

### Schedule of Changes to Scheme of Delegation

As referred to in the main report, in addition to new delegated decisions and powers, an overhaul of the Scheme of Delegation to the Head of Regeneration and Planning and the Operational Manager (Development Management) is proposed in order to better organise the Scheme. Appendix A is a copy of the current Scheme last updated in November, 2015, and Appendix B is the reordered Scheme with proposed additions and alterations. The changes to the Scheme of Delegation are as follows:

1. The replacement of the current November 2015 Scheme of Delegation (Appendix A) to the Head of Regeneration and Planning and the Operational Manager (Development Management) with the Scheme attached at Appendix B. That Scheme includes the changes listed in points 2 to 8 as follows.
2. The reordering of the Scheme to group together the delegated powers that relate to the following matters:
  - i. building control;
  - ii. listed building;
  - iii. minerals;
  - iv. enforcement;
  - v. appeals;
  - vi. trees; and
  - vii. planning applications (including the call in procedure which now requires a ward member to advise of the request within 21 days of notification of an application, and the grouping together of the types of development and types of applications where delegated powers have already been granted).
3. The minor amendment to the existing delegated powers allowing, for example, the variation or revocation of Notices where the issue of such Notices is already delegated. Also the power to enforce where there is a failure to comply with such notices. Such an amendment has been proposed to the following:
  - i. Notices issued under the Building Act 1984
  - ii. Breach of Condition Notice issued under the Town and Country Planning Act 1990 (as amended)
  - iii. Temporary Stop Notices issued under the Town and Country Planning Act 1990 (as amended)
  - iv. Planning Contravention Notice issued under the Town and Country Planning Act 1990 (as amended).
  - v. Enforcement and Stop Notices.
4. The extension of the existing powers to determine applications to the determination of any subsequent applications under s.106A of the Town and Country Planning Act 1990 (as amended) to remove or vary a planning obligation that relates to the original planning permission.

5. The requirement to report the use of delegated powers to pursue action in respect of the following matters to the Planning Committee as opposed to Cabinet (Non-executive decisions):
  - i. Non-compliance with Tree Preservation Orders;
  - ii. Non-compliance with The Hedgerow Regulations 1997; and
  - iii. unauthorised works to or demolition of a listed building or demolition of a building in a conservation area
6. Very minor corrections to parts of the text of the existing scheme (for example, to include reference to the relevant legislation); those amendments resulting in no change to the delegated power already granted.
7. The addition of the following delegated powers to the Scheme, because of the enactment of the Planning Wales Act 2015 or in regard of matters which have already been approved by the Council at some point in the past as issues that can be delegated to the Head of Regeneration and Planning and the Operational Manager (Development Management), but not included within the current November 2015 Scheme of Delegation. These previously approved powers have in some cases been amended; such amendments include the power to vary or revoke a notice where delegated authority had already been granted in the past to issue that Notice, as follows:
  - i. To issue vary and revoke a Notice under section 29 of the Local Government (Miscellaneous Provisions) Act 1982 for the boarding up and protection of buildings and the enforcement and prosecution in respect of any failure to comply with such a notice.
  - ii. To determine applications for statutory pre-application advice.
  - iii. To determine applications for Hazardous Substances consent.
  - iv. To determine whether details submitted in discharge of any clause of a section 106 Agreement are adequate to satisfy the terms of the clause and issue a notification of such a determination, if appropriate.
  - v. To amend a condition imposed on a planning permission or consent where the application is determined by Planning Committee but where a decision has not yet been issued, in circumstances where the amendment would not materially change the purpose of the condition or the planning permission itself.
  - vi. To amend a reason for refusal of any application determined by Planning Committee where a decision has not yet been issued, in circumstances where the amendment would not materially change the reason for refusal.
  - vii. To issue a planning application validation Notice under the Town and Country Planning Act 1990 (as amended).
  - viii. To issue, vary or revoke an Enforcement Warning Notice under the Town and Country Planning Act 1990 (as amended).
  - ix. To amend or withdraw all or parts of the Council's case during the course of any Appeal in the circumstances where there is a change to the matters that are material to the Council's case.
  - x. To determine a complaint made under the Anti-Social Behaviour Act 2003 in respect of High Hedges; to issue, vary or revoke a High Hedge

- Remedial Notice; and to enforce and prosecute in respect of any failure to comply with the terms of a High Hedge Remedial Notice issued.
- xi. To determine that it is not expedient to pursue formal enforcement action in respect of any breaches of planning control or other controls pursued by the Development Management officers.
  - xii. To issue, vary or revoke a section 330 notice under the Town and Country Planning Act 1990 (as amended) to obtain information from an individual and to enforce and prosecute in respect of any failure to comply with the terms of such Notices once issued.
  - xiii. To issue, vary or revoke a Requisition for Information under the Local Government (Miscellaneous Provisions) Act 1976 and to enforce and prosecute in respect of any failure to comply with the terms of such a Notice once issued.
  - xiv. To issue, vary or revoke a Tree Replacement Notice under the Town and Country Planning Act 1990 (as amended).
  - xv. To issue, vary or revoke a Hedgerow Replacement Notices under The Hedgerow Regulations 1997.
  - xvi. To issue, vary or revoke an untidy land or untidy building Notice under section 215 of the Town and Country Planning Act 1990 (as amended) and to enforce and prosecute in respect of any failure to comply with the terms of such a Notice once issued.
  - xvii. To exercise the Council's powers and to take action under the Town and Country Planning Act 1990 in respect of non-compliance with Tree Preservation orders.
  - xviii. To exercise the Council's powers and to take action under The Hedgerows Regulations 1997 in respect of contraventions of the Regulations.
  - xix. To exercise the Council's powers and to take action under the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of offences relating to unauthorised works/demolition Listed Buildings or buildings in Conservation Areas.
  - xx. To consider any request for a screening opinion submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 and determine whether an Environmental Impact Assessment is required.
  - xxi. To consider any request for a scoping opinion submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 and determine those matters to be included within an Environmental Impact Assessment.
  - xxii. To determine applications made under the Town and Country Planning Act 1990 (as amended) for the removal or alteration of conditions of a planning permission previously granted.
  - xxiii. To determine applications made under the Town and Country Planning Act 1990 (as amended) for the retention of development already commenced or the removal or alteration of conditions of a planning permission previously granted for development that has already commenced.
  - xxiv. To issue, vary or revoke a Requisition for Information under the Local Government (Miscellaneous Provisions) Act 1976 and to enforce and

prosecute in respect of any failure to comply with the terms of such a Notice once issued

xxv. To determine applications to discharge conditions attached to planning consent which require the submission of further information for approval by the local Planning Authority.

8. It should also be noted that in the case of proposals to discharge planning conditions, prior notification applications, lawful development certificates and non-material amendments and minor amendments, it is proposed that these submissions would not automatically be reported to Planning Committee if submitted by current Members or Chief Officers, as they are largely administrative in nature.