



PLANNING SERVICE – APPROVED SCHEME OF DELEGATION

Legal Provisions:

Section 80(1) of the Land Planning and Development (Guernsey) Law, 2005 provides that the Authority may by resolution arrange for any of its functions under the Law to be performed in its name by an officer responsible to the Authority.

Background:

An approved scheme of delegation for the performance of various planning and Building Control functions was adopted by the former Environment Department in August 2005. The delegated powers conferred at that time related to functions carried out under the Island Development (Guernsey) Laws, 1996-1990, the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967, the Building (Guernsey) Law, 1956 and Regulations, the Sewerage (Guernsey) Law, the Salle Publique Law and the Public Building Law. A similar arrangement had previously existed for the former Island Development Committee.

The following Scheme of Delegation was formally adopted by the Development & Planning Authority on 23 May 2016.

Approved Scheme of Delegation:

The following scheme of delegation has been adopted by resolution of the Development & Planning Authority for the purposes of section 80(1) of the Land Planning and Development (Guernsey) Law, 2005. The approved scheme of delegation is as follows:-

1. The Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances and Statutory Instruments (Planning functions).

The Development & Planning Authority delegates to the Director of Planning and other staff under his supervision, authority to carry out the planning functions of the Authority under the above legislation with regard to the determination of all applications, the carrying out of inspections, reporting to the Royal Court, service of Challenge, Compliance and Interim Compliance Notices, making of Tree Protection Orders, administration of the Protected Buildings List and of the Protected Monuments List and the issuing of licenses, permits and other permissions, except where they involve one or more of the following:

- A departure from the Authority's established policies;
- The proposal appears to raise particularly contentious or sensitive issues;
- A Committee Member has requested formal consideration by the Authority;
- Where the application is by a Committee member or Senior Officer advising the Committee;

- An appeal to the Planning Tribunal, or other legal challenge, appears likely following determination of the application, service of the Notice or making of the Order, but authority to grant permission, and exercise any other necessary functions under the legislation to grant permission, is delegated, as set out above, in relation to applications involving one or more of the above exceptions where the Development & Planning Authority has previously decided at an open planning meeting that they are minded to grant permission.

2. The High Hedges (Guernsey) Law, 2016.

The Development & Planning Authority delegates to the Director of Planning and other staff under his supervision, authority to carry out the functions of the Authority under the above legislation.

3. The Land Planning and Development (Guernsey) Law, 2005 and associated Ordinances (Building Control functions) and Building (Guernsey) Regulations; The Sewerage (Guernsey) Law, 1948; The Salle Publique Laws, 1914-1936 (Loi ayant rapport aux licences pour Les Salles Publiques, 1914 and Construction de Maisons, Salles Publiques et Matinents et au Tracement de routes et chemins, 1936).

The Development & Planning Authority delegates to the Building Control Manager and other staff under his supervision authority to carry out the Building Control functions of the Authority under the above legislation with regard to the determination of all applications, the carrying out of inspections, reporting to the Royal Court, service of Challenge, Compliance and Interim Compliance Notices (insofar as they relate to Building Control matters) and the issuing of licenses, permits and other permissions, except where they involve one or more of the following:

- A departure from the Authority's established policies;
- The proposal appears to raise particularly contentious or sensitive issues;
- A Committee Member has requested formal consideration by the Authority;
- Where the application is by a Committee member or Senior Officer advising the Committee;
- An appeal to the Planning Tribunal, or other legal challenge, appears likely following determination of the application or service of the Notice.

**Development & Planning Authority
October 2020**