

PART 4 - EMPLOYEE DELEGATION SCHEME (Extract)

8.	Director of Place	
8.1	Planning:	
	To manage the Council's functions in relation to the planning function, listed building consent, building preservation, conservation areas, tree preservation, enforcement and planning contravention, purchase notices, high hedges and hedgerows in compliance with current legislation and Council policy.	Council
	To determine all applications relating to planning which are not planning applications including Lawful Development Certificates, Prior Approvals, Screening and Scoping Opinions relating to potential Environmental Impact Assessments (as maybe amended/replaced by legislation), discharge of conditions (not including reserved matters), Non Material Amendments and Minor Material Amendments, Biodiversity Net Gain Plans.	
	<u>To determine all planning applications set out in schedule 1 to The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.</u> <u>This delegated authority to be exercised by the Chief Planning Officer or the Service Manager – Development Management in their absence.</u>	<u>Council</u>
	<u>To determine all planning applications set out in schedule 2 to The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 unless any planning applications have been referred to the Planning Committee for determination by the Chief Planning Officer and Chairperson of the Planning Committee following completion of the Gateway Test. In the absence of the Chief Planning Officer and/or the Chairperson, the Service Manager – Development Management and/or the Vice-Chairperson of the Planning Committee shall be authorised to act.</u> <u>This delegated authority to be exercised by the Chief Planning Officer or the Service Manager – Development Management in their absence.</u>	<u>Council</u>
	<u>Note: Schedules 1 and 2 to The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 are set out in Appendix B of the Employee Delegation Scheme. Details of the Gateway Test are also included in Appendix B of the Employee Delegation Scheme.</u>	
	To determine applications for planning permission except in the following circumstances:	

(i) Where the applicant is the Council and the proposed development is contrary to Local Planning Policy a major proposal or for non-operational purposes.	Council
(ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process.	Council
(iii) Where the Director of Place refers the application to the Planning Committee (eg where the proposals are a significant departure from the development plan or otherwise are of a strategic nature in the context of the Council's planning and development policies).	Council
(iv) Where the proposal has other major implications for the authority.	Council
(v) Where a member of the Council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by Committee. In these cases members should identify the material planning considerations to warrant consideration by Committee.	Council
(vi) Where five or more relevant letters of representation are received (which may include letters from an Amenity Society but must also include at least four from separate households in the vicinity of the site) contrary to the proposed officer decision unless following consultation with the Chairperson, Vice Chairperson and designated Opposition Spokesperson(s) it is considered inappropriate to refer an 'other' application to the Planning Committee for determination. For the avoidance of doubt, the decision not to refer the 'other' application will need to be unanimous in each case and in the event of there not being a consensus, that application will be referred to the Planning Committee for determination. 'Other' applications consist of: • Householder applications • Change of use (no operational development) • Adverts • Listed building extensions/alterations • Listed building demolitions • Application for relevant demolition of an unlisted building within a Conservation Area	Council
(vii) Where one letter of representation is received from a Parish Council or a Residents' Association/Society contrary to the proposed officer decision (except, in the case of a representation by a Parish Council or a Residents' Association/Society, where the Director	Council

of Place, in consultation with the Chairperson and Spokesperson of the Planning Committee, is of the opinion that the representation contains no reasonable planning grounds supporting the representation) and, in respect of the Parish Council, they have indicated that they would like the application to be determined by Planning Committee rather than officer delegation.	
To determine applications for felling, lopping or topping trees protected by tree preservation order, high hedge complaints, application for works to trees in conservation areas, to confirm or reject tree preservation orders where no more than five representations are received from separate households contrary to the proposed decision.	Council
To contest planning appeals in accordance with Council or Committee policy including the appointment of appropriate legal and professional representatives.	Council
- To submit observations and representations upon proposals and plans outside of Medway upon which the Council has been consulted or which it is considered could impact on Medway, following prior consultation with the Portfolio Holder for Climate Change and Strategic Regeneration or, in the case of consultation on planning applications submitted to neighbouring authorities, prior consultation with members representing the wards adjoining the proposed development. - To attend any hearing, inquiry or examination to provide evidence/statements to substantiate the observations/representations submitted, negotiate any Section 106 agreements that may be required for those hearings/inquiries/examinations and then to discharge the requirements that may flow from any consent issued.	Leader/Cabinet

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 – Schedule 1 and 2 applications

Schedule 1 applications

- Householder applications
- Minor commercial development
- Minor residential (under 10 houses and smaller than 0,5 ha)
- S73(1) applications – applications to develop land without compliance with conditions for a schedule 1 development
- Reserved matters applications unless a large phased development of over 500 homes or 50,000sqm floorspace building(s)
- Discharge of conditions
- Prior approval (pd applications)
- Permission in principle applications
- S106 modifications to schedule 1 applications
- Non material changes to permissions
- Certificates of lawfulness applications
- Biodiversity net gain plans
- Certificate of appropriate alternative development.

Schedule 2 applications

- All other planning applications i.e. major commercial and major residential (not being reserved matters)
- S73(1) non-compliance with conditions on schedule 2 development
- Schedule 1 applications if linked to listed building
- Applications where development already carried out (S73A(1))
- Reserved Matters applications for large outline applications (over 500 dwellings etc – see above)
- S106 modifications to schedule 2 development under S106A(1)a and S106A(3)
- Listed building applications
- Variation and discharge of conditions on Listed Building applications
- Advert applications
- Tree Preservation Order applications
- S73A applications

Gateway Test

1. A Gateway Test shall be undertaken on all Schedule 2 applications and any own interest Schedule 1 and Schedule 2 applications (an application made by Medway Council, Medway Councillors or officers, or where Medway Council, Medway Councillors or officers have an interest in).
2. There is a presumption that schedule 2 applications will be delegated to officers to determine and will only be considered for referral to the Planning Committee for determination where:

- a) The application raises an economic, social or environmental issue of **significance** in the local area and/or;
 - b) The application raises a **significant planning matter** having regard to the development plan and other material considerations;
 - c) Or it is triggered by Regulation 6 being an own interest application (an application made by Medway Council, Medway Councillors or officers, or where Medway Council, Medway Councillors or officers have an interest in). *Please note that this particular regulation applies to **both** schedule 1 and schedule 2 applications.
3. In the case of the first a) and b) above, the Chief Planning Officer and Chairperson of the Planning Committee, in their capacities as the Nominated Officer and Nominated Member, will consider whether or not any schedule 2 application be referred to the Planning Committee for determination. This will be known as the Gateway Test. In the case of where the Chief Planning Officer and Chairperson are unable to agree, the case will be referred to officers for determination.
4. In the case of c), noting this applies to both schedule 1 and schedule 2 applications, it will be for the Chief Planning Officer and Chairperson to decide if referral is needed. For any application submitted by an officer involved in any way with the planning process, the application will be referred to the Planning Committee for determination. In terms of a Council application, it will be considered on a case by case based on grounds a) and b).
5. In the absence of the Chief Planning Officer and/or the Chairperson, the Service Manager – Development Management and/or the Vice-Chairperson of the Planning Committee shall be authorised to act.
6. The Council will keep a record of the cases where the Chief Planning Officer and the Chairperson of the Planning Committee (or their substitutes in their absence) have considered for referral to the Planning Committee, the outcome of their consideration and the reasons for their decision. These will be reported to the Planning Committee for information on a regular basis as well as publishing the outcomes on the Council's website.