

## APPENDIX B

### PLANNING ACCESS AND RIGHTS OF WAY COMMITTEE

#### Composition

The Committee shall comprise all Members of the Authority who satisfy the Chief Executive that they have completed approved training in planning matters. "Approved training" means training approved by the Chief Executive for the purpose of sitting on the Committee.

#### Terms of reference

To exercise the Authority's powers and duties for the control of development, enforcement of planning control and other related matters.

To perform the duties imposed and exercise the powers conferred by legislation in relation to access to and rights of way across land within the area of the National Park Authority. These comprise the duties imposed and powers conferred on the Authority directly or under the Delegation Agreements with Unitary Authorities entered into under section 101 of the Local Government Act 1972.

#### Delegated Powers

##### Planning

1. To bring Development Plan policy issues to the attention of the National Park Authority where they arise from specific planning applications.
2. To determine general supplementary policy and procedures on Development Control matters, subject to the provisions of the Development Plan.
3. To make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
4. To exercise all the powers and duties of the Authority as local planning authority and mineral planning authority, including but not limited to the Town and Country Planning 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Compulsory Purchase Act 2004, the National Environment and Rural Communities Act 2006, The Planning Act 2008 and any related secondary legislation.
5. To determine mineral review applications pursuant to Section 96 and Schedules 13 and 14 of the Environment Act 1995.

##### Access and Rights of Way

6. To consider and determine the terms of delegation agreements and rights of way improvement plans on general policy on access and rights of way matters.
7. (a) To make Orders under the Highways Act 1980 to divert, widen, create and

extinguish public paths except as provided for under PART VI, 5;

- (b) to authorise the making of applications to the Magistrates' Court under the Highways Act 1980 for the diversion and stopping up of public rights of way;
  - (c) to make orders under Section 53 of the Wildlife and Countryside Act to make modifications to the Definitive Map and Statement;
  - (d) to make orders under Section 257 of the Town and Country Planning Act 1990 except as provided for under PART VI, 6;
  - (e) where appropriate to determine not to confirm orders under the legislation identified above.
8. (a) To authorise the institution of legal proceedings under the legislation specified in the Delegation Agreements made under Section 101 Local Government Act 1972 with the Unitary Authorities to protect public rights of way generally;
- (b) to authorise such other action as the Committee considers expedient to protect public rights under the Highways Act and which is authorised by that or other legislation.
9. To authorise the waiving of charges for public path diversion and extinguishment orders in accordance with the policy concerning the recovery of costs for public paths and rail crossing orders (this only applies to those applications being considered by the Planning, Access and Rights of Way Committee).
10. To perform the duties imposed and exercise the powers conferred under Parts I and II of the Countryside and Rights of Way Act 2000.
11. To make traffic regulation orders under Sections 1 and 2 Road Traffic Regulation Act 1984
12. To receive reports from and the minutes of the Local Access Forum.
13. To consider and make decisions on the recommendations of the Local Access Forum.

**PART I DELEGATION TO THE DIRECTOR OF PLANNING AND, THE PLANNING AND HERITAGE MANAGER HEAD OF DEVELOPMENT CONTROL AND THE HEAD OF STRATEGY, POLICY AND HERITAGE**

1. To determine all forms of planning and related applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compulsory Purchase Act 2004 or under any related secondary legislation EXCEPT the following:
- a) those applications or notifications that any Member of the Authority requests be determined by the Planning Access and Rights of Way Committee provided that such request is made to the Director of Planning ~~or Head of Development Control or the Head of Strategy, Policy and Heritage or, the Planning and Heritage Manager~~ in writing specifying the grounds on which the request is made and is received by the Director of Planning ~~or Head of Development Control or the Head of Strategy,~~

