

Planning- Implementing the National Scheme of Delegation

Committee: Council

Date: 15 October 2026

Author: Strategic Planning & Development Management Manager

Report number: AB86

Contact officer: David Morren

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Issue

1. To provide Council with an overview of Government reforms to the Planning Committee which introduce a new National Scheme of Delegation coming into force on 31 October 2026.

Recommendations

2. Members are requested to:
 - a) Note the requirements arising from the National Scheme of Delegation,
 - b) Approve the Nominated Persons as set out in paragraph 18 of this report,
 - c) Authorise the Strategic Planning & Development Management Manager, in consultation with the Chair of Planning Committee, to create and implement a Gateway Test Protocol based on paragraphs 19-28 of this report,
 - d) Approve the Call-in Form provided in Appendix 1,
 - e) Approve the changes to the Constitution provided in Appendix 2,
 - f) Authorise the Strategic Planning & Development Management Manager and the Monitoring Officer to amend the Guidance for Members on Planning in Part 5 of the Constitution; and
 - g) Authorise the Monitoring Officer and/or Deputy Monitoring Officer to make changes to the Constitution to implement 2e above.

Background/Options

3. As part of a wider programme of planning reform, Government is introducing a new National Scheme of Delegation for planning functions. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ('the Regulations') come into effect on 31 October 2026.
4. The Government's aim in introducing the reforms is to provide greater clarity and consistency regarding the role of planning committees in decision-making.

The National Scheme of Delegation

5. The National Scheme of Delegation will introduce a two-tier structure to decision-making, splitting applications into two groups: Schedule 1 and Schedule 2.
6. Those applications listed in Schedule 1 of the Regulations are automatically delegated and must be determined by officers. This includes householder, minor residential and minor commercial, discharge of conditions, reserved matters approvals for non-phased development, lawful development certificates and non-material amendments.
7. The definition of 'minor commercial' development is limited to development of an existing building already in a commercial use within Part A of the Use Classes Order and does not include Change of Use applications, applications which increase the number of units or applications that would increase the gross internal area of a building. The latter types of commercial development would therefore fall within Schedule 2.
8. Those applications listed in Schedule 2 include major applications, Section 73 (where the original planning permission would have been a Schedule 2 application), tree, listed building and advert consent applications. These are delegated and should be determined by officers but may be determined by the Planning Committee if the 'gateway test' is met.
9. Government guidance states "...where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committee make decisions on applications which must be delegated [to] officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision."
10. 'Own-interest' applications involving the Council (inclusive of the Trading Companies), Members, or Officers can be referred to Planning Committee regardless of the gateway test and details below will outline in what circumstances.
11. Applications not listed in Schedule 1 or Schedule 2 will continue to be determined in accordance with the Constitution, for example, enforcement.

The Gateway Test

12. The Gateway Test is a test which will consider whether an application in Schedule 2 meets the minimum requirements of the Regulations, which are that either:
 - a) One or more issues of economic, social or environmental significance to the local area; or
 - b) One or more significant planning matters having regard to the Development Plan and any other material considerations.
13. There is no legislative definition as to what constitutes economic, social or environmental significance. The guidance available states that the nominated officer and member assess these matters, and what constitutes 'significant' will vary depending on the local area. Examples could include:

- a) An application for outline planning permission for a large multi-phase residential development allocated in the local plan.
 - b) An application for planning permission for change of use of a community shop in a rural area.
 - c) An application for planning permission or listed building consent for changes to a notable listed building in a town centre.
14. Members will need to carefully consider the impact that a proposed application will have on the community and, where relevant, be able to demonstrate 'significant'. The guidance has made it clear that matters such as the number of concerned residents should not factor into the consideration of the test. Training will be provided to members and a protocol drafted which will aim to clarify how the Gateway Test will consider certain matters. The Strategic and Development Management Manager will also ensure that this is covered at the next Parish Forum so that Parish and Town Councils are kept apprised of the new regime.
15. The following matters are unlikely to raise a significant planning matter:
- a) where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
 - b) where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)
16. There is the implicit expectation that Members need to ensure that their rationale is linked to clear planning reasons. These will need to include reference to either the National Planning Policy Framework (NPPF) or a Local Plan Policy so that they are able to demonstrate why it is considered that the deviation from policy is significant in its nature. It will not be sufficient to simply state 'it is considered to be unacceptable'; therefore, Members will need to provide details as to why and what impact is considered to be caused by the proposed development.
17. The guidance emphasises the need for clear governance around how gateway decisions are to be made, including:
- a) Identifying the Nominated Member and Officer Roles (including substitute arrangements).
 - b) Establishing a transparent record of decisions on whether applications are referred to committee, which should be made publicly available on the website.

Nominated Persons

18. It is proposed that the Nominated Member is the Chair of the Planning Committee, with the Vice-Chair of the Planning Committee as a substitute, and the Nominated

Officer is the Strategic Planning & Development Management Manager, with the Planning Team Leader as a substitute. The Nominated Member and Officer are collectively referred to as the Nominated Persons.

Gateway Test Process

19. The Gateway test meeting will be held on the First Tuesday of every Month (in line with the current Committee schedule). This will ensure there is sufficient time for an application to be written up, an agenda published, and then for it to be determined by the Planning Committee should the gateway test be met. A member of the Legal Services team will attend the Gateway meeting to give advice and to ensure probity in the decision-making process.
20. All discussions will be minuted and signed by attendees utilising the call-in form as the document which will be published on the Council's website (within 5 working days from the date of the Gateway Test meeting).
21. The Gateway Test meeting is not a public meeting and as such will not be open for attendance nor live streaming.
22. Where the Nominated Persons decide that an application has not passed the gateway test, i.e. it will not be determined by the Planning Committee, the outcome will be recorded, with details. Where the application does not pass the gateway test, the application will be determined by the case officer, and this will be able to be done once the decision record has been agreed and circulated.
23. Members involved in the gateway process (either calling in an application for Gateway review or determining whether the Gateway Test is met) need to be aware of pre-determination. The Gateway Test itself is not a consideration of the merits of an application. It is a test to determine whether the criteria is met that enables the application to be determined by the Planning Committee.
24. It is envisaged that the Planning Committee may determine less planning applications than it currently does. The Strategic Planning & Development Management Manager will carry out a review as to whether the frequency of planning committees is necessary. It is likely that this review will be undertaken at the end of the first six months of implementation of the new National Scheme of Delegation.

