

STATEMENT OF WITNESS

(Civil Procedure Rules 25.3(2))

STATEMENT OF Rosalind Alderman, Solicitor and Monitoring Officer, New Forest National Park Authority

Age of witness (if over 18, enter "over 18"): ... Over 18

This statement (2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed as the Solicitor and Monitoring Officer by the New Forest National Park Authority (the 'NPA'). The New Forest National Park Authority is the local planning authority for the New Forest National Park.

This witness statement is made in relation to land at Lot 2, Petlake Farm, Ringwood Road, Bartley, Southampton SO40 7LA, known as 'Terry's Patch' (as shown outlined in red on the attached plan at **RA EX1**, the 'Property'), in support of an application for an injunction under section 214A and section 187B of the Town and Country Planning Act 1990 (as amended, the 'Act') and pertains to the matters set out in the witness statements of my colleagues David Williams (Planning Enforcement Manager), James Palmer (Tree Officer) and Ian Barker (Ecologist).

In accordance with paragraphs 34 and 38 of the planning delegations to officers set out in the NPA's Scheme of Delegations at pages 31 and 32, I am authorised to seek injunctions under the Act when acting in consultation with the NPA's Director of Strategy and Planning (**RA EX2**; please note that the table of officer delegations in the main text must be read in conjunction with the table at Part 2 to the exhibit which names the authorised officers by job title). On the afternoon of 8 December 2020 I spoke with the Director of Strategy and Planning via a video call and he confirmed that he agreed the NPA should seek an injunction under section 214A of the Act, and on the morning of 9 December I again spoke to him and he agreed that we should also seek an injunction under section 187B of the Act in relation to the woodland area covered by TPO 26/93, in view of the risk of very serious harm should further tree or other unauthorised works be undertaken at the Property.

As to the site in question, on 3 November 2020 acting under delegated powers I issued an Article 4 Direction with immediate effect over the Property pursuant to Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended, the 'GPDO') removing permitted development rights from the land as to the erection of fences and means of enclosure under Schedule 2, Part 2, Class A to the GPDO (**RA EX3**). The Article 4 Direction is currently in effect and within the period for public representations. In accordance with the GPDO it will lapse should it not be confirmed by the NPA within six months of coming into force (that is, by 8 May 2021). The Article 4 Direction contained a typographical error in the label on the attached plan, referring at the bottom to 'land south of A36 Ringwood Road' rather than 'land south of A336 Ringwood Road'. In my view this does not affect the validity of the Direction because the GPDO states that an Article 4 Direction may be made in relation to an area 'specified in the Direction' and the Direction in question specifies the area outlined in red on the attached plan, stating that, in the absence of express planning permission, development of the relevant type 'should not be carried out on the land shown edged red on the attached plan'. The plan itself is correct, as are the postcode and the name of the road given in the legend.



Signed:

..... (witness)

Date: 9/12/2020

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: **Date:**)

RA EX1 The Property



**NEW FOREST
NATIONAL PARK**

New Forest National Park Authority
Lymington Town Hall
Avenue Road
Lymington
SO41 9ZG

Tel: 01590 646600
Fax: 01590 646666

Date: 09/12/2020

LOCATION PLAN

Land at Lot 2
Petlake Farm
Ringwood Road
Bartley
Southampton SO40 7LA
known as 'Terry's Patch'
SCALE: 1:2500



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RA EX 2

Scheme of delegations

Part 1



NEW FOREST NATIONAL PARK AUTHORITY

SCHEME OF DELEGATION TO COMMITTEES & OFFICERS

JULY 2020

Author:	Solicitor and Monitoring Officer
Approved by:	Full Authority
Approval date:	9 July 2020
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NEW FOREST NATIONAL PARK AUTHORITY
SCHEME OF DELEGATIONS TO COMMITTEES & OFFICERS

1 INTRODUCTION

- 1.1 Section 101(1) Local Government Act 1972 provides that, subject to any express provision contained in legislation, a local authority (which includes a national park authority) may arrange for the discharge of any of its functions by a committee, sub-committee or officer of that authority, or by any other local authority.
- 1.2 In the exercise of its power under section 101(1), and to ensure efficiency in the management of resources and delivery of services, the New Forest National Park Authority (the 'Authority') has adopted this Scheme (the 'Scheme') of Delegations to Committees & Officers.
- 1.3 Delegated powers must always be exercised in accordance with the Authority's statutory purposes, duty, and powers, and its Partnership Plan, Standing Orders, Financial Regulations, Local Protocols, Procurement Policy, Code of Conduct and all other relevant documents, policies and strategies adopted by the Authority, including approved budgets.
- 1.4 In addition to the delegations specified in this Scheme, any Committee of the Authority may further delegate its powers to any Sub-committee, working group, panel or officer. Officers may delegate their own powers in writing to other officers. Decisions in respect of which authority has been delegated may also be referred back to the full Authority or relevant Committee where considered reasonably necessary by the delegatee Committee, group or officer.
- 1.5 The Scheme is set out in 2 Parts:

Part 1: Terms of reference and delegations relating to Committees and Panels

- Section 1A: **Resources, Audit and Performance Committee**
- Section 1B: **Chief Executive's Performance Panel**
- Section 1C: **HR Case Review Panel**
- Section 2: **Planning Committee**
- Section 3: **Standards Committee**

Part 2: Delegations to Officers

- Section 4: **Delegation of functions to Officers – general principles**
- Section 5: **Delegations to Chief Executive and Executive Director**
- Section 6: **Executive Leadership Team, Strategic Leadership Team and Executive Board**
- Section 7: **Delegations to Section 151 Officer (Head of Resources (CFO))**

Section 8: Delegations to **Solicitor and Monitoring Officer**

Section 9: Delegations to Officers in respect of the Authority's **planning function** (to be read in conjunction with **Schedule 1** to this Scheme)

- 1.6 Definitions used and legislation referred to in this Scheme shall have the meanings set out in the Authority's Standing Orders.

PART 1

SECTION 1A: DELEGATION OF AUTHORITY TO THE RESOURCES, AUDIT AND PERFORMANCE COMMITTEE

1 Membership and Quorum

- 1.1 The size of the Committee shall be determined and the requisite number of Members appointed at the Annual Authority meeting each year, or as soon as practicable thereafter.
- 1.2 In accordance with the provisions of Articles 13(3) and (4) of Schedule 7 to the 1995 Act, the members of the Committee shall include both local authority Members of the Authority and Members appointed to the Authority by the Secretary of State in as nearly as possible the same proportions as specified in Article 4 of the 2005 Order.
- 1.3 No business shall be transacted at a meeting of the Committee unless the meeting satisfies the quorum requirements set out in Standing Order 6.

2 Terms of Reference

2.1 General functions

The Committee shall have the following general functions:

- 2.1.1 to oversee budgets and financial matters, including all applications for external grant funding;
- 2.1.2 to oversee human resource matters;
- 2.1.3 to review performance against targets and budgets;
- 2.1.4 to monitor performance by analysis of complaints and plaudits;
- 2.1.5 to institute programmes for the development and improvement of the Authority's performance; and
- 2.1.6 to monitor and oversee the Authority's corporate governance arrangements.

