




RECORD OF POWERS DELEGATED BY THE EXECUTIVE DIRECTOR FOR PLACE

Scheme of Delegation for Development Management

Date last reviewed:	June 2024
David Shepherd Executive Director for Place	<i>Approved by Signature:</i>  _____
Date Approved:	July 2024
Version No:	V1
Review Date:	July 2025
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DELEGATED POWERS

Purpose

To set out the delegations from the Executive Director for Place in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

<p>Caravan Sites and Control of Development Act 1960 Electricity Act 1989: Overhead Lines (Exemption) (England and Wales) Regulations 2009 Enterprise and Regulatory Reform Act 2013 Hazardous Substances Act 1990 Land Compensation Act 1961 Local Government Act 1972 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) Planning and Compulsory Purchase Act 2004</p>	<p>Town and Country Planning Act 1990 (as amended) Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) Town and Country Planning (Environmental Impact Assessment Regulations) 2017 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Town and Country Planning (Permission in Principle) (Amendment) Order 2017 Town and Country Planning (Tree Preservation) (England) Regulations 2012 Town and Country Planning (Use Classes) Order 1987 (as amended)</p>
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Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Executive Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures. **In particular, the following delegations to officers apply subject to the requirement to refer, to the appropriate Committee, all the matters identified in Section A of the scheme of delegation for the Executive Director for Place.**

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Services business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Executive Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services eg. any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
ELECTRICITY ACT 1989							
OVERHEAD LINES (EXEMPTION) (ENGLAND AND WALES) REGULATIONS 2009							
Authority to determine whether to object to development to be undertaken under the exemptions laid down in the Overhead Lines (Exemption) (England and Wales) Regulations 2009 and whether the Secretary of State should consider the application using the full section 37 process under the Electricity Act 1989				✓	✓	✓	✓
HAZARDOUS SUBSTANCES ACT 1990							
APPLICATIONS FOR HAZARDOUS SUBSTANCES CONSENT				✓	✓	✓	✓
Authority to determine hazardous substances consents Section 4,6,7,9,10 HSA 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 8(6) HSA 1990				✓	✓	✓	✓
Authority to notify applicants for hazardous substances consent of invalid claims and reasons Section 11(6) HSA 1990				✓	✓	✓	✓
Authority to determine applications for the removal of conditions attached to hazardous substances consents Section 13 HSA 1990				✓	✓	✓	✓
REVOCATION/MODIFICATION OF HSC							
Authority to make an order to revoke or modify hazardous substances consent Section 14 HSA 1990							✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) in response to a Section 14 order Section 15 HSA 1990			✓	✓	✓	✓	✓
Authority to determine compensation claims Section 16 HSA 1990							✓
Authority to determine applications for continuation of hazardous substances consents Section 17,18 HSA 1990					✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to determine compensation claims Section 19 HSA 1990							✓
APPEALS AND REFERRALS TO SoS							
Authority to present the HSA's case (whether written representations, at informal hearing or public inquiry) in relation to applications referred to SoS Section 20 HSA 1990			✓	✓	✓	✓	✓
Authority to present the HSA's case (whether written representations, at informal hearing or public inquiry) on appeals to the Secretary of State Section 21 HSA 1990			✓	✓	✓	✓	✓
HIGH COURT CHALLENGES							
Authority to instruct the Service Director – Legal, Governance and Commissioning to defend proceedings issued in the High Court Section 22 HSA 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate proceedings on behalf of the HSA in the High Court Section 22 HSA 1990							✓
ENFORCEMENT							
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 23 HSA 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to issue a hazardous substances contravention notice Section 24,25 HSA 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to apply in urgent cases to court for injunctions to restrain any actual or apprehended contravention of hazardous substances control Section 26AA HSA 1990					✓	✓	✓
RIGHTS OF ENTRY							
Authority to enter land for the purposes of surveying it, ascertaining whether an offence appears to have been committed or a notice has been complied with and estimating			✓	✓	✓	✓	✓

