

STRATEGIC DIRECTOR (EXTERNAL SERVICES)

HEAD OF PLANNING SERVICES

PLANNING SERVICES

ANTI SOCIAL BEHAVIOUR ACT 2003 (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer
Assistant Enforcement Officer

authorised as follows:

Sections 69 and 70 – In consultation with Legal Services to issue, vary or withdraw a Remedial Notice, provided that the issue of a notice is reported to the Development Control Board.

In consultation with ward Councillors, to decline to issue a Remedial Notice, where a hedge does not warrant action under the 2003 Act.

Section 71 - To contest appeals against remedial notices and to decide accordingly.

Section 74 – Rights of Entry – The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer

ANTI SOCIAL BEHAVIOUR ACT 2003 (Cont'd)(C)

Assistant Enforcement Officer
Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Assistant Planner
Heritage, Events and Projects Manager
Principal Transport Planner

authorised to enter upon land for purposes of administration of the functions of the Council in relation to the 2003 Act.

CHANNEL TUNNEL RAIL LINK ACT 1996 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised to determine submissions for minor infrastructure, works, or revisions to works already approved pursuant to the 1996 Act, whether or not any representations have been lodged/received.

CIVIL PROCEDURE RULES (E)

Disclosure Statements

The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager

authorised to make the appropriate signed certifications in accordance with the procedures for disclosure of documents.

COMMUNICATIONS ACT 2003 (E)

Sections 45 to 49 - The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Major Projects Team Leader
Principal Planner

authorised, subject to public consultation, to issue decisions following requests to remove public pay phones.

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (as amended) (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager

authorised as follows:

Regulation 36(2) and (4) - to determine that CIL liability is transferred from the person(s) assuming liability to the owners of the land and to issue default of liability notice.

Regulation 47 (4) - to substitute the Council's apportionment assessment in place of the applicants when dealing with claims for charitable relief.

Regulation 54A (10) - to determine that grant of relief should not be fully or partially granted due to the relief constituting European State Aid in the case of claims for exemption for self- build housing.

Regulation 69A (3) - to declare that a person is not required to pay their CIL liability until works are commenced on land in which they have material interest.

Regulation 19A (8), 80, 81, 82, 83, 84, 85, 86 - to determine whether a surcharge may be imposed on a liable party(ies).

Regulation 72A – to consider a request to defer payment of a CIL amount for reasons connected to the effects of coronavirus and to either grant or refuse the request, applying the reg.72A provisions.

Regulation 90 (2) and 91 - to issue or withdraw a CIL stop notice.

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (as amended) (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager
Senior Infrastructure Planner
Senior Policy Planner
Head of Finance

authorised as follows:

Regulation 75 - to repay an overpayment of CIL by a liable party(ies).

Regulation 93 and 94 - to determine if a person should be charged with an offence due to contravention of a CIL stop notice or to apply for a court restraint injunction.

Regulation 97 and 98 (1) - to apply to a Magistrates' Court for a liability order against a person(s) who are liable to pay CIL and to authorise to levy the charge by distress and sale of goods of the debtor.

Regulation 99 - to act on behalf of the Council with regard to appeals in connection with distress.

Regulation 100 - to apply to a Magistrates' Court for the issue of warrant committing a debtor to prison where full recovery has not been achieved through distress or through a charging order.

Regulation 103 and 104 (4) - to apply to court for a charging order to impose a charge on asset(s) held by the debtor, and to discharge or vary the order at a later stage.

Regulation 106. -to apply for recovery of unpaid CIL liability in a court of competent justice.

Regulation 107 (4) and (6) - to apply to a county court to enforce a local land charge where CIL due is £2000 or more.

The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Planning Enforcement Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (as amended) (E)

Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Senior Infrastructure Planner
Assistant Planner

authorised pursuant to **Regulation 109**, to enter relevant land to determine whether chargeable development has commenced, to ascertain compliance with requirements imposed as of a result of further action taken by the Council, to display a notice on the land, or to determine the chargeable amount where a notice of chargeable development has been submitted.

Write off of CIL Liability - the Strategic Director (External Services) authorised to write off CIL liability where a CIL exemption would ordinarily apply.

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner
Senior Planner (Major Projects)

authorised to determine the need for an Appropriate Assessment where the proposal has the potential to have an effect on a European site or a European offshore marine site.