2.2 Specific functions

Without prejudice to the general functions set out above, the Committee shall have the following specific functions:

2.2.1 Financial matters

- (a) to consider and make recommendations to the Authority on its overall Financial Strategy, including allocation of resources and budget priorities;
- (b) to oversee the preparation of detailed estimates of income and expenditure in accordance with the overall Financial Strategy and recommend approval of these budgets before the beginning of each financial year;
- (c) to approve the Authority's annual grant bid to Defra (if required);
- (d) to consider and approve the annual Treasury Management Strategy;
- (e) to monitor and manage the financial performance of the Authority in relation to agreed parameters; receive and review regular budgetary control reports from relevant officers; approve any virement to which the approval of the Authority is required;
- (f) to oversee the preparation of the Authority's annual accounts for approval by the Authority;
- (g) to consider and instruct officers to take any appropriate action arising from the District Auditor's Annual Governance Report and Opinion;
- (h) to consider and approve any virement between capital and revenue budgets in accordance with the Financial Regulations; and
- (i) to consider and approve exceptional additional budget provision in accordance with paragraph 6.10(ii) of the Financial Regulations and the utilisation of additional income in excess of £25,000 in accordance with paragraph 6.11 of the Financial Regulations.
- (j) to approve the taking forward of any applications for external grant funding over £50,000

2.2.2 Audit Committee role

To discharge the functions of an audit committee as follows:

- (a) to keep under review the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and amend as necessary;
- (b) to monitor that action is being taken on risk-related issues identified by auditors and inspectors and direct action as necessary;
- (c) to receive and approve the Authority's assurance statements, including the Statement on Internal Control, and ensure they properly

reflect the risk environment; monitor the implementation of any actions required to improve the risk environment;

(d) to approve (but not direct) internal audit's strategy, plan and monitor performance;

(e) to review summary internal audit reports and the main issues arising, and direct and monitor such action as the Committee considers necessary;

(f) to consider the annual report of the head of internal audit and direct and monitor the implementation of actions arising from the report that the Committee considers necessary;

(g) to consider the reports of external audit and inspection agencies and ensure effective relationships between such agencies and other relevant bodies,

(h) to review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.

2.2.3 Human and other resources

(a) to ensure and oversee the effective and efficient use of the Authority's human resources;

(b) to approve policies, guidelines and strategies on human resources and any employment related matters;

(c) in so far as such matters are not otherwise delegated to Officers, to oversee activities relating to the employment of the Authority's staff;

(d) to ensure the Authority properly undertakes its responsibilities for its staff and others relating to welfare, health and safety, working time directive and pensions provision;

(e) to participate as appropriate in any forum established for consultation with staff and their trade unions on human resourcing issues;

(f) to ensure the effective and efficient management of the Authority's information technology systems and oversee the development and implementation of any related strategies;

(g) to monitor the acquisition, disposal and management of property, or any other assets and the granting or taking of leases or licences in general; act on behalf of the Authority in relation to any planning applications it proposes to make.

2.2.4 Performance

(a) to monitor and review the performance of the Authority having regard to any development or performance improvement plan, service level agreements, statutory or other performance indicators and operational plans, or agreed service standards and targets, and achievement of organisational, service, cross cutting and policy objectives;

(b) to approve and make recommendations on the Authority's annual performance indicators;

(c) to consider reports on any peer reviews, service level agreements and any other matters the Committee considers appropriate, including future national park performance assessment or analogous peer reviews, and to ensure the implementation of any actions arising;

(d) to receive and consider reports on customer survey/satisfaction including complaints and plaudits; and

(e) to agree any Performance Improvement Plans.

2.2.5 Corporate governance

To receive and consider any reports on the Authority's corporate governance framework.

2.3 Appointment of panels, working or task and finish groups

The Committee may at any time appoint, dissolve or amend the terms of reference of any panel, or other group relevant to the functions of the Committee and receive reports from it.

SECTION 1B: CHIEF EXECUTIVE'S PERFORMANCE MANAGEMENT PANEL

1 Status of the Chief Executive's Performance Management Panel

- 1.1 The Chief Executive's Performance Management Panel is a sub-committee of the Resources, Audit and Performance Committee

2. Membership and Quorum

- 2.1 The Chief Executive's Performance Management Panel is a panel of Members comprising:

- (a) the Chairman of the Authority;
- (b) the Deputy Chairman of the Authority;
- (c) the Chairman of the Resources, Audit and Performance Committee or, in his or her absence, the Deputy Chairman of that Committee; and
- (d) the Chairman of the Planning and Development Control Committee or, in his or her absence, the Deputy Chairman of that Committee,

- 2.2 No business shall be transacted at a meeting of the Panel unless the meeting satisfies the quorum requirements set out in Standing Order 6.

3 Terms of reference

- 3.1 The Panel shall set objectives and review performance of the Chief Officer against these objectives.
- 3.2. Outcomes from meetings of the Panel shall be filed in the Chief Officer's personnel file, with any issues being reported to the Resources, Audit and Performance Committee as the Panel deems appropriate.
- 3.3 The above Panel be called and shall meet at least once every six months.

SECTION 1C: HR CASE REVIEW PANEL

1 Status of the HR Case Review Panel

- 1.1 The HR Case Review Panel is a sub-committee of the Resources, Audit and Performance Committee and its membership shall be appointed from time to time as necessary by the Resources, Audit & Performance Committee.

2. Membership and Quorum

- 2.1 The Panel shall comprise three members of the Resources, Audit and Performance Committee (two local authority appointed members and one Secretary of State appointed member), together with the Chairman and Deputy Chairman of the Committee.
- 2.2 No business shall be transacted at a meeting of the Panel unless the meeting satisfies the quorum requirements set out in Standing Order 6.

3 Terms of reference

- 3.1 The Panel has delegated authority to determine, on behalf of the Authority, individual cases of appeal under the Authority's disciplinary and grievance procedures and such other matters relating to individual members of staff as require determination by the Authority.
- 3.2 The Panel shall meet as and when circumstances require.

SECTION 2: PLANNING COMMITTEE

1. Membership and Quorum

- 1.1 The size of the Committee shall be determined and the requisite number of Members appointed at the Annual Authority meeting each year, or as soon as practicable thereafter.
- 1.2 In accordance with the provisions of Articles 13(3) and (4) of Schedule 7 to the 1995 Act, the members of the Committee shall include both local authority Members of the Authority and Members appointed to the Authority by the Secretary of State in as nearly as possible the same proportions as specified in Article 4 of the 2005 Order.
- 1.3 No business shall be transacted at a meeting of the Committee unless the meeting satisfies the quorum requirements set out in Standing Order 6.

2 Terms of Reference

2.1 Functions

The Authority is the sole local planning authority pursuant to Section 15 of the 2005 Order and Section 4A of the 1990 Act.

The exercise of the following functions of the Authority is delegated to the Committee, subject to paragraph 2.2 below.