- Policy and Heritage or the Planning and Heritage Manager within 15 working days of the date on which a weekly list of applications proposed to be dealt with under delegated powers has been sent to all Members of the Authority;
- b) those applications or notifications which the Director of Planning or ~~the Planning and Heritage Manager~~Head of Development Control or the Head of Strategy, Policy and Heritage, considers should be dealt with by Committee ;
- c) those applications or notifications where the proposed development does not, in the opinion of the Director of Planning or ~~the Head of Development Control or the Head of Strategy, Policy and Heritage~~Planning and Heritage Manager, comply with planning policy and it is proposed to approve the application or notification with the EXCEPTION of those which relate to extensions to dwellings in the countryside;
- d) those applications or notifications where the proposed development, in the opinion of the Director of Planning or ~~the Planning and Heritage Manager~~Head of Development Control or the Head of Strategy, Policy and Heritage, does comply with planning policy and it is proposed to refuse the application or notification:
- e) those applications for major development as defined on Article ~~21~~12 of the Town and Country Planning (~~General Development Management~~ Procedure) (Wales) Order 1995 with the following EXCEPTIONS:
- i) the provision of dwelling houses where –
- the number of dwellinghouses proposed is 20 or less;
  - the development is to be carried out on a site having an area of up to 1 hectare and it is not known whether the development would be for more than 20 dwellinghouses
- ii) the provision of a building or buildings where the floor space to be created by the development is up to 1,500 square metres
- iii) development carried out on a site having an area of up to 1.5 hectares
- ~~fd~~) those applications or notifications where there is a written objection from a statutory consultee which, in the opinion of the Director of Planning or ~~Head of Development Control or the Head of Strategy, Policy and Heritage~~the Planning and Heritage Manager is significant in weight and it is proposed to approve the application or notification;
- ~~ge~~) those applications or notifications in respect of which the Authority is the applicant or has a legal interest in the land which is the subject of the application or notification;
- ~~hf~~) those applications or notifications where the Director of Planning or ~~Head of Development Control or the Head of Strategy, Policy and Heritage~~Planning and Heritage Manager is aware that a Member or former Member of the Authority (within the last 2 years), a member of the Corporate Management Team, an officer of the Authority directly involved in the handling of applications or notifications or a member of the family or close friend of such a person is the applicant or otherwise has a legal interest in the land which is the subject of the application or notification.

Provided that where an application or notification is reported to the Planning Access and Rights of Way Committee because it falls within one of the above exceptions a written record of the fact together with reasons must be recorded on the application file

2. To decline to determine applications for planning permission.
3. To determine applications for planning permission as invalid.
4. To request additional information be supplied by applicants for planning permission in accordance with the Town and Country Planning (Applications) Regulations 1988 and Town and Country Planning (Development Management Procedure) Wales Order 2012.
5. To refuse applications for planning permission on grounds of insufficient information being supplied.
6. To deem planning applications as withdrawn and to accept formal withdrawal of planning applications or to finally dispose of applications under the Regulations.
7. To approve/refuse details required by planning condition.
8. To determine applications for reserved matters.
9. To determine minor amendments to approved plans.
10. To reply to consultations in respect of planning applications, [development consent orders](#) or notifications received from the Welsh Government by other authorities, statutory bodies and agencies.
11. To determine the need for an environmental assessment in respect of any development within Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations Act 1999 and to determine what information is required and should be contained in any environmental assessment under those Regulations.
12. Authority to issue and withdraw:
  - a) Notices under Section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of an area);
  - b) Breach of Condition notices under Section 187A Town and Country Planning Act 1990;
13. To instruct the Authority's nominated legal advisors to consider any matter that constitutes an offence under planning legislation or which requires legal action, including but not limited to:
  - a) the non-return of section 330 (requisition for information) notices;
  - b) the non-return of section 171 (planning contravention) notices;
  - c) failure to comply with enforcement notices; and
  - d) the unlawful display of advertisements.

