

Broads Authority

24 July 2026

Agenda item number 20

Scheme of powers delegated to Chief Executive and other authorised officers – update to section 2(e) Planning and heritage

Report by Head of Governance

Purpose

To consider and agree proposed changes to the Scheme of powers delegated to the Chief Executive and other authorised officers and for the Planning Committee.

Recommended decision

- i. Approve the revised Scheme of powers delegated to the Chief Executive and other authorised officers in relation to the Planning Committee as set out in paragraphs 2.3, 3.2, 3.5 and 4.2 of the report.
- ii. That 4.1 of the Code of Practice for members of the Planning Committee and officers be updated to reflect the proposed change in clause 37 of the Scheme of powers delegated to the Chief Executive and other authorised officers.

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1. Introduction

- 1.1. The Scheme of powers delegated to the Chief Executive and other authorised officers, commonly referred to as the Scheme of Delegation (SoD), is an important part of the Authority's constitutional documents. The purpose of the SoD is to ensure that officers have the powers to make decisions and take appropriate action in a timely and efficient manner within the adopted guidelines.
- 1.2. The SoD was last reviewed and adopted by Members in September 2023. Since that date, exercising his delegated power under section 5.10 of the SoD, the Chief Executive made a very minor change In September 2024 to reflect the change in the job title of Senior Planning Officer to Development Manager. In [January 2025](#) changes to the SoD in relation to Planning Enforcement Powers, the Neighbourhood Planning approval process, and signing of Section 106 Agreements not associated with a planning application were approved by the Board. There have been no other changes.
- 1.3. Three changes are now required to section 2(e) Planning and heritage of the adopted SoD to either reflect revised powers, introduce new powers or clarify the existing wording affecting a number of sections. These have been incorporated into one report.
- 1.4. Extensive research has been conducted prior to drafting the proposed changes. This included looking at National Park Authorities (NPAs) Schemes of Delegation to clarify their handling of planning applications submitted by them or on their behalf, whether consultations on planning matters were delegated, and how planning enforcement was delegated. In addition, the proposed changes have been discussed in detail with the Head of Planning.
- 1.5. At its meeting on 3 July 2026, the Planning Committee recommended that the Broads Authority approve the proposed revisions as set out in detail in sections 2, 3 and 4 below.

2. Planning applications submitted by the Broads Authority

- 2.1. The SoD does not explicitly reference planning applications submitted by the Broads Authority. At present these are brought to Planning Committee via clause (37) (viii) which states:

the Director of Delivery considers the matter ought more appropriately to be referred to the Planning Committee for a decision;

- 2.2. Within Section 4 of the Authority's Code of Practice for members of the Planning Committee and officers, it references the use of 'Director's discretion' in the context of applications submitted by the Authority.
- 2.3. The use of Director's discretion (37 viii) provides a useful back stop for unforeseen situations where an application, for example, may cause the Authority reputational harm if treated as a delegated decision, however, it is proposed to add a further item (x) to clause 37 to provide clarity that **all** applications submitted by or on behalf of the

Authority for its own development, or for development on Authority owned land will be determined by the Planning Committee.

2.4. Below is an extract from the SoD with the proposed changes (in **bold** text):

Powers delegated to Chief Executive	Other authorised officers
(37) All planning applications are considered to fall within the delegation scheme and will be determined by officers, unless: (i) it is for a major development as defined in Town and Country Planning (Development Management Procedure) (England) Order 2015; (ii) the application represents a departure from the development plan policies, including the Broads Local Plan and any relevant policy adopted by the Authority, and it is proposed to grant planning permission; (iii) objections are received from any statutory consultee (excluding parish councils) in respect of any proposed development within the 21-day period for consultation, and it is proposed to grant planning permission; (iv) representations are received in writing from parish councils in respect of any proposed development within the 21-day period for consultation where these raise material planning considerations of significant weight; (v) representations are received in writing from other persons in respect of any proposed development within the 21-day period for consultation where these raise material planning considerations of significant weight; (vi) any member of the Authority requests, within 21 days of receipt of the schedule of planning applications, that the application is placed before the Planning Committee for a decision, and provides material planning considerations of significant weight in writing; (vii) the ward member of the relevant District Council requests, within 21 days of receipt of the schedule of planning applications, that the application is placed before the Planning Committee for a decision, and provides material	Director of Delivery or Head of Planning or Development Manager

Powers delegated to Chief Executive	Other authorised officers
planning considerations of significant weight in writing; (viii) the Director of Delivery considers the matter ought more appropriately to be referred to the Planning Committee for a decision; (ix) any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in the application; (x) applications submitted by or on behalf of the Authority for its own development, or for development on Authority owned land.	

