

PROPOSED CHANGES TO PART 9: RECORD OF SPECIFIC DELEGATIONS TO HEADS OF DEPARTMENT - DIRECTOR OF GROWTH, ENVIRONMENT AND TRANSPORT

- For the purposes of this Part 9, “Nominated Member”, “Nominated Officer”, “Own-Interest application”, “Schedule 1 application” and “Schedule 2 application” have the meanings given by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“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 Development Control and Regulatory Board (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.
- References in this Part to 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.

Power 29 – Strategic Planning Consultations

29. Strategic Planning Consultations

Power to respond to district councils, neighbouring authorities, statutory undertakers and government departments on behalf of the Council, except where the proposal:

- (i) would result in a development that conflicts with a site allocation within an adopted development plan for which the Council is responsible;
- (ii) is considered to be of strategic importance;
- (iii) is otherwise considered by the Chief Planning Officer, following consultation where appropriate with the relevant Head of Service or service lead, to require referral to members in accordance with the Constitution and the Planning Scheme of Delegation.

Power 30. Planning Scheme of Delegation and Chief Planning Officer Functions

Power to exercise, as the Chief Planning Officer for the purposes of the Council's Planning Scheme of Delegation, all planning matters and functions delegated to officers by the Constitution, save where the matter is expressly reserved to the full County Council, the Cabinet or the Board.

This shall include power:

- (a) to determine under delegated powers all Schedule 1 applications under Regulation 4 of the 2026 Regulations and to notify district councils of any such determination;
- (b) to determine under delegated powers all Schedule 2 applications under Regulation 5 of the 2026 Regulations except where the Nominated Member and Nominated Officer agree that referral to and determination by the Board is necessary because at least one of the statutory criteria for referral is met;
- (c) to determine under delegated powers any Own-Interest application under Regulation 6 of the 2026 Regulations except where the Nominated Member and Nominated Officer agree that referral to and determination by the Board is appropriate. Where an application is promoted by, made on behalf of, or materially involves the service area responsible for exercising planning functions, the Council's own-interest and substitute arrangements shall be applied so as to secure appropriate separation between the applicant/promoter function and the planning decision-making function;
- (d) to produce, maintain and publish a Planning Scheme of Delegation and associated management arrangements;
- (e) to sub-delegate the determination of Schedule 1 applications, Schedule 2 applications, Own-Interest applications and other planning matters to such officers as are identified in the Planning Scheme of Delegation and associated management arrangements;
- (f) in respect of any planning matter not required by law or by the 2026 Regulations to be determined by officers, to decide that the matter should nevertheless be reported to the Board, Cabinet or full County Council (as appropriate) where the Chief Planning Officer considers that referral is necessary; and
- (g) to ensure that where the Nominated Member or Nominated Officer is unavailable, has an interest in an application, is the applicant, or is otherwise unable properly to participate in the referral decision, the relevant substitute arrangements are used and the reason for substitution is recorded.

The Director of Growth, Environment and Transport, following consultation with the Chief Legal Officer and Monitoring Officer and the Chief Planning Officer, is authorised to approve, publish and amend guidance and associated management arrangements for the operation of the Planning Scheme of Delegation, including guidance for the Nominated Member and Nominated

Officer, provided that such guidance and arrangements are consistent with the Constitution, the 2026 Regulations and any statutory guidance issued 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 the Constitution.

Conflicts of interest

For the purposes of paragraph 30(c) above, the Council's own-interest and substitute arrangements require appropriate separation between the applicant, promoter, landowner or service-client function and the planning decision-making function.

Where the Council, a member, an officer, or a service area within the Council is the applicant, promoter, landowner or otherwise has a material interest in the application, no officer or member who is directly involved in promoting, preparing, submitting, instructing on, or advocating the proposal shall participate in the referral decision or the determination of the application.

Where the Nominated Member or Nominated Officer is unavailable, has an interest in the application, is the applicant, is involved in the applicant or promoter function, or is otherwise unable properly to participate, the relevant substitute shall act and the reason for substitution shall be recorded.

Where the Chief Planning Officer is unable properly to act as Nominated Officer in a particular case, the Director of Growth, Environment and Transport may designate an alternative suitably senior officer to act as Nominated Officer for that case. These arrangements shall be applied consistently with the Members' Code of Conduct, the Planning Code of Good Practice, the Planning Scheme of Delegation, the 2026 Regulations and any statutory guidance issued in connection with those Regulations.

Power 30A – Rights of Entry

30A. Rights of Entry

- (a) Power to enter premises for the purpose of enforcing the control of hazardous substances pursuant to the relevant legislation in force for the time being.
- (b) Power to exercise any right of entry onto land which is exercisable by the Council in order to survey and/or carry out work which is considered necessary in order to carry out a delegated function, subject to compliance with the relevant legislation in force for the time being.

Power 31 – Development Management – Town and Country Planning

31. Development Management – Town and Country Planning

- (a) Power to issue directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- (b) Power to determine under delegated powers any request, application, consent, approval, certificate, discharge or other development management matter connected with a planning application where that matter falls to be determined by officers under the 2026 Regulations or the Council's Planning Scheme of Delegation.

Power 32 – Strategic Planning Consultations (Mineral and Waste)**32. Strategic Planning Consultations (Mineral and Waste)**

Power to respond to strategic consultations from Mineral and Waste Planning Authorities on the basis that where there appears to be significant policy implications for the Council the matter will be referred to the Cabinet or otherwise to members as considered necessary by the Chief Planning Officer in accordance with the Constitution and Planning Scheme of Delegation.

Power 33 – Amendment of Planning Conditions**33. Amendment of Planning Conditions**

Power, where the Board has determined an application or other planning matter, to:

- (a) make changes to the wording of the Board's decision, including to delete, vary or add conditions, informatives, heads of terms for planning obligations or provisions of a planning obligation, where consistent with the Board's resolution, or, where relevant, summary reasons for refusal;
 - (b) accept non-material or minor changes or amendments to the development;
 - (c) consider the effect of any subsequent changes in legislation or policy; and
 - (d) formalise the wording of changes made by the Board to an officer recommendation,
- provided that the Chief Planning Officer is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Board, nor that such changes could reasonably have led to a different decision being reached by the Board.

Power 34 – Works to Trees**34. Works to Trees**

Power to comment on and/or determine applications for works to trees protected by a tree preservation order in accordance with the 2026 Regulations and the Council's Planning Scheme of Delegation, including determination under delegated powers unless the application is referred to the Board in accordance with those arrangements. In exercising this power, the Chief Planning Officer or authorised officer may consult, and have regard to

advice from, the relevant officer or service lead with responsibility for arboricultural or tree preservation matters.

Power 35 – Access to Properties to Inspect Trees Protected by Leicestershire County Council Tree Preservation Orders

35. Access to Properties to Inspect Trees Protected by Leicestershire County Council Tree Preservation Orders

Power to exercise the functions of the Council under section 214B of the Town and Country Planning Act 1990 to authorise officers to enter land for the purpose of surveying trees in connection with reviewing tree preservation orders and/or exercising any of the functions of the Council under Part VIII of the Act in relation to trees.

Power 37 – Power to Require Information as to Interests in Land – Town and Country Planning Act

37. Power to Require Information as to Interests in Land – Town and Country Planning Act

Power to the Director of Growth, Environment and Transport and the Chief Executive to exercise any rights of the Council to require information as to interests in land, subject to compliance with the relevant legislation in force for the time being.

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