**Northumberland County Council**

**Proposed Revised Scheme of Delegation – current Planning Committee Structure**

**Planning and Environment and Rights of Way Committee**

Terms of Reference and Powers

(a) To exercise the powers and duties of the Council as Planning Council in relation to development management under the Town and Country Planning Acts and other associated/related legislation and in particular but not limited to those functions listed in Schedule1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as they relate to

o minerals and waste planning

o development concerning major energy and physical infrastructure proposals such as wind farms

o Planning applications which represent a significant departure from the Development Plan

o Planning applications which, by their scale, nature or location, have implications which extend beyond the Area in which they are located

o To determine

* Applications submitted by or on behalf of elected members of the Council or by their spouses/partners
* Applications involving land and/or premises in the ownership or under the control of elected members of the Council or their spouses/partners
* Applications in which any senior officer of the Council has a personal and prejudicial interest
* Determination of applications submitted by or on behalf of the Council (or by or on behalf of companies controlled by the Council) which are subject to valid objections relating to material planning considerations\*; or of applications relating to land in which the Council (or company) has a significant interest (NB council to refuse such applications is delegated)
* Approval of applications where, in the opinion of the Relevant Officer, such an approval would constitute a departure from the approved Development Plan and would require a reference to the Secretary of State
* Any application which an elected member of the Council requests should be considered by the Committee, provided the request is in writing, is received within 21 days of the application appearing on the weekly list, and is supported by bona fide planning reasons (which will be reported to the Committee together with the Councillor’s name)
* Any application which the Relevant Officer considers should be determined by the Committee because of special planning issues or considerations it raises including significant local interest
* Determination of applications where there are contrary comments received within the consultation period given raising bona fide planning issues from statutory consultees as defined in the National Planning Practice Guidance
* *\*where written comments have been made which are not considered to raise valid material planning considerations the application will be determined under delegated powers but the delegated report will refer to the comments and state why they cannot be considered as valid material planning consideration.*

(b) To advise the Policy Board on consultative planning guidance and development plans issued by the Government and other local authorities

(c) Those functions prescribed by the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as not being executive functions and not elsewhere allocated by this Constitution.

**Rights of Way Terms of Reference and Powers**

* To exercise the Council’s functions in relation to the survey, definition, maintenance, diversion, stopping up and creation of public rights of way.
* To exercise the Council’s functions as the Commons Registration Authority for common land and town/village greens in Northumberland.

**Area Planning Committees**

Terms of Reference and Powers

* + To exercise the powers and duties of the Council as Planning Authority in relation to development management under the Town and Country Planning Acts and other associated/related legislation and in particular but not limited to those functions listed in Schedule1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 other than those matters requiring a decision by the Planning and Environment and Rights of Way Committee.
	+ Functions of the Area Planning Committee should include all decisions involving formal enforcement action except where the enforcement activity relates to a function which is the responsibility of the central committee
	+ To determine
	+ Applications submitted by or on behalf of elected members of the Council or by their spouses/partners
	+ Applications involving land and/or premises in the ownership or under the control of elected members of the Council or their spouses/partners
	+ Applications in which any senior officer of the Council has a personal and prejudicial interest
	+ Approval of applications where, in the opinion of the Relevant Officer, such an approval would constitute a departure from the approved Development Plan and would require a reference to the Secretary of State
	+ Any application which an elected member of the Council requests should be considered by the Committee, provided the request is in writing, is received within 21 days of the application appearing on the weekly list, and is supported by bona fide planning reasons (which will be reported to the Committee together with the Councillor’s name)
	+ Any application which the Relevant Officer considers should be determined by the Committee because of special planning issues or considerations it raises including significant local interest
	+ Determination of applications where there are contrary comments received within the consultation period given raising bona fide planning issues from statutory consultees as defined in the National Planning Practice Guidance.