

# DEPARTMENT OF THE BUILT ENVIRONMENT

## DIRECTOR OF THE BUILT ENVIRONMENT

The following powers are delegated to the Director of the Built Environment.

### Authority

1. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and of Department.
2. To sign the necessary warrants of authorisation for the above officers.

### Charges

3. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

### REVISIONS

Date	Details
15/12/14	<b>Para 65 as approved by P&amp;T Committee 15/12/14</b> a. to determine applications to discharge requirements and approve details pursuant to the Thames Tideway Tunnel Development Consent Order and other similar Development Consent Orders, and to discharge conditions and approve details pursuant to deemed planning permission granted by Transport and Works Act Orders and statutes in respect of infrastructure projects subject to the applications being in accordance with policy, not being of broad interest, and there being no more than 4 planning objections.
15/12/15	Para 31 as approved at CCC 15/1/15 New Anti-social Behaviour, Crime and Policing Act 2014
2/2/15	Update to Cleansing section to cover all Powers delegated to the SEO's <u>Anti-social Behaviour, Crime and Policing Act 2014</u> <u>Environment Act 1995</u> <u>London Local Authorities Act 1995</u> <u>London Local Authorities and Transport for London Act 2003</u> <u>Local Government Act 1976 (Miscellaneous Provisions)</u>
2/2/15	Update to Cleansing section to include the earlier version of the LLA
2/2/15	Section F – minor typo's

## Transportation & Public Realm

4. To implement, waive or vary charges relating to traffic management and /or the Public Highway and/or pipe subways such as parking dispensations, private apparatus in the highway, temporary road closures and traffic orders, scaffolding hoarding and fencing licenses, and charges for pipe subways (including under S.73 of the London Local Authorities Act 2007) .
5. To grant permission or consent with or without conditions or refusing to grant permission or consent as the case may be with respect to applications made to the City of London Corporation:
  - a. under Part II of the Road Traffic Act 1991, relating to dispensations from, or, the temporary suspension of, waiting and loading regulations or parking places regulations made in accordance with the Road Traffic Regulation Act 1984;
  - b. under Section 7 of the City of London (Various Powers) Act 1973, relating to new buildings;
6. To sign appropriate notices indicating that consent or refusal has been given, as the case may be under (a) above.
7. To sign and serve notices or granting of consents under the Highways Act 1980, City of London Various Powers Act 1900 and the City of London Sewers Act 1848 relating to the management and maintenance of streets within the City.
8. To exercise powers under the Road Traffic Regulation Act 1984 in respect of temporary traffic orders
9. To issue notices and, as necessary discharge the City of London Corporation's obligations under Part III of the New Roads and Street Works Act 1991, relating to the co-ordination and execution of street works by public utility companies and other licensed operators.
10. To enter into agreement with companies and statutory companies to allow the placement of plant within the pipe subways inherited from the Greater London Council in accordance with the London County Council (General Powers) Act 1958 and to determine applications for consent to place electricity substations in the street pursuant to the Electricity Act 1989
11. To enter into agreements with other traffic authorities to jointly exercise the City's traffic order making functions or to delegate those functions to them or to accept their delegations of those functions in accordance with S.101 Local Government Act 1972

12. To enter into agreements with other highway authorities under section 8 of the Highways Act 1980

### **Water and Sewers**

13. The requisition of sewers under Sections 98 to 101 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaker within the City to provide and adopt sewers).
14. The adoption of sewers under Sections 102 to 105 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaker within the City to adopt sewers).
15. To authorise and/or approve works under Section 112 of the Water Industry Act 1991 (relating to the power to exercise and discharge the requirements of the Undertaker within the City).
16. The closure or restriction of sewers under Section 116 of the Water Industry Act 1991, relating to the powers to exercise and discharge the functions of the Undertaker within the City to close or restrict the use of a public sewer.
17. The alteration or removal of pipes or apparatus of the Undertaker under Section 185 of the Water Industry Act 1991, relating to the power to exercise and discharge the functions of the Undertaker within the City to alter or remove any relevant pipe or apparatus.

### **Highways and Transport**

18. To make all Traffic Orders under sections 6,9,10,23 and 45 of the Road Traffic Regulation Act 1984, and to make modifications to or to revoke any experimental Traffic Regulation Order (following consultation with the Commissioner of Police for the City of London) where deemed necessary in the interests of safety, convenience or the expeditious movement of traffic.
19. To exercise powers under Part V of the Highways Act 1980 dealing with highway improvements.
20. To make representation or lodge objection, as appropriate, to applications for a Public Service Vehicle Operator's Licence, under Section 14A of the Public Passenger Vehicles Act 1981 or for a London Local Service Licence, under section 186 of the Greater London Authority Act 1999 and authorising in writing the appropriate officers in his Department to put

forward objection or recommendation on behalf of the City of London Corporation at any Inquiry or Appeal arising out of an application for either of the recited licences.