Directorate for Place (**Delegation Scheme for Development Management**)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
value Section 36 HSA 1990							
Authority to apply to a justice of the peace for a right to enter land under warrant Section 36A HSA 1990			✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 36B HSA 1990				✓	✓	✓	✓
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990							
LISTING							
Authority to serve a building preservation notice Section 3 P(LB&CA) A 1990					✓	✓	✓
Authority to serve a building preservation notice urgently by affixing to the building Section 4 P(LB&CA) A 1990					✓	✓	✓
CONTROL OF WORKS							
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 9 P(LB&CA) A 1990				✓	✓	✓	✓
APPLICATIONS FOR LBC							
Authority to determine applications for listed building consent Section 8,10,16,17,18 P(LB&CA) A 1990			✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 11(6) P(LB&CA) A 1990				✓	✓	✓	✓
Authority to present the LPA’s case (whether written representations, at informal hearing or public inquiry) on call ins by the SoS Section 12,89 P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
Authority to vary or discharge conditions of a listed building consent Section 19 P(LB&CA) A 1990			✓	✓	✓	✓	✓
Authority to present the LPA’s case (whether written representations, at informal hearing or public inquiry) on appeals to the SoS Section 20,21,22,89 P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 21(7) P(LB&CA) A 1990				✓	✓	✓	✓
Power to decline to determine subsequent applications for listed building consent Section 81A P(LB&CA) A 1990					✓	✓	✓
Power to decline to determine overlapping applications for listed building consent Section 81B P(LB&CA) A 1990					✓	✓	✓
REVOCAION/MODIFICATION OF LBC							
Authority to make an order to modify listed building consents Section 23 P(LB&CA) A 1990				✓	✓	✓	✓
Authority to present the LPA’s case (whether written representations, at informal hearing or public inquiry) in opposed cases Section 23,24 P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
Power to confirm unopposed orders for the revocation or modification of listed building consents Section 25 P(LB&CA) A 1990						✓	✓
CERTIFICATES OF LAWFULNESS							
Determination of applications for certificates of lawfulness relating to listed buildings Section 26H P(LB&CA) A 1990			✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions under Section 26J P(LB&CA) A 1990				✓	✓	✓	✓
Authority to present the LPA’s case (whether written representations, at informal hearing or public inquiry) on appeals Section 26K P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
COMPENSATION							
Power to determine compensation claims Section 28,30,31,37 P(LB&CA) A 1990							✓
Power to determine compensation claims Section 29,30,31 P(LB&CA) A 1990							✓
LISTED BUILDING PURCHASE NOTICES							

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to serve notice in response Section 33 P(LB&CA) A 1990					✓	✓	✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on reference of listed building purchase notice to the Secretary of State Section 34 P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
ENFORCEMENT							
Authority to instruct the Service Director – Legal, Governance and Commissioning to issue listed building enforcement notices Section 38 P(LB&CA) A 1990				✓	✓	✓	✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on appeals to the Secretary of State against listed building enforcement notices Section 39,40,89 P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
Authority to enter land and to execute works in default and recover the LPA's expenses Section 42 P(LB&CA) A 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions under Sections 43 P(LB&CA) A 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to apply in urgent cases to court for injunctions to restrain any actual or apprehended contravention of Section 9(1) or (2) Section 44A P(LB&CA) A 1990					✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to serve an urgent works notice Section 54 P(LB&CA) A 1990				✓	✓	✓	✓
Authority to enter unoccupied listed buildings in order to execute urgent works Section 54 P(LB&CA) A 1990				✓	✓	✓	✓
Authority to recover expenses of works executed under Section 54 and to instruct the Service Director – Legal, Governance and Commissioning to instigate legal proceedings as necessary Section 55 P(LB&CA) A 1990				✓	✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions under Section 59 P(LB&CA) A 1990				✓	✓	✓	✓
HIGH COURT CHALLENGES							
Authority to instruct the Service Director – Legal, Governance and Commissioning to defend proceedings issued in the High Court Section 62,63 P(LB&CA) A 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate proceedings on behalf of the LPA in the High Court Section 62,63 P(LB&CA) A 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to defend any appeal proceedings issued in the High Court against a decision of the SoS relating to a listed building enforcement notice Section 65 P(LB&CA) A 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to appeal to the High Court against a decision of the SoS relating to a listed building enforcement notice Section 65 P(LB&CA) A 1990							✓
CONSERVATION AREAS							
Authority to designate parts of land as conservation areas and to review existing designations Section 69,70 P(LB&CA) A 1990					✓	✓	✓
Authority to formulate and publish proposals for preservation and enhancement of conservation areas Section 71 P(LB&CA) A 1990					✓	✓	✓
Power to determine applications for conservation area consent (received prior to 1 October 2013) Section 74,75 P(LB&CA) A 1990			✓	✓	✓	✓	✓
RIGHTS OF ENTRY							
Authority to enter land for the purpose of surveying any building or land for listing Section 88(1),88B P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓

