

**PLANNING & TRANSPORTATION COMMITTEE**  
**1 JULY 1999**

Present: Councillors Mrs Ballin (Chairman), Adams, Bailey, Mrs Clifford, Mrs Doyle, Finnie, Flood, Grayson, Jones, Piasecki, Mrs Pile, Ryan, Sargeant, Simonds, Wade and Worrall

Apologies for absence were received from:  
Councillor Veakins

Also Present: Councillors Bayle & Good

**154. Substitute Members**

The Committee noted the attendance of the following substitute Member in accordance with Standing Order No. 38:

Councillor Mrs Clifford for Councillor Veakins

**155. Minutes**

The minutes of the meeting of the Committee held on 1 April 1999 were taken as read and signed by the Chairman as a correct record.

**156. Highways Sub- Committee Minutes**

**RESOLVED** that the minutes of the meeting of the Highways Sub Committee held on 27 May 1999, as set out in Appendices A, be received.

**157. Planning Control Sub- Committee Minutes**

**RESOLVED** that the minutes of the meetings of the Planning Control Sub Committee held on 25 March, 22 April and 20 May 1999 as set out in Appendices B to D, be received.

**158. Quarterly Operations Report (Item 1)**

The Committee received a copy of the Director of Planning & Transportation's Quarterly Operations Report.

The Director briefly drew the Committee's attention to the key points emerging from the report. He answered a number of questions arising from the report.

It was noted that the residents of Winkfield Row were delighted with the quality of resurfacing work recently undertaken, but there was also some concern expressed about the potential hazard caused in some places by overgrown grass verges.

**RESOLVED** that the Quarterly Operations Report be received.

**159. Petition – Quelm Lane (Item 7)**

The Committee considered a report on a petition which had been received, signed by 203 people concerning planned improvements to Quelm Lane.

Mrs Josie Herd attended the meeting and addressed the Committee on behalf of the petitioners.

Having heard the representations made by Mrs Herd, a number of Members expressed concern at the issues raised and requested a further round of consultation to ensure that no action was taken without the Committee being satisfied as to public opinion and the implications of the type of works previously approved.

**RESOLVED** that

- (i) No further action be taken to implement the Committee's previous decision in relation to improvements to Quelm Lane, pending consideration by this Committee of the outcome of consultation with local residents and other interested parties regarding the proposal; and,
- (ii) The Director of Planning & Transportation be requested to agree with the local Member the extent of consultation.

**160. Provisional Out-Turn 1998/99 and Commitment Budget 2000/01 – 2002/03 (Item 2)**

The Committee considered a report updating it on the latest projected out-turn expenditure position for the financial year 1998/99 and highlighting issues which were likely to impact upon the Committee's budget in future years.

**RESOLVED** that

- (i) The provisional outturn expenditure for 1998/99 of £6.426m be noted
- (ii) Strategy and Policy Committee be requested to approve the budget carry-forward into 1999/2000 as detailed in the report
- (iii) The Committee's Commitment Budget for the period 2000/01 to 2002/03 be noted.

**161. Parking Issues Focus Group – Terms of Reference (Item 3)**

The Committee considered a report seeking approval to revised terms of reference of the Parking Issues Focus Group in the light of discussions regarding its role during its first two meetings.

It was agreed that, for the sake of clarity, a further minor re-ordering of the words should be made, subject to the agreement of the Chairman of the Public & Environmental Services Committee.

**RESOLVED** that, subject to the concurrence of the Chairman of the Public & Environmental Services Committee, the following revised terms of reference for the Parking Issues Focus Group be approved:

*“To examine in corporate terms the existing parking and related issues within the Borough; and identify opportunities for solutions in the short term and to steer the development of a new parking strategy.”*

**162. Joint Strategic Planning Committee – Appointment of Representatives (Item 4)**

The Committee considered a report seeking the appointment of the Council’s two representatives on the Joint Strategic Planning Committee.

**RESOLVED** that Councillors Mrs Ballin and Worrall be appointed to represent the Council on the Joint Strategic Planning Committee.

**163. Joint Strategic Planning Committee Items and Berkshire Structure Plan Update (item 5)**

The Committee considered a report updating it on the work of the Joint Strategic Planning Committee since the last meeting of the Planning and Transportation Committee. The report also highlighted progress on the review and roll forward of the Berkshire Structure Plan.