21. To agree details of railway works in the City of London under the Transport and Works Act 1992
22. To issue projection licences on, over or under streets pursuant to schemes where planning permission has already been agreed or renewing existing licences.
23. To be responsible for all functions under the Traffic Management Act 2004 and Regulations made thereunder that relate to the City of London as a local highway and local traffic authority.
24. To agree consents for temporary highway activities pursuant to the Crossrail Act 2008
25. To exercise through Civil Enforcement amongst other things, parking management and parking enforcement functions, under the Road Traffic Regulations Act 1984, the Road Traffic Act 1991, the London Local Authorities Acts 1995 – 2008 (LLAA), and the Traffic Management Act 2004 (TMA)

### **City Walkway**

25. Power to licence the temporary hoarding or enclosure of City Walkway pursuant to Section 162 of the City of London Sewers Act 1848 and Section 21 and Schedule 2 Part II to the City of London (various Powers) Act 1967.

### **Cleansing**

26. The institution of proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part II, Part III and Part IV.
27. To institute proceedings and other enforcement remedies in respect of the Health Act 2006, section 6, 7, 8, 9 and 10.
28. To institute proceedings and other enforcement remedies in respect of offences under the Refuse Disposal (Amenity) Act. 1978.

29. To institute proceedings and other enforcement remedies in respect of offences under the City of London (Various Powers) Act 1987.
30. To institute proceedings and enforcement remedies in relation to part VI of the Anti-Social Behaviours Act 2003.
31. To institute proceeding and enforcement remedies in relation to part **XXX** of the Anti-social Behaviour, Crime and Policing Act 2014
32. To institute proceedings in relation to Town and Country Planning Act 1990 section 224 and 225
- 33.** To institute proceedings in relation to Regulation of Investigatory Powers Act 2000
- 34.** To institute proceedings in relation to Control of Pollution Act 1974
35. To issue notices under section 6 London Local Authorities Act 2004 (abandoned vehicles).
36. To institute proceedings in relation to the Anti-social Behaviour, Crime and Policing Act 2014
37. To institute proceedings in relation to the Environment Act 1995
38. To institute proceedings in relation to the London Local Authorities Act 1995
39. To institute proceedings in relation to the London Local Authorities and Transport for London Act 2003
40. To institute proceedings in relation to the Local Government Act (Miscellaneous Provisions) 1976
41. To institute proceedings in relation to the Highways Act 1980

### **Delegations to other Officers**

The following authorities are also delegated to the specified Deputies or Assistants:

Transportation and Public Realm Director – Items 4-36

Assistant Director (Highways) – Items 5 -17 and Items 23 – 26

### **TOWN PLANNING**

The following functions are delegated to the Chief Planning Officer & Development Director:

**A) Development Management**

42. To determine applications for outline, full and temporary planning permission under Part III of the Town and Country Planning Act 1990 subject to the applications being in accordance with policy, not being of broad interest and there being no more than 4 planning objections.
43. To make non-material changes to planning permission pursuant to Section 96A of the Town and Country Planning Act 1990 and to determine applications for minor material amendments to planning permission (by amending or removing conditions attached to the permission) pursuant to Section 73 of the Town and Country Planning Act 1990 (subject, in the event of there being more than 4 objections to the application for a minor material amendment, to the Chairman and Deputy Chairman being first consulted, and the relevant Planning and Transport Committee Ward Member being first notified.).
44. To determine applications for Listed Building Consent under the Planning (Listed Buildings & Conservation Areas) Act 1990; subject to the applications not being of broad interest and there being no more than 4 relevant objections.
45. To advise the Secretary of State for Communities and Local Government of what decision the City of London Corporation would have made on its own applications for listed building consent if it had been able to determine them subject to the same criteria as 41.
- ~~46. To grant applications for Conservation Area Consent under the Planning (Listed Buildings & Conservation Areas) Act 1990; subject to the applications not being of broad interest and there being no more than 4 planning objections.~~
- ~~47.46.~~ To determine submissions pursuant to the approval of conditions, under the Town & Country Planning Act 1990 and the Planning (Listed Buildings & Conservation Areas) Act 1990 and in relation to clauses set out in approved Section 106 Agreements.
- ~~48.47.~~ To make minor changes to conditions in respect of planning permissions, listed building consents and conservation area consents which have been conditionally approved by the Planning & Transportation Committee.
- ~~49.48.~~ To determine applications for planning permission, listing building consent and conservation area consent to replace an extant permission/consent granted on or before 1<sup>st</sup> October 2010, for

development which has not already begun with a new permission/consent subject to a new time limit pursuant to Article 18 of the Town and Country Planning (Development Management Procedure) Order 2010 and Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and provided no more than 4 planning objections have been received.