Stakeholder Engagement & Transparency of Decision-Making

25. The Regulations require the Council to keep records of decisions and to make these publicly available. It is intended that the call-in form will be used to record these decisions. The call-in form and decision will be placed on public access against the planning application to which it relates. The call-in form is provided at Appendix 1.
26. It should be noted that this record only relates to applications that are subject to the Gateway Test.
27. Committee and delegated reports will identify which schedule an application falls within and whether the application will be determined by an Officer or the Planning Committee.

28. The production of a Statement of Community Involvement is no longer a statutory requirement. The guidance in the current document will be amended to reflect this and will set out that there is a strong focus on community engagement within the development management process.
29. With respect to “own interest” applications, these will be defined for the purposes of Planning Committee as applications for Planning and listed building applications submitted by The Council (including the Trading Companies); Members of the Council; Officers of the Council or close family relatives of any of those people have a pecuniary interest. Such applications shall be determined by the Planning Committee. Close family relative means:
- (i) Spouse (including husband/wife, civil partner, or person living with them as if they were a husband/wife/civil partner)
 - (ii) Parent/parent of spouse
 - (iii) Child/child of spouse
 - (iv) Sibling/sibling of spouse
 - (v) Niece/nephew and their spouse
 - (vi) Grandparent and their spouse
 - (vii) Uncle/Aunt/ first cousin and their spouse
30. For ‘own interest’ applications, this condition only relates to planning applications (including outline, full and reserved matters applications) and listed building consent applications. This means all the following types of applications shall be determined as default under delegated powers.
- (i) Discharges of Condition submissions
 - (ii) Non-Material Amendment Applications
 - (iii) Screening and Scoping Opinions
 - (iv) Advertising Consent applications
 - (v) Habitat Regulation Assessments
 - (vi) Certificate of Lawful use / Development
 - (vii) Prior approval applications under the Town & Country Planning (general Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments
 - (viii) Works to Trees and/or hedgerows

Constitutional Matters

31. The changes outlined in this report will need to be reflected in the Constitution. All these changes will need to be made and ready for implementation on 31 October 2026.

32. The Council will be at risk of challenge if the Constitution does not reflect the requirements of the Regulations.

33. The draft changes are provided at Appendix 2a and 2b.

Arguments/Conclusions

34. The changes proposed are necessary to implement the Regulations that come into force on 31 October 2026.

35. A protocol is being developed which will reflect the information within this report. This will be made publicly available on the Council's website.

36. Training will be provided to all Members as soon as practicably possible. Example Call-In forms are provided in Appendix 1a, 1b and 1c.

Additional Implications Assessment

37.

Financial Implications No	Legal Implications Identified in report	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

Appendices

Appendix 1- Call-in Form

Appendix 1a, b and c- Example Call-in Form

Appendix 2a and b - Draft Constitution Changes

Background documents

[The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

PLANNING SERVICES

East Cambridgeshire
District Council**FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST**

Application Number:

Elected Member

Details

Ward:

This form is to enable an elected member to call an application into the Planning Committee. This form requests details required as per legislation and the Council's Constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at Planning Committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting or at the latest within 5 working days of the gateway meeting.

Application Type Please mark at least ONE with an X– Please contact Case Officer if unsure as to what category the application relates to.

An application for listed building or an application variation or discharge of conditions of listed building consent	
A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.	
An application for planning permission that is not— a) a householder application, b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square metres), or c) a minor residential application (a project of nine or fewer new dwellings on a site with an area of less than 0.5 hectares) ;	
<u>Please outline below what the application is for to assist in reviewing your request.</u>	
An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission.	

Guidance - “Call-in original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.	
A retrospective application made under section 73 (to amend a previous permission).	
An application (related to another column in this form which relates to a planning obligation which is outlined below: a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.	
A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).	
An application for the display of an advert.	
An application for works to a tree subject to a TPO.	
Please add any additional information here:	

Gateway Considerations (1)

Please outline below any significant **economic, social or environmental** impacts to the local area.

Guidance – Please ensure that you outline in detail why you consider the application to meet any of the above concerns. Please provide any evidence that you may have.

TYPE HERE

Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

Yes/No

Guidance – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome

regardless of Local Objection.	
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TYPE HERE

GATEWAY MEETING – To be filled in by Nominated Officers
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Date of Meeting:	
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Attending Officers:	
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Outcome of Gateway Discussion

Passed (To be heard at Committee) / Failed (Delegated Decision) <i>Delete as appropriate.</i>

Outcome of Gateway Discussion – Notes and reasons for decision

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	Nominated Officer	Nominated Member
Signed:		
Name:		
Date:		
Position:		

Please Note: This worked example is for educational purposes and should not be copied by elected members when filling in the form. It is intended to give an example of how a submission should look, and to show some (but not an exhaustive) examples of scenarios where the gateway test may be met.

PLANNING SERVICES



East Cambridgeshire District Council

FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST

Application Number: 26/01234/FUL
 Elected Member Details A Member
 Ward: Countrysideville

This form is to enable an elected member to call an application into planning committee. This form requests details required as per legislation and the Councils constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at planning committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting.

Application Type Please mark at least <u>ONE</u> with an X– Please contact Case Officer if unsure as to what category the application relates to.	
An application for listed building or An application variation or discharge of conditions of listed building consent	
A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.	
An application for planning permission that is not— a) a householder application, b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square	X

metres), or c) a minor residential application (a project of nine or fewer new dwellings on a site with an area of less than 0.5 hectares) ; <u>Please outline below what the application is for to assist reviewing your request.</u>	
An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission. Guidance - “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.	
A retrospective application made under section 73 (to amend a previous permission).	
An application (related to another column in this form which relates to a planning obligation which is outlined below: a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.	
A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).	
An application for the display of an advert.	
An application for works to a tree subject to a TPO.	
Please add any additional information here: <i>The application is for 25 Houses adjacent to the village of Biggerport</i>	

Gateway Considerations (1)
Please outline below any significant economic, social or environmental impacts to the local area.
Guidance – Please ensure that you outline in detail why you consider the application

to meet any of the above concerns. Please provide any evidence that you may have.

The proposed development is for a significant number of new homes in the open countryside adjacent to the village of Biggerport. I consider that considerable thought should be given to the consideration of the following issues.

- 1) The impact on the local facilities – the village is small and the additional housing will place significant pressure on these facilities. The lack of an ability to walk into the village is considered to exacerbate this (SOCIAL).
- 2) The site is located in a sensitive location which has previously been used as informal social space and has seen various wildlife utilising the land. This and the prominent location visually on the approach to the village means that significant consideration should be given to the impacts on the character of the environment and surrounds of the village. (ENVIRONMENT).

Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

Guidance – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome regardless of Local Objection.