HEDGEROW REGULATIONS 1997 (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer
Principal Planner

authorised to serve **Notices** in response to Hedgerow Removal Notices.

Rights of Entry – The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer
Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Assistant Planner
Heritage, Events and Projects Manager
Principal Transport Planner
Tree Consultant

authorised to enter land for surveying hedgerow(s) in connection with a Removal Notice(s) received by the Council in accordance with Regulations 12, 13 and 14.

LAND COMPENSATION ACT 1961 (E)

Section 17 – The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised to determine applications for certificates of appropriate alternative development.

LICENSING ACT 2003 (C)

Local Authority Consultee The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Major Projects Team Leader
Principal Planner

authorised to object when the Council is a consultee and not the lead authority.

LOCALISM ACT 2011 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Planning Policy Manager

authorised to agree Local Plan formal strategic agreements for the purposes of the Duty to Co-operate (including Statements of Common Ground and Memoranda of Understanding) with Officers of other local planning authorities or applicable public bodies. Where these involve agreement to assist with meeting housing need of another authority or agreement to the preparation of a joint statutory Local Plan, this delegation will be exercised in consultation with the Strategic Director (External Services), Cabinet Chairman and Chairman of the Local Plan Members' Working Group.

NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (E)

The Head of Planning Services authorised:

Regulation 5A – where a Parish Council seeks designation of the entirety of its area as the neighbourhood area, to designate the specified area (even if there is already a designated neighbourhood area within the area proposed)¹;

Regulation 6 – to publicise the plan proposal application;

Regulation 7 – to publicise the designation or refusal to designate the plan proposal;

Regulation 14- to provide formal technical support and advice on emerging plan proposals in line with the legislation and practice guidance and submit representations on behalf of the Council;

Regulation 15- to determine whether the appropriate legal requirements (outlined in Regulation 15) have been met in relation to the plan proposal before publicising the plan proposal and arranging an independent examination;

Regulation 16 – to publicise the plan proposal;

Regulation 17- to identify and appoint an appropriate person to examine the plan proposal and to submit the plan to the examiner (the appointment must be made in conjunction with the Qualifying Body who submitted the plan proposal (pursuant to paragraph 7 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act)².

Regulation 18(1): The Head of Planning Services in consultation with the Cabinet and Development Control Board Chairmen:

- (a) to decline to consider a plan proposal under paragraph 5 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act);
- (b) to determine whether to refuse a plan proposal under paragraph 6 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act);
- (c) to determine what action to take in response to the recommendation(s) of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act);
- (d) to determine what modifications, if any, to make to the plan proposal under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act).
- (e) to determine whether the plan proposal should go to public referendum, including making any modifications to the plan proposal to go forward to referendum;
- (f) to refuse the plan proposal where dissatisfied with the plan proposal under paragraph 12(10) of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act).

The Head of Planning Services to determine whether to extend the area to which the referendum is (or referendums are) to take place, under notification to the Returning Officer.

Regulation 18(2) -The Head of Planning Services authorised to publish the decisions taken under Regulation 18(1)(a) to (f) above, including the examiner's report.

¹ The Council's discretion is removed and it must designate the specified area

² Planning and Compulsory Purchase Act 2004
Delegations/Planning Services Subdelegations
January 2021

NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (as amended) (E) Cont'd

Regulation 19 – The Head of Planning Services authorised to publish a decision statement to make a neighbourhood development plan under section 38A(4) of the 2004 Act or to refuse to make a plan under section 38A(6) of the 2004 Act.

NB: Following a referendum, Cabinet will decide whether to make or refuse to make the Neighbourhood Development Plan.

PLANNING ACT 2008 (E) INFRASTRUCTURE PLANNING (BUSINESS OR COMMERCIAL PROJECT) REGULATIONS 2013 (E) INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (E)

National Strategic Infrastructure Projects

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager
Major Projects Team Leader
Principal Planner