- 2.5. This proposed change to the SoD will require a change to 4.1 of the Code of Practice for members of the Planning Committee and officers to reflect that the Scheme of Delegation clause 37 will require development proposals by the Broads Authority to be referred to the Planning Committee.

3. Committee decisions when responding to consultations

- 3.1. The Vice-Chair of the Planning Committee asked whether the Broads Authority would consider further streamlining the process for responding to consultations that came to the Planning Committee by delegating more responses to consultations to officers. It was noted that there should be exceptions, such as government consultations on new national Planning Policy when the Broads Authority has an interest and would want to influence the outcome.
- 3.2. Following discussion with the Head of Governance and the Planning Policy Officer, the proposed wording is suggested below:

Powers delegated to Chief Executive	Other authorised officers
(67) To respond to consultations on planning matters from the Government and other agencies, subject to consideration by the Planning Committee of those documents that have serious implications for the Broads.	Director of Delivery or Head of Planning or Planning Policy Officer

- 3.3. To ensure transparency regarding delegated consultations in a similar fashion to the Delegated Decisions report presented to each Planning Committee meeting, a quarterly written report will be presented to the Planning Committee meeting for noting under 'Matters for Information' which will detail any Planning responses issued.

3.4. If the new clause 67 is approved, it is proposed to enhance clause 66 to enable delegation for responses to consultations on Regulation 14 and 16 versions of Neighbourhood Plans, unless they have serious implications for the Broads. The Planning Policy Officer has advised that Regulation 16 versions of Neighbourhood Plans only need to go to committee when an objection is to be made.

3.5. Below is an extract from the SoD with the proposed changes to clause 66 (in **bold text**):

Powers delegated to Chief Executive	Other authorised officers
(66) To (i) agree a Neighbourhood Area; (ii) approve a Neighbourhood Plan for consultation under Regulation 16 and (iii) Approve a Neighbourhood Plan to go to referendum. (iv) To respond to consultations on Regulation 14 version Neighbourhood Plans, subject to consideration by the Planning Committee of those documents that have serious implications for the Broads. (v) To respond to consultations on Regulation 16 version Neighbourhood Plans, subject to consideration by the Planning Committee when objection(s) are to be made.	Director of Delivery or Head of Planning

4. Planning Enforcement

4.1. The Head of Planning and Development Manager have requested that further exceptions to clause 47 of the SoD are included for clarification in certain circumstances where it would be prudent to discuss with the Planning Committee before any action is taken.

4.2. Below is an extract from the SoD with the proposed changes (in **bold text**):

Powers delegated to Chief Executive	Other authorised officers
(47) The determination of enforcement cases is considered to fall within the delegation scheme and will be undertaken by officers, unless: (i) any Authority member (including co-opted members of the Navigation Committee) or Authority officer is involved in a material breach of planning control. (ii) the decision relates to any action that may expose the Authority to significant financial or reputational risk; in urgent cases, the executive	Director of Delivery or Head of Planning or Development Manager

Powers delegated to Chief Executive	Other authorised officers
may take such a decision and refer the decision to the planning committee for review at the first opportunity. (iii) the Director of Delivery considers that the case should be referred to the Planning Committee for decision.	

5. Risk implications

- 5.1. The Authority and its decisions could be at risk of challenge, including judicial review, if its scheme of delegation is not reviewed and updated on a regular basis to ensure officers are properly authorised to carry out certain powers.

6. Conclusion

- 6.1. Members are asked to approve the amendments and additions as set out in paragraphs 2.4, 3.2, 3.5 and 4.2.

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[Broads Plan](#) strategic objectives: n/a