The NPPF policy HO10 and Local Plan Policies Growth 2 and HOU 4 for rural exception sites cover applications for additional growth in the open countryside.

It is considered that whilst 60% affordable housing is proposed on the site there needs to be significant consideration given to the percentages and the amount of market housing being proposed on the land. It is noted that there has been an assessment provided by the applicant to outline why this figure is proposed but do to the potential conflict with the NPPF and Local Plan it is a matter of local significance.

Secondly it is clear that whilst the site is geographically close to the centre of the village. The lack of footpaths would cause a significant detrimental impact contrary to Local Plan Policies HO10 and HOU4 (in relation to not being well connected) which should be given significant consideration by elected members via a committee meeting.

GATEWAY MEETING – To be filled in by Nominated Officers

Date of Meeting:	
Attending Officers:	

Outcome of Gateway Discussion

Passed (To be heard at Committee) / Failed (Delegated Decision) <i>Delete as appropriate.</i>
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Outcome of Gateway Discussion – Notes and reasons for decision

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Signed		
Date		
Position		

Please Note: This worked example is for educational purposes and should not be copied by elected members when filling in the form. It is intended to give an example of how a submission should look, and to show some (but not an exhaustive) examples of scenarios where the gateway test may be met.

PLANNING SERVICES



East Cambridgeshire District Council

FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST

Application Number: S/54321/FUL
 Elected Member Cllr P Servant
 Details
 Ward: Gotham

This form is to enable an elected member to call an application into planning committee. This form requests details required as per legislation and the Councils constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at planning committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting.

Application Type Please mark at least <u>ONE</u> with an X– Please contact Case Officer if unsure as to what category the application relates to.	
An application for listed building or An application variation or discharge of conditions of listed building consent	
A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.	
An application for planning permission that is not— a) a householder application, b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square metres), or c) a minor residential application (a project of nine or fewer new	X

dwellings on a site with an area of less than 0.5 hectares) ; Please outline below what the application is for to assist reviewing your request.	
An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission. Guidance - “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.	
A retrospective application made under section 73 (to amend a previous permission).	
An application (related to another column in this form which relates to a planning obligation which is outlined below: a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.	
A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).	
An application for the display of an advert.	
An application for works to a tree subject to a TPO.	
Please add any additional information here: <i>Change of use of land to form 10no. gypsy/traveller pitches with residential static caravan, touring caravan and day room for each pitch and associated works.</i>	

Gateway Considerations (1)
Please outline below any significant economic, social or environmental impacts to the local area.
Guidance – Please ensure that you outline in detail why you consider the application to meet any of the above concerns. Please provide any evidence that you may have.

Environmental concerns –

The landscape and visual impact of the proposal is considered significant. The proposal would introduce a developed residential character into an otherwise open and undeveloped landscape. The combination of caravans, hardstanding, fencing, lighting and associated day room would result in a significant adverse effect on the landscape character and visual amenity.

Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

Guidance – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome regardless of Local Objection.

Policy HO12: Traveller Sites of the NPPF requires that the site provides a settled base while recognising the extent to which traditional lifestyles can contribute to sustainability. Whilst it is acknowledged that this might mean that locations not-well related to existing settlements may be appropriate, this site is particularly isolated. There is no safe walking route, no realistic cycling route, no meaningful public transport and ordinary day to day services, health and welfare services and schools require substantial car journeys.

GATEWAY MEETING – To be filled in by Nominated Officers

Date of Meeting:	
Attending Officers:	

Outcome of Gateway Discussion

Passed (To be heard at Committee) / Failed (Delegated Decision) Delete as appropriate.

Outcome of Gateway Discussion – Notes and reasons for decision

Signed		
Date		
Position		

PLANNING SERVICES

East Cambridgeshire
District Council**FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST**

Application Number: 12/34567/FUL and 12/234568/LBC

Elected Member Details Cllr A N Other

Ward: The Shire

This form is to enable an elected member to call an application into planning committee. This form requests details required as per legislation and the Councils constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at planning committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting.

Application Type Please mark at least <u>ONE</u> with an X– Please contact Case Officer if unsure as to what category the application relates to.	
An application for listed building or An application variation or discharge of conditions of listed building consent	X
A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.	X
An application for planning permission that is not— a) a householder application, b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square metres), or c) a minor residential application (a project of nine or fewer new dwellings on a site with an area of less than 0.5 hectares) ; Please outline below what the application is for to assist reviewing your request.	
An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission.	

Guidance - “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.	
A retrospective application made under section 73 (to amend a previous permission).	
An application (related to another column in this form which relates to a planning obligation which is outlined below: a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.	
A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).	
An application for the display of an advert.	
An application for works to a tree subject to a TPO.	
The application is for a large extension to Hobbiton Village Hall, which is a Grade II listed building.	

Gateway Considerations (1)

Please outline below any significant **economic, social or environmental** impacts to the local area.

Guidance – Please ensure that you outline in detail why you consider the application to meet any of the above concerns. Please provide any evidence that you may have.

The Case Officer has advised that they are minded to recommend the application for approval, on the basis that the harm to the significance of the listed building (environmental) is outweighed by the public benefits. I believe that careful consideration should be given to the irreversible impacts on the heritage asset, specifically:

- Loss of historic fabric where an existing wall would be largely removed to allow the extension to join the building
- Visual impact of the extension on the significance of the listed building, as it is too large and overbearing in comparison to the original building.

The Planning Committee should be given the opportunity to weigh whether the public benefits in terms of increasing the capacity of the village hall outweigh the harm detailed above.

Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

Guidance – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome regardless of Local Objection.

Local Plan policy ENV12 sets out that:

“Proposals that affect a Listed Building will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset.

Proposals to extend, alter or change the use of a Listed Building will only be permitted where they would:

- Preserve or enhance the significance of the building and not involve substantial or total loss of historic fabric.
- Be compatible with the character, architectural integrity and setting of the Listed Building”

The NPPF says that:

“HE4: Securing the conservation of heritage assets

1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

- a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and
- b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.”

And:

“HE6: Proposals affecting designated heritage assets

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.”

As previously set out, I am concerned that this proposal does not meet these tests and that the harm to the listed building would not be outweighed by the public benefits of the proposal.

GATEWAY MEETING – To be filled in by Nominated Officers	
Date of Meeting:	
Attending Officers:	

Outcome of Gateway Discussion
Passed (To be heard at Committee) / Failed (Delegated Decision) <i>Delete as appropriate.</i>

Outcome of Gateway Discussion – Notes and reasons for decision

Signed		
Date		
Position		

PART 3

**2. PROPER OFFICER
FUNCTIONS**

“PROPER OFFICER” FUNCTIONS

The following officers are appointed the Proper Officer for the purposes of Section 270(3) the Local Government Act 1972, or in relation to any other statute as indicated, in relation to the matters herein indicated:

1(A) CHIEF EXECUTIVE

- (i) Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26th October 1972, to the Clerk of the Council or the Town Clerk of a Borough.