1. Authorised to comment on Statements of Community Consultations.
2. **NSIPs outside the Borough** - Authorised to respond to consultations, to issue responses to Preliminary Environmental Impact Reports, make representations on projects, negotiate development consent orders and s106 agreements; agree Statements of Common Ground; prepare and submit Local Impact Reports either individually or in conjunction with other authorities; respond to queries from the Planning Inspectorate and participate in the examination process; generally deal with any other matters in connection with NSIPs where the development is outside of the Borough and there is no significant strategic impact, or where the majority of the proposal is outside of the Borough and there is no significant strategic impact.
3. **Borough-wide** - Authorised to respond to consultations, to issue responses to Preliminary Environmental Impact Reports, make representations, on projects which are in the Borough, or wholly/partially outside the Borough and where they may have a significant strategic impact, negotiate development consent orders and s106 agreements, agree Statements of Common Ground, submit and discuss Local Impact Reports, respond as part of the examination process, respond to the Planning Inspectorate and generally to deal with any other matters in connections with NSIPs where the responses are in accordance with the principles of the resolutions made by both Cabinet and Development Control Board relating to that Project or, where this is not possible, to respond in consultation with the Cabinet Chairman and the Board Chairman.

PLANNING ACT 2008 (E)
INFRASTRUCTURE PLANNING (BUSINESS OR COMMERCIAL PROJECT) REGULATIONS 2013 (E)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (E)

NB: Consultations on developments in the Borough that seek the views of the Council will be determined by the Development Control Board or Cabinet as appropriate where time allows or should any Member so request. Where time is of the essence, matters in relation to the submission of representations, the final Local Impact Report, and the final heads of terms for the s106 will be in consultation with the Strategic Director (External Services) and Chairman, Vice-Chairman and Shadow Chairman of the Development Control Board and subject to the Strategic Director (External Services), Chairman and at least one Member consultee agreeing to the proposed Officer recommendation.

4. Authorised to issue opinions and responses to the need for and scope of an Environmental Impact Assessment under the Regulations; to issue opinions as to the content of Environmental Statements.

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (C) & (E)
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 2015 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised to determine applications for Hazardous Substances Consent and to revoke Consents, whether or not representations have been received.

NB: Sections 9(1) & 10 – (C) - Council function

Rights of Entry –The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer
Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Assistant Planner
Delegations/Planning Services Subdelegations
January 2021

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 (E) (Cont'd)
THE PLANNING (HAZARDOUS SUBSTANCES) REGULATIONS 2015 (E)

Heritage, Events and Projects Manager
Principal Transport Planner

authorised to:

- Section 36** enter any land in connection with an application for consent, or a proposal to issue a Hazardous Substances Contravention Notice.
Section 36A enter land under Warrant when entry to land has been refused, or refusal is likely, or the case is one of urgency.
Section 36B enter land and take such other persons as may be necessary

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (C) & (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer

- Section 3*** Authorised to serve a Building Preservation Notice.
Section 9 In consultation with Legal Services, authorised to initiate legal proceedings for offence of unauthorised execution of works.
Sections 38* & 39 Authorised to issue Listed Building Enforcement Notices and deal with related appeals.
Section 43 Authorised to prosecute for a failure to comply with a Listed Building Enforcement Notice.
Section 48* Authorised to issue a Repairs Notice.
Section 54* Authorised to issue an urgent Repairs Notice.
Section 88 Authorised to issue 24 hours' notice of intended entry and to enter land for the purposes of administration of the functions of the Council in relation to the provisions of the Act.

**Council function*

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (C)& (E) (Cont'd)

Rights of Entry –The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer
Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Assistant Planner
Heritage, Events and Projects Manager
Principal Transport Planner

authorised to **enter** upon land for purposes of administration of the functions the Council in relation to listed buildings and conservation areas related issues.

ROAD TRAFFIC REGULATION ACT 1984 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Principal Transport Planner
Transport Engineer

in consultation with the Cabinet Member for Parking Management and on behalf of Kent County Council as the local traffic authority and in exercise of its powers under Sections 1, 2, 32, 35, 36, 45, 46, 47, 49, 53, 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, authorised to progress Traffic Regulation Orders for minor schemes with the following conditions:

- For minor amendments to existing waiting and loading restrictions no longer than 20 metres or yellow lines for corner protection.
- Subject to no objections after consulting Kent County Council and Dartford Borough Council's Parking Services Team.
- Subject to the standard statutory consultation process.

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011(E)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Planning Policy Manager
Major Projects Team Leader
Principal Planner
Senior Planner

authorised to establish the need or otherwise for an Environmental Impact Assessment under the Regulations and to issue opinions as to the content of Environmental Statements.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager

authorised in consultation with Legal Services, to institute legal proceedings for offences under the 1990 Act.