**RESOLVED** that

- (i) The Leader of the Council, Leader of the Labour Group, Chairman, Vice-Chairman and Labour Group Spokesman of the Planning & Transportation Committee and Chairman of the Education, Leisure Services, Public and Environmental Services and Social Services and Housing Committees, be nominated to attend the “awayday” to consider the review of the Berkshire Structure Plan.
- (ii) Attendance be classified as an approved duty for the purpose of the Council's scheme of approved allowances.

**164. Scheme of Delegation (Item 6)**

The Committee considered a report inviting it to approve the Scheme of Delegation to officers in relation to functions within the terms of reference of the Committee. It was to form part of volume 3 of the Scheme of Council and Committee Management.

The Officers answered a number of questions regarding the delegations and agreed:

- That each item would be numbered in the published version; and,
- That, where reference was made to a specific authority in the minutes of a Committee, the precise wording of the power would be set out in the Scheme of Delegation for the sake of clarity.

**RECOMMENDED** that the delegations set out in Annex A hereto incorporating the amendments requested by the Committee, be approved for inclusion in volume 3 of the Scheme of Council and Committee Management.

**165. Bracknell Forest Borough Local Plan Update and Amendments (item 8)**

*In accordance with Standing Order 25, Councillor Sargeant declared an interest in this item and withdrew from the meeting during its consideration.*

The Committee considered a report updating it on progress with the inquiry into Bracknell Forest Borough Local Plan, informing it of various minor changes which had been made to the Local Plan and seeking approval for further changes resulting from preparing responses to objections to it.

The Committee's attention was drawn to a further minor amendment to policy 3.48 details of which were circulated and a proposal to authorise the Director of Planning & Transportation to approve other minor amendments to the Plan in consultation with the Chairman as it was accepted that there were still a number of inconsistencies in the terminology used throughout the document.

The Officers answered a number of questions and agreed that the word "net" should be inserted in front of "loss" in 3.48 (ii).

**RESOLVED that**

- (i) That the minor changes to the Local Plan detailed in paragraphs 4.6 to 4.11 of the report be noted and approved for the purposes of development control;
- (ii) That the other changes to the Local Plan detailed in paragraphs 4.12 to 4.25 of the report be approved and the provisions of paragraph 4.19 be adopted for the purposes of development control;
- (iii) That the content of paragraphs 4.27 to 4.29 be noted; and,
- (iv) That the Borough Planning Officer, in consultation with the Chairman, be authorised to put forward any further changes considered appropriate in order to ensure that the terminology used throughout the document is consistent.

**166. Bracknell Forest Borough Local Plan - Amendments to Additional Further Proposed Change 127A Relating to Policy R15 - Response to Public Consultation (Item 9)**

*In accordance with Standing Order 25, Councillor Mrs Ballin and Councillor Flood declared an interest in this item and withdrew from the meeting during its consideration.*

**COUNCILLOR WORRALL IN THE CHAIR**

The Committee considered a report informing it of the representations received as a result of public consultation on the Amendments to Additional Further Proposed Change 127A of the Bracknell Forest Borough Local Plan, which it had approved on 1 April 1999. In addition, the report set out a recommended response to the representations that should be included in the Borough Council's proof of evidence and written representations to the Public Local Inquiry concerning these matters.

The Director of Planning & Transportation advised the Committee against making any additional amendments which could lead to further delay in the Local Plan process and call into question the credibility of the Plan. He recommended that the

outstanding objections should be considered as part of the inquiry process, with a development brief being used to settle the remaining issues including the settlement boundary.

It was however suggested that the land at Buckhurst Moors could provide a suitable site for small business development and provide a more appropriate settlement boundary.

An amendment was therefore proposed to the recommended course of action seeking the deletion of recommendation 1 and the substitution of the following for recommendations 3 and 4:

- *“That further changes be made to criterion (ii) of Policy R15, and recommended to the Public Local Inquiry Inspector, so that it now reads:  
  
“Provide for a strong defensible settlement boundary beyond the western and southern boundary of “Norbury”, London Road, Binfield and the southern boundary of “Lyndhurst” and “Coppid Hill House”, London Road, Binfield, this settlement boundary also to encompass the whole of the Buckhurst Moors site.”*
- *That the Amen Corner Planning Brief be prepared as a matter of urgency to make detailed land use allocation for the land within the settlement, with a view to providing an extensive site for small business use.”*

Having been put to the Committee, a recorded vote in accordance with Standing Order 45 was requested. The voting on the amendment was as follows:

For (7):           Councillors Adams, Bailey, Mrs Clifford, Grayson, Jones, Piasecki, and Ryan.