- (ii) **LGA 1972 Section 13(3)**

Parish Trustee (together with the Chair of the Parish Meeting) for those parishes not having a separate Parish Council and shall be a body corporate by the name 'the Trustees' with the additions of the name of the Parish

- (iii) **Representation of the Peoples Act (RPA) 1983 Section 8**

The registration officer for the Register of Electors for the District of East Cambridgeshire.

- (iv) **RPA 1983 Section 35**

The Returning Officer for the election of District Councillors.

- (v) **LGA 1972 Section 83(1)-(4)**

The Officer in whose presence declarations of acceptance of office shall be made and to whom such declarations shall be delivered.

- (vi) **LGA 1972 Section 84**

The officer to whom a person elected to any office under the Act may deliver written notice of resignation.

- (vii) **LGA 1972 Section 88(2)**

The officer who may convene a meeting for the election of Chair of the District Council following a casual vacancy in that office.

- (viii) **LGA 1972 Section 89(1)(b)**

The officer to whom notice in writing of a casual vacancy in the office of Councillor shall be given.

- (ix) **LGA 1972 Section 146 (paragraphs (a) and (b))**

The officer who shall procure the transfer of securities consequent upon any change in name, area of functions of a local authority.

- (x) **LGA 1972 Section 234(1)**

The officer who shall be authorised to sign on behalf of the District Council any notice, order or other document.

- (xi) **LGA 1972 Schedule 12, Part 1 Para 4(2)(b)**

The officer who shall sign a summons to attend a Council meeting.

(xii) **LGA 1972 Schedule 12 Part 1, Para 4(3)**

The officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.

(xiii) **The Local Authorities (Conduct of Referendums) (England) Regulations 2001**

The Counting Officer.

(xiv) **The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 as amended**

Matters relating to the verification number and the receipt and handling of petitions.

(xv) **LG and Housing Act 1989.**

The Head of the Council's paid service

(xvi) **LG and Housing Act 1989**

The officer who holds the list of politically restricted posts.

(xvii) **LGA 1972 Section 210(6)**

The officer who shall exercise any power with respect to a charity exercisable by any officer of a former authority and who shall be deemed to be the holder of a corresponding office for the purpose of sub-section (7).

2. DEMOCRATIC SERVICES & ELECTIONS MANAGER OR CHIEF EXECUTIVE

(i) **LGA 1972 Section 100A to 100F**

Functions relating to committee administration and access to information.

(ii) **Local Democracy, Economic Development and Construction Act 2009**

The officer who will receive petitions and requests for reviews for handling of the petitions under the Petitions Scheme, verify number and direct to the relevant Council, Committee or Officer for a response.

(iii) **LG and Housing Act 1989, Sections 15 to 17**

Receipt of notices from political groups. Review of allocation of seats.

3. DIRECTOR LEGAL OR CHIEF EXECUTIVE

(i) **LGA 1972 Section 224**

The officer who shall have responsibility for the custody of Council documents.

(ii) **LGA 1972 Section 225**

The proper officer for the custody of the deposit and retention of documents.

(iii) **LGA 1972 Section 229(5)**

The officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or any part of any such document.

(iv) **LGA 1972 Section 236(9)(10)**

The officer responsible for sending copies of byelaws to County, Town and Parish Councils.

(v) **LGA 1972 Section 238**

The officer who shall certify a printed copy of the byelaws made by the Council.

(vi) **LG (Miscellaneous Provisions) Act 1976, Section 41**

The officer who shall certify copies of orders, reports and minutes.

(vii) **LGA 1972 Schedule 22 Para 17**

The officer who shall certify orders, notices, demands or other documents under Section 166 of the Housing Act 1957.

(viii) **Town and Country Planning Act 1990**

The officer who shall certify copies of a local plan available for inspection by the public at the Council's offices.

(ix) **LGA 1972 Section 222 and 223**

The officer who shall have responsibility for the conduct of legal proceedings on behalf of the Council.

4. DIRECTOR LEGAL

(i) **LG and Housing Act 1989**

The Monitoring Officer.

5. S151 OFFICER/DIRECTOR FINANCE

(i) **LGA 1972 Section 151**

The officer who shall have responsibility for the administration of the financial affairs of the Council.

(ii) **LG and Finance Act 1988 Section 114**

The responsibility of the Financial Services Manager of the authority.

(iii) **LGA 1972 Section 115(2)**

The proper officer for the purposes of receiving all money from other officers of the Council under Section 115(2).

(iv) **Local Government and Housing Act 1989**

The proper officer for the purpose of paying Members' Allowances.

(v) **Local Government Act 2003 Sections 25 & 27**

The officer who shall report on the robustness of estimates and the adequacy of reserves.

(vi) **Accounts and Audit Regulations 2011**

The officer who shall maintain arrangements for financial management and internal control.

5. STRATEGIC PLANNING & DEVELOPMENT MANAGEMENT MANAGER OR DIRECTOR COMMUNITY

(i) **Planning (Listed Buildings and Conservation Areas) Act 1990 Section 2**

The officer who shall receive on deposit lists of buildings of special architectural or historic interest.

(ii) **LGA 1972 Section 191**

Duties in connection with Ordnance Survey.

(iii) **The Town & Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026**

The Strategic Planning & Development Management Manager to be the nominated officer for the Gateway test set out in the Regulations.. The Planning Team Leader (s) being the nominated deputy (ies).

6. ENVIRONMENTAL SERVICES MANAGER

(i) **Public Health Act 1936 – Sections 83, 84 and 85**

The proper officer of the Council who shall certify to the local authority that any premises, articles or clothing are filthy or verminous and who shall authorise a registered medical practitioner, or a woman duly authorised by the medical officer of health to carry out the cleaning of females under Section 85.

(ii) **Food Safety Act 1990**

The officer of the Council for all relevant purposes under the Act.

(iii) **The Clean Neighbourhood and Environmental Act**

The officer of the Council for all relevant purposes under the Act.

(iv) **The Housing Act 2004**

The officer of the Council for all relevant purposes under the Act.

(v) **Local Government Act 1972 – Section 101**

The officer who in the event of an outbreak of any epidemic of a notifiable infectious disease or food poisoning shall discharge the functions of the authority in relation to the prevention and control of such outbreak with over-riding authority to direct any officer of the Council as to the action to be taken by such officer in that behalf.

