications for non-material amendments under S.96A of the Town and Country Planning Act 1990 **including for those applications subject to the provisions of Part 2 of this scheme.**
12. **The determination of applications made under the prior** notification provisions of the General Permitted Development Order (GPDO) 1995 (as amended) and any associated subsequent legislation (including agriculture, forestry, telecommunications and demolition determinations).

13. The determination of consultations by utility companies in relation to overhead lines and other utilities infrastructure.
14. The determination of applications for listed building consent. (In consultation with CADW where required).
15. The determination of applications for conservation area consent.
16. The determination of applications for Certificates of Lawfulness for an Existing Use or Development (CLEUD) (S.191 TCPA 1990)
17. The determination of applications for Certificates of Lawfulness for a Proposed Use or Development (CLOPUD) (S.192 TCPA 1990)
18. The determination of applications for Certificates of Appropriate Alternative Development (under the Land Compensation Act 1961)
19. The determination of applications for express consent for the display of advertisements. (S.220 TCPA 1990)
20. The determination of applications for Hazardous Substances Consent.
21. The power to decline to determine applications for planning permission under Section 32 (where an enforcement notice has been served prior to the submission of the application) and Section 70A of the Town and Country Planning Act 1990.
22. The power to make minor amendments to the wording of planning conditions / reasons for refusal on applications
23. To determined at the Development Management Committee, in order to give effect to the relevant decision of the Development Management Committee, where the substance of the suggested change(s) does not significantly depart from the Committee's decision.
24. To make all necessary decisions on procedural matters in connection with the processing of all applications.
25. To determine planning applications where the same decision has been made within the past 12 months from the valid date and no changes have occurred.
26. To respond to consultation requirements of Developments of National Significance (DNS).
27. To determine planning applications where Nutrients (pursuant to the Conservation of Habitats & Species Regulations 2017) are an issue (in consultation with the Cabinet Member).

**Planning Obligations (S.106 of the Town and Country Planning Act 1990):**

28. Power to enter into planning obligations regulating development or use of land.
29. The determination of applications for the modification and / or discharge of a planning obligation.
30. To negotiate and determine the heads of terms of planning obligations.
31. To make use of any commuted sums generated by planning obligations for the use of affordable housing or community benefit as set out in the agreement.

**The determination of pre-application enquiries and general enquiries:**

32. To provide all types of pre-application advice (including both statutory and non-statutory and including householder, minor, major and large major developments).



- 33.To respond to all general enquiries which require a response from the Service.
- 34.To respond to all formal consultations from neighbouring authorities in relation to planning applications.

### **Enforcement / Compliance Issues:**

- 35.To investigate complaints of unauthorised development.
- 36.To determine the expediency (or not as the case may be) of taking formal planning enforcement action.
- 37.To authorise entry onto land without warrant. (Sections 196A, 214B and 324 of the TCPA 1990, under s.88 of the Planning (Listed Building and Conservation Areas) Act 1990 and section 36 of the Planning (Hazardous Substances) Act 1990)
- 38.To authorise the issuing of Rights of Entry Notices (S.196A TCPA 1990) (Right of entry to a dwellinghouse)
- 39.The serving of planning related enforcement notices including –
  - i. Planning Contravention Notices (PCN) (S.171 of the TCPA 1990) (Also to consider offers and representations made under Section 171C(4) of the Act (responses to Planning Contravention Notices)).
  - ii. Under S.330 of the Town and Country Planning Act 1990 to require information as to interests in land and any other relevant requisition for information.
  - iii. Enforcement Warning Notices (EWN) (under S.173ZA of the TCPA 1990)
  - iv. Planning Enforcement Notices (under S.172 of the TCPA 1990)
  - v. Temporary Stop Notices (under S.171E of the TCPA 1990 and under S.44B of the Planning (Listed Buildings and Conservation Areas) Act 1990)
  - vi. Stop Notices (under S.183 of the TCPA 1990)
  - vii. Breach of Condition Notices (under S.187A of the TCPA 1990)
  - viii. Power to require proper maintenance of land “Amenity Notices” (Under S.215 of the TCPA 1990)
  - ix. Completion Notices (Under S.95 of the TCPA 1990).
  - x. Hazardous Substances Contravention Notices (Under s.24 / 24A of Planning (Hazardous Substances) Act 1990)
  - xi. Advertisement Discontinuance Notices (Under s.224 / 225 of the TCPA 1990)
  - xii. Power to remove or obliterate unauthorised advertisements, placards and posters under Sections 224 and 225 of the TCPA 1990.
  - xiii. Power to require the discontinuance of a use of land (under S.102 of the TCPA 1990 (Discontinuance Orders))
  - xiv. Listed Building Enforcement Notices (under S.38 of the Listed Building and Conservation Areas Act 1990)
  - xv. Conservation Area Enforcement Notices (under S.X of the Listed Building and Conservation Areas Act 1990)
  - xvi. Urgent Works Notices (Listed Buildings) (Under s.54 / 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
  - xvii. Listed Building Repairs Notices (under s.48 of the Planning (Listed Building and Conservation Areas Act 1990)