- 2.1.1 to determine all matters relating to and applications for planning permission, lawful development certificates, planning policies and plans, footpath and bridleway creation, stopping up and diversion orders, local development orders, Article 4 directions, environmental impact assessments and appropriate assessments under the Habitats Regulations, advertisement consents, listed building consents, conservation area consents, tree preservation orders, tree work orders and hazardous substances consents under the 1990 Act, the listing of non designated heritage assets; the Planning (Listed Buildings and Conservation Areas) Act 1990; the Planning (Hazardous Substances) Act 1990; the Planning and Compulsory Purchase Act 2004, the Town and Country Planning General Regulations 1992, the Habitat Regulations 1984, the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the Planning Act 2008, the Localism Act 2011, the Town and Country Planning (General Permitted Development) (England) Order 2015, the Conservation of Habitats and Species Regulations 2017 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and any related or amended statutes, including the determination of any application involving a departure from the development plan;

- 2.1.2 to take appropriate decisions on breaches of planning control including the service of enforcement notices, breach of condition notices, stop notices, temporary stop notices, prosecutions and injunctions under the 1990 Act and in respect of any contraventions under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Compulsory Purchase Act 2004, the Town and Country Planning (Control of Advertisements) Regulations 2007, the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and any related or amended statutes.
- 2.1.3 to resolve to serve Section 215 Notices (proper maintenance of land) under the 1990 Act;
- 2.1.4 to determine applications for Certificates of Appropriate Alternative Development under the Land Compensation Act 1961;
- 2.1.5 to authorise the preparation of planning obligations under Section 106 of the 1990 Act;
- 2.1.6 to undertake all functions relating to the protection of important hedgerows under The Hedgerows Regulations 1997;
- 2.1.7 to authorise the requisition of information as to interests in land in connection with all functions delegated to the Committee;
- 2.1.8 to respond as consultees on issues relating to:
- (a) protection of the rights of public use of highways;
 - (b) maintenance and review of the definitive map and statement of footpaths and bridleways;
 - (c) reclassification of roads used as public paths;
 - (d) limestone pavement orders;
 - (e) minerals and waste; and
 - (f) any other matters relevant to the Committee's area of responsibility
- 2.1.9 to make recommendations to the Authority on fees and charges within the Committee's area of responsibility
- 2.1.10 to keep under review and to oversee all stages of revisions to the Authority's Local Plan, to approve drafts for consultation and submission to the Secretary of State for examination, to make and consult on all recommended main modifications to a draft Local Plan

following examination, and to make recommendations to the full Authority as to the adoption of the Local Plan

- 2.1.11 to consider and recommend to the full Authority the making of a Neighbourhood Plan and to carry out and oversee all stages of the Neighbourhood Plan process prior to that point
- 2.1.12 to approve draft Supplementary Planning Documents for consultation and to make recommendations to the full Authority as to their adoption
- 2.1.13 to consider nationally significant infrastructure projects that are likely to affect the National Park and to prepare local impact reports as necessary in accordance with the Planning Act 2008
- 2.1.14 to make recommendations to the Authority on the designation of conservation areas and periodically to review its exercise of these functions
- 2.1.15 to approve a draft CIL charging schedule for consultation and to make recommendations to the full Authority regarding the adoption of a charging schedule following consultation

2.2 Applications on behalf of the Authority

If the Committee is unwilling to approve an application made on behalf of the Authority, or wishes to impose conditions which are unacceptable to the Authority, the application shall be submitted to a meeting of the Authority for determination. The Chief Executive (National Park Officer) or other person authorised by him/her shall prepare a report for the meeting.

2.3 Appointment of panels, working or task and finish groups

The Committee may at any time appoint, dissolve or amend the terms of reference of any panel, or other group relevant to the functions of the Committee and receive reports from it.

- 2.4 Some functions of the Planning Committee have been delegated to officers as set out in Section 9 of this Scheme. These delegations to officers are subject to the 'call in' provisions in that section and the Development Control Charter, and for the avoidance of doubt in addition to these provisions any planning matter may be decided by the Committee should the Committee so request.

SECTION 3: STANDARDS COMMITTEE

1. Membership and Quorum

- 1.1 The Committee shall comprise five Members of the Authority, to be appointed at the Annual Authority meeting each year.
- 1.2 In accordance with the provisions of Articles 13(3) and (4) of Schedule 7 to the 1995 Act, the members of the Committee shall include both local authority Members of the Authority and Members appointed to the Authority by the Secretary of State in as nearly as possible the same proportions as specified in Article 4 of the 2005 Order.
- 1.3 No business shall be transacted at a meeting of the Committee unless the meeting satisfies the quorum requirements set out in Standing Order 6.

2. Terms of Reference

- 1.4 To oversee the discharge of the Authority's duty to promote and maintain high standards of conduct by Members.
- 1.5 To promote training and advice to Members on the Code of Conduct, relevant protocols adopted by the Authority, and related matters to enable high standards of conduct to be maintained
- 1.6 To advise the Authority on the revision or replacement of its Code of Conduct for Members and Co-opted Members, and on the review of protocols relevant to ethical standards.
- 1.7 To advise the Authority on the arrangements to be applied for the investigation and determination of allegations of failure to comply with the Code of Conduct for Members, including advice on the involvement of at least one independent person in those arrangements, and to handle and determine such allegations in accordance with the approved procedures.
- 1.8 To consider and determine an application by a Member for the grant of a dispensation under Section 33 Localism Act 2011, relieving the restrictions on participation in, and voting on, a matter in which the Member has a disclosable pecuniary interest
- 1.9 To make recommendations to the Authority on future schemes of Members' allowances.

The Committee may at any time appoint, dissolve or amend the terms of reference of any panel or other group relevant to the functions of the Committee and receive reports from it.

PART 2

SECTION 4: DELEGATION OF FUNCTIONS TO OFFICERS – GENERAL PRINCIPLES

- 1.1 In all cases, officers shall carry out the functions delegated to them by this Scheme in accordance with the following general principles.
- 1.2 The objective for officers shall be to give effect to, and achieve the objectives of, the strategies and policies set out in the Local Plan, the Partnership Plan, and any other plan, policy or strategy adopted by the Authority.
- 1.3 Officers shall comply with all procedures and protocols adopted by the Authority, including Standing Orders, Financial Regulations, the Staff Code of Conduct and Protocols on Member/Officer Relations and Planning Matters, and ensure that, subject to certain limited exceptions, any expenditure that is incurred is provided for within the Authority's approved budget.
- 1.4 Officers shall maintain close liaison with the Chairman of the Authority or, where the function being exercised relates to a matter within the terms of reference of a Committee, Sub-committee or panel, the Chairman of that Committee, Sub-committee or panel (and in any case where the Chairman is absent, the relevant Deputy Chairman, as the case may be).
- 1.5 Officers shall consult as far as practicable with any Member who has a specific, local or specialist interest in the matter. Officers shall also consult as they consider appropriate with the relevant officer of any local authority whose service area is likely to be affected by the exercise of the delegated function.
- 1.6 Where the exercise of any function may give rise to legal or financial implications for the Authority, the relevant officer shall consult the Solicitor and Monitoring Officer and/or Section 151 Officer, as appropriate, and shall also seek advice from any other technical or professional specialist where necessary.
- 1.7 Officers shall consider whether the decision to be made or action to be taken is of such a nature that it ought to be referred to the Authority, a Committee, Sub-committee or panel for consideration and/ or decision.
- 1.8 The delegation of authority in Part 2 (Delegations to Officers) of this Scheme is subject to the delegations in Part 1 (Committees and Panels). Where there is any overlap or conflict between provisions in Part 1 and Part 2, the provisions of Part 1 shall apply.
- 1.9 The delegation of authority in all Parts of this Scheme is subject in all cases to the right of the Authority (and of any committee or sub-committee or panel where, but for this scheme of delegation, the function would ordinarily fall within its terms of reference) to discharge any function hereby delegated to any officer, instead of that officer, where the Authority (or committee or sub-committee or panel) considers this to be in the best interests of the Authority.