(vi) **Local Government Act 1972 – Section 270(3)**

Public Health (Control of Disease) Act 1984 & all such Regulations made under Public Health (Control of Disease) Act 1984

The proper officer for the purpose of taking medical decisions and undertaking specific duties.

(vii) **Public Health (Infectious Disease) Regulations 1988**

The proper officer for action to be taken regarding infectious diseases to be specially reported and making of weekly and quarterly returns.

(viii) **Public Health (Prevention of Tuberculosis) Regulations 1925**

The proper officer to provide local authority with written report that person suffering from tuberculosis is engaged in work connected with milk; and to give notice to discontinue employment.

(ix) **The Food Safety (Live Molluscs and other Shellfish) Regulations 1992**

Proper officer to issue temporary prohibition orders on behalf of local authority when evidence that infectious or other disease is attributable to molluscs or shellfish.

(x) **National Assistance Act 1948 – Section 47**

The proper officer who shall issue a certificate to the local authority and give oral evidence to a court of summary jurisdiction on application being made for an order authorising the removal of a person in need of care and assistance.

(xi) **National Assistance (Amendment) Act 1951 – Section 1**

The proper officer who with another medical practitioner shall certify that a person in need of care and assistance shall be removed without delay and the proper officer authorised to make an application for an order of removal to a court of summary jurisdiction or to a single justice.

(xii) **The Health Protection (Notification) Regulations 2010 – Regulations 2, 3, 6**

The proper officer to appoint Consultants in Communicable Disease Control (CCDC) for the receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.

(xiii) **Redress Schemes for Lettings Agency Work & Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014**

The proper officer to ensure persons involved in letting agency work and/or property management work are members of a Government approved property redress scheme.

(xiv) **The Health Protection (Coronavirus) Regulations 2020**

The proper officer for the purpose of taking urgent medical decisions and undertaking specific duties.

(xv) **The Health Protection (Coronavirus, Restrictions)(No. 2) (England) Regulations 2020**

Relevant Person for the purpose of closure and restriction of business premises
Authorised Person for the purpose of serving Fixed Penalty Notices

7. ENVIRONMENTAL SERVICES MANAGER OR DIRECTOR OPERATIONS

(xvii) **Health & Safety at Work Act (HSAWA) 1974 – Sections 19 & 20**

The proper officer to authorise person(s) to accompany on site visits

8. LICENSING MANAGER

(i) **Licensing Act 2003**

The Proper Officer to issue licenses and carry out administrative duties.

C. REGULATORY COMMITTEES:

- (i) LICENSING COMMITTEE**
- (ii) PLANNING COMMITTEE**

(i) LICENSING COMMITTEE**1. CONSTITUTION**

- 1.1 The Committee comprises 11 Members of the Council, who shall be appointed annually. Its quorum is 5.

2.0 OBJECTIVES

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 Through licensing policies to protect and promote good practice.
- 2.3 To balance the interests of applicants with the interests of residents and other interested parties.

3.0 TERMS OF REFERENCE

The Committee's terms of reference shall be:

- 3.1 To set policies and determine applications in relation to the functions of the Council with respect to:
- (a) Powers and duties under the Licensing Act 2003 not reserved by law to full Council.
 - (b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council.
 - (c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets and sex establishments.
 - (d) The licensing of caravan sites and other moveable dwellings and the provision and management of local authority caravan sites.
 - (e) Hackney Carriage and their drivers, and private hire vehicles, their drivers and operators.
 - (f) Charity Street and House to House collections and Street Trading Consents
 - (g) Animal welfare licences.
 - (h) Scrap metal dealers licenses
 - (i) Any other statutory or adopted licensing scheme the administration of which is the responsibility of the Council.

4.0 Delegation to the Committee

- 4.1 The Committee has delegated authority to act on behalf of the Council in respect of all the functions specified in Part 3 above.

Note – Responsibility for the conducting of Hearings in relation to applications and enforcement under Part 3 has been delegated as follows:

Paragraphs (a) and (b) to the Licensing (Statutory) Sub-Committee; Paragraphs (e) and (f) to the Licensing (Non-Statutory) Sub-Committee; Paragraphs (d), (g) and (h) to officers.

5.0 Delegation to Officers

- 5.1 The Environmental Services Manager or Director Operations or Director Legal are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:
- (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;'
 - (b) the Service Delivery Champion is consulted prior any action taken under this delegated power
 - (c) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
 - (d) action taken shall be as soon as practicable reported to the next Committee; and
 - (e) it excludes any decision which is by law expressly vested in the Council.
- 5.2 There shall be delegated to Environmental Services Manager or Director Operations or Director Legal the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.
- 5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.
- This delegation shall not be taken to include any matter reserved by law to the Full Council.
- 5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

1. GENERAL LICENSING DELEGATIONS

Legislation		Delegated Officer
Animal Health Act 1981		Environmental Services Manager or Director Operations or Director Legal
Animal Welfare 2006		
Anti-Social Behaviour Act 2003		
Anti-Social Behaviour, Crime and Policing Act 2014		
Caravan Sites Act 1968 Parts I & II		
Caravan Sites and Control of Development Act 1960		
Criminal Justice and Police Act 2001 Section 19		
Dangerous Dogs Act 1991		
Dangerous Wild Animals Act 1976		
Gambling Act 2005		
Game Act 1831		
Guard Dogs Act 1975		
Housing Act 2004		Environmental Services Manager or Director Operations or Director Legal
House to House Collections Act 1939 & House to House Collections Regulations 1947		
Hypnotism Act 1952		
Licensing Act 2003		
Local Government (Miscellaneous Provisions) Act 1982 – Parts II, III, and VIII, section 29, Schedule 3, and Schedule 4.		
Local Government (Miscellaneous Provisions) Act 1976 Part II		
Mobile Homes Act 1983 and all associated regulations		
Mobile Homes Act 2013		
Police, Factories, etc, (Miscellaneous Provisions) Act 1916		
Scrap Metal Dealers Act 2013		
Slaughterhouses Act 1974		
Sunbeds (Regulation) Act 2010		

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018		Environmental Services Manager or Director Operations or Director Legal
Town Police Clauses Act 1847		
Transport Act 1980 and 1985		
Zoo Licensing Act 1981		
Business and Planning Act 2020 – Part 1		

2. SPECIFIC OFFICER DELEGATIONS

The power to set fees and charges, and take enforcement action	Environmental Services Manager or Director Legal
The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chairman or Vice-Chairman of Licensing Committee).	Environmental Services Manager or Director Operations or Director Legal
The power to grant, refuse, vary, transfer, review, suspend, revoke and withdraw licences, permits, registrations and consents.	Environmental Services Manager or Director Operations or Director Legal
The power to act in an emergency to obtain injunctions in any cases.	Director Legal or Chief Executive
The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).	Director Legal or Chief Executive
The power to act for the Council in proceedings brought in the Magistrates' Court in respect of appeals against licensing decisions.	Director Legal or Chief Executive
Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review.	Director Legal or Chief Executive

LICENSING (STATUTORY) SUB-COMMITTEE**1.0 Constitution**

- 1.1 The Sub-Committee comprises of three Members (and up to two named substitute Members for each Political Group) appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which follow the rules of natural justice.