Against (7)       Councillors Mrs Doyle, Finnie, Mrs Pile, Sargeant, Simonds, Wade and Worrall.

There being an equality of votes, the Chairman exercised his casting vote and declared the amendment to be lost.

A further amendment was put to the Committee and following debate, the motion was adopted, but, pursuant to Standing Order 44, the matter was referred to the Council as a recommendation for decision.

Accordingly it was:

**RECOMMENDED** that

- (i) No change be made to the Amendments to Additional Further Proposed Change 127A relating to Policy R15 of the Bracknell Forest Borough Local Plan;
- (ii) The amendments be recommended to the Public Local Inquiry Inspector.
- (iii) “Settlement” be re-inserted in criterion (ii) of Policy R15, and recommended to the Public Local Inquiry Inspector, so that it reads:

“Provide for a strong defensible settlement boundary.....”

- (iv) The Amendments to Additional Further Proposed Change 127A be approved for development control purposes.
- (v) The Council’s evidence at the forthcoming Local Plan inquiry hearing include the clear commitment by the Borough Council that further development at Amen Corner will only be considered favourably if it is brought forward in the context of a development brief for the whole area that will be the subject of consultation with all interested parties;
- (vi) The development brief will identify the precise location of the settlement boundary in the light of the Local Plan Inspector’s conclusions in respect of Policy R15 and related policies; and,
- (vii) The Director of Planning & Transportation be asked to convene a meeting between the principal land owners in the area at the earliest opportunity to review the planning position.

#### **COUNCILLOR MRS BALLIN IN THE CHAIR**

##### **167. Provisional Local Transport Plan (Item 10)**

The Committee considered a report advising it that a draft of the Bracknell Forest Borough Provisional Local Transport Plan had been considered by the Local Transport Plan Focus Group on 22 June. As a result of discussion at that meeting, it had been decided that the Plan required some further refinement before it was finalised. Authority was therefore being sought for the approval of the Plan to be delegated to the Borough Engineer in consultation with the Focus Group.

#### **RESOLVED that**

- (i) Approval of the Provisional Local Transport Plan be delegated to the Borough Engineer in consultation with the Local Transport Plan Focus Group; and,
- (ii) The following charges be made for copies of the report:
  - Bracknell Forest Borough Council Tax Payers - £15 per copy
  - Developers and other commercial organisations - £30 per copy

##### **168. Blackwater Valley Transport Concord Agreement (Item 11)**

The Committee considered a report on a proposed Concord Agreement under which the local authorities in the Blackwater Valley area would agree to work together on the development and implementation of a joint transport strategy.

#### **RESOLVED that**

- (i) The co-operation of Bracknell Forest Borough Council in developing and implementing the proposed transport strategy for the Blackwater Valley Area be approved; and,

- (ii) The signing of the proposed Concord Agreement be approved.

**169. Quality Public Transport Partnership (Item 12)**

The Committee considered a report inviting it to authorise the officers to work with public transport operators to develop an umbrella quality public transport partnership. Such partnerships were seen as a positive way for the Highway Authority to encourage the provision of improvements to public transport services.

The Officers answered a number of questions regarding the proposal and indicated that it was intended to organise a seminar for Members to discuss the issue in more depth. In the course of the discussion, it was noted that there remained some concerns about the suitability of the town's new buses for use by wheelchair passengers, but that most the feedback had been positive. It was, however, agreed that, given the remaining concerns, further improvements would be sought in discussions with the bus company.

**RESOLVED** that the Director of Planning and Transportation be authorised to negotiate a Quality Public Transport Partnership with interested operators, currently providing bus and other public transport services in co-operation with the Borough Council and report back on progress in due course.

**170. Bracknell and Wokingham College Annex Site, Priestwood, Planning and Design Brief (Item 13)**

The Committee considered a report seeking its approval to a Planning & Design Brief for the vacant 0.66 hectare Bracknell and Wokingham College Annex site on the corner of Binfield Road and Downshire Way of which the College was seeking to dispose. The brief for the college site had been prepared in accordance with Policy H10 of the Bracknell Forest Borough Local Plan which stated that "Planning Briefs will normally be prepared for residential sites of at least one hectare, or for smaller sites where appropriate". Due to its prominence in the street scene and its sustainable location, close to the town centre, and public transport links, the site was one where it was considered appropriate to undertake a brief.

