Appendix A

Amendments to Scheme of Delegation

8. Service Director (Development and Housing)

8.1 Planning

8.1.1
Subject to the exceptions and conditions set out in this Scheme of Delegation, all planning matters and functions that the Council are responsible for as Local Planning Authority (as defined by the Town and Country Planning Act 1990) are delegated to the Service Director and Service Lead with responsibility for Planning, and to the Chief Planning Officer.

8.1.2
The Chief Planning Officer shall produce and maintain a document for the purposes of Regulation 3 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 that clearly sets out:

a) the member of the authority who acts as the Nominated Member;

b) one or more members of the authority who act as a substitute for the Nominated Member;

c) the officer of the authority who acts as the Nominated Officer; and

d) one or more officers of the authority who act as a substitute for the Nominated Officer.

8.1.3
With respect to 8.1.2 (a) and (b) different members can be nominated for different purposes. With respect to 8.1.2 (c) and (d) different officers can be nominated for different purposes. These should also be set out in the document where appropriate.

8.1.4
The following planning matters and functions must be determined by **Full Council**:

a) To submit a Development Plan Document for examination
b) To adopt a Development Plan Document
c) To submit a draft Charging Schedule for examination
d) To approve or withdraw a Charging Schedule

8.1.5
The following planning matters and functions must be determined by the **Executive**:

a) To consult on a Local Development Framework Document
b) To adopt a Supplementary Planning Document, the Local Development Scheme or the Statement of Community Involvement
c) To approve the Authority Monitoring Report
d) To authorise a Neighbourhood Plan to be put to referendum
e) To agree that a Neighbourhood Plan be Made
f) To designate a Conservation Area

8.1.6
Those applications listed in **Schedule 1** of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations) shall be determined by an officer with delegated authority in all circumstances.

8.1.7
In addition to those applications listed in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, the following applications shall be **determined by an officer with delegated authority** in all circumstances:

(a) Applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
(b) Applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)
(c) Applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)
(d) Applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
(e) Applications for works to trees or woodlands subject to a Tree Preservation Order under Regulation 16 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
(f) Notifications for tree works to trees within a Conservation Area under section 211 of the Town and Country Planning Act 1990.
(g) Notifications where a tree is thought to present an immediate risk of serious harm, under Regulation 15 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
(h) Notifications under Regulation 5 of The Hedgerow Regulations 1997 for the remove of qualifying hedges.

8.1.8
The following planning matters and functions must be determined by **Planning Committee**:

a) Those applications listed in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations) that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Committee is necessary.
b) An Own-Interest Application, as defined in the Regulations, that the Nominated Member and the Nominated Officer agree that referral to and determination by Planning Committee is necessary.
c) Any other planning matter that an officer of the authority with delegated powers considers that referral to and determination by Planning Committee is necessary.

8.1.9
The Nominated Member (or substitute) and Nominated Officer (or substitute) – herein collectively referred to as the "**Nominated Persons**" – may refer an application to Planning Committee for determination if:

(a) It is an application not listed in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the Nominated Persons consider the conditions of paragraph 8.1.10 are met; or

(b) It is an ‘own-interest’ application as defined by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, and the Committee Referral Panel considers it prudent to do so in the interests of transparency.

8.1.10
The Nominated Persons will consider an application for referral to Planning Committee where any of the following conditions apply:

(a) The Service Director/Service Lead with responsibility for Planning, the Development Manager, or a Development Management Team Manager refer an application to the Nominated Persons;

(b) The Planning Committee Chairman refers an application to the Nominated Persons;

(c) The application is flagged to the Nominated Persons by a Member for the Ward to which the application relates, or a Member for a Ward adjoining the Ward to which the application relates, and that member:

    a. Has provided a planning reason for flagging the application for consideration; and

    b. Has completed the any form made available for flagging the application, and submitted it within the deadline published by the Planning Service, this date being four weeks from the date the application is published as valid;

(d) The application is made (whether or not jointly with any other person) by or on behalf of:

    a. West Berkshire Council, or where the land in question is owned by the Council;

    b. A member of staff of the Planning Service;

    c. A member of staff who works directly with the Planning Service;

    d. A member of staff who is part of the executive leadership team;

    e. An elected member of the Council;

(e) The application is defined as major development in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

8.1.11
The Nominated Persons may refer an application to Planning Committee if in their view it raises:

(a) One or more issues of economic, social or environmental significance to the local area, or

(b) One or more significant planning matters having regard to the development plan and any other material considerations.