- 1.10 An officer may not use delegated powers to determine any matter if he or she has any financial, legal, familial or other relevant interest in that matter, and in these circumstances that matter shall be referred to the full Authority or relevant Committee as appropriate.
- 1.11 Certain statutory provisions require the Authority to designate certain officers to carry out particular roles, which give rise to specific responsibilities for those post holders (the Chief Executive, the Section 151 (Finance) Officer and the Monitoring Officer). Further information on these roles and specific delegations are set out in sections 5, 7 and 8 of this Scheme.
- 1.12 The affixing of the Authority's seal may be attested by the Chief Executive, the Executive Director, the Section 151 Officer, the Solicitor and Monitoring Officer or any other Officer to whom authority has been delegated for this purpose.

SECTION 5: DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE AND EXECUTIVE DIRECTOR

1. Delegation of Functions to the Chief Executive

1.1 The Chief Executive is designated to carry out the role of national park officer further to Paragraph 14 of Schedule 7 to the Environment Act 1995. In this capacity the Chief Executive is responsible to the Authority for the manner in which the carrying out of its different functions is co-ordinated.

1.2 The Chief Executive is designated to carry out the role of the head of the paid service further to Section 4 of the Local Government and Housing Act 1989. In this capacity the Chief Executive is responsible for preparation of a report to the Authority setting out his or her proposals in respect of various matters, where he or she considers it appropriate to do so. The matters are:

1.2.1 the manner in which the discharge by the Authority of its different functions is co-ordinated;

1.2.2 the number and grades of staff required by the Authority for the discharge of its functions;

1.2.3 the organisation of the Authority's staff; and

1.2.4 the appointment and proper management of the Authority's staff.

The Authority shall consider any report of the head of paid service within three months of its issue.

1.3 The Chief Executive is also authorised to:

1.1.1 Undertake the day-to-day management and control of the Authority, its officers, resources, premises and services.

1.1.2 Make such decisions and take such action as he/she considers necessary to give effect to any decision of the Authority, its committees, sub-committees, panels and other groups or to ensure the efficient and effective co-ordination and discharge of the Authority's functions, including power to commit resources and incur expenditure within the Authority's approved budget.

1.1.3 Prepare, sign, issue and serve any statutory or other notice.

1.1.4 Authorise any other officer of the Authority to act on her behalf in the exercise of any of the functions delegated to her.

1.1.5 Authorise the Executive Director or other officer deemed appropriate by the Chief Executive to discharge the functions hereby delegated to the Chief Executive.

- 1.1.6 Act in relation to the appointment, remuneration, training, termination, discipline and determination of all matters relating to the employment of staff including any matters relating to the appointment of contractors and agency staff where in his or her discretion it is necessary to do so.
- 1.1.7 Commence, defend, participate in or settle any legal proceedings in any case where, in consultation with the Solicitor and Monitoring Officer, he/she considers this necessary to protect the interests of the Authority, including the power to take all such procedural or other steps incidental to such proceedings.
- 1.1.8 In consultation with the Solicitor and Monitoring Officer, authorise any officer of the Authority to prosecute or defend or appear in any legal proceedings further to Section 223 Local Government Act 1972.
- 1.1.9 Authorise staff to exercise all powers of entry, inspection and survey of land, buildings or premises and to issue evidence of such authority.
- 1.1.10 Sign any order, agreement, memorandum of understanding or other document necessary to give effect to any decision of the Authority, committee, sub-committee or panel or to give effect to matters in the approved budget and work programme, including in relation to the acquisition or disposal of property whether freehold or leasehold.
- 1.1.11 In consultation with the Solicitor and Monitoring Officer, agree any term, condition or provision within any legal documentation to protect the interests of the Authority.
- 1.1.12 Consider and determine any review of, or appeal against, a decision made by a Director, in connection with statutory or other requirements.
- 1.1.13 In cases where action or decision is required urgently in a matter not within the scope of the functions delegated, but where, in the Chief Executive's view, the interests of the Authority would be prejudiced by such action or decision awaiting consideration of the Authority, Committee, Sub-committee or panel at a formal meeting, the Chief Executive is authorised to take such action or make such decision as he/she considers necessary to protect the Authority's interests, in consultation with the Chairman of the Authority (or in his or her absence, the Deputy Chairman).
- 1.1.14 In any such case a report of the action taken or decision shall be made to the next meeting of the Authority or, where the matter falls within the terms of reference of a Committee or Sub-committee or panel, to the next meeting of that Committee, Sub-committee or panel.

- 1.1.15 Make, refuse, withdraw or reclaim grants and loans in all circumstances where the Authority has power to act, subject to a register of all decisions made being maintained, such register to be open to inspection by any Member of the Authority or member of the public and subject to the further proviso that those grants which are withdrawn or reclaimed under this delegation are reported back to members of the Authority.
- 1.1.16 Approve an ex-gratia payment of up to £1,000 to any person who has suffered a direct identifiable loss as a result of the Authority's actions or omissions.
- 1.1.17 Reimburse the costs of damage to an officer's personal property, up to a maximum of £500 in any one case, provided that it is shown that the damage arose in the course of the officer's duties without negligence or carelessness on the officer's part.
- 1.1.18 Certify a copy of a document in the custody of the Authority to enable it to be used in legal or other proceedings in place of the original.
- 1.1.19 Certify a copy of a resolution, order, report or minute as a true copy for use as evidence in legal proceedings.
- 1.1.20 Appoint professional consultants, subject to specific financial provision being available within the Authority's approved budget.
- 1.1.21 Appoint members to the New Forest Access Forum.
- 1.1.22 To attest the common seal of the Authority.
- 1.1.23 Discharge any function hereby delegated to the Executive Director, instead of the Executive Director, in his or her absence or where he or she considers this to be in the interests of the Authority.
- 1.1.24 Subject to the oversight of the Resources, Audit and Performance Committee and/or in accordance with the Authority's work programme and approved budgets, to apply for any grant funding from external bodies.
- 1.1.25 In actioning a decision of the Authority or a Committee, to take any action at variance with that decision where such variation is, in his or her opinion and in consultation with the Authority's Chairman, insignificant and has no implications for the Authority.

2 Delegation of functions to the Executive Director

- 2.1 The Executive Director is hereby authorised to make such decisions and take such action as he/she considers necessary to give effect to any decision of the Authority, its committees, sub-committees and panels, within his/her Area

of Responsibility as defined in paragraph 2.2. This authority includes power to:

- 2.1.1 commit resources and incur expenditure within the Authority's approved budget;
- 2.1.2 authorise any other officer of the Authority to act on his or her behalf in the exercise of any of the functions delegated;
- 2.1.3 consider and respond on behalf of the Authority to any consultation exercises undertaken by other agencies; and
- 2.1.4 consider and respond to communications, complaints and requests from members of the public and others, whether further to statutory processes or otherwise.

2.2 The Executive Director's Areas of Responsibility are as follows:

2.2.1 The Authority's functions in relation to its statutory duties as the sole local planning authority for the National Park, including spatial planning, environmental design, development control, trees, planning enforcement and minerals and waste, the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park, access to the countryside, and preparation of the National Park Management Plan and Health and Safety.

