

**Protocol for Delegation of Decision Making
from the Planning and Regulatory Committee to the
Strategic Director of Economy and Infrastructure**

This Protocol for Delegation of Decision Making sets out which Provisions, as listed in the left-hand column below, are delegated from the Planning and Regulatory Committee to the Strategic Director of Economy and Infrastructure or his authorised officer, subject to all the Restrictions in the right-hand column below being met per Provision. Should a Restriction not be met, this would result in the relevant Provision not being delegated and being considered by the Planning and Regulatory Committee.

Provision	Restrictions
<p>1. To approve all County Matter and County Council planning applications.</p>	<p>(a) In accordance with the adopted development plan; and</p> <p>(b) Subject to any reference to Planning Casework Unit under Standing Directions; and</p> <p>(c) Subject to no outstanding material statutory consultee objections; and</p> <p>(d) Subject to no more than 2 outstanding material non-statutory consultee or individual written public objections from separate addresses that are material; and</p> <p>(e) Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee in respect of Restriction 1. d) above.</p>
<p>2. To refuse all County Matter planning applications.</p>	<p>(a) In accordance with the adopted development plan; and</p> <p>(b) Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee.</p>
<p>3. To determine Review of Mineral Working Permission applications.</p>	<p>To review conditions on existing Minerals Planning Permissions and to update them in line with legislation and Government guidance.</p>

Provision	Restrictions
4. To determine applications for a lawful development certificates.	In consultation with Assistant Director for Legal and Governance.
5. To determine applications for consent to display an advertisement(s).	(a) Subject to no outstanding material statutory consultee objections; and (b) Subject to no more than 2 outstanding material non-statutory consultee or individual written public objections from separate addresses that are material; and (c) Subject to consultation with the Chairman and Vice Chairman of the Planning and Regulatory Committee in respect of Restriction 5. b) above.
6. To determine applications for works to trees subject to a Tree Preservation Order (TPO).	
7. To determine applications for Non-Material Amendments following a grant of planning permission.	
8. To determine applications for prior notification / approval.	
9. To discharge any condition on a permission issued by Planning and Regulatory Committee or under delegated powers.	
10. To respond to consultations on planning applications submitted to other local planning authorities.	
11. To enter into, vary or rescind agreements under the Town and Country Planning Acts.	Taking into account any original resolution of the Planning and Regulatory Committee.

Provision	Restrictions
12. To issue screening and scoping opinions in respect of the need for an Environmental Assessment.	
13. To take any necessary enforcement action.	In consultation with Assistant Director for Legal and Governance.
14. The service of Planning Contravention Notices pursuant to Section 171C of the Town and Country Planning Act 1990 (as amended), a Requisition for Information pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, and to request particulars under Section 330 of the Town and Country Planning Act 1990.	
15. To respond to consultations from the Environment Agency and Worcestershire Regulatory Services on Environmental Permit applications relating to minerals and waste management.	

Definitions

“**non-material**” in the opinion of the Strategic Director or his authorised officer relating to matters of non-planning significance.

“**material**” in the opinion of the Strategic Director or his authorised officer relating to matters of planning significance, which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

“**planning application**” includes all categories of application made to the County Council under town and country planning legislation, except where covered elsewhere by this protocol.

Strategic Director of Economy and Infrastructure

June 2005

Updated: September 2011

Further Updated: April 2013

Further Updated: January 2016

Further Updated: July 2020