- xviii. Building Preservation Notices (under Section 3A of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- 40. The withdrawal of such notices where appropriate.
- 41. Power to apply for an injunction restraining a breach of planning control.
- 42. To take legal action in association with a planning related enforcement notice where there has been failure to comply with the notice (including direct action, the carrying out of works in default and the recovery of expenses in connection therewith and prosecution)
- 43. To issue proceedings under the Proceeds of Crime Act, in consultation with the **Corporate Lead Officer for Legal and Governance**.
- 44. Power to modify and revoke a planning permission (under S.97 of the TCPA 1990)
- 45. The closure of planning enforcement investigation files which have been investigated by the Service and which require no further action.

#### **Planning related appeals:**

- 46. To advise on the type of planning appeal process to be adopted.
- 47. To defend the Council's position at planning related appeals, having regard to the Royal Town Planning Institute's Code of Professional Conduct.
- 48. To negotiate on behalf of the Council at Planning Inquiries and Examinations.
- 49. To make all decisions relating to the conduct of appeals, including agreeing Statements of Common Ground, instructing expert witnesses, seeking awards of costs etc.
- 50. In the case of appeals against non-determination, determining the Council's case to be presented at appeal. (Subject to the provisions of Part 2 of this scheme of delegation).
- 51. **Validation appeals:** When a planning application is deemed invalid, to issue an Invalid Notice and defend the Council's position where there is an appeal made against such a Notice.

#### **Environmental Impact Assessment (EIA):**

- 52. The determination of all EIA screening and scoping requests under the EIA regulations.

#### **PART 2 – DEVELOPMENT MANAGEMENT COMMITTEE LEVEL DECISIONS:**

**The scheme of delegations requires referral of the following matters to the Development Management Committee for formal determination.**

**This means that the following matters would not fall within Part 1 of this scheme:**

- 53. Strategic & Major Developments:  
The determination of planning applications for large major and major development, where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development.

(Excluding the determination of applications for the winning and working of minerals or the use of land for mineral-working deposits and the determination of applications for waste developments).

54. The determination of planning applications which are the subject of an Environmental Impact Assessment (EIA) / Environmental Statement (ES).
55. Any application submitted by, or on behalf of, or on land in the ownership of Ceredigion County Council for which the Council has a direct interest.
56. Any application submitted by, or on behalf of, the Corporate Lead Officer-Economy & Regeneration, Corporate Manager or Officers in the Planning Service, and any other officer supporting the Development Management Committee, or by a close personal associate.
57. Any application submitted by, or on behalf of, any serving Elected Member of the Council or by a close personal associate.
58. Any application in which a serving local ward member has declared a prejudicial interest.
59. The determination of planning applications whereby Officers are recommending **approval** and such recommendation represents a significant departure from the adopted Development Plan.
60. The determination of planning applications following a **written** request of **a** Local Ward Member, in **agreement** with the Corporate Lead Officer-Economy & Regeneration, **or the Corporate Manager for Planning Services, or has been accepted by the Planning Delegation Panel due to material planning reasons.**
61. Any other application, notification, consultation and compliance matter, which the Corporate Lead Officer considers necessary to report to the Development Management Committee due to interest, circumstance or strategic importance to the county.

