

DCRB PLANNING DELEGATIONS – SUGGESTED CHANGES TO PART 3: RESPONSIBILITY FOR FUNCTIONS

Development Control and Regulatory Board

1. The Development Control and Regulatory Board ('the Board') shall not have power to appoint subcommittees.

2. The extent to which the non-executive powers within the Board's remit have been delegated to heads of departments, either by the full County Council or by the Board (or by any of the bodies previously charged with the functions now within its remit), will be found:

- (a) in the general scheme of delegation to heads of departments which appears in Section D of this Part; and
- (b) in the record of specific delegations maintained by the Chief Executive for public inspection at County Hall and which constitutes Part 9 of this Constitution.

3. Subject to the delegations described in paragraph 2, the functions delegated to the Board shall be:

(a) **Planning and conservation.**

The following functions relating to town and country planning and development control specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('the 2000 Regulations'), and relevant to a county council, being non-executive functions of the Council, are delegated to the Board, subject to any officer delegations contained in this Constitution and to the requirements of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ('the 2026 Regulations'):

- (i) The exercise of those functions relating to town and country planning and development control which are specified in Schedule 1 to the 2000 Regulations which are relevant to a county council. Such functions shall be discharged in accordance with the 2026 Regulations, the Council's Planning Scheme of Delegation, the Board's procedures and this Constitution.
- (ii) Without prejudice to the generality of sub-paragraph (i) above, to determine:
 - (A) any planning application falling within Schedule 2 to the 2026 Regulations where the Nominated Member and the Nominated Officer agree that referral to and determination by the Board is necessary and that at least one of the statutory criteria for referral is met;
 - (B) any Own-Interest application where the Nominated Member and the Nominated Officer agree that referral to and determination by the Board is appropriate, having

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regard to the statutory guidance, transparency, propriety and public accountability; and

(C) any other planning matter which is not required by law or by the 2026 Regulations to be determined by officers and which the Chief Planning Officer considers should be referred to and determined by the Board in accordance with the Council's Planning Scheme of Delegation and this Constitution.

For the purposes of this paragraph:

- "Nominated Member", "Nominated Officer", "Own-Interest application", "Schedule 1 application" and "Schedule 2 application" have the meanings given by the 2026 Regulations
- 'Chief Planning Officer' shall mean "the officer designated by the Director of Growth, Environment and Transport as the Council's chief officer responsible for the exercise of planning functions for the purposes of the Planning Scheme of Delegation, or any officer authorised to act in that capacity".
- The Nominated Member shall be the Chair of the Board. Where the Chair is unavailable, has an interest in the application, is the applicant, or is otherwise unable properly to participate in the referral decision, the Vice Chair of the Board shall act as substitute Nominated Member. Where the Vice Chair is also unavailable or unable properly to participate, the relevant Board Spokesperson, or such other trained member of the Board, shall act as substitute Nominated Member.
- The Nominated Officer shall be the Chief Planning Officer, or such other officer authorised to act in that capacity in accordance with the Council's planning delegation arrangements.

(iii) To hear pre-application or pre-determination presentations of proposed developments, where arranged in accordance with the Board's procedures, and for members of the Board to ask questions and highlight issues that may require further consideration.

The provisions of this Paragraph 3(a) constitute a specific scheme for the discharge of planning functions in accordance with the 2026 Regulations. The remaining functions of the Board shall continue to be exercised subject to the delegations referred to in paragraph 2 and the other relevant provisions of this Constitution.

The exercise of the function in this paragraph 3(a) shall be in accordance with the Council's Planning Scheme of Delegation and any guidance or management arrangements approved under Part 3 of this Constitution.

References in this Part to the 2000 Regulations and the 2026 Regulations include those Regulations as amended, re-enacted or replaced from time to time, and references to statutory guidance include any statutory guidance issued or revised in connection with those Regulations.

For the avoidance of doubt, no request by a local member, parish council, town council, applicant, objector or other person, and no specified number of objections or representations,

shall require a planning application or other planning matter to be referred to the Board. Such matters may only be referred where permitted by the 2026 Regulations, the statutory guidance, the Council's Planning Scheme of Delegation and this Constitution.

(b) Commons registration

The exercise of the functions relating to the registration of common land or town and village greens and registration of the variation of rights of common as set out in Schedule 1 to the 2000 Regulations.

(c) Licensing

Those functions relating to licensing which are specified in Schedule 1 to the 2000 Regulations and which are relevant to a county council.

(d) Marriages

The exercise of the power to approve premises for the solemnisation of marriages as specified in Schedule 1 to the 2000 Regulations.

(e) Highways use and regulation

The exercise of those functions relating to the regulation of the use of highways and the miscellaneous highways functions which are set out in Schedule 1 to the 2000 Regulations and which are relevant to a county council.

(f) Health and safety

The exercise of those functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.

(g) Byelaws

Making recommendations to the Council relating to the making, amendment, revocation or re-enactment of byelaws which are specified in Schedule 1 to the 2000 Regulations and which are relevant to the Council.

(h) Charges

Determination of charges which should be made (and if so, the amount of the charge) for any approval, consent, licence, permit or registration the issue of which is within the remit of the Board.

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