2.2.2 The Authority's functions in relation to the promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park, including education, interpretation, information and outreach projects, project delivery comprising sustainable development fund management and all grant funded project posts, and the Authority's corporate functions in relation to its organisational development, risk management, communications strategy, ICT, Business Services functions including Member Services, administration, office facilities, and (in consultation with the Chief Finance Officer) financial strategy and systems.

2.2.3 In carrying out these functions the Executive Director has responsibility for fostering the economic and social well being of local communities within the National Park.

2.3 Without prejudice to the generality of the powers delegated to the Director under paragraph 2.1 of this Scheme, it is stated for the avoidance of doubt that the authority delegated includes the specific powers delegated to the Executive Director set out in Part 9 of this Scheme (delegations to officers in respect of planning functions).

2.4 The Executive Director is authorised to:

- 2.4.1 approve the payment of any grant further to the Historic Buildings Grant Scheme;
- 2.4.2 make management and access agreements under Section 39 of the Wildlife and Countryside Act 1981 and other relevant provisions, involving one-off lump sum compensation or acknowledgement payments of up to £5,000, or annual or other payments which will average less than £750 per annum over the life of the agreement;
- 2.4.3 agree variations to the annual payments required under the terms of any such agreement;
- 2.4.4 determine applications to exclude or restrict access, and to make directions under Sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000, with the exception of long term directions of over six months' duration and to commence proceedings under sections 14 and 39 of the Countryside and Rights of Way Act 2000;
- 2.4.5 approve the payment of any grant recommended by the Sustainable Communities Fund Panel, and to refer to the Authority for decision any case where payment of a grant is recommended by the Panel, but which he/she is not minded to approve. In the exercise of this authority, the Executive Director shall maintain a register of all decisions made, such register to be open to inspection by any member of the Authority or member of the public. The Executive Director shall also report all decisions taken to withdraw or reclaim any grants made under this delegation to Members of the Authority;
- 4.6 attest the Authority's seal.

SECTION 6: EXECUTIVE LEADERSHIP TEAM, STRATEGIC LEADERSHIP TEAM AND EXECUTIVE BOARD

All management structures and groups as outlined below are subject to the overall authority and control of the Chief Executive and derive their authority by way of the Chief Executive's delegation to oversee the management and control of the Authority, its officers, resources, premises and services.

1. Executive Leadership Team ('ELT')

- 1.2 The purpose of ELT is to have overall responsibility for the operation and governance of the Authority. For the avoidance of doubt, a decision of ELT may override any decision of SLT or EB.
- 1.3 ELT shall consist of the Chief Executive, the Executive Director (Strategy & Planning), the Head of Recreation Management & Learning, the Head of Environment & Rural Economy and the Head of Resources (CFO). Other officers may be asked to attend (either as a one-off, for a specific time/task or permanently) as considered necessary by ELT.
- 1.3 ELT meetings shall take place as often as deemed necessary by its members. They will not be minuted, but any agreed actions will be circulated to ELT members within five working days following the meeting. Attendees will make every effort to inform any EB member who was not present of any actions arising relevant to their role. Subgroups (containing at least two members) can be formed as considered necessary and will report back to a future meeting of the Team.
- 1.4 Direction should be reached through consensus and all members should respect collective responsibility. There is no set quorum, but for any significant decisions/directions a majority of ELT must be present.

2. Strategic Leadership Team ('SLT')

- 2.1 The purpose of SLT is to provide a forum for the discussion of Authority strategy, policy and procedures and to create an opportunity for networking with senior colleagues. It focuses on strategic leadership, management and direction, ensuring the most effective prioritisation of resources.
- 2.2 The core membership of SLT shall be between six and nine members, consisting as a minimum of all members of ELT together with the Communications Manager and the Interpretation and Outreach Manager.

Other managers/officers may be asked to attend (either as a one-off, for a specific time/task or permanently) as considered necessary by SLT.
- 2.3 The responsibilities of SLT are:
 - 2.3.1 Strategy: developing organisational strategy and performance objectives, including the Business Plan.

- 2.3.2 **Portfolio and Pipeline:** ensuring that the selection, prioritisation and resourcing of projects and other activities is appropriate and effective.
 - 2.3.3 **Staffing:** providing a focus on staffing issues, including organisational culture and the development and talent management of staff through the People Plan.
 - 2.3.4 **Organisational transformation:** driving forward the Authority's commitment to continuous development and improvement.
 - 2.3.5 **Reputation:** giving consideration to any issues, including relationships with key stakeholders (particularly within the Partnership Plan), that may impact on the reputation of the Authority.
 - 2.3.6 **Network:** to create a suitable environment for networking and the exchange of information amongst senior management.
- 2.4 SLT meetings should take place every two to three weeks throughout the year. Longer 'away-day' sessions will take place usually twice a year. They will not be minuted, but any agreed actions will be circulated to SLT members within five working days following the meeting. Attendees will make every effort to inform any EB member who was not present of any actions arising relevant to their role. Subgroups (containing at least two members) can be formed as considered necessary and will report back to a future meeting of the Team.
- 2.5 Direction should be reached through consensus and all members should respect collective responsibility. There is no set quorum, but for any significant decisions/directions a majority of SLT must be present.

3. Executive Board ('EB')

- 3.1 The purpose of EB shall be to provide a formal forum for monitoring delivery and performance of the Authority's strategy, policy and procedures, therefore ensuring the most effective prioritisation of resources, and to provide governance and oversight by management and ensure compliance with all relevant laws and regulations.
- 3.2 The core membership of EB shall consist as a minimum of the members of ELT together with the Communications Manager, the Manager of Corporate Services, the HR Manager and the Solicitor & Monitoring Officer. Other managers/officers may be asked to join (either as a one-off, for a specific time/task or permanently) as considered necessary by the Board. The meetings will be chaired by the Chief Executive, or in his or her absence the Executive Director, or in both their absence another member of EB.
- 3.3 The responsibilities of EB are:

- 3.3.1 Alignment: to ensure that all activities contribute towards the achievement of the Partnership Plan, Business Plan and annual Work Programmes.
 - 3.3.2 Monitor: To review delivery and performance and to take remedial action(s) as required. To approve all reports to Members and ensure that they are kept updated, as appropriate, on key activity and decisions.
 - 3.3.3 Oversight: be responsible for the governance and oversight of the Authority and have full management power and authority to act to take remedial action(s) as required. Particular regard shall be given to Financial, HR and Health & Safety matters.
 - 3.3.4 Compliance: to ensure that the Authority complies with all laws and regulations. To ensure risk is fully considered within decision-making processes, is reduced where possible and highlighted where significant.
 - 3.3.5 Escalation: be responsible to provide a decision / direction to any operational issue(s) that has been escalated to the Board.
- 3.4 EB meetings should take place every 2-3 months throughout the year. They will be minuted. Attendees will make every effort to inform any EB member who was not present of any actions arising relevant to their role.
 - 3.5 Direction should be reached through consensus and all members should respect collective responsibility. There is no set quorum, but for any significant decisions/directions a majority of EB must be present.

4. Managers' Forum

- 4.1 The Authority also has a Managers' Forum, which is a discussion forum for managers and has no decision making capacity.