14. To determine that it is not expedient to take enforcement action and determine that enforcement cases should be considered resolved EXCEPT the following:
  - a) The case relates to a site in which a Member or an employee of the Authority has an interest in the land. This will also apply where a Member or employee of the Authority has left the Authority less than twelve months prior to the commencement of the investigation;
  
15. To issue or withdraw enforcement notices under section 172 of the Town and Country Planning Act 1990 or listed building enforcement notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 EXCEPT the following:
  - a) The case relates to a site in which a Member or an employee of the Authority has an interest in the land. This will also apply where a Member or employee of the Authority has left the Authority less than twelve months prior to the commencement of the investigation;
  - b) The case relates to land in which the Authority has an interest or a financial interest as landowner;
  - c) Cases which, in the opinion of the Director of Planning or ~~the Head of Development Control or the Head of Strategy, Policy and Heritage~~ Planning and Heritage Manager raise matters of significant public and/or Member interest;
  - d) Cases that are considered by the Director of Planning or ~~the Head of Development Control or the Head of Strategy, Policy and Heritage~~ Planning and Heritage Manager to be contentious or controversial;
  - e) Cases that are likely to have financial implications for the Authority in excess of £50,000
  - f) Cases with financial implications for the Authority of less than £50,000 which cannot be funded from the operational budget.
  - g) The case is one in which direct action is recommended;
  - h) The case is one in which involves the removal of a dwelling house;
  - i) The case is one that in the opinion of the Director of Planning or the ~~Head of Development Control or the Head of Strategy, Policy and Heritage~~ Planning and Heritage Manager consider should be referred to Committee.
  
16. To ~~register and~~ determine
  - a) notifications of demolition; and
  - b) notifications under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

17. To respond to notifications under the Hedgerow Regulations 1997 and to determine applications and exercise statutory powers in relation to any legislation relating to hedgerows.
18. To sign all decisions and other notices pursuant to a resolution of the Development Control Committee or under the delegations in this Part.
19. To authorise the making of agreements and accepting unilateral obligations under Section 106 Town and Country Planning Act 1990.
20. (a) To authorise the making, varying and revocation of Tree Preservation Orders and provisional Tree Preservation Orders under Sections 198 and 201 Town and Country Planning Act 1990.  
  
(b) To determine applications to carry out works to trees subject to a Tree Preservation Order or located within a Conservation Area
21. To confirm Tree Preservation Orders and provisional Tree Preservation Orders where no valid objection is received within the statutory objection period.
22. To serve notices under Section 207 Town and Country Planning Act 1990 requiring the re-planting of trees.
23. To take action under Section 225 Town and Country Planning Act 1990.
24. To determine applications for advertisement consent.
25. To determine applications under Section 192 Town and Country Planning Act 1990 (certificates of lawfulness of proposed use or development).
26. To classify applications as notification development and refer to the Welsh Government.
27. To respond on behalf of the Authority to consultations under the Planning Act 2008.
28. To review and update any published Supplementary Planning Guidance or Procedural Guidance produced by the Authority to take account of legislation or policy changes or changes to Operational Procedure.

**PART II DELEGATION TO THE DIRECTOR OF PLANNING, THE ~~HEAD OF DEVELOPMENT CONTROL, THE HEAD OF STRATEGY, POLICY PLANNING AND HERITAGE MANAGER AND HERITAGE AND PRINCIPAL PLANNING OFFICERS:~~**

- I. To determine householder applications for planning permission for work or extensions to a dwelling or within the boundary/garden of a dwelling submitted under the Town and Country Planning Act 1990, EXCEPT the following:
  - a) those applications or notifications that any Member of the Authority requests be determined by the Planning Access and Rights of Way Committee provided that such request is made to the Director of Planning or ~~Head of Development Control or the Head of Strategy, Policy and Heritage~~ the Planning and Heritage Manager in writing specifying the grounds on which the request is made and is received by the Director of Planning or ~~the Planning and Heritage Manager~~ ~~Head of Development~~

~~Control or the Head of Strategy, Policy and Heritage~~ within 15 working days of the date on which a weekly list of applications proposed to be dealt with under delegated powers has been sent to all Members of the Authority;