2.0 Objectives

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

3.0 Terms of Reference

To consider applications and notifications made in accordance with the Licensing Act 2003 and the Gambling Act 2005 (the “Acts”), and decide, where relevant, to grant/ refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

LICENSING (NON-STATUTORY) SUB-COMMITTEE**1.0 Constitution**

- 1.1 The Sub-Committee comprises of five Members appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which are not governed by statutory rules but nevertheless follow the rules of natural justice.

2.0 Objectives

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

3.0 Terms of Reference

To consider applications made in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, and any other legislation which provides the right of a Hearing other than the Licensing Act 2003 and the Gambling Act 2005, and decide, where relevant, to grant/ refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed.
3. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
4. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
5. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
6. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
7. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
8. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 9a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 9b. *The licence holder or their representative will be asked to present their case.*
- 9c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 9d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 9a. *The review applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 9e. *The licence holder or their representative will be asked to present their case.*
- 9f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 9g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
- 10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
- 11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
- 12. Information which is not relevant to:
 - the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;will be disregarded.

13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.

The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by Members before they retire, the decision will be communicated to all parties within 5 working days.

16. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
17. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
18. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
19. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
20. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

(ii) PLANNING COMMITTEE**1. CONSTITUTION**

- 1.1 The Committee shall comprise 11 Members of the Council who shall be appointed annually. Its quorum is 5.

2.0 OBJECTIVES

- 2.1 To conserve the distinctive character of the built environment, to involve the local community in planning decisions and to manage development whilst extending the provision of affordable housing.
- 2.2 To create a safer environment where people can live and work free from crime and the fear of crime.
- 2.3 To encourage a varied and dynamic local economy, which does not harm and seeks to improve the environment, offers high quality employment and training opportunities, and secures the vitality of our towns and villages.
- 2.4 To promote an accessible integrated and affordable transport system that reduces its impact on the environment.
- 2.5 To protect and enhance the wealth of wildlife and to maintain and improve access to the natural environment and awareness of it.
- 2.6 To encourage the reduction in the use of finite resources and the reduction of pollution to the natural environment.

3.0 TERMS OF REFERENCE

The Committee's terms of reference shall be:

- 3.1 To undertake the prescribed functions of the Council under the Town and Country Planning Act 1990 and associated current legislation, including the Town and Country Planning General Development Orders, Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and any modification or re-enactment thereof with respect to development control, advertisement control, conservation areas, building preservation notices, listed buildings, tree preservation orders.
- 3.2 To approve or refuse applications as outlined under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 including the required Gateway Test and publication of information.
- 3.3 To approve or refuse applications for approval of new buildings and work under the Building Regulations 1986 and any other relevant enactment, and any modification or re-enactment together with the enforcement of such Regulations other than those determined by officers acting with delegated authority.
- 3.4 To undertake the functions of the Council under the Planning (Listed Buildings and Conservation Area) Act 1990 and any modification or re-enactment, including the making of

Building Preservation Notices other than those determined by Officers acting with delegated authority, SAVE THAT Compulsory Purchase action, must be referred to Full Council for approval.

- 3.5 To undertake the functions of the Council under the provisions of Section 97 and 99 of the Town and Country Planning Act 1990 in relation to the revocation or modification of planning permission *SAVE THAT any proposal for the payment of compensation must comply with the Financial Regulations and Financial Procedure Rules within this Constitution.*
- 3.6 To undertake the functions of the Council under Part 2 of the Planning and Compulsory Purchase Act 2004 (local development), section 14A ('Register of Land'), including preparation of a Brownfield Land Register as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017.

4.0 **DELEGATION - DETERMINATION OF PLANNING APPLICATIONS**

4.1 **Default Delegation to: Strategic Planning & Development Management Manager**

To undertake all statutory functions of the Council acting as Local Planning Authority including to determine all planning and listed building applications and related matters, advert consent applications, certificate of lawful use / development applications, all tree and hedgerow matters including making Tree Preservation Orders, prior approval applications, screening and scoping opinions, Habitats Regulations Assessment and the service of any notices in relation to any of the functions delegated including the serving of all types of planning enforcement notice.

Applications which are Delegated at all times

- 4.2 Except in relation to applications submitted in the circumstances set out in paragraphs 4.4 and 4.5, the following application types **MUST** be determined under powers delegated to the Strategic Planning & Development Management Manager without determination by the Planning Committee. Such applications are prescribed within **Schedule 1** of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) and include:

- 1) An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development);
 - 2) An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works)
 - 3) A householder application;
 - 4) A minor commercial application;
 - 5) A minor residential application;
 - 6) An application for permission in principle;
 - 7) (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.
- (2) In this paragraph— "original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

“Schedule 1 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule;

- 8) An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle);
- 9) (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval— a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;
b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990;
- (2) In this paragraph, “Schedule 1 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026;
- 10) An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development);
- 11) An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development);
- 12) The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990;
- 13) (1) A reserved matters approval application in respect of an outline planning permission other than a large outline permission.
- (2) In this paragraph “large outline permission” means an outline planning permission which permits development involving either or both of—
a) the provision of 500 or more dwellings;
b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more;
- 14) An application made under article 27(1) of DMPO (applications made under a planning condition); and
- 15) An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for— a) prior approval, or
b) determination as to whether prior approval is required.