### **Extensions of Time (EOT's):**

Notwithstanding the provisions of Part 2, the Corporate Lead Officer for Economy & Regeneration is hereby authorised to refuse applications for planning permission (as specified above), where the applicant has not agreed to an extension of time and where one or more of the following scenarios apply:

- a) Additional or revised information / drawings are required to enable the determination of the application; and / or
- b) The application needs to be reported to the Development Management Committee for determination; and / or
- c) The completion of a S.106 planning obligation is required prior to the determination of the planning application.

## **PLANNING POLICY SERVICE**

### **SCHEME OF DELEGATION**

#### **Local Development Plan (LDP) or any subsequent Plan**

##### **Minor Changes**

Authority to the Corporate Lead Officer for Economy and Regeneration to agree minor changes to the Ceredigion Local Development Plan (LDP) or any subsequent plan which does not fundamentally alter the plan's basic strategy as agreed by County Council e.g., amend the policies where there are cartographical errors, typographical errors, omission of objections or amendments to reflect emerging policies and guidelines from Welsh Government (WG).

#### *Consultations*

Authority to Corporate Lead Officer for Economy and Regeneration to agree consultation documents for the Local Development Plan (LDP) or any subsequent Plan.

#### **Annual Monitoring Report (AMR)**

The AMR is factual in nature and therefore consultation is not necessary. Authority to the Corporate Lead Officer for Economy and Regeneration to submit to Welsh Government annually or as required.

#### **Supplementary Planning Guidance (SPG), Interim Guidance Notes, Conservation Area Appraisals and Management Plans and Buildings of Local Interest**

#### *Consultations*

Authority to the Corporate Lead Officer for Economy and Regeneration to agree consultation for Supplementary Planning Guidance (SPG), Interim Guidance Notes, Conservation Area Appraisals and Management Plans and Buildings of Local Interest.

#### *Approve for final publication*

Authority to Cabinet to approve for adoption and final publication of Supplementary Planning Guidance (SPG), Interim Guidance Notes, Conservation Area Appraisals and Management Plans and Buildings of Local Interest.

#### **Neighbouring Authorities Planning Applications, Local Development Plans and Strategic Development Plans (SDP's) (or any subsequent plans)**

Authority to the Corporate Lead Officer for Economy and Regeneration to provide observations to other authorities when the Council is consulted on planning applications, Local Development Plans and Strategic Development Plans (or any subsequent plans) in neighbouring areas in accordance with the requirements of national policy.

#### **Strategic Development Plans (SDP's), Regional Minerals & Waste Policy (or any subsequent plans) and Nutrient management Boards**

Authority to the Corporate Lead Officer for Economy and Regeneration to act on behalf of the Council on the development of Strategic Planning Guidance for Mid

## **DEFINITIONS:**

**“Large Major Development”** – Large major development is defined as development exceeding 24 dwellings, a site area above 0.99 hectares, or 1999 square metres of gross floorspace.

**“Major development”** – Major development is defined as development involving any one or more of the following—

(a) The winning and working of minerals or the use of land for mineral-working deposits;

(b) Waste development;

(c) The provision of dwellinghouses where—

(i) The number of dwellinghouses to be provided is 10 or more; or

(ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or,

(e) Development carried out on a site having an area of 1 hectare or more.

**“Planning application”** – An application for outline or full planning permission, including those applications made under S.73 of the TCPA 1990.

All other types of applications (including applications for listed building consent, advertisement consent etc) are delegated to officers under Part 1 of the scheme of delegation, with the exception of those submitted by, or on behalf of, or on land in the ownership of Ceredigion County Council for which the Council has a direct interest or those applications which have been submitted by or on behalf of Council Officers who are employed within Planning Services or by any serving Elected Member of the Council.

**“Significant Departure”** – Any proposal, which would conflict with the fundamental intentions of the adopted Development Plan.