SECTION 7: SECTION 151 OFFICER

- 1.1 The role of the Section 151 Officer is as set out in s151 of the Local Government Act 1972 (as amended) and as agreed at the March 2006 NPA meeting in accordance with Report NFNPA 72/06.
- 1.2 The Section 151 Officer may authorise virements in accordance with paragraph 6.7 of the Financial Regulations.
- 1.3 The Section 151 Officer shall retain an up-to-date copy of, keep under review and make such amendments, in agreement with the Chairman or Deputy Chairman, the Chief Executive and the Solicitor & Monitoring Officer, to the Authority's Financial Regulations and Standing Orders as to Contracts as he/she deems necessary to ensure their ongoing fitness for purpose.
- 1.4 Where in his or her reasonable opinion the Section 151 Officer considers it necessary, he or she may, in agreement with the Chief Executive and any Member or Officer who has been tasked with the oversight or administration of the relevant fund (or in their absence the Chairman or Deputy Chairman of the Authority), set or amend any internal rules and procedures for the giving of grants from that fund. Any amendment or imposition of rules and procedures in accordance with this delegation may only occur within the overall framework of the agreed annual budget.
- 1.5 The Section 151 Officer may attest the Authority's seal.

SECTION 8: SOLICITOR AND MONITORING OFFICER

- 1.1 The Solicitor and Monitoring Officer is designated to carry out the role of the monitoring officer further to Section 5 of the Local Government and Housing Act 1989.
- 1.2 In this capacity the Solicitor and Monitoring Officer has a duty, if at any time it appears to him/her that any proposal, decision or omission by the Authority, or any committee, sub-committee (including a joint committee on which the Authority is represented) or panel, office-holder or employee has given rise to or is likely to or would give rise to a contravention of the law, maladministration or injustice, to prepare a report to the Authority with respect to that matter.
- 1.3 In preparing any report, the Solicitor and Monitoring Officer is required to consult with the Chief Executive (as head of paid service) and Chief Finance Officer.
- 1.4 As soon as practicable after a report has been prepared, a copy shall be sent to each member of the Authority. The Authority shall then consider the report within 21 days. Implementation of the proposal or decision the subject of the report shall be suspended until the end of the first business day following the conclusion of consideration of the report by the Authority.
- 1.5 In this capacity, the Solicitor and Monitoring Officer is also responsible for the conduct of investigations into matters referred by ethical standards officers further to Section 60(2) Local Government Act 2000, and for making reports about those matters to the Standards Committee. He/she will also receive and act upon any reports received from ethical standards officers and any recommendations made by case tribunals, and advise the Standards Committee accordingly.
- 1.6 In addition to the statutory responsibilities referred to, the Solicitor and Monitoring Officer shall:
 - 1.6.1 ensure the provision of good quality legal advice to the Authority, its committees, sub-committees, panels, Members and officers to enable it to discharge its functions effectively and within the law;
 - 1.6.2 contribute to the promotion and maintenance of high standards of conduct and probity by supporting and advising the Standards Committee;
 - 1.6.3 advise members on their responsibilities under the Members' Code of Conduct and local protocols and assist in the investigation of any complaint against a Member in accordance with the Arrangements for dealing with Member Allegations;
 - 1.6.4 authorise any other officer of the Authority to act on his or her behalf in the exercise of any of the functions delegated to him/her;

- 1.6.5 retain an up-to-date copy of, keep under review and make such amendments, in agreement with the Chairman or Deputy Chairman, to the Authority's Standing Orders and Scheme of Delegations to Committees and Officers as he/she deems necessary to ensure their ongoing fitness for purpose;
- 1.6.6 in consultation with the Chairman, the Chief Executive and the Section 151 Officer, make any amendments to the Authority's Financial Regulations and Standing Orders as to Contracts as are required by legislation;
- 1.6.7 in consultation with the Chief Executive or Executive Director, and the Section 151 Officer, make such minor and administrative amendments to the Authority's policies and guidance as necessary to keep those documents fit for purpose;
- 1.6.8 be authorised to attest the Authority's seal; and
- 1.6.9 consider and determine whether a dispensation should be issued under section 33 of the Localism Act 2011 where all or the majority of members have a disclosable pecuniary interest in an item of business to be considered at a meeting of the Authority or one of its Committees or Sub-committees.

SECTION 9: Delegation to Officers in respect of planning functions

- 1. The delegations set out below shall be subject to the following exceptions which shall be referred to the Committee for a decision:**
 - (i) applications which are contrary to the approved or draft development plan or other planning policies but which are recommended for approval;
 - (ii) applications, other than those for a Certificate of Lawful Use (Existing Development), that are referred by Members of the New Forest National Park Authority, provided that the referral is made in writing to the Executive Director and includes reasons for the referral;
 - (iii) applications, other than those for a Certificate of Lawful Use (Existing Development), that are referred by a District, County or Unitary Authority Councillor, provided that the referral is made in writing to the Executive Director and includes reasons for the referral;
 - (iv) applications, other than those for Certificate of Lawful Use (Existing Development) (see section 5 below), where, within the specified consultation period, the parish council has submitted views which are contrary to the officer recommendation and has asked for the application to be referred;
 - (v) applications from Members or officers of the New Forest National Park Authority;
 - (vi) applications submitted by or on behalf of the New Forest National Park Authority for its own developments;
 - (vii) applications which are of significant local interest or impact at the discretion of the Executive Director;
 - (viii) applications on which the Executive Director, in his or her absolute discretion, takes the view would be more properly determined by Members; and
 - (ix) applications made under the Commoners' Dwelling Scheme.
- 2. Applications which the Executive Director considers to be major applications or of sufficient scale to affect the objectives of the development plan shall be determined by the full Authority which will receive a recommendation from the Planning Committee.**
- 3. All enforcement action taken in accordance with this Section 9 is to be carried out in consultation with the Chairman of the Committee or if the Chairman is not available in consultation with the Deputy Chairman of the Committee and after having taken the appropriate legal advice.**
- 4. All applications for Certificate of Lawful Use (Existing Development) which are referred by Members of the NFNPA will be determined by the Planning Committee if the Member is not content for the final determination to be made by the Authority's Solicitor and Monitoring Officer.**

5. **All applications for Certificate of Lawful Use (Existing Development), will be determined by the Authority's Solicitor and Monitoring Officer, notwithstanding that there may be a contrary Parish Council view if that view, in the opinion of the Authority's Solicitor and Monitoring Officer, is not evidence based.**
6. **All applications for Certificate of Lawful Use (Proposed) will be determined by the Authority's Senior Planning Officers, Planning Officers or Solicitor and Monitoring Officer.**

The delegations to officers below shall be as set out in the attached Schedule 1. The officers shown in Schedule 1 may further delegate to other officers in writing.