Applications that MAY be heard by Planning Committee

- 4.3 Except in relation to applications submitted in the circumstances set out in paragraphs 4.4 and 4.5, the following application types **MUST** be determined under powers delegated to the Strategic Planning and Development Management Manager without determination by the Planning Committee **unless** the application passes the “**Gateway Test**” set out at paragraph 4.6 which means that the application **MAY** be determined by the Planning Committee. Such applications subject to the “**Gateway Test**” are prescribed within **Schedule 2** of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) and include:
 - 1) An application for listed building consent made under section 10(1) of the Listed Buildings Act;
 - 2) An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent);
 - 3) An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraphs 1) or 2);
 - 4) An application for planning permission that is not—

- a) a householder application,
- b) a minor commercial application, or
- c) a minor residential application;
- 5) (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.
- (2) In this paragraph— “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; “Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule;
- 6) An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out);
- 7) (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—
 - a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;
 - b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.
- (2) In this paragraph, “Schedule 2 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended);
- 8) A reserved matters phase application;
- 9) An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement); or
- 10) An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).
- 4.4 **All applications submitted by or on behalf of the District Council including any trading companies shall be determined by the Planning Committee.**
- 4.5 Planning and listed building applications where Members of the Council; Officers of the Council or close family relatives of any of those people have a pecuniary interest, shall be determined by Planning Committee.
- 4.6 For clarity, close family relatives shall be defined as following: -
 - (i) Spouse (including husband wife, civil partner, or person living with them as if they were a husband/wife/civil partner);
 - (ii) Parent/parent of spouse
 - (iii) Child/child of spouse
 - (iv) Sibling/sibling of spouse
 - (v) Niece/nephew and their spouse

- (vi) Grandparent and their spouse
- (vii) Uncle/Aunt/ first cousin and their spouse.

4.7 For clarity 'own interest' applications i.e. those outlined at 4.4 & 4.5 **only** relate to planning applications (including outline, full and reserved matters applications) and listed building consent applications. This means all the following types of application shall be determined as default under delegated powers regardless of the applicant: -

- (i) Discharges of Condition submissions
- (ii) Non-Material Amendment Applications
- (iii) Screening and Scoping Opinions
- (iv) Advertising Consent applications
- (v) Habitat Regulation Assessments
- (vi) Certificate of Lawful use / Development
- (vii) Prior approval applications under the Town & Country Planning (general Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments
- (viii) Works to Trees and/or hedgerows

“Gateway Test”

4.8 Where an application is for a type of development falling within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) an application may be referred to Planning Committee for determination subject to the following:

4.9.1 **Both** the Nominated Member **AND** Nominated Officer or their authorised substitute agree that a proposal raises:

- a) One or more issues of economic, social or environmental significance to the local area; or
- b) One or more significant planning matters having regard to the Development Plan and any other material considerations

4.9.2 For the avoidance of doubt, the Chair of the Planning Committee shall be the Nominated Member, and the Vice Chair of the Planning Committee shall be the Nominated Deputy Member or as otherwise agreed with the Chair of the Planning Committee. The Nominated Officer is as set out in Part 3 Responsibility for Functions.

4.9.3 In considering whether paragraph 4.9.1 a) or 4.9.1 b) above apply, the Nominated Member and Nominated Officer or their authorised substitute shall have regard to any representations made in writing by Local Member(s) (via the prescribed form see appendix C) so long as any such representation(s) raise material planning matters and are received no later than **7 calendar days** following the end of **any** public consultation period and so long as the relevant Local Member does not have a conflict of interest, in which case no representation from that member shall be accepted.

- 4.9.4 For the purposes of the Gateway test, a Local Member is defined as the Local Ward Member (for the ward(s) for which the Planning Application Red Line Boundary is within) or an elected member who is nominated in advance in writing in their absence.
- 4.9.5 Should agreement not be made by the Nominated Member and Nominated Officer then the request will have failed the Gateway Test and the application will be determined via delegated authority. This authority will be immediate, and the application can be determined at this point following written confirmation and circulation of the decision internally.
- 4.9.6 In considering whether paragraphs 4.9.1 a) or b) above apply, the Nominated Member and Nominated Officer or their authorised substitute shall have regard to the following “Gateway Test” Guidance:
- 4.9.7 Where an application relates to a listed building consent (as per paras 4.3 (1,2 and 3) referral to Committee should take account of any gateway decision made in relation to any accompanying planning application (where relevant) and whether Committee referral has been requested for that application. The planning and listed building applications should **both** be referred to Planning Committee if one of them is referred, having regard to the following advice. Referral to Committee for the listed building application should only be made based on the heritage (environmental) impact of the proposal. An application may only be called to Committee for determination where a proposal would result in substantial heritage harm or less than substantial heritage harm WITHOUT evidential public benefit to outweigh the identified harm AND where the Officer recommendation is for approval. Referral to Committee for the planning application should only occur where the proposal amounts to a clear departure from the Development Plan and the Officer recommendation is for approval OR where the Officer recommendation is for refusal and there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.
- 4.10 For other Planning applications, referral to Committee should only occur where the proposal amounts to a clear departure from the Development Plan and refusal is warranted OR where there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.
- 4.11 Where an application is for a type set out at paragraph 4.3 (7), referral to Committee should only occur in exceptional circumstances where the modification of an S106 obligation would amount to a departure from the Development Plan AND the Officer recommendation is for approval. All discharge of S106 obligation applications will be delegated to Officers.
- 4.12 Where an application is for a type set out at paragraph 4.3 (8), referral to Committee should only occur where the reserved matters phase proposal amounts to a clear departure from the Development Plan and/or the original outline consent and the Officer recommendation is for approval OR where the Officer recommendation is for refusal and there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.
- 4.13 Where an application is for a type set out at paragraph 4.3 (9), referral to Committee should only occur where the proposal gives rise to significant amenity or public safety concerns and the Officer recommendation is for approval OR where the Officer recommendation is

for refusal and there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.

- 4.14 Where an application is for a type set out at paragraph 4.3 (10) referral to Committee should only be considered where five or more public representations have been received which raise material planning matters in objection to the proposal, or significant impacts to local amenity have been raised and the Officers recommendation is for approval. All other applications shall be delegated to officers.
- 4.15 The Gateway Meeting will take place on the First Tuesday of the Month (“the gateway meeting”). The meeting will be attended by the Nominated Member and Nominated Officer and a member of the Council’s Legal Services team.
- 4.16 Following the gateway meeting the Council will publish the outcome of the discussions on its website within 5 working days of the meeting being held.

4.17 DELEGATION TO OFFICERS – PLANNING COMMITTEE

There are delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below, including service of notices, carrying out of default works, commencement of enforcements and other proceedings.