In response to questions regarding the type of amenity use intended for the former burial ground on the site, the Officers undertook to check the relevant legislation to ensure the appropriateness of its use.

**RESOLVED** that

- (i) The Bracknell and Wokingham College Annex Site, Priestwood, Planning and Design Brief be published for public consultation
- (ii) The consultation process outlined in the report be approved.

**171. Community Transport Funding (Item 14)**

The Committee considered a report inviting it to determine voluntary sector grant applications for 1999/2000 submitted by community transport operators. The Committee was reminded that the Borough Council had historically contributed to the

funding of some community transport operations and had also inherited some transitional grants from Berkshire County Council. The agreed levels of transitional funding had been allocated and the Committee was therefore invited to consider additional funding support for Forest Line and Keep Mobile.

In response to a question regarding why only two grants were being proposed, the Committee was advised that the two organisations were the only two to have submitted applications. Whilst it was indicated that the Council had a partnership officer who was responsible for advising such bodies of what might be available to them, it was acknowledged that there might be further steps which could be taken to ensure that the opportunity to apply for such grants was more widely known.

**RESOLVED** that

- (i) The transitional grants detailed in paragraphs 4.1 and 4.2 be noted;
- (ii) Forest Line be awarded £10,688 and Keep Mobile be awarded £6,703 for 1999/00 in addition to their transitional funding awards received in April; and,
- (iii) Service agreements be developed with both Forest Line and Keep Mobile in liaison with the operators.

**172. Bracknell Forest Borough Local Plan - Zeneca Planning Brief: Further Amendment to the Boundary of Zeneca, a Major Developed Site within the Green Belt (Item 15)**

The Committee considered a report inviting it to approve a further minor amendment to the Zeneca Agrochemicals major developed site in the Green Belt in Warfield. This was to effect a change to both the local plan Proposals Map, and to the planning brief.

In response to a question regarding consultation with the Parish Council, the Committee was advised that it was understood that Zeneca had been in regular touch with the Parish Council regarding their proposals. It was confirmed that, given the tight deadlines, the Council had not therefore formally consulted the Parish Council, as it was also recognised that the latter would have the opportunity to comment as part of the Local Plan process. However, in view of the Committee's concern about ensuring that the Parish Council should be consulted, it was agreed that the Director would contact it and consult the Chairman and ward Member about any significant issues raised before confirming the Council's response to the proposal.

**RESOLVED** that, subject to the Director of Planning & Transportation consulting the Chairman of the Committee and ward Member on any adverse issues raised by the Parish Council as a result of consultation:

- (i) The boundary of Zeneca, a major developed site in the Green Belt, detailed on the Bracknell Forest Borough Local Plan Proposals Map and on an inset map, be;
  - a further amended as shown in Annexe 2 of the report;
  - b approved for recommendation to the local plan Inspector;



- c adopted for development control purposes.
- (ii) The changes to the planning brief set out in this report be;
  - a approved for development control purposes;
  - b sent to the Government Office for the South East to keep them informed of the supplementary planning guidance relating to the Zeneca site.

**173. Revision of Planning Policy Guidance Note 3: Housing - Public Consultation Draft (Item 16)**

The Committee considered a report inviting it to approve a response to the Department of the Environment, Transport and the Regions draft revision to Planning Policy Guidance Note 3, Housing (PPG3).

**RESOLVED** that the Department of the Environment, Transport and the Regions be informed of the italicised comments set out in section 4 of the report.

**174. Thames Basin Heaths Proposed Special Protection Area (Item 17)**

The Committee considered a report advising it of the findings of a recently completed study into the implications for the Borough Council, as local planning authority of the designation of part of the borough as a proposed Special Protection Area under European wildlife legislation.

**RESOLVED** that:

- (i) The findings of the study 'Special Protection Area: the implications for Bracknell Forest', be noted; and
- (ii) The actions arising from consideration of the study as set out within the report be endorsed.

**175. Permitted Development Rights and Health Issues Relating to Telecommunications Developments (Item 18)**

The Committee considered a report following consideration of recent planning applications relating to telecommunications development, when Members had requested information regarding the permitted development rights relating to such developments and also relating to the health effects of telecommunications development.