Source	Power Delegated
1. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004	After having ensured that all statutory requirements have been complied with, and after considering all representations received, to approve all types of applications submitted under the Acts.
2. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004	After having ensured that all statutory requirements have been complied with, and after considering all representations received, to refuse all types of application submitted under the Acts where he or she is satisfied that the proposals are contrary to the provisions of the appropriate development plan documents, the NPPF and planning policy guidance, do not comply with relevant adopted Authority standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance
3. Local Government Act 1972 s.101	To decide deemed reasons for refusal where notification has been received from the relevant Government Department of an appeal on the grounds of non-determination
4. Town and Country Planning Act 1990 (s.70A and s.70B)	To decline to determine an application for planning permission (applies where a similar application has been dismissed on appeal within 2 years)
5. Planning (Listed Buildings and Conservation Areas) Act 1990 (s81A and s81B)	To decline to determine an application for relevant consent
6. Planning (Hazardous Substances) Act 1990	To approve applications for hazardous substance consent, to impose conditions and to agree minor amendments to previously approved proposals To refuse applications submitted under the Act

Source	Power Delegated
	<p>where:-</p> <p>(1) He or she is satisfied that the proposals are contrary to the provisions of the development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practices and would cause demonstrable harm to an interest of acknowledged importance; and</p> <p>(2) The refusal would accord with the advice by him or her on Health and Safety implications in respect of the application and that applications which the Executive Director does not consider would be prudent to decide under his or her delegated Authority be reported to the Committee for a decision</p>
7. Town and Country (General Regulations) 1992 (Regs.3 and 4)	To approve applications submitted under Regulations 3 and 4, after having ensured that all the statutory regulations have been complied with and after considering all representations received, subject to such conditions as he or she deems it appropriate to impose
8. Town and Country (General Regulations) 1992 (Regs.3 and 4)	To approve minor variations to consents issued under these regulations provided the changes are not material or do not increase the impact of the development on any individual or interested groups.
9. Town and Country Planning Act 1990; Planning (Listed Buildings and Conservation Areas) Act 1990	To deal with minor modifications to approved plans, and to vary or to discharge or to refuse to vary or to discharge conditions imposed on consents
10. Town and Country Planning Act 1990 (s.55) Town and Country Planning Act (Demolition of Buildings) Direction 1992 Town and Country Planning (General Permitted Development)(England) Order 2015	<p>To determine whether prior approval is required for the demolition of buildings, or whether further details should be submitted on the method of demolition</p> <p>Remarks: In the event of a disagreement, notification to be given that prior approval is required</p>
11. Town and Country Planning Act 1990 (s.55 as amended) and Town and Country Planning (General Permitted Development) (England) Order 2015	<p>To decide whether prior approval is required and if so to determine if approval should be given</p> <p>Remarks: In the event of a disagreement, notification to be given that an application is required</p>

Source	Power Delegated
12. Town and Country Planning Act 1990 (s.106)	To enter into planning obligations in respect of land
13. Town and Country Planning Act 1990 (s.106A) Town and Country Planning Act 1971 (s.52)	To determine applications for discharge or modification of planning obligations under Section 106 of the Town and Country Planning Act 1990 and agreements made under Section 52 of the Town and Country Planning Act 1971 and issue of the notice of decisions
14. Town and Country Planning Act 1990 (s.106)	To consider applications for the exercise of discretion that is allowed within the terms of a planning legal agreement and to determine the application
15. Town and Country Planning Act 1990 (s.106)	To allocate developer contributions to relevant projects up to a value of £20,000 per individual allocation
16. Town and Country Planning Act 1990 (s.171C)	Service of Planning Contravention Notices (requires information on operations on land and persons with an interest in the land, where there is a suspected breach of planning control)
17. Town and Country Planning Act 1990 s.215	To serve notices to require proper maintenance of land
18. Planning (Listed Buildings and Conservation Areas) Act 1990 s.31(1)	To serve Building Preservation Notices
19. Planning (Listed Buildings and Conservation Areas) Act 1990 s.4(1)	To serve a Building Preservation Notice by affixing it to the building
20. Town and Country Planning Act 1990 (s.187A)	Service of Notices for compliance with conditions on planning consent
21. Water Industry Act 1991 Town and Country Planning Act 1990 (s.183)	To determine if it is expedient, and to issue and serve Stop Notices
22. Town and Country Planning Act 1990 (s.171E to s.171H) Town and Country Planning (Temporary Stop Notice) (England)	To determine whether or not to issue a Temporary Stop Notice
23. Town and Country Planning Act 1990 (s.94)	To serve completion notices
24. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(1))	To authorise execution of works urgently necessary for the preservation of an unoccupied Listed Building
25. Planning (Listed Buildings and Conservation Areas) Act 1990	To give notice of intention to carry out the works

Source	Power Delegated
(s.54(5))	
26. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.55(2))	To give notice requiring payment of the expenses of the works
27. Town and Country Planning (General Permitted Development) (England) Order 2015	To determine if prior approval is required and if so to determine if approval should be given for agricultural and forestry development
28(i) Town and Country Planning Act 1990 (s.191 and 193)	To determine applications for a Certificate of Lawfulness of Existing Use or Development
28(ii) Town and Country Planning Act 1990 (s.192 and 193)	To determine applications for a Certificate of Lawfulness of Proposed Use or Development
29. Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38)	To determine whether it is expedient to take enforcement action
30. Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Issue and service of enforcement notices
31. Town and Country Planning Act 1990 (s.173A) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Variation to, or withdrawal of, enforcement notice
32. Town and Country Planning Act 1990(s.178) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.42 and s.74)	(i) Execution of works required by an enforcement notice (ii)To recover expenses reasonably incurred by the Authority
33. Town and Country Planning Act 1990 (s.178) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.42(3) and s.74(3)) Public Health Act 1936 (s.275)	To sell materials removed in executing works required by an Enforcement Notice
34. Town and Country Planning Act 1990 (s.187B) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.44A and s.73(3))	To seek an injunction
35. Town and Country Planning	To make an order to revoke or modify Planning

Source	Power Delegated
Act 1990 (s.97 and 99) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.23) and (s.74(3))	Consent, Listed Building Consent or Conservation Area Consent
36. Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012	To make, modify, confirm, decide not to confirm, vary and revoke tree preservation orders
37. Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012	Issue of notices requiring replanting of trees subject to a Tree Preservation Order
38. Town and Country Planning Act 1990 (s.214A and s.210 and s.211) and Town and Country Planning (Tree Preservation) (England) Regulations 2012	To seek injunction to restrain actual or apprehended breach of a Tree Preservation Order and unauthorised works to tree(s) in Conservation Area
39. Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990, Town and Country Planning (Tree Preservation) (England) Regulations 2012	To determine applications to do works to trees that are subject to protection by a Tree Preservation Order, and to impose such conditions on any consent as he or she deems appropriate
40. Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990, s.69 Town and Country Planning (Tree Preservation) (England) Regulations 2012	To determine whether or not to object to prior notification of an intention to do works to a tree within a conservation area
41. Town and Country Planning Act 1990 (s. 225 and 225A to K)	To take action and issue a Notice in respect of the removal or obliteration of placards and posters, as he or she deems appropriate
42. Town and Country Planning Act 1990 (s. 225 and 225A to K)	To enter land and remove or obliterate unauthorised signage and recover the costs reasonably incurred in the removal of any such signage
43. Town and Country Planning Act 1990 (s. 225 and 225A to K)	To charge a fee of £50 where action is taken to remove unauthorised signage
44. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.89) Town and Country Planning Act 1990 (S.330(1) and S.330(2)) Miscellaneous Provisions Act 1976 (s.16)	To require information on interests in land and its use
45. Local Government Act 1972	Development by County or District Council of their