- b) those applications or notifications which the Director of Planning ~~or Head of Development Control~~ or the ~~Head of Strategy, Policy and Heritage~~ Planning and Heritage Manager considers should be dealt with by Committee ;
- c) those applications or notifications where the proposed development does not, in the opinion of the Director of Planning or ~~Head of Development Control or the Head of Strategy, Policy and Heritage,~~ the Planning and Heritage Manager comply with planning policy and it is proposed to approve the application or notification with the EXCEPTION of applications which relate to extensions to dwellings in the countryside;
- d) those applications or notifications where the proposed development, in the opinion of the Director of Planning ~~or Head of Development Control or the Head of Strategy, Policy and Heritage,~~ or the Planning and Heritage Manager does comply with planning policy and it is proposed to refuse the application or notification:
- e) those applications or notifications where there is a written objection from a statutory consultee which, in the opinion of the Director of Planning or ~~Head of Development Control or the Head of Strategy, Policy and Heritage,~~ the Planning and Heritage Manager is significant in weight and it is proposed to approve the application or notification;
- f) those applications or notifications in respect of which the Authority is the applicant or has a legal interest in the land which is the subject of the application or notification;
- g) those applications or notifications where the Director of Planning or ~~Head of Development Control or the Head of Strategy, Policy and Heritage,~~ the Planning and the Heritage Manager is aware that a Member or former Member (within the last 2 years) of the Authority, a member of the Corporate Management Team, an officer of the Authority directly involved in the handling of applications or notifications or a member of the family or close friend of such a person is the applicant or otherwise has a legal interest in the land which is the subject of the application or notification.

Provided that where an application or notification is reported to the Planning Access and Rights of Way Committee because it falls within one of the above exceptions a written record of the fact together with reasons must be recorded on the application file

2. To decline to determine applications for planning permission.
3. To determine applications for planning permission as invalid.
4. To request additional information be supplied by applicants for planning permission in accordance with the Town and Country Planning (Applications) Regulations 1988 and Town and Country Planning (Development Management Procedure) Wales Order 2012.
5. To refuse applications for planning permission on grounds of insufficient information being supplied.

6. To deem planning applications as withdrawn and to accept formal withdrawal of planning applications or to finally dispose of applications under the Regulations.
7. To approve/refuse details required by planning condition.
8. To determine applications for reserved matters.
9. To determine minor amendments to approved plans.
10. Authority to issue and withdraw:
  - a) Requisition for information notices under Section 330 Town and Country Planning Act 1990;
  - b) Planning Contravention Notices under Section 171C Town and Country Planning Act 1990 ;
  - c) Requisition for information under Section 16 Local Government (Miscellaneous Provisions Act) 1976;

11. To determine that it is not expedient to take enforcement action on matters relating to minor householder developments and developments within the curtilage of dwellinghouses and determine that such enforcement cases should be considered resolved EXCEPT in the following circumstance:

- a) The case relates to a site in which a Member or an employee of the Authority has an interest in the land. This will also apply where a Member or employee of the Authority has left the Authority less than twelve months prior to the commencement of the enforcement investigation;

### **PART III DELEGATION TO THE DIRECTOR OF PLANNING, THE PLANNING AND HERITAGE MANAGER, THE PRINCIPAL PLANNING OFFICERS, SENIOR PLANNING OFFICERS, PLANNING OFFICERS AND PLANNING TECHNICIANS:**

1. To determine applications for planning permission as invalid.
2. To request additional information be supplied by applicants for planning permission in accordance with the Town and Country Planning (Applications) Regulations 1988 and Town and Country Planning (Development Management Procedure) Wales Order 2012.
3. To deem planning applications as withdrawn and to accept formal withdrawal of planning applications or to finally dispose of applications under the Regulations.
4. To approve/refuse details required by planning condition.

### **PART IVH DELEGATION TO THE DIRECTOR OF PLANNING AND/OR THE PLANNING AND HERITAGE MANAGER AND/OR HEAD OF**



~~DEVELOPMENT CONTROL AND/OR THE HEAD OF STRATEGY,  
POLICY AND HERITAGE~~ AND THE AUTHORITY'S NOMINATED  
LEGAL ADVISER ACTING JOINTLY

1. To determine applications under Section 191 Town and Country Planning Act 1990 (certificates of lawful existing use or development).