The Committee was advised that, in view of the revised regulations which provided for local planning authorities identifying suitable sites for telecommunications equipment, it was intended to report back to the Committee on this issue.

In response to a question, the Committee was advised that there was no requirement on companies to consult the Council about the siting of equipment cabinets. It was only possible to take action to have one removed, if the Council could demonstrate that its siting was detrimental to road safety. The Committee regretted the fact that

there was not a requirement for more liaison and co-operation between the Council and the companies.

**RESOLVED** that:

- (i) A letter be sent to the WHO, the DETR and the Department of Health urging the swift production of the briefing document on Electromagnetic Fields referred to in paragraph 4.17 of the report;
- (ii) The DETR be advised of the need to adopt national land use planning guidance in relation to telecommunications developments in sensitive locations, as set out in paragraph 4.21, and urged to adopt such guidance; and,
- (iii) A further report be presented to the Committee on the results of an investigation into possible sites within the Borough considered suitable for locating telecommunications masts.

**176. Parish Council Representation at Planning Control Sub Committees (Item 19)**

The Committee considered a report on the issues associated with a proposal to co-opt representatives of the town and parish councils on to the Planning Control Sub-Committee in a non-voting capacity.

Whilst there was some support for the proposal to make provision for each parish and town council to be represented on the Planning Control Sub-Committee, the majority did not believe that sufficient case had been made either that existing well-established consultation procedures were not effective, or that there was likely to be any significant benefit from increasing the size of the Sub-Committee to accommodate parish and town council representatives. It was therefore agreed that the proposal to support such a change in principle could not be supported.

**RESOLVED** that, in view of the existing well-established mechanisms for consulting parish and town councils on planning applications, the proposal to invite each to nominate a represent to sit on the Planning Control Sub-Committee be not supported.

**177. Planning Concordat (Item 20)**

The Committee considered a report on a Planning Concordat which had been drawn up jointly between central and local government to help deliver a modernised planning system. It set out a working relationship for Government and local planning authorities based around a shared set of objectives and principles

**RESOLVED** that the progress being made and actions identified in the report in relation to the Planning Concordat be endorsed.

**178. Bracknell Job Support Centre (Item 21)**

The Committee considered a request for grant funding from the Bracknell Job Support Centre for 1999/2000.

**RESOLVED** that the Bracknell Job Support Centre be offered a grant of £8,950 for 1999/2000.

179. **Railtrack Network Management Statement 1999 (Item 22)**

The Committee considered a report advising it of the publication of Railtrack's Network Management Statement and inviting it to approve a response to the document.

**RESOLVED** that:

- (i) Railtrack be informed that the recognition given to the "Airtrack" proposal for a south west rail link to Heathrow is welcomed and that further progress on the planning of the scheme is looked for; and,
- (ii) Railtrack be asked to recognise the proposal for a new station at West Bracknell in the next Network Management Statement.

180. **Items for Information**

The following items were submitted for information:

- Wokingham District Local Plan – Proposed Amendments (Item 23)  
to the Deposit Draft
- Airtrack – Proposed Rail Link to Heathrow Airport – Objection to (Item 24)  
Spelthorne Local Plan
- Management of the Historic Environment (Item 25)
- SERPLAN – Public Examination (Item 26)

181. **Exclusion of Public and Press**

**RESOLVED** that pursuant to Section 100A of the Local Government Act 1972 members of the public and press be excluded from the meeting for the consideration of Item 15 which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to an employee or former employee (Item 27)  
of the Council

182. **Redundancy – Planning & Transportation Department: Support Administration Section (Item 27)**

The Committee considered a report seeking approval to terminate the employment of a member of staff in the Planning & Transportation Department's Support Administration Section on the grounds of redundancy.

**RESOLVED** that post PDM002 be declared redundant with effect from 2 July 1999, subject to the payment of a standard redundancy package.

