

APPENDIX 9 SCHEME OF DELEGATION FOR PLANNING MATTERS

1. Elected Members will be consulted:

- a) on all applications through the distribution of the weekly planning list by email;
- b) on specific applications in their ward and given 21 days in which to comment, including requesting that the application be determined by the Planning Committee for valid planning reasons.

2. All matters which are delegated to the Planning Committee under this constitution are delegated to the Strategic Director, Economy and Environment or the Head of Planning and Development as set out in the following paragraph.

3. The functions set out in:

- Part A of Schedule 1, Function 29 “Power relating to footpaths and bridleways” of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time); together with
- Part C of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) relating to health and safety at work; together with
- local choice of functions in Schedule 2 of those Regulations which are listed in column 1 of Appendix 8 where the Committee appears in column 2

are delegated to the Strategic Director, Economy and Environment unless the Strategic Director, Economy and Environment considers that any matter should be considered by the Planning Committee.

The functions set out in:

- Part A of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) relating to town and country planning and development control; together with the
- Miscellaneous functions set out in Part 1 of those Regulations which are listed in column 1 of Appendix 7 where the Committee appears in column 2

are delegated to the Head of Planning and Development unless:

- a) in accordance with the Council’s protocol, an Elected Member makes a written request for the application to be considered by the Planning Committee giving valid planning reasons;
- b) the Head of Planning and Development considers that the application should be considered by the Planning Committee;
- c) approval of the application would represent a significant departure from policies contained within the approved statutory development plan;
- d) Torfaen County Borough Council is the applicant and the scheme is not of a ‘minor’ nature in the opinion of the Head of Planning and Development (or his/her nominated representative);
- e) the applicant is an Elected Member of Torfaen County Borough Council or a person with whom the application lives;
- f) the applicant is a member of staff within the Planning Service or a person with whom the applicant lives;

- g) the applicant is the Chief Executive, Strategic Director, or any member of staff within the authority or a person with whom the applicant lives who in the opinion of the Monitoring Officer could be seen as having a direct input to and therefore influence on an application decision;
 - h) where recommended for approval, the application is for major development and there are valid planning objections to the application. [*Note: major development is defined in the Town and Country Planning (Development Management Procedure) (Wales) (Order) 2012 as follows:*
 - i The winning and working of minerals, or the use of land for mineral working deposits;*
 - ii Waste development*
 - iii Residential development of 10 or more units or, where not know, the site area is 0.5 hectares or more;*
 - iv Building(s) with the floor pace to be created is 1000 square metres or more;*
 - v Development on a site of 1 hectare or more.]*
 - i) where recommended for approval, applications for a telecommunications mast;
 - j) Consultations from local planning authorities, statutory bodies and agencies which, in the opinion of the Head of Planning and Development (or his nominated representative) would potentially have a significant impact on the County Borough.
4. The Chair of the Planning Committee will only be consulted on delegated matters where:
- a) he/she specifically asks to be consulted;
 - b) in the view of the Head of Planning and Development (or his/her nominated representative) or the Strategic Director, Economy and Environment (or his/her nominated representative) there are issues that need to be brought to the attention of the Chair prior to a decision being made.
5. Any decision delegated to the Strategic Director, Economy and Environment or the Head of Planning and Development shall be taken in accordance with an officer scheme of delegation approved by the Strategic Director Economy and Environment or the Head of Planning and Development from time to time and reported to Planning Committee for noting so there is clarity and openness in those exercising delegated decision making.