Building Act 1984	Responsible Service Director or Building Control Manager
Building (Local Authorities Charges) Regulations 2010 Power to set fees.	Responsible Service Director or Building Control Manager
Business and Planning Act 2020 – Part 3 – Planning	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders
Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Strategic Planning and Development Management Manager or Planning Team Leaders or Major Projects Officers or Senior Planning Officers
Planning Act 2008 & Community Infrastructure Levy Regulations 2010 To authorise/ arrange and approve any operational issues, process and procedure for CIL enforcement.	Chief Executive or Responsible Service Director
Town and Country Planning (Environmental Impact Assessment) Regulations 2017 To undertake screening and scoping opinions, and to determine whether any application for planning permission constitutes EIA development that should be accompanied by the Environmental Statement.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders

Town and Country Planning (General Permitted Development) (England) Order 2015 Service of Article 4 directions requiring submission of reserved matters in support of an outline planning application.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders
Town and Country Planning (General Permitted Development) (England) Order 2015 Town and Country Planning Act 1990 as amended Determination of notifications ¹ .	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officer
Town and Country Planning Act 1990 To serve notice under Section 330 requiring the provisions of details of interest in premises	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Planning Enforcement Team Leader or Planning Enforcement Officers
To declare any particular planning application to be a County matter.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders
Formal response to all County Council consultations; for example, school extensions, mobile classrooms, mineral and waste disposal applications. Local member(s) to be consulted.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders
Processing of applications for planning permission under Part III of the Act.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officers

¹ Monitoring Officer revision of wording under Article 11.02(a) following introduction of SI 2013/1101, for legislative compliance 30 May 2013

Sections 70, 70C and 72 s70A Power to decline to determine applications s70B Power to decline to determine overlapping application s70C Power to decline to determine retrospective application s81A Power to decline to determine subsequent application s81B Power to decline to determine overlapping application	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Major Projects Officer or Senior Planning Officers
Section 106 To draft and complete planning obligations in consultation with the Strategic Planning and Development Management Manager & Responsible Service Director	Director Legal or Responsible Service Director
Section 106 Authorisation to affix the Council's seal on agreements reached in respect of applications.	Chief Executive or Director Legal
Section 106A To act on requests to modify or discharge completed planning obligations in consultation with the Planning Manager & Strategic Housing Enabler	Director Legal or Director Community
Section 197, 198 & 201 To make Tree Preservation Orders where such orders are unopposed subject to notification of any such action being to local members(s).	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader
Sections 202C & 210 To undertake investigations into unauthorised works to trees subject to a Tree Preservation Order	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer
Sections 206 & 207 Serve of notice and institution of proceedings with regard to tree replacement	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer
Section 211 To undertake investigations into unauthorised works to trees within conservation areas	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer

Sections 215 and 216 Serve of notice and institution of proceedings with regard to proper maintenance of land.	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader
The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 3 To serve Building Preservation Notices in cases of emergency subject to notification of any such action being made as soon as practicable to a meeting of the Planning Committee. Section 47 To consider and make recommendations on compulsory acquisition of listed buildings to Planning Committee. Section 48 To issue or authorise the issuing of repairs notice as preliminary to acquisition under s47.	Responsible Service Director and in his/her absence Strategic Planning and Development Management Manager
Section 88 To provide entry rights for listed building enforcement purposes	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Conservation Officer
The Town and Country Planning (Tree Preservation) (England) Regulations 2012 Part 2 Sections 10 and 11 To revoke orders where trees have been removed because of the implementation of planning permission, subject to local members being notified.	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Enforcement Team Leader

Local Government (Miscellaneous Provisions) Act 1982 s23 & s24 Power of local authorities to deal with dangerous trees.	Responsible Service Director or Strategic Planning and Development Management Manager or Trees Officer
Town and Country Planning Act 1990 Town and Country Planning Act (Control of Advertisements) Regulations 2007 as amended Institution of proceedings against fly posters.	Strategic Planning and Development Management Manager or Director Legal
Town and Country Planning Act 1990, section 225 as amended by section 34 of the Clean Neighbourhoods and Environment Act 2005 To authorise the carrying out the powers of the local planning authority under section 225 as so amended to remove or obliterate any placard or poster located on or within the [public or whatever] highway which is displayed in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (including any regulations amending or replacing those Regulations) and to take any necessary action to recover the cost of doing so in accordance with section 225(6).	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Planning Enforcement Team Leader
To take enforcement action (including although not limited to serving Action Notices/Removal Notices, Default powers) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Director Legal or Planning Enforcement Team Leader
Town and Country Planning (Inquiries Procedure) Rules 2000 Paragraph 11(3) To represent the Council at Local Inquiries.	Senior Legal Assistant and Legal Assistant (Solicitors authorised automatically)
Town and Country Planning Act 1990 Planning and Compensation Act 1991 To take enforcement action (including although not limited to serving Breach of Conditions Notices/ Planning Contravention Notices / Enforcement Notices/ Enforcement Orders/Stop Notices/ Default powers, remove or obliterate unauthorised signs or remove a display structure) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.	Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Director Legal or Planning Enforcement Team Leader
Section 171C Town and Country Planning Act 1990 Signature of Planning Contravention Notices.	Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers

Signature of Breach of Condition Notices /Enforcement Notices/Stop Notices/Default powers.	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader
Anti-social Behaviour Act 2003 – Part 8 To serve High Hedge Remedial Notices, instigate any prosecution proceedings and the taking of direct action	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader or Trees Officer
The Hedgerows Regulations 1997 To take enforcement action and instigate any prosecution proceedings	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Enforcement Team Leader or Trees Officer
Anti-social Behaviour Crime and Policing Act 2014 Power to issue and enforce Community Protection Notices.	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Enforcement Team Leader or Trees Officer
Public Health Act 1925 – Town Improvement Clauses Act 1847 To make orders and serve notices in relation to the naming and numbering of streets.	Responsible Service Director or ICT Manager
Public Health Act 1936 Sections 275 and 291 To take required measures at expense of owner or occupier and take action to recover those expenses	Responsible Service Director or Strategic Planning and Development Management Manager
Safety of Sports Grounds Act 1975 Sections 1 – 6 To represent the Council as the Building Authority in respect of the Sports Grounds Act within East Cambridgeshire.	Responsible Service Director or Building Control Manager or Senior Building Control Surveyor

Goods Vehicles (Licensing of Operators) Act 1995 Authority to make representations on applications for Goods Vehicle Operating Licences.	Responsible Service Director or in his/her absence Strategic Planning and Development Management Manager or Environmental Services Manager
Prosecution Proceedings To institute prosecution proceedings. ²	Director Legal or Chief Executive
To take enforcement action, apply for injunctions and subsequent prosecution proceedings, where applicable.	Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal
Town and Country Planning (Brownfield Land Register) Regulations 2017 Publication of sites in Part 1 of a Brownfield Land Register	Responsible Service Director or Strategic Planning and Development Management Manager

² Council Agenda item 13, 210213, to include CIL – related enforcement Under Planning Act 2008 & Community Infrastructure Levy Regulations