The meeting commenced at 7.30pm and concluded at 10.25pm

**CHAIRMAN**

**The Director of Planning & Transportation is authorised to exercise the following functions of the Council falling within the terms of reference of the Planning & Transportation Committee:-**

**TOWN AND COUNTRY PLANNING AND BUILDING CONTROL**

1. Determine applications for planning permission, listed building consent, conservation area consent, hazardous substances consent and advertisement consent (including those where a planning obligation or highways agreement is required) save as follows:-
  - (a) applications made by Members of Council or staff
  - (b) applications which any single Member of Council expressly requests should be determined by the Planning Control Sub-Committee
  - (c) applications attracting valid planning objections before the delegated decision is made
2. Responding to Notices regarding works to trees in Conservation Areas.
3. Decline to determine a planning application submitted within two years of the Secretary of State refusing or dismissing an appeal against refusal of a similar application.
4. Determine applications for Certificate of Lawfulness pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990
5. Undertake consultations and publicity, issue Notices, Directions, Determinations, Permissions, Consents, Approvals and Certificates in respect of all applications for Planning Permission, Listed Building Consent, Hazardous Substances Consent, Conservation Area Consent, Advertisement Consent including those matters set out in the Town & Country Planning (General Development Procedure) Order 1995
6. Determine whether or not to make a Direction in respect of minerals workings pursuant to the Town & Country Planning (General Permitted Development) Order 1995
7. Determine whether the Council's prior approval is required for carrying out developments as set out in Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995
8. Authorise the Borough Solicitor to serve Enforcement Notices, Listed Building Enforcement Notices and Stop Notices where an application for planning permission, Listed Building Consent or Conservation Area Consent has been refused by the relevant Committee or Sub-Committee
9. Serve Planning Contravention Notices
10. Authorise the Borough Solicitor to serve Breach of Condition Notices

11. Authorise the Borough Solicitor to institute proceedings for an Injunction pursuant to Section 187B of the Town & Country Planning Act 1990
12. Authorise the Borough Solicitor to withdraw Enforcement Notices or to waive or relax any requirements of an Enforcement Notice
13. Authorise the Borough Solicitor to serve Notices pursuant to Section 215 of the Town & Country Planning Act 1990 (power to require proper maintenance of land)
14. Authorise the Borough Solicitor to serve Notices requiring the discontinuance of the display of advertisements or the use of a site for the display of advertisements
15. Remove or obliterate placards and posters pursuant to Section 225 of the Town & Country Planning Act 1990
16. Respond to Hedgerow Removal Notices including authorising the Borough Solicitor to serve Hedgerow Retention Notices
17. Authorise the Borough Solicitor to serve Notices requiring the replacement of Hedgerows
18. Agree minor variations to planning obligations agreed by Planning Control Sub-Committee not involving a reduction in the overall level of financial contributions or deletion of or addition to planning obligations
19. Determine requests and applications to modify or discharge planning agreements and obligations except where:
  - (a) a duly made objection has been received, or
  - (b) it is concerned with the provision of, or payments towards the provision of, infrastructure and facilities
20. Refuse applications for Listed Building grants which do not comply with the requirements of the Council's policy for such grants
21. Authorise the Borough Solicitor to serve Building Preservation Notices
22. Apply for buildings to be listed (unless there is significant public interest)
23. Negotiate and conclude Agreements under Section 106 of the Town & Country Planning Act 1990 in respect of developments to be approved under delegated powers
24. Relax, delete or vary conditions attached to Permissions and Consents where previously agreed under delegated powers.
25. Prepare and present the Council's case to the Secretary of State in respect of any statutory appeal under Planning legislation
26. Respond to consultations from Government Departments, Statutory Undertakers and other Authorities where there is a no major impact on the Borough
27. Determine whether variations and alterations to plans previously approved under planning legislation are minor and if so, to determine issues arising from such

variations and alterations in accordance with Minute 100 of Development Committee  
28 May 1992

28. Authorise the Borough Solicitor to serve Notices under Section 72 of the Building Act 1984 (Means of Escape from Fire) as amended by the Berkshire Act 1986
29. Take all action under the Building Act 1984 and the Building Regulations in respect of applications, Notices served or received, Relaxations and Appeals
30. Authorise the Borough Solicitor to serve Notices in respect of Contraventions of the Building Act 1984 and the Building Regulations
31. Take emergency action to deal with dangerous buildings under Section 78 of the Building act 1984 and the protection of buildings under Sections 90 and 30 of the Local Government (Miscellaneous) Provisions Act 1982
32. Authorise the Borough Solicitor to apply to the Magistrates Court for an Order under Section 77 of the Building Act 1984 in respect of Dangerous Buildings
33. Authorise the Borough Solicitor to serve Notices under Section 79 of the Building Act 1984 in relation to ruinous and dilapidated buildings and neglected sites
34. Take all steps including authorising the Borough Solicitor to serve Notices under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to dangerous trees
35. Discharge the functions of the Council in relation to Environmental Impact Assessments