- | **50-49.** To determine applications for Certificates of Lawfulness of existing and proposed use or development in accordance with sections 191 and 192 of the Town and Country Planning Act 1990.
- | **51-50.** To determine applications for Advertisement Consent pursuant to Regulations 12, 13, 14, 15 and 16 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- | **52-51.** To determine applications for prior approval under the Town and Country Planning (General Permitted Development) Order 1995.
- | **53-52.** To make observations in respect of planning and related applications submitted to other Boroughs, where the City of London's views have been sought and which do not raise wider City issues.
- | **54-53.** To serve notices under Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.
- | **55-54.** To determine the particulars and evidence to be supplied by an applicant for planning permission pursuant to section 62 of the Town and Country Planning Act 1990.
- | **56-55.** To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.
- | **57-56.** To issue and serve Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 and Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- | **58-57.** To issue a letter of assurance under Section 172A of the Town and Country Planning Act 1990.
- | **59-58.** To serve notices under Section 215 of the Town and Country Planning Act 1990.
- | **60-59.** To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990.
- | **61-60.** To decline to determine a retrospective application for planning permission under Section 70C of the Town and Country Planning Act 1990.

- | **62.61.** To seek information as to interests in land under Section 330 of the Town and Country Planning Act 1990, and as applied by Section 89 of the Planning (Listed Buildings & Conservation Areas Act) 1990, and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- | **63.62.** To institute proceedings pursuant to Section 224 of the Town and Country Planning Act 1990.
- | **64.63.** To serve Notice of Intention to remove or obliterate placards and posters pursuant to Section 225, 225A, 225C and 225F of the Town and Country Planning Act 1990.
- | **65.64.** To agree minor variations to agreements pursuant to sections 106 and 106A of the Town and Country Planning Act 1990
- | **66.65.** To determine applications made under section 106BA of the Town and Country Planning Act 1990 (concerning the modification or discharge of affordable housing obligations) and to agree viability assessments submitted in support of such applications.
- | **67.66.** To agree minor variations to agreements pursuant to section 278 of the Highways Act 1980.
- | **68.67.** To make payments to other parties where required by the terms of an agreement made under section 106 of the Town and Country Planning Act 1990 or section 278 of the Highways Act 1980.
- | **69.68.** To determine City Community Infrastructure Levy contributions pursuant to the Community Infrastructure Levy Regulations 2010 (as amended).
- | **70.69.** To pass Community Infrastructure Levy contributions to other parties pursuant to section 216A of the Planning Act 2008 and regulations made thereunder.
- | **71.70.** To determine applications to discharge requirements and approve details pursuant to the Thames Tideway Tunnel Development Consent Order and other similar Development Consent Orders, and to discharge conditions and approve details pursuant to deemed planning permission granted by Transport and Works Act Orders and statutes in respect of infrastructure projects subject to the applications being in accordance with policy, not being of broad interest, and there being no more than 4 planning objections.

## **B) Trees**

- | **72.71.** To authorise works, including their removal, to trees in Conservation Areas and works in relation to a tree the subject of a Tree Preservation Order (T.P.O.) [subject to the agreement of the Chairman of the Planning & Transportation Committee (or the Deputy Chairman in his or her absence)].



- | ~~73-72~~. To determine applications made under sections 206 (2) and 213 (2) of the Town and Country Planning Act 1990, to dispense with the duty to plant replacement trees [subject to notification to the Chairman or Deputy Chairman of P&T except in urgent cases].

### **C) Churches**

- | ~~74-73~~. To respond to consultation made under the provisions of the Mission and Pastoral Measure 2011, the Faculty Jurisdiction Rules 2000 [and 2013], the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, the Care of Cathedrals Measure 2011 and the Code of Practice relating to exempted denominations procedures agreed by the Secretary of State.
- | ~~75-74~~. The City of London Corporation's functions under the City of London (St. Paul's Cathedral Preservation) Act 1935.

### **D) Environmental Impact**

- | ~~76-75~~. To carry out the following functions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations of 2011 and Circular 02/99:
  - a. formulating "screening opinions" under Regulation 5;
  - b. requiring developers to submit an environmental statement to validate an application under Regulation 10;
  - c. formulating "scoping opinions" under Regulation 13;
  - d. providing relevant information to developers who propose to prepare an environmental statement under the provisions of Regulation 15 (4);
  - e. requiring the submission of further information pursuant to regulation 22
  - f. requiring the local authority to submit an environmental statement in respect of applications for local authority development under Regulation 25;
  - g. formulating a "screening opinion" in matters of planning enforcement under Regulation 32.

