

## P & ED Delegations Schedule Number: 2 Forward Planning and Allied Functions

Function:	Relevant Legislation	Relevant Details:	Exceptions:
<b>Forward Planning: general powers of entry</b>	Town and Country Planning Act 1990 (As Amended) Section: 324	General Rights of Entry: To undertake surveys in connection with; <ul style="list-style-type: none"> <li>(1) Statutory Plans</li> <li>(2) Applications for planning permission</li> <li>(3) Applications for consents under Tree Preservation Orders</li> </ul>	No
<b>Preservation Notices (Buildings)</b>	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee.  Rights of Entry: To undertake surveys in connection with; <ul style="list-style-type: none"> <li>(1) Statutory Plans</li> <li>(2) Applications for Planning Permission</li> </ul>	Yes
<b>Dangerous trees on private land</b>	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to <ul style="list-style-type: none"> <li>(1) obtain and use necessary Powers of Entry to the land;</li> <li>(2) serve relevant notices;</li> <li>(3) respond to appeals</li> <li>(4) undertake works directly where necessary, and</li> <li>(5) recover expenses.</li> </ul>	No
<b>Countryside hedgerows</b>	The Hedgerow Regulations 1997 Sections: 5 to 15 incl	The responsibility to: <ul style="list-style-type: none"> <li>(1) regulate the removal of certain hedgerows;</li> <li>(2) issue relevant notices, including to require hedgerow replacement;</li> <li>(3) respond to appeals;</li> <li>(4) take necessary enforcement or legal action, and</li> <li>(5) obtain and use necessary Powers of Entry to the land.</li> </ul>	No
<b>High hedges</b>	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 & 80	The responsibility to: <ul style="list-style-type: none"> <li>(1) deal with complaints in relation to the height of domestic hedgerows;</li> <li>(2) issue, withdraw or relax the requirements of relevant notices;</li> <li>(3) serve relevant documents regarding notifications;</li> <li>(4) notify interested parties;</li> <li>(5) respond to appeals;</li> <li>(6) take relevant legal or enforcement action, including undertaking works directly and</li> </ul>	No

		recovering expenses; and (7) obtain and use necessary Powers of Entry necessary in relation to (1), (2), (3) (6) and (7).	
<b>Protection of trees</b>	Town and County Planning Act 1990 (as amended) Part VIII Sections:197,198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B & D	The duty and responsibility to:  (1) take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Members Bulletin; (2) amend, confirm or revoke such orders, subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub Committee for this decision; (3) determine applications for works to preserved trees (other than felling) except as set out below: (1) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received; (2) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal; and (3) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance; (4) take any necessary action in respect of claims for compensation; (5) take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Members Bulletin; (6) respond to appeals; (7) take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with the Director of Corporate Support Service, including injunctive action and recovery of costs; (8) take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary, and; (9) authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to: (1) issue a warrant if admission has been refused or if a refusal is reasonably apprehended or if the case is urgent; (2) to take samples of trees or soil, and (3) for the authorised person(s) to take with them such other persons as may be necessary .	Yes