#### **HIGHWAYS AND TRANSPORTATION**

1. Undertake works of maintenance or improvement or to arrange for such works to be undertaken in relation to Public Highways maintained at the public expense in accordance with Revenue Budgets
2. Seek disclosure of criminal records under the Road Traffic Acts
3. Authorise the Borough Solicitor to enter into Agreements with Landowners for the construction and adoption of roads and footways under Section 38 of the Highways Act 1980
4. Respond to Notices under Section 37 of the Highways Act 1980 proposing that the Council adopt roads and footways and to authorise the Borough Solicitor to take Court action
5. Authorise the Borough Solicitor to enter into Agreements in respect of walkways under Section 35 of the Highways Act 1980
6. Authorise the Borough Solicitor to enter into Agreements under Section 278 of the Highways Act 1980 where the works to the highway are required as part of a planning consent or have been approved by the Highways Sub-Committee
7. Authorise the Borough Solicitor to enter into an Agreement with landowners for the dedication of land required for the widening of highways under Section 72 of the

- Highways Act 1980 where the widening of the highway is part of a scheme required as part of a planning consent or has been approved by the Highways Sub Committee
8. The Councils other functions under Part V of the Highways Act 1980 ("Improvement of Highways") other than the construction of road humps and the power to carry out traffic calming works.
  9. The Councils' functions under Part IX of the Highways Act 1980 ("lawful and unlawful interference with highways and streets")
  10. The Council's functions in relation to Street Works under the New Roads and Street Works Act 1991
  11. Authorise the Borough Solicitor to serve Notices under the Advanced Payments Code of the Highways Act 1980
  12. Exercise the Councils' functions in relation to street naming and renaming, numbering and renumbering of streets in accordance with the procedure agreed by the Planning & Transportation Committee - 15.10.1988
  13. Enter into Agreements with or issue Consents for Statutory Undertakers and Telecommunications Operators to execute works to the highway or to lay apparatus and cables in, under, over or upon the highway
  14. Serve notices on owners of private highways requiring them to bring them into repair
  15. Carry out works in default of owners failing to comply with a Notice requiring a private highway to be brought into repair and to recover the costs arising
  16. Execute urgent repairs to private streets and to recover the costs arising
  17. Take action including authorising the Borough Solicitor to serve Notices in relation to dangerous excavations under Sections 25 and Section 26 of the Local Government (Miscellaneous Provisions) act 1976
  18. Authorise the Borough Solicitor to respond to Notices under Section 56 of the Highways Act 1980
  19. Respond to applications for and lodge operators licences under the Goods & Vehicles (Licensing of Operators) Act 1995
  20. Authorise the Borough Solicitor to make Orders to allow for excavation or other engineering operations required for the purposes of agriculture, under Section 135 of the Highways Act 1980
  21. Authorise the Borough Solicitor to recover from the person responsible the costs of making good damage caused to a grass verge or footway of a highway by any person carrying on building operations or delivering goods to premises in the course of trade, under Section 9 of the Berkshire Act 1986
  22. Authorise the Borough Solicitor to enter into Agreements with adjacent highway authorities or the Secretary of State under Sections 4 and 8 of the Highways Act 1980



23. Authorise the Borough Solicitor to make application to the County Court for an Order vesting former highway land in the Highway Authority under Section 7 of the Berkshire Act 1986
24. Take action including authorising the Borough Solicitor to serve Notices, Orders or issue Court proceedings to deal with unlawful works, alterations to, damage to, obstructions of, danger or annoyance to users of highways and streets, interference with or encroachment onto the highway.
25. Take action including authorising the Borough Solicitor to make Orders and to enter into Agreements to stop up private accesses to premises
26. Levy charges for damage to street furniture and emergency call outs as and when required and to authorise the Borough Solicitor to recover such charges
27. Approve proposals for fixing street lighting wall brackets to buildings pursuant to Section 45 of the Public Health Act 1961
28. Adopt street lighting prior to adopting streets by the Council
29. Determine applications for attachments to lamp standards and balance across the public highway including authorising the Borough Solicitor to enter into any necessary Agreements relating to such applications
30. Serve Notices under Highways Act 1980 on the occupiers of premises who habitually take vehicles over footways where a properly constructed crossing is not provided and is required
31. Authorise the Borough Solicitor to enter into Agreements to licence the erection of structures on the highway in accordance with the Highways Act 1980
32. Authorise the Borough Solicitor to enter into Agreements under Section 115E of the Highways Act 1980
33. In consultation with the Chairman, Ward Councillors, Police and Parish Council, determine applications for consent to hold social events on the highway, and to authorise the Borough Solicitor to make any necessary Orders.
34. The Committees functions relating to car parks including authorising the Borough Solicitor to enter into Agreements for car parking spaces
35. Authorise the Borough Solicitor to make temporary Orders and Notices for Traffic Management under Section 14 of the Road Traffic Regulation Act 1984
36. Approve the temporary direction sign for local, major and national events and functions
37. Erect or amend direction signing, traffic signs and road markings in accordance with Traffic Signs, Regulations and General Directions 1994
38. Determine applications for the installation of vehicle crossovers under the Highways Act 1980
39. Determine applications for Disabled Persons Parking Places which meets the Council's criteria and to authorise the Borough Solicitor to make the necessary Order