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised:

Section 61(G)(1) – on the application of a Parish Council, to designate or refuse to designate a neighbourhood area – (but see Reg 5A - Neighbourhood Planning (General) Regulations 2012 above).

Section 70A – to decline to determine an application for planning permission.

Section 70C – to decline to determine retrospective planning applications, which would involve granting planning permission for anything, specified in an enforcement notice.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (C) (Cont'd)

Council development proposals - The Development Control Board will normally be the appropriate forum for determining the Council's major development proposals with minor proposals being dealt with by Officers under delegated powers (for further guidance –see the Probity in Planning Protocol).

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised as follows:

Section 106 and Unilateral Undertakings

- (a) In consultation with Head of Legal Services, to enter into agreements and to accept Unilateral Undertakings under Section 106 of the Town and Country Planning Act 1990, in connection with an application, which may be determined under, delegated powers.
- (b) **Officer Delegated Section 106s**- Subject to (c) below, in consultation with Legal Services, to approve or refuse variations to existing agreements, revised Unilateral Undertakings and applications to vary existing agreements under Section 106A of the Town and Country Planning Act 1990, in connection with an application which was originally determined under delegated powers and where there are no more than two objections from the public in response to the proposed variation.
- (c) **Development Control Board recommended Section 106s** -In consultation with Legal Services and the Chairman, Vice-Chairman and Shadow Chairman of the Development Control Board and subject to the Chairman and at least one Member consultee agreeing to the proposed Officer recommendation, to approve or refuse variations to existing agreements, revised Unilateral Undertakings and applications to vary existing agreements under Section 106 of the Town and Country Planning Act 1990, in connection with an application which was originally determined by Development Control Board and where there are no more than two objections from the public in response to the proposed variation.
- (d) In consultation with Legal Services and the Chairman and Vice-Chairman and Shadow Chairman of the Development Control Board, to accept Unilateral Undertakings under Section 106 of the Town and Country Planning Act 1990, in connection with an application which was originally determined by Development Control Board and which is the subject of an appeal to PINS.
- (e) To evaluate and negotiate with applicants on submissions (e.g. landscape management plan) presented under the terms of an existing Section 106 Agreement and to accept or reject submissions.
- (f) In consultation with the Chairman of the Development Control Board, to conclude Section 106 Agreements outside any time limit that may be specified by the Board in the original resolution.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (Cont'd) (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer

authorised as follows:

Section 171C	To serve Planning Contravention Notices on owners/occupiers for information relating to land.
Section 171E	To serve, vary or withdraw a Temporary Stop Notice..
Section 171BA	In consultation with the Head of Legal Services, to seek a Planning Enforcement Order in the Magistrates Court and to serve any order on any relevant person.
Section 171BB	In consultation with Head of Legal Services, to issue a certificate and serve notice on any relevant person of any application to the Magistrates' Court.
Section 172	To issue, vary or withdraw an Enforcement Notice.
Section 172A	To issue, vary or withdraw a letter of assurance as regards prosecutions for persons issued with an Enforcement Notice.
Section 173A	To vary or withdraw a Notice issued under Section 172.
Section 174	To deal with an appeal against an Enforcement Notice issued under Section 172.
Section 178	To undertake Direct Action with respect of a failure to comply with a Notice under Section 172.
Section 183	To serve, vary or withdraw a Stop Notice.
Section 187A	To issue, vary or withdraw a Breach of Condition Notice.
Section 187B	In consultation with Legal Services, to seek injunctive relief in the courts, and to pursue contempt proceedings for non-compliance with same.
Section 215	To issue a Notice under Section 215 to ensure the proper maintenance of open land and buildings.
Section 219	To undertake Direct Action with respect of a failure to comply with a Notice under Section 215.
Section 225	To remove or obliterate any placard or poster displayed illegally or to remove any structure used for unauthorised display of advertisements or to remedy any defacement of premises in the Borough provided that written notice has been given to anyone who can be identified as the person responsible for the display.
Section 330	To serve Requisitions for Information in connection with enforcement action and general planning matters.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (Cont'd) (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised as follows:

Sections 93B & 93F – To grant or refuse additional environmental approval with regard to extensions of permissions.