Directorate for Place (**Delegation Scheme for Development Management**)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to enter land for the purposes of surveying it, ascertaining whether a notice or order has been complied with or an offence committed under Sections 9,11 or 43 or land/buildings are being maintained in a proper state of repair Section 88(2),88B P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
Authority to enter land for the purposes of ascertaining whether an offence has been committed under Section 59, any functions under Section 54 should be exercised or exercising any of those functions Section 88(3), 88B P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
Authority to apply to a justice of the peace for a right to enter land under warrant Section 88A,88B P(LB&CA) A 1990	✓	✓	✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 88B (3) P(LB&CA) A 1990				✓	✓	✓	✓
TOWN & COUNTRY PLANNING ACT 1990							
PLANNING APPLICATIONS/APPROVALS							
Determination of applications for planning permission in accordance with a development order Sections 58,59,60 TCPA 1990			✓(Non-Major applications only)	✓(Non-Major applications only)	✓	✓	✓
Determination of applications for full planning permission and outline planning permission Sections 62,70,71A,72,91,92 TCPA 1990 Article 5 TCP(DMP)(E)Order 2015 (as amended)			✓(Non-Major applications only)	✓(Non-Major applications only)	✓	✓	✓
Approval of reserved matters applications Section 62,71A,92,93 TCPA 1990 Article 6TCP(DMP)(E)Order 2015(as amended)			✓(Non-Major applications only)	✓(Non-Major applications only)	✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Approval of applications for any consent, agreement or approval required by a condition or limitation. Article 27 TCP(DMP) Order 2015(as amended)			✓(Non-Major applications only)	✓(Non-Major applications only)	✓	✓	✓
Power to decline to determine relevant applications Section 70A TCPA 1990					✓	✓	✓
Power to decline to determine overlapping applications Section 70B TCPA 1990					✓	✓	✓
Power to decline to determine retrospective applications Section 70C TCPA 1990					✓	✓	✓
Power to adopt a screening opinion or to request sufficient information to enable the LPA to adopt a screening opinion Section 71A TCPA 1990 and TCP (EIA) Regulations 2017					✓	✓	✓
Power to take previously submitted environmental information into account on subsequent applications Section 71A TCPA 1990 and TCP (EIA) Regulations 2017			✓	✓	✓	✓	✓
Power to serve notice seeking the submission of further environmental information Section 71A TCPA 1990 and TCP (EIA) Regulations 2017	✓		✓	✓	✓	✓	✓
Power to adopt a screening opinion or to request sufficient information to enable the LPA to adopt a screening opinion in relation to subsequent applications Section 71A TCPA 1990 and TCP (EIA) Regulations 2017			✓	✓	✓	✓	✓
Power to notify an applicant that an environmental statement is required TCP (EIA) Regulations 2017	✓		✓	✓	✓	✓	✓
Power to adopt a scoping opinion or to request sufficient information to enable the LPA to adopt a screening opinion TCP (EIA) Regulations 2017			✓	✓	✓	✓	✓
Authority to facilitate the preparation of environmental statements TCP (EIA) Regulations 2017			✓	✓	✓	✓	✓
Power to undertake all necessary publicity and procedures on submission of an environmental statement TCP (EIA) Regulations 2017	✓		✓	✓	✓	✓	✓

