

ANNEX 6

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 S.101 Local Government Act 1972.

Delegated Powers

Planning

1. To make recommendations to the Authority on the Development Plan.
2. To determine general policy on Development Control matters, subject to the provisions of the Development Plan.
3. To make recommendations to the Authority on policy issues in relation to minerals and waste.
4. To make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
5. To exercise all the powers and duties of the Authority as local planning authority and mineral planning authority under the Town and Country Planning 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and any related secondary legislation.
6. To determine mineral review applications pursuant to Section 96 and Schedules 13 and 14 of the Environment Act 1995.

Access and Rights of Way

7. To consider and make recommendations to the Authority on the terms of delegation agreements and rights of way improvement plans on general policy on access and rights of way matters.
8. (a) To make Orders under the Highways Act 1980 to divert, widen, create and extinguish public paths;
- (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 reclassify roads used as public paths ("RUPPS") under Section 54 Wildlife and Countryside Act 1981;
- (e) to make orders under Section 257 Town and Country Planning Act 1990;
- (f) where appropriate to determine not to confirm orders under the legislation identified above.
9. (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.
10. To authorise the sharing or waiving of charges for public path diversion and closure orders in cases of significant public benefit.
11. To perform the duties imposed and exercise the powers conferred under Parts I and II of the Countryside and Rights of Way Act 2000.
12. To make traffic regulation orders under Sections 1 and 2 Road Traffic Regulation Act 1984
13. To receive reports from and the minutes of local access forums.
14. To consider and make decisions on the recommendations of local access forums.

**PART I DELEGATION TO THE HEAD OF CONSERVATION AND COMMUNITY
AND BUSINESS STRATEGY MANAGER ACTING INDIVIDUALLY**

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 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 Head of Conservation and Community in writing specifying the grounds on which the request is made and is received by the Head of Conservation and Community 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 Head of Conservation and Community or Business Strategy Manager considers should be dealt with by the Development Control Committee;
 - c) those applications or notifications where the proposed development does not, in the opinion of the Head of Conservation and Community or Business Strategy Manager, comply with the statutory development plan and it is proposed to approve the application or notification;
 - d) those applications or notifications where there is a written objection from a statutory consultee which, in the opinion of the Head of Conservation and Community or Business Strategy Manager, is significant and it is proposed to approve the application or notification;
 - e) 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;
 - f) those applications or notifications where the Head of Conservation and Community or Business Strategy Manager is aware that a member or former member of the Authority, a member of the Corporate Management Team or an officer of the Authority directly involved in the handling of

applications or notifications is the applicant or otherwise has a legal interest in the land which is the subject of the application or notification.

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.
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.
7. To discharge planning conditions.
8. To determine minor amendments to approved plans.
9. To reply to consultations in respect of planning applications or notifications received by other authorities, statutory bodies and agencies.
10. 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.
11. Authority to issue and withdraw
 - i) Requisition for information notices under Section 330 Town and Country Planning Act 1990;
 - ii) Planning Contravention Notices under Section 171C Town and Country Planning Act 1990;
 - iii) Notices under Section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of an area);
 - iv) Breach of Condition notices under Section 187A Town and Country Planning Act 1990;
 - v) Requisitions for information under Section 16 Local Government (Miscellaneous Provisions Act) 1976;

- vi) Proceedings for the non return of requisition for information notices and planning contravention notices.
12. 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.
 13. To respond to notifications under the Hedgerow Regulations 1997.
 14. To sign all decisions and other notices pursuant to a resolution of the Development Control Committee or under the delegations in this Part.
 15. To authorise the making of agreements and accepting unilateral obligations under Section 106 Town and Country Planning Act 1990.
 16. To authorise the making and revocation of Tree Preservation Orders and provisional Tree Preservation Orders under Sections 198 and 201 Town and Country Planning Act 1990.
 17. To confirm Tree Preservation Orders and provisional Tree Preservation Orders where no valid objection is received within the statutory objection period.
 18. To serve notices under Section 207 Town and Country Planning Act 1990 requiring the re-planting of trees.
 19. To take action under Section 225 Town and Country Planning Act 1990.
 20. To determine that it is not expedient to take enforcement action.
 21. To withdraw enforcement notices.
 22. To determine applications for advertisement consent.

**PART II DELEGATION TO THE HEAD OF CONSERVATION AND COMMUNITY
OR THE BUSINESS STRATEGY MANAGER AND THE SOLICITOR
ACTING JOINTLY**

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

2. To determine applications under Section 192 Town and Country Planning Act 1990 (certificates of lawfulness of proposed use or development).

PART III DELEGATION TO THE HEAD OF CONSERVATION AND COMMUNITY OR THE BUSINESS STRATEGY MANAGER AFTER CONSULTATION WITH THE CHAIRMAN OR VICE-CHAIRMAN OF THE DEVELOPMENT CONTROL COMMITTEE

1. Authority to issue or revoke
 - i) enforcement notices under Section 172 Town and Country Planning Act 1990;
 - ii) stop notices under Section 183 Town and Country Planning Act 1990;
 - iii) Listed building enforcement notices under Section 38 Planning (Listed Buildings and Conservation Areas) Act 1990;

where, in the opinion of the Head of Conservation and Community or Business Strategy Manager, urgent action is required.

PART IV DELEGATION TO THE HEAD OF CONSERVATION AND COMMUNITY AND BUSINESS STRATEGY MANAGER ACTING JOINTLY

1. To classify applications as departures from the Development Plan.

PART V DELEGATION TO THE SOLICITOR

1. To confirm unopposed public path orders and Definitive Map modification and reclassification orders made by the Authority under the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990.

PART VI DELEGATION TO THE HEAD OF COUNTRYSIDE

1. To take action under the Highways Act 1980 to deal with nuisances, dangers and obstructions to public rights of way.
2. To undertake maintenance and improvement of public rights of way.
3. To respond to and serve notices under Section 56 Highways Act 1980.

4. 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.
5. To erect and maintain signposts on footpaths pursuant to Section 27 Countryside Act 1968.
6. To make temporary traffic regulation orders under Sections 14 and 15 Road Traffic Regulation Act 1984.
7. To authorise the use of footpaths and bridleways for motor vehicle trials under Section 33 Road Traffic Act 1988.
8. 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.
9. To make directions under Section 26 Countryside and Rights of Way Act 2000 for periods of up to six months in any one year.
10. 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.
11. 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.
12. To grant easements over Authority owned land.

FURTHER DELEGATION

The Head of Conservation and Community, the Business Strategy Manager and Head of Countryside may in writing delegate any of their powers set out in Parts I to VI above to the officers named below:

Area Planning Manager
Area Planning Advisor
Enforcement Officer
Buildings Conservation Officer
Access Officer
Rights of Way Officer