Section 191(4) - To issue Certificate of Lawfulness of Existing Use or Development (where there is an element of judgement as to the weight to be given to evidence relating to uses, the application will be determined by the Development Control Board should any Member so request).

Section 192(2) - To issue Certificate of Lawfulness of Proposed Use or Development.

Section 193(7) - In consultation with Legal Services, to revoke Certificates.

Section 198 - To make and publicise Tree Preservation Orders made and to confirm unopposed Orders.

Rights of Entry –The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Principal Enforcement Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer
Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Assistant Planner
Heritage, Events and Projects Manager
Principal Transport Planner
Tree Consultant

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (Cont'd) (C)

authorised to **enter** upon land for purposes of administration of the planning functions of the Council in relation to the following Sections of the Act and authorised as follows:

Section 196A	To enter without warrant.
Section 196B	To enter under warrant.
Section 214B	To enter without a warrant onto land in connection with tree preservation functions.
Section 214C	To enter under warrant onto land in connection with tree preservation functions.
Section 214D	To take samples from any tree and samples of soil in connection with tree preservation functions.
Section 325** -	Notice of Intended Entry - authorised to issue 24 hours' notice of intended entry.

***Cabinet function*

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager

Section 288** - Statutory Review - In consultation with Legal Services to challenge the determination of a planning appeal, including making an application to the Court of Appeal.

***Cabinet function*

Determination of Applications for Planning Permission and Other Applications

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

- (a) authorised to approve, with or without conditions, applications falling within the categories mentioned in (i)-(vi) below, except and provided that where more than five written objections raising material planning considerations are received to an application which is recommended for approval, the application be referred to the Development Control Board and provided also that such delegated decision is in accordance with the Development Plan and other relevant planning policies:
- (b) authorised to refuse applications falling within the categories mentioned in (i)-(vi) below, except and provided that where more than five written expressions of support raising material planning considerations is received to an application which is recommended for refusal, the application be referred to the Development Control Board:

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (Cont'd) (C)

- (i) Full or outline planning applications;
- (ii) Applications for reserved matters or discharge of planning conditions;
- (iii) Applications for the felling, lopping, topping, etc., of trees covered by a Tree Preservation Order or in a Conservation Area;
- (iv) Applications for Listed Building Consent;
- (v) Applications to vary or remove conditions attached to any previous permission or consent, in consultation with the Chairman of the Development Control Board if the permission was originally determined by the Board;
- (vi) Applications for non-material amendments to existing planning permissions, in consultation with the Chairman of the Development Control Board if the permission was originally determined by the Board.

For the avoidance of doubt:

- (a) a petition, or a written representation with multiple signatories from one property or several written representations from the same property will be treated as a single representation for the purposes of this delegation;
- (b) any application by or on behalf of an officer or Member will be reported to the Development Control Board for determination;
- (c) an application will be reported to the Development Control Board for determination where a Member makes a written request to that effect.

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

authorised to determine detailed submissions and applications to vary or remove conditions in respect of large scale major developments (as defined for the purposes of Government statistical returns) following the grant of an outline planning permission by the Development Control Board in consultation with the Chairman, Vice Chairman and Shadow Chairman of the Board, whether or not representations have been received. Such applications will be determined by the Board should any Member so request in writing.

Consultations

The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Major Projects Team Leader
Principal Planner

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (Cont'd) (C)

- (a)** Authorised to respond to consultations undertaken by Kent County Council in respect of their proposals to carry out development or on applications, which fall to them to be determined. Such applications will be determined by the Development Control Board should any Member so request.*
- (b)** Authorised to respond to consultations from neighbouring authorities or the Ebbsfleet Development Corporation inviting comment on proposed development in its area.
- (c)** *Authorised to respond to consultation papers from the government and outside agencies where the subject matter relates to the terms of reference of the Development Control Board.
- (d)** Authorised to respond to planning policy and related environmental/ infrastructure consultations from other Local Planning Authorities, County Councils, Parish Councils and national government/agencies; *other than* for the National Planning Policy Framework, or the statutory consultation final draft/publication stage of a Local Plan/Neighbourhood Development Plan/Minerals or Waste Plan.

** Council function*

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007 (E)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

1. Authorised to grant or refuse express consent for illuminated signs and non-illuminated signs. Such applications will be determined by the Development Control Board should any Member so request in writing.
2. Authorised to take discontinuance action and to revoke or modify express consent.
3. Authorised in consultation with Legal Services, to institute legal proceedings for offences under the Regulations.