Directorate for Place (**Delegation Scheme for Development Management**)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Power to notify an applicant that further information is required to be submitted in respect of the environmental statement TCP (EIA) Regulations 2017	✓		✓	✓	✓	✓	✓
Power to undertake publicity and procedures on receipt of further information TCP (EIA) Regulations 2017	✓		✓	✓	✓	✓	✓
Determination of applications to develop land without compliance with conditions previously attached Section 73 TCPA 1990			✓(Non-Major applications only)	✓	✓	✓	✓
Grant of planning permission for development already carried out Section 73A TCPA 1990			✓(Non-Major applications only)	✓	✓	✓	✓
Power to make a determination of applications to vary conditions relating to construction working hours. Section 74C TCPA 1990			✓(Non-Major applications only)	✓	✓	✓	✓
PLANNING APPEALS/CALL-INS							
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on appeals and references to the Secretary of State Sections 77,78,79 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
COMPLETION NOTICES							
Power to serve completion notices Section 94,95 TCPA 1990				✓	✓	✓	✓
NON-MATERIAL AMENDMENTS							
Power to make non-material changes to planning permissions Section 96A TCPA 1990			✓(Non-Major applications only)	✓(Non-Major applicati	✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
				ons only)			
MODIFICATION/REVOCAION OF PLANNING PERMISSIONS							
Power to make orders to modify planning permissions Section 97,98 TCPA 1990						✓	✓
Power to present the LPA's case (whether written representations, at informal hearing or public inquiry) in opposed cases Section 98 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
Power to confirm unopposed orders for the revocation or modification of planning permissions Section 99 TCPA 1990						✓	✓
Power to make orders requiring the discontinuance of use or alteration or removal of buildings or works etc Section 102,103 TCPA 1990						✓	✓
PLANNING OBLIGATIONS							
Negotiation of heads of terms relating to planning obligations and to authorise the Service Director - Legal, Governance and Commissioning to prepare and execute all necessary documentation Section 106 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
Negotiation of modifications to and discharge of planning obligations Section 106A TCPA 1990			✓	✓	✓	✓	✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on appeals to the Secretary of State Section 106B TCPA 1990	✓	✓	✓	✓	✓	✓	✓
COMPENSATION							
Authority to determine compensation claims Section 107,108,117 TCPA 1990							✓
Apportionment of compensation for depreciation Section 109 TCPA 1990							✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to determine compensation claims Section 115,117 TCPA 1990							✓
Authority to present the LPA's case in the Upper Tribunal in cases of disputed compensation Section 118 TCPA 1990					✓	✓	✓
PURCHASE AND BLIGHT NOTICES							
Authority to serve a response notice Section 139 TCPA 1990							✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on reference of purchase notice to the Secretary of State Section 140 TCPA 1990					✓	✓	✓
Authority to accept blight notices served under Section 150 TCPA 1990							✓
Authority to serve counter-notices objecting to blight notices Section 151 TCPA 1990							✓
Authority to serve further counter-notices Section 152 TCPA 1990							✓
Authority to present the LPA's case in the Upper Tribunal that its objections to a blight notice are well-founded Section 153 TCPA 1990					✓	✓	✓
ENFORCEMENT							
Authority to serve planning contravention notices Section 171C TCPA 1990				✓	✓	✓	✓
Authority to issue temporary stop notices Section 171E TCPA 1990					✓	✓	✓
Authority to instruct the Service Director – Legal, Governance & Monitoring to issue enforcement notices Section 172 TCPA 1990				✓	✓	✓	✓
Power to adopt a screening opinion before the issue of an enforcement notice and to undertake all procedural requirements TCP (EIA) Regulations 2017				✓	✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to vary or withdraw enforcement notices Section 173A TCPA 1990				✓	✓	✓	✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on appeals to the Secretary of State against enforcement notices Section 174,175 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
Authority to enter land and to execute works in default and recover the LPA's expenses Section 178 TCPA 1990				✓	✓	✓	✓
Authority to serve notice of the LPA's intention to carry out works Section 181 TCPA 1990		✓		✓	✓	✓	✓
Authority to serve stop notices Section 183,184 TCPA 1990					✓	✓	✓
Authority to determine claims for compensation for loss due to stop notice Section 186 TCPA 1990							✓
Authority to serve breach of condition notices Section 187A TCPA 1990				✓	✓	✓	✓
Authority to enter land and execute works in default and recover the LPA's expenses Section 190 TCPA 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to apply in urgent cases to court for injunctions to restrain any actual or apprehended breach of planning control/offence/contravention under Section 187B,210,211 TCPA 1990, the Hedgerow Regulations 1997 and Section 9(1), (2) P(LBCA)A 1990					✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions under Sections 171D,171G,178(6),179,187,189,194,196C (2),196D TCPA 1990				✓	✓	✓	✓
Determination of applications for a certificate of lawfulness of existing use or development Section 191,193 TCPA 1990			✓	✓	✓	✓	✓
Determination of applications for a certificate of lawfulness of proposed use or development Section 192,193 TCPA 1990			✓	✓	✓	✓	✓
Authority to present the LPA's case (whether written representations, at informal	✓	✓	✓	✓	✓	✓	✓