**PART IV DELEGATION TO THE DIRECTOR OF PLANNING AND/OR THE  
AUTHORITY'S NOMINATED LEGAL ADVISER AFTER  
CONSULTATION WITH THE CHAIRMAN OR VICE-CHAIRMAN OF  
THE PLANNING, ACCESS AND RIGHTS OF WAY COMMITTEE**

1. Authority to issue or withdraw provided legal advice has been sought under the terms of the SLA for the time being in force:
  - a) enforcement notices under Section 172 Town and Country Planning Act 1990;
  - b) stop notices under Section 183 Town and Country Planning Act 1990;
  - c) Listed building enforcement notices under Section 38 Planning (Listed Buildings and Conservation Areas) Act 1990;

which would otherwise have been referred to committee, where, in the opinion of the Director of Planning or **THE AUTHORITY'S NOMINATED LEGAL ADVISER** urgent action is required.

2. Authority to re-authorise the service of enforcement notices following expiry of the 28 day period originally authorized by the Planning, Access and Rights of Way Committee.

**PART VI DELEGATION TO THE DIRECTOR OF COUNTRYSIDE AND LAND  
MANAGEMENT**

1. To make orders under the Highways Act 1980, Wildlife and Countryside Act 1981, and the Town and Country Planning Act 1990 where those orders have been approved as provided for by this scheme of delegation.
2. To suspend orders made under the Highways Act 1980, Wildlife and Countryside Act 1981, and the Town and Country Planning Act 1990 where circumstances change such that an order cannot be realistically completed as made or due to new evidence arising.
3. To confirm unopposed public path orders and Definitive Map modification and orders made by the Authority under the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990.
4. To take action under the Highways Act 1980 to deal with nuisances, dangers and obstructions to public rights of way.

5. To undertake the maintenance, repair and improvement of public rights of way and access land as required.
6. To respond to notices under Section 56 Highways Act 1980 and defend the Authority in court where necessary
7. To respond to notices under Section 130A of the Highways Act 1980 and to instruct the Authority's nominated legal advisors to defend the Authority in court where necessary
8. To approve applications for public path orders under the Highways Act 1980 to divert, widen, create and extinguish public paths where no objections are received to pre-order consultations and where officers would have otherwise recommended approval to Committee and to authorise the waiving of charges in accordance with the policy concerning the recovery of costs for public paths and rail crossing orders.
9. To approve applications for public path orders under Section 257 of the Town and Country Planning Act 1990 to divert and extinguish public paths where no objections are received to pre-order consultations and where officers would have otherwise recommended approval to Committee and to authorise the waiving of charges in accordance with the policy concerning the recovery of costs for public paths and rail crossing orders.
10. To determine applications under Section 147 Highways Act 1980 for the erection of gates stiles or other works on footpaths and bridleways for the purpose of preventing ingress and egress by animals.
11. To maintain signposts on footpaths, bridleways, restricted byways and byways open to all traffic pursuant to Section 27 Countryside Act 1968.
12. To make temporary traffic regulation orders under Sections 14 and 15 Road Traffic Regulation Act 1984.
13. To authorise the use of footpaths, bridleways and restricted byways for motor vehicle trials under Section 33 Road Traffic Act 1988.
14. To determine applications and make directions to exclude or restrict access to land under Sections 24 and 25 Countryside and Rights of Way Act 2000 for non-recurring periods where the aggregate of the period or exclusion sought and any other periods in the same year during which access to the land has been excluded or restricted pursuant to applications under the Sections 24 and 25 is less than 6 months.
15. To make directions under Section 26 Countryside and Rights of Way Act 2000 for periods of up to six months in any one year.
16. To refuse applications to exclude or restrict the right of access to land under Sections 24 and 25 of the Countryside and Rights of Way Act 2000.
17. To make the initial draft direction to grant applications to exclude or restrict the right of access to land under Sections 24 and 25 of the Countryside and Rights of Way Act 2000.
18. Subject to the agreement of the Authority's Chief Executive, to dedicate permanent, permissive, and temporary public rights of way or approve applications for public path orders to divert, widen, create and extinguish public paths where they affect Authority owned land.

19. Subject to the agreement of the Authority's Chief Executive, to make statements of non-intent to dedicate under Section 31(6) of the Highways Act 1980 in relation to Authority owned land.