### **E) Crossrail**

- | ~~77-76~~. To agree Crossrail contributions, agree viability assessments and instruct the Comptroller & City Solicitor to secure any necessary planning obligations in respect of Crossrail contributions pursuant to Section 106 of the Town and Country Planning Act 1990.

**78.77.** To review Section 106 agreements for planning permission already considered by the Planning & Transportation Committee, but not yet issued prior to the policy being adopted, and re-determine the application to ensure that appropriate consideration is given to relevant policy on the Crossrail contribution (subject to there being no reduction in any S.106 contributions previously envisaged).

**79.78.** To make payments of Crossrail contributions received by the City to the Mayor and/or Transport for London on the basis of the Implementation Protocol between the Mayor, Transport for London and the local planning authorities, subject to such payment being agreed by the Chamberlain.

The following functions are delegated to the Policy and Performance Director:

**F) Local Plans, Naming and Numbering**

**80.79.** To carry out sustainability appraisal of Local Development Documents under Section 19(5) of the Planning and Compulsory Purchase Act 2004 and to exercise functions under the Environmental Assessment of Plans and Programmes Regulations 2004 including carrying out strategic environmental assessment (including assessments under the Habitats Directive (Council Directive 92/43/EEC)), preparing, publishing and consulting upon screening reports, scoping reports, sustainability commentaries and sustainability appraisal reports.

**81.80.** To carry out public consultation in the preparation of Local Development Documents in accordance with the Statement of Community Involvement and the duty to cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004.

**82.81.** To carry out surveys under Section 13 of the Planning & Compulsory Purchase Act 2004.

**83.82.** To provide any documents necessary to support consultations on Local Development Documents and submission of Local Plans.

**84.83.** To prepare and publish monitoring reports on an annual basis in accordance with Section 35 of the Planning & Compulsory Purchase Act 2004

**85.84.** To make observations on consultation documents issued by central and local government, statutory bodies etc., where the observations are in accordance with the City's general policy position.

**86.85.** To carry out public consultation in the preparation of the Community Infrastructure Levy, in accordance with the Community Infrastructure Levy

Regulations 2010 (as amended) and the Statement of Community Involvement.

87-86. To exercise powers under the London Building Acts (Amendment) Act 1939 – Part II relating to street naming and numbering of property.

### **G) Land Charges**

88-87. To maintain a register and index of Local Land Charges pursuant to section 3 of the Local Land Charges Act 1975, including the amendment and cancellation of registrations pursuant to the Local Land Charges Rules 1977 and to set search fees pursuant to Section 8 of the Local Land Charges Act 1975 and Section 150 of the Local Government and Housing Act 1989 and relevant Rules and Regulations made there under.

88. To make searches and issue search certificates pursuant to section 9 of the Local Land Charges Act 1975.

### **H) Lead Local Flood Authority**

89. To exercise the City's functions as Lead Local Flood Authority in relation to the Flood and Water Management Act 2010 (other than the function delegated to the District Surveyor)..

### **Delegations to other Officers**

The following functions are also delegated to the following Officers:

Director of the Built Environment – Section A to **GH**

Chief Planning Officer & Development Director - Sections A to E  
Sections F-**GH** in the absence of the Policy & Performance Director

Assistant Director (Development Management) - Sections A to E

Assistant Director (Change Management) - Sections A to E

Policy & Performance Director - in the absence of the Chief Planning Officer and Development Director; and Assistant Directors, Sections A to E

Transportation and Public Realm Director – Section H

### **Statutory Authorities**

Officers of the department are authorised to exercise the following powers in accordance with the responsibilities of the post:

- a. Sections 178(1), 196A(1), 196B, 209(1), 214B(1)(3), 214C, 219(1) and 225, 324 and 325 of the Town and Country Planning Act 1990 (as amended),
- b. Sections 42(1), 88(2), (3), (4) and (5) and 88(A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- c. Sections 36 and 36A of the Hazardous Substances Act 1990.

## **DISTRICT SURVEYOR**

The following functions are delegated to the District Surveyor:

**8790.** To grant permission or consent, with or without conditions or, refuse to grant permission or consent, as the case may be, with respect to applications made to the City of London Corporation under the London Building Acts 1930-1982, The Building Act 1984 and The Building Regulations 2010 (as amended).

**8891.** To sign and serve any notices required to be given by the City of London Corporation under the London Building Acts (Amendment) Act 1939, Part VII, Section 62 relating to dangerous structures within the City of London.

93. To exercise the City's functions as Lead Local Flood Authority function as a statutory consultee to the local planning authority on surface water drainage issues.

### **Delegation to other Officers**

The functions of the District Surveyor are also delegated to the Director of the Built Environment and the Deputy District Surveyor