Directorate for Place (**Delegation Scheme for Development Management**)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
hearing or public inquiry) on appeals to the Secretary of State against refusal or failure to give decision on applications under Section 191 or 192 TCPA 1990 Section 195,196 TCPA 1990							
Authority to enter land without warrant Section 196A,196C TCPA 1990	✓1	✓	✓	✓	✓	✓	✓
Authority to apply to a justice of the peace for a right to enter land under warrant Section 196B,196C TCPA 1990	✓2	✓	✓	✓	✓	✓	✓
TREES							
Authority to instruct the Service Director – Legal, Governance and Commissioning to make, vary and revoke tree preservation orders Sections 198, 199 and 201 of the Town and Country Planning Act 1990 & Article 11 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012				✓	✓	✓	✓
Authority to determine applications for consent to carry out works to trees protected by TPO Section 198 – TCPA 1990	✓3			✓	✓	✓	✓
Authority to serve notices requiring the replacement of trees Section 207,213 TCPA 1990				✓	✓	✓	✓
Authority to present the LPA’s case (whether written representations, at informal hearing or public inquiry) on appeals to the Secretary of State against Section 207 notices Section 208 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
Authority to enter land and to execute works in default and recover the LPA’s expenses Section 209 TCPA 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions for the contravention of TPOs under Section 210 TCPA 1990				✓	✓	✓	✓
Authority to revoke a Tree Preservation Order Sections 198, 199 and 201 of the Town and Country Planning Act 1990 & Article 11 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012				✓	✓	✓	✓
Authority to determine applications for consent to carry out works to trees in conservation areas Section 211 TCPA 1990	✓4			✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions for carrying out unauthorised works to trees in a conservation				✓	✓	✓	✓