Source	Power Delegated
s.101	own land - to respond to Consultations
46. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990, (including Regulations hereunder) Local Government (Miscellaneous Provisions) Act 1976 Local Government Act 1972 s.101 and s.222	To initiate, defend, conduct and settle legal proceedings on behalf of the Authority in respect of any of the functions of the Authority which are delegated to the Committee
47. Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Conservation of Habitats and Species Regulations 2017	To make a decision in respect of any issue required to be made under the regulations
48. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue notices of authority to remove all or part of a hedgerow
49. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue hedgerow retention notices in respect of hedgerows falling within the definition of an important hedgerow
50. Environment Act 1995 (s.97) Hedgerow Regulations 1997(Reg.5)	To withdraw hedgerow retention notices in respect of hedgerows
51. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.7)	To prosecute for the unlawful removal of a hedgerow
52. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.8)	To issue notices requiring the planting of a replacement hedgerow
53. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.11)	To seek an injunction to prevent the actual or apprehended removal of a hedgerow
54. Environment Act 1995 (s.97) Regulations 1997 (Regs.13 and 14)	To seek a warrant to enter premises
55. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compulsory	In respect of any function which is delegated to the Committee, to enter premises for the purposes of the Acts and any amending statutes or regulations made pursuant to the Acts

Source	Power Delegated
Purchase Act 2004	
56. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.12)	Authorisation to Enter Premises
57. Town and Country Planning (General Permitted Development) (England) Order 2015	To determine whether expedient to make, and to make and to modify and to cancel Article 4 Directions
58. Localism Act 2011 and Neighbourhood Planning Regulations 2012	To formally designate a Neighbourhood Plan Area
59. Town and Country Planning (Development Management Procedure) Order 2010 (s. 25 and 26)	To act in accordance with any direction made by the Secretary of State
60. Town and Country Planning Act 1990 (s.171BA)	To apply to the magistrates court for a planning enforcement order
61. Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990	To institute legal proceedings for the recovery of costs incurred for works undertaken
62. Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014	To issue or refuse to issue certificates of lawfulness

DELEGATIONS OF PLANNING FUNCTIONS

RA EX 2 Scheme of delegations Part 2

Schedule 1: NFNPA Officer Delegations - Functions relating to Planning

Delegation No	Executive Director Strategy & Planning	Solicitor & Monitoring Officer	Principal Planning Officer and Senior Planning Officer	Senior Policy Officers	Planning Officers	Policy Officers	Planning Enforcement Manager	Enforcement Officers	Policy Manager	Senior Titles Officers	Trees Officers	Building Design & Conservation Officer	All legal officers employed in HCC legal practice
1	Red												
2	Red												
3	Red												
4	Red		Red				Red						
5	Red												
6	Red												
7	Red												
8	Red												
9	Red		Red				Red						
10	Red		Red				Red						
11	Red		Red				Red						
12	Red		Red				Red						Yellow
13	Red		Red				Red						Yellow
14	Red		Red				Red						Yellow
15	Red		Red				Red		Red				Yellow
16	Red		Red				Red		Red				Yellow
17	Red		Red				Red		Red				Yellow
18	Red		Red				Red		Red				Yellow
19	Red		Red				Red		Red				Yellow
20	Red		Red				Red		Red				Yellow
21	Red		Red				Red		Red				Yellow
22	Red		Red				Red		Red				Yellow
23	Red		Red				Red		Red				Yellow
24	Red		Red				Red		Red				Yellow
25	Red		Red				Red		Red				Yellow
26	Red		Red				Red		Red				Yellow
27	Red		Red				Red		Red				Yellow
28(i)	Red		Red				Red		Red				Yellow
28(ii)	Red		Red				Red		Red				Yellow
29	Red		Red				Red		Red				Yellow
30	Red		Red				Red		Red				Yellow
31	Red		Red				Red		Red				Yellow
32(i)	Yellow												
32(ii)	Yellow												
33	Red		Red				Red		Red				Yellow
34	Red	Blue	Red				Red		Red				Yellow
35	Red	Red	Red				Red		Red				Yellow
36	Red	Red	Red				Red		Red				Yellow
37	Red	Red	Red				Red		Red				Yellow
38	Red	Red	Red				Red		Red				Yellow
39	Red	Red	Red				Red		Red				Yellow

Delegation No	Executive Director Strategy & Planning	Solicitor & Monitoring Officer	Principal Planning Officer and Senior Planning Officer	Senior Policy Officers	Planning Officers	Policy Officers	Planning Enforcement Manager	Enforcement Officers	Policy Manager	Senior Tree Officers	Tree Officers	Building Design & Conservation Officer	All legal officers employed in HCC legal practice
40	Red						Red				Red		
41	Red												
42	Red						Red	Red					
43	Red		Red				Red	Red			Red		
44	Red		Red				Red	Red			Red		
45	Red		Red				Red	Red			Red		
46	Red		Red				Red	Red			Red		
47	Red		Red				Red	Red			Red		
48	Red						Red	Red			Red		
49	Red						Red	Red			Red		
50	Red						Red	Red			Red		
51	Red						Red	Red			Red		
52	Red						Red	Red			Red		
53	Red						Red	Red			Red		
54	Red						Red	Red			Red		
55	Red						Red	Red			Red		
56	Red						Red	Red			Red		
57	Red						Red	Red			Red		
58	Green												
59	Red												
60		Blue											
61		Red											
62	Red	Red											

Blue: Officer acting under principal delegation in consultation with Executive Director

Red: Officer acting under principal delegation

Yellow: Officer acting under principal delegation in consultation with Solicitor and Monitoring Officer

Green: Officer acting under principal delegation in consultation with Chairman of Planning Development Control Committee

July 2020

RA EX 3

Article of direction

NEW FOREST NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT) (ENGLAND)
ORDER 2015, AS AMENDED

DIRECTION MADE UNDER ARTICLE 4(1) (WITH IMMEDIATE EFFECT)

WHEREAS the New Forest National Park Authority (the Authority) being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), is satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the land shown edged red on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

AND WHEREAS the said Authority considers that the development of the said description would be prejudicial to the proper planning of its area and would constitute a threat to the amenities of its area.

NOW THEREFORE the said Authority in pursuance of the power conferred on it by article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, hereby directs that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 4(4) and Schedule 3, shall remain in force until 2 May 2021 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the local planning authority in accordance with article 2(6) of Schedule 3 of the said Order before the end of the six month period.

Cont'd...

SCHEDULE

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within **Class A of Part 2 of Schedule 2 to the said Order** and not being development comprised within any other Class.

MADE UNDER THE COMMON SEAL OF THE NEW FOREST NATIONAL PARK AUTHORITY

This 3rd day of November 2020

The Common Seal of the New Forest National Park Authority was affixed to this Direction in the presence of



Solicitor and Monitoring Officer
New Forest National Park Authority



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CONFIRMED UNDER THE COMMON SEAL OF THE NEW FOREST NATIONAL PARK AUTHORITY

This day of 202

The Common Seal of the New Forest National Park Authority was affixed to this Direction in the presence of

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Executive Director Strategy and Planning



**NEW FOREST
NATIONAL PARK**

New Forest National Park Authority
 Lymington Town Hall
 Avenue Road
 Lymington
 SO41 9ZG

Tel: 01590 646600
 Fax: 01590 646666

Date: 12/10/2020

ARTICLE 4 DIRECTION

Land south of A36 Ringwood Road
 Bartley
 SO40 7LA



[Handwritten signature]

SCALE: 1:2500

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