8.1.12
In considering whether to make a referral, the Nominated Persons must:

(a) Comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations); and

(b) Have regard to any relevant guidance issued by the Secretary of State.

8.1.13
Where the Nominated Persons do not agree on whether the refer an application to Planning Committee, the application must be determined by an officer with delegated authority.

8.1.14
The Nominated Persons may:

(a) Make a preliminary decision about committee referral which is subject to their future review;

(b) Re-consider a committee referral decision (for example, if materially new information arises);

(c) Make a decision about committee referral that is subject to conditions (for example, the resolution of a technical matter);

8.1.15
A record shall be made of all decisions by the Nominated Persons.

8.1.16
Any member or officer making a referral to the Nominated Persons may give planning reasons for doing so when making their referral. However, when exercising their powers under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (or any revisions/replacement of these Regulations) and this Scheme of Delegation, the Nominated Persons shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the Council, to use make a particular decision. Any member of officer making a Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate. The Monitoring Officer shall develop and publish procedures to deal with these issues and other vexatious planning complaints.

8.1.17
The provisions in Section 8.1 implement the National Scheme of Delegation introduced by the Planning and Infrastructure Act 2025 and Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 that comes into effect on 31st October 2026. Recognising that this is a new national scheme, the Council's Monitoring Officer is delegated the authority to make any substantive changes to Section 8.1, and any consequential amendments in the wider Constitution, deemed necessary to ensure the Council's compliance with the Act and Regulations. This delegated authority is provided that any such changes are the minimum necessary to ensure compliance, and subject to the amendments being ratified by Full Council as soon as practicable.

8.2 Housing

8.2.1
Subject to the exceptions and conditions set out in this Scheme of Delegation, all housing matters and functions that the Council are responsible for as Local Housing Authority (as defined by the Housing Act 1985) are delegated to the Service Director and Service Lead with responsibility for Housing.

Traveller Sites

8.2.2
To commission professional services in relation to traveller and gypsy sites

8.2.3
To undertake an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to the district and to prepare a strategy in respect of meeting those needs, in accordance with the Housing Act 2004

8.2.4
To apply annual increases to charges on gypsy sites in line with the rent increases applied by West Berkshire Council managing the site to its own tenants.

Housing

8.2.5
To publish an allocations scheme and develop policies to offer choice to applicants in the allocation of housing

8.2.6
To exercise the duties conferred on the Council in relation to homelessness.

8.2.7
To promote energy efficient homes including administering grants for energy efficiency

8.2.8
To give grants and loans for the repair / improvement of housing in accordance with national guidance and locally published policies.

8.2.9
To award mandatory, and where appropriate discretionary, Disabled Facilities Grants for the purpose of aids and adaptations for eligible people, in accordance with national guidance and local published policies.

8.2.10
To act as a Director of the Flexible Homes Improvement Limited, on behalf of West Berkshire Council, for the purpose of administering loans for the repair / improvement of housing within the Flexible Home Improvement Loans sub-region

8.2.11
To approve discretionary grants and loans as exceptions to the adopted Housing Grants & Loans Policy

8.2.12
To offer grants for the improvement and/or repair of housing.

8.2.13
To determine applications for Housing Association Grant with regard to the purchase of properties in the second-hand market for occupation by homeless families in accordance with the special homelessness initiative subject to the contribution on any one unit not exceeding £50,000.

8.2.14
Determination of application for individual DIYSO Housing Association Grant.

8.2.15
Implementing rent reviews in accordance with valuers' instructions.

8.2.16
Carry out repairs to units of temporary accommodation.

8.2.17
Repurchase of ex-Council House Stock in Rural Areas.

8.2.18
To approve exceptions to the application of the local connection criteria for homes subject to s.19 of the Housing Act 1980 and s.157 of the Housing Act 1985

8.2.19
To develop and implement strategies to bring empty homes back into use, including the use of empty Dwelling Management Orders and Compulsory Purchase Orders.

8.2.20
To make use of planning and housing powers to address poor housing.

8.2.21
Service of Notice to Quit on tenants of Council dwellings. Allocation of pitches on Council owned caravan sites.

8.2.22
Decisions on all matters relating to the Council's conditions of tenancy in relation to the Council's statutory housing function.

8.2.23
Assessing current and future need for affordable housing and demand for market housing.