Directorate for Place (**Delegation Scheme for Development Management**)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
area Section 211 TCPA 1990							
Authority to instruct the Service Director – Legal, Governance and Commissioning to apply in urgent cases to court for injunctions to restrain any actual or apprehended offence under Sections 210 or 211 TCPA 1990 Section 214A TCPA 1990					✓	✓	✓
Authority to enter land without a warrant Section 214B,214D TCPA 1990	✓5	✓	✓	✓	✓	✓	✓
Authority to apply to a justice of the peace for a right to enter land under warrant Section 214C,214D TCPA 1990	✓6	✓	✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 214D (3) TCPA 1990				✓	✓	✓	✓
AMENITY NOTICES							
Authority to serve amenity notices Section 215 TCPA 1990				✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions for non-compliance with Section 215 notices Section 216 TCPA 1990				✓	✓	✓	✓
Authority to present the LPA’s case on appeals to the Magistrates’ Court against Section 215 notices Section 217 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to submit an appeal to the Crown Court or defend an appeal made to the Crown Court Section 218 TCPA 1990				✓	✓	✓	✓
Authority to enter land and carry out works in default and recover the LPA’s costs Section 219 TCPA 1990				✓	✓	✓	✓
ADVERTISEMENTS							
Authority to serve discontinuance notices Section 220 TCPA 1990 and Regulation 8 TCP (Control of Advertisements) (England) Regulations 2007		✓		✓	✓	✓	✓

Directorate for Place (Delegation Scheme for Development Management)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to determine applications for advertisement consent Section 220 TCPA 1990 and Part 3 TCP (Control of Advertisements) (England) Regulations 2007			✓	✓	✓	✓	✓
Authority to present the LPA's case (whether written representations, at informal hearing or public inquiry) on appeals to the Secretary of State against decisions relating to advertisement consents Section 220 TCPA 1990 and Regulation 17 TCP (Control of Advertisements) (England) Regulations 2007	✓	✓	✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate prosecutions for the display of advertisements in contravention of Regulations made under Section 220 Section 224 TCPA 1990				✓	✓	✓	✓
Authority to remove or obliterate placards and posters and to enter land for that purpose Section 225,324 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
HIGH COURT CHALLENGES							
Authority to instruct the Service Director – Legal, Governance and Commissioning to defend proceedings issued in the High Court Section 288(1) TCPA 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate proceedings on behalf of the LPA in the High Court Section 288(2) TCPA 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to defend any appeal proceedings issued in the High Court against a decision of the SoS relating to an enforcement notice or Section 207 notice Section 289 TCPA 1990							✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to appeal to the High Court against a decision of the SoS relating to an enforcement notice or Section 207 notice Section 289 TCPA 1990							✓
MISCELLANEOUS							

Directorate for Place (**Delegation Scheme for Development Management**)

Responsibility	Officer A	Officer B	Officer C	Officer D	Officer E	Head of Service	Service Director
Authority to enter land for the purpose of surveying it or ascertaining whether a notice or order has been complied with Section 324 TCPA 19907	✓	✓	✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance and Commissioning to instigate a prosecution under Section 325(2) TCPA 19908				✓	✓	✓	✓
Authority to issue a notice requiring information as to interests in land Section 330 TCPA 1990	✓	✓	✓	✓	✓	✓	✓
PERMISSION IN PRINCIPLE							
Determine applications for permission in principle applications in accordance with development order Section 59A TCPA 1990			✓	✓	✓	✓	✓

¹ Authority also applies to Environment/Biodiversity Officers

² Authority also applies to Environment/Biodiversity Officers

³ Authority only applies to Trees Officers

⁴ Authority only applies to Trees Officers

⁵ Authority only applies to Trees Officers

⁶ Authority only applies to Trees Officers

⁷ Authority also applies to Environment/Biodiversity Officers

⁸ Authority also applies to Environment/Biodiversity Officers

Key to authorised officers:

Responsibility	Post Title/Section
Officer A	Planning Officers & Assistants
Officer B	Enforcement Officer
Officer C	Senior Planning Officer (Majors & Minerals) / Senior Planning Officer (Deputy Team Leader)
Officer D	Senior Planning Officer (Enforcement)
Officer E	Team Leaders (Area Planning Teams, Major applications Team, Compliance Team, Conservation, Design, Ecology and Trees Team)/ Development Management Master planners/Group Leader
SoS	Secretary of State
Head of Service	Head of Service, Development Management
Service Director	Service Director, Skills and Regeneration