TOWN AND COUNTRY PLANNING ACT (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012 (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager

authorised:

- (1) To make Tree Preservation Orders in accordance with Part 2 of the Regulations.
- (2) To confirm unopposed Tree Preservation Orders made under Part 2 of the Regulations.
- (3) To vary or revoke existing Tree Preservation Orders provided no objections have been received to the proposed course of action.

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended)(C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

- (1) Authorised to serve notices under Article 3.
- (2) Authorised to deal with "prior approval cases" submitted in accordance with Schedule 2 of the Order.

NB: Where applications under any Part of Schedule 2 attract more than five objections, and Officers are minded to recommend that prior approval is required and should be granted, this delegation shall be exercised in consultation with the Chairman, Vice-Chairman and Shadow Chairman of the Development Control Board and subject to the Chairman and at least one Member consultee agreeing to the proposed Officer recommendation.

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended)(C)

The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planning Enforcement
Officer
Principal Planner
Senior Planner
Planner
Assistant Planner

authorised to establish appropriate procedures required in order to ensure the efficient processing of planning applications, including agreeing with the applicant extensions of time for the determination of planning applications.

TOWN AND COUNTRY PLANNING (PERMISSION IN PRINCIPLE) (AMENDMENT) ORDER 2017 (C)

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner

1. Authorised to grant or refuse Permission in Principle for development, which has been submitted in accordance with the Order.
2. Authorised to grant or refuse non-material amendments changes to Permission in Principle

MISCELLANEOUS (C)

Enforcement Action

The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Principal Planning Officer
Principal Enforcement Officer
Senior Planning Enforcement Officer
Planning Enforcement Officer

in consultation with ward Councillors, authorised to decline to take enforcement action against identified breaches of planning control, where it is not considered expedient to do so and where the breach does not contravene Local Plan policy

Appeals

The persons from time to time holding the posts of:-

Head of Planning Services
Development Manager
Planning Policy Manager
Major Projects Team Leader
Principal Planner
Senior Planner
Planner
Policy Planner
Assistant Planner
Senior Policy Planner
Senior Infrastructure Planner
Principal Transport Planner
Principal Planning Enforcement
Officer
Senior Planning Enforcement Officer

1. authorised to contest appeals against any formal notices issued or any decision to refuse consent or permission to any application submitted for determination.
2. authorised also to make or contest applications for an Award of Costs in respect of S78, 174 or 195 appeals lodged.

MISCELLANEOUS (E)

Local Plan and related documents (E) – The Head of Planning Services, Development Manager and Planning Policy Manager, authorised to waive fees for documents for external organisations including: consultants commissioned by or on behalf of the Council; partner organisations; the media; government departments and agencies; local authorities; parish councils; community, resident and interest groups; key commercial and property interests; service providers; educational establishments.

Planning Performance Agreements

The persons from time to time holding the posts of:

Head of Planning Services
Development Manager
Major Projects Team Leader
Principal Planner
Senior Planner

authorised to enter into agreements with applicants setting out the timescale for determining major applications.

Independent Examinations

The persons from time to time holding the posts of

Head of Planning Services
Planning Policy Manager
Senior Policy Planner
Senior Infrastructure Planner Policy Planner
Principal Transport Planner

authorised to represent the Council's case in Examinations in Public of Dartford Local Plans, Dartford's CIL Charging Schedule, other authorities Local and Minerals/Waste Plans, and Neighbourhood Development Plans.

The persons from time to time holding the post of Head of Planning Services and Planning Policy Manager:

- (a) authorised to propose main modifications to proposed Local Plans or CIL Charging Schedule for Dartford following Publication and in the course of the examination, in consultation with the Strategic Director (External Services) and Leader of the Council.
- (b) authorised to agree minor modifications to proposed Local Plans or CIL Charging Schedule for Dartford following Publication and in the course of the examination.
- (c) authorised to issue opinions and responses to the need for and scope of an Environmental Impact Assessment under the Regulations; to issue opinions as to the content of Environmental Statements and to issue responses to Preliminary Environmental Impact Reports.

GENERAL

Byelaws³- Regeneration Services' Officers authorised to enforce the Byelaws of the Council.

³ Council function
Delegations/Planning Services Subdelegations
January 2021