

PLANNING COMMITTEE

To discharge with delegated authority the following functions:-

(a) those below:-

Power/function	Legislation
1. Power to determine applications for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990
3. Power to grant planning permission to development already carried out	Section 73A of the Town and Country Planning Act 1990
4. Power to decline to determine applications for planning permission	Sections 70A, and 70B of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications	Sections 69, 74, 76, 91 and 92 of the Town and Country Planning Act 1990 and Articles 8,10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I.1995/419) and directions made thereunder
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
8. Power to enter into planning obligation regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
9. Power to issue a certificate of existing or proposed lawful use or development	Section 191(4) and 192(2) of the Town and Country Planning Act 1990
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
11. Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
12. Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
13. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990

14. Power to serve a planning contravention notice, breach of condition notice, stop notice, or temporary stop notice	Sections 171C, 171E, 187A and 183 (1) of the Town and Country Planning Act 1990
15. Power to issue an enforcement notice, or an enforcement warning notice	Sections 172, and 173ZA of the Town and Country Planning Act 1990
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
17. Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
20. Power to determine applications for listed building consent, and related powers	Section 16(1) and (2), 17, 19, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
21. Power to determine applications for conservation area consent	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act
22. Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 17 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas
23. Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
24. Power to issue a listed building enforcement notice	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
25. Powers to acquire a listed building in need of repair and to serve a repairs notice	Section 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
26. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990
27. Power to execute urgent works and recovery of expenses	Sections 54, and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990
28. Power related to footpaths and bridleways	Sections 257, and 258 of the Town and Country Planning Act 1990
29. Power related to mineral working	Schedule 9 of the Town and Country Planning Act 1990

30. Power as to certification of appropriate alternative development	Section 17 of the Land Compensation Act 1961
31. Duties in relation to purchase notices	Section 137-144 of the Town and Country Planning Act 1990
32. Powers related to blight notices	Section 149-171 of the Town and Country Planning Act 1990
33. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975
34. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987
35. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892)
36. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997/1160)
37. Powers in relation to local development orders	Sections 61A to 61D of the Town and Country Planning Act 1990
38. Powers relating to the requirements for the replacement of a tree, or trees, which has been removed, uprooted, or destroyed in contravention of a Tree Preservation Order	Sections 206 to 209 of the Town and Country Planning Act 1990
39. Powers relating to the granting of consent for requests to undertake works or to fell a tree, or trees, within a Conservation Area	Section 211 of the Town and Country Planning Act 1990, and Section 9B of the Town and Country Planning (Trees) Regulations 1999
40. Powers relating to the requirement for the replacement of a tree, or trees, which has been removed, uprooted or destroyed within a Conservation Area without prior written approval having been obtained	Section 213 of the Town and Country Planning Act 1990
41. Powers relating to the determination of applications in respect of works etc. to a tree, or trees, subject to a Tree Preservation Order	Town and Country Planning (Trees) Regulations 1999
42. Powers relating to the giving of a screening option as to the need for an Environmental Impact Assessment to accompany an application for planning permission	Regulations 6, 8, 9, and 10 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
43. Powers relating to the requirement for the submission of an Environmental Impact Assessment to accompany an application for planning permission	Regulation 11 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
44. Powers relating to the giving of a screening opinion as to the contents of an Environmental Impact Assessment to	Regulations 14, and 16 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

accompany an application for planning permission	
45. Powers to determine applications for a non-material amendment	Section 96A of the Town and Country Planning Act 1990
46. Power to modify or discharge planning obligations regulating development or use of land	Sections 106A, and 106B of the Town and Country Planning Act 1990
47. Power to determine discharge of conditions applications, and issue revised decision notices	Sections 71ZA, and 72 of the Town and Country Planning Act 1990
48. Power to respond to provide pre-application advice	Section 61Z1 of the Town and Country Planning Act 1990 and Town and Country Planning (Pre-Application Services) (Wales) Regulations 2016
49. Power to declare an application is invalid and issue validation notices when an application is invalid	Sections 62, and 62ZA of the Town and Country Planning Act 1990
50. Power to revoke or modify a planning permission	Sections 97 to 99 of the Town and Country Planning Act 1990

The provisions of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 apply to the above (and to the Local Act provision in paragraph (b) below), in particular the following:-

- (i) Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;
- (ii) Determining any other terms to which any such approval, consent, licence, permission or registration is subject;
- (iii) Determining whether, and in what manner, to enforce:-
 - (a) Any failure to comply with an approval, consent, licence, permission or registration granted as in (i) above
 - (b) Any failure to comply with a condition, limitation, term to which any such approval, consent, licence, permission or registration is subject, or
 - (c) Any other contravention in relation to a matter with regard to the function of determining an application for approval, consent, licence, permission or registration.

- (iv) Amending, modifying or varying any such approval, consent, licence, permission or registration as in (i) or (ii) above, or any condition, limitation, restriction or term to which it is subject; or revoking any such approval, consent, licence, permission or registration;
- (v) Determining whether a charge should be made for any approval, consent, licence, permit or registration; and where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.

The Committee may determine planning applications which are contrary to any policy within the Structure Plan, Local Plans, and/or the Unitary Development Plan except that where there is a major departure in the view of the Director, and the Committee is minded to approve notwithstanding a recommendation of refusal by the Director, then the views of the Cabinet must be obtained. If the Cabinet supports the Officers view, but the Committee is still minded to approve, then the application must be referred to full Council for determination.

- (b) The functions below (*pursuant to Schedule 2 of the Regulations above*):-
 - obtaining of information under Section 330 Town and Country Planning Act as to interests in land;
 - obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - any local Act functions delegated by the Council, other than a function specified or referred to in Schedule 1 of the 2007 Regulations.
- (c) Institute or defend any legal proceedings, including those of Tribunals, Arbitrations and forums involving dispute resolutions in relation to the functions of the Committee;
- (d) The Committee may discharge any functions delegated to officers which relate to the functions of the Committee.