



**DRAFT SCHEME OF DELEGATION TO  
OFFICERS FOR THE DETERMINATION OF  
PLANNING  
APPLICATIONS AND PLANNING RELATED  
MATTERS**

## The Director of Regeneration & Place

1. The Director of Regeneration & Place has authority to determine all major, minor and other applications submitted to, by or on behalf of the Borough Council other than those listed under 1a and 1b below and take enforcement action as detailed in 1c below;
  - a. subject to the following categories in consultation with Chair and Party spokespersons;
    - i. Any personal/private application made by any Member of the Council, or any member of staff employed in the Council's Planning Service;
    - ii. Any application where an Elected Member is involved in any capacity as an agent or consultant where at least one objection has been received;
    - iii. Applications where it was proposed to make a decision that is contrary to the development plan;
    - iv. Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are statutory objections;
    - v. Recommendations to not take enforcement action relating to Priorities 1, 2 and 3 of the adopted Planning Enforcement Policy on the grounds of non-expediency.
    - vi. Decision to revoke a TPO and not replace it.
  - b. Applications to be determined by Committee:
    - i. the following categories of applications for planning permission:
      - large-scale major developments (defined by the Ministry for Housing, Communities and Local Government (MHCLG) as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance;
      - planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
      - significant applications by Wirral Borough Council to develop any land owned by the Council, or for development of any land by the Council or by the Council jointly with any other person (Regulation 3 applications);
      - any application where the Director responsible for the planning service considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;

- Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.
- ii. Applications where any Elected Member has, prior to the last date for comment as published on an application for either their Ward or a Ward which would be substantially affected by the proposals within the application, made a written request to the Director that the application be referred to the Planning Committee and has given sound and reasonable planning grounds for that request. In the event that the Elected Member does not register their intention to speak to the item at Committee consent may be sought from the Committee to withdraw the agenda item to enable it to be determined under officer delegation.
  - iii. Applications that, within the specified consultation period attract a qualifying objection of either:- one or more petitions of objection totalling 25 or more individual signatories; or 15 individual objections in writing. unless the application is being recommended for refusal, in which case, the application shall remain under officer delegated powers. The lead petitioner will be informed of the recommendation to refuse under delegated power.
- c. to take enforcement action on all matters relating to the issue, modification, service and withdrawal of Enforcement Notices, Planning Contravention Notices, Breach of Condition Notices and Discontinuance Orders, including the following:
    - i. In cases of urgency, in consultation with the Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices.
    - ii. In consultation with the Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.
    - iii. To take enforcement action relating to Priorities 4 and 5 of the adopted Planning Enforcement Policy.
  - d. to refuse applications in relation to telecommunications development;
  - e. where it is proposed to recommend any proposals requiring prior notification approval, after consultation with the Chair and Party Spokespersons of the Planning Committee, to determine applications in relation to such developments which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to the reporting of the use of such delegated authority to the next available meeting of that Committee, for information;
  - f. to determine all planning and related applications where decisions would require a Section 106 obligation.

2. The Director of Regeneration & Place is authorised to undertake the following functions and powers:
  - a. To exercise all the powers and duties of the Council in respect of the Town and Country Planning Act 1990 (as amended) (“the Act”) as follows:
    - i. Reject an outline application because of insufficient details.
    - ii. Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.
    - iii. Serve planning contravention notices and to hold discussions as a result of the “time and place” procedure under Section 171(C) of the Act.
    - iv. Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act.
    - v. Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.
    - vi. Issue screening opinions and scoping opinions (under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.
    - vii. Authorise entry on to land under Sections 196 214(b) and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
    - viii. Conservation area protection notification under Section 2(11) of the Act
  - b. To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.
  - c. To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.
  - d. To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 2007 or any amendments to those regulations.
  - e. To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.
  - f. To respond to consultations from neighbouring local planning authorities on planning applications.

- g. To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990.
- h. To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.