40. Approve the revocation of Disabled Persons parking places which are no longer required where the revocation is unopposed and to authorise the Borough Solicitor to make any necessary Order
41. Approve traffic management schemes and minor road improvements to a maximum of £50,000 per scheme provided that the Chairman of the Highways Sub-Committee and the Ward Councillors have been consulted and do not object and provision has been made in the appropriate budget
42. Approve traffic management schemes and minor road improvements where required urgently because road safety is concerned, (this is not subject to a limit on costs). Finance must be available in the approved budget.
43. Authorise the Borough Solicitor to make any necessary Traffic Orders in respect of traffic management schemes to be implemented under delegated powers and to determine the Council's response to any objections received to such Orders
44. Approve minor schemes submitted by other Highway Authorities for Traffic Management Orders within the Borough
45. Authorise the Borough Solicitor to give notice of proposals to make Traffic Orders in respect of any scheme which has been approved by the Highways Sub Committee and to authorise the Borough Solicitor to make such Traffic Orders where no objection has been received
46. Authorise the Borough Solicitor to make Traffic Orders to enable minor amendments to be made to Waiting and Loading Restriction orders including determining the response of the Council to any objections received to the order
47. Waive excess parking meter charges where justified
48. The Council's functions relating to cycletracks

### **MISCELLANEOUS**

1. Act as "Appointing Officer" for independent surveyors in the event of a Party Wall dispute where the parties surveyors are unable to agree on a third surveyor
2. Request the Traffic Commissioners to make, vary or revoke traffic regulation conditions affecting local services or to hold an Inquiry affecting local services or to hold an Inquiry prior to determination of such conditions
3. Enter into Public Path Creation Agreements, except where a capital payment by the Council is involved
4. Serve Notices requiring information as to interests in land
5. Authorise the Borough Solicitor to institute and conduct proceedings in respect of any criminal offence under legislation within the terms of reference of the Committee
6. Authorise the Borough Solicitor to institute proceedings for an Injunction in respect of any nuisance on the highway, trespass on land, contravention of building regulations or where it is considered that criminal proceedings would not secure the appropriate remedy.

7. Issue formal cautions for criminal offences under legislation falling within the terms of reference of the Committee
8. Authorise the Borough Solicitor to obtain Warrants of Entry
9. Authorise persons to exercise powers of entry, inspection, surveying, taking of samples and seizure of goods and articles under all legislation falling within the terms of reference of the Committee
10. Appoint officers and others to positions and/or to act in particular capacities under legislation falling within the terms of reference of the Committee

**The Director of Public and Environmental Services is authorised to exercise the following functions of the Council falling within the terms of reference of the Committee:-**

1. Authorise the Borough Solicitor to make and serve Tree Preservation Orders
2. Authorise the Borough Solicitor to confirm Tree Preservation orders where no objection has been received
3. Determine applications to carry out works to trees included in a Tree Preservation Order
4. Authorise the Borough Solicitor to serve Notices requiring replacement of staff

**The Director of Leisure Services is authorised to exercise the following functions of the Council falling within the terms of reference of the Planning & Transportation Committee:-**

1. Authority to make Modification Orders and Reclassification Orders and to determine applications for Modification Orders in relation to the Definitive Map and Statement of Public Rights of Way
2. Authority to consolidate the Definitive Map and Statement of Public Rights of Way