This is an extract and should be read in conjunction with the Council's constitution uploaded here - Minutes - Tewkesbury Borough Council

DELEGATIONS TO DIRECTOR: GROWTH		
Ref	**Delegation**	**In consultation with**
1.	To take emergency measures to deal with dangerous buildings under the Building Act 1984.	
2.	To identify buildings of special architectural or historic interest and make proposals to include any such buildings in any listing under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
3.	To allocate grants relating to heritage assets including statutory and non-statutory designations.	
4.	To devise a scheme for Planning Performance Agreements and review and amend as necessary.	
5.	To determine proposals for street naming.	
6.	To allocate numbers to buildings in new streets and in existing streets including renumbering.	
7.	To maintain, improve and construct land drainage works; to maintain flow in watercourses; to deal with the deposit of soil on banks; and to carry out works in default of the responsible party.	
8.	To approve Temporary Road Closures under Section 21 of the Town Police Clauses Act 1847.	
9.	To agree proposals from developers/landowners for the transfer of open space and, subject to the agreement of the Executive Director: Resources and S151, the amount of any commuted sums payable by the developer / landowner in respect thereof.	Executive Director: Resources and S151
10.	To lodge objections with the appropriate authority to applications from bus operators to raise fares, or alter routes or schedules, after consultation with the Chair of the Planning Committee.	Chair of Planning Committee
11.	To approve the designation of neighbourhood areas where a relevant body proposes a neighbourhood area that follows their Parish Council boundary meeting the requirements of r5A of SI 2012/637 (The Neighbourhood Planning (General) Regulation 2012).	

12. **Planning and Related Applications**

The Council has delegated its planning responsibilities to the Planning Committee. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations ("the 2026 Regulations") introduce a national scheme of delegation that must be adhered to alongside the Councils adopted scheme. The 2026 Regulations define Schedule 1 and Schedule 2 application types. All Schedule 1 applications must be delegated to officers unless subject to the safeguards set out below. All Schedule 2 applications must be considered by the Nominated Officer with the Chair of the Planning Committee or his/her Vice Chair to determine whether they are required to go to planning committee in accordance with Regulation 5 (2)–(4). The Nominated Officer shall be the Director: Growth or any planning officer they may nominate.

Head of Service: Development Management (or other nominated officer)

Chair of Planning Committee

The majority of planning applications are delegated to the Director: Growth subject to the safeguards set out below. The Director: Growth has the authority to deal with a range of issues on behalf of the Planning Committee including the following:

- Planning applications.
- Environmental Impact Assessment Screening and Scoping Opinions.
- Reserved matters applications.
- Applications for Lawful Development Certificates.
- Advertisement Consent applications.
- Listed Building Consent applications.
- Non-material minor amendments.
- Approval of details required by, and discharge of, conditions.
- Permitted development prior approval notifications.
- Applications for works to trees subject of Tree Preservation Orders.
- Notifications of works to trees in conservation areas.
- Hazardous Substance Consent.
- Permission in Principle.
- Technical Details Consents.
- Other notifications and consultations received by the Council as local planning authority, including those from statutory undertakers and other local authorities.

Under the terms of the Scheme, the Director: Growth has authority to approve or refuse submissions subject to the safeguards listed below. In all cases, observations from Town/Parish Councils, Councillors, the local community and other consultees will be taken into account where they have been received before a decision is issued or representations are made.

The Director: Growth also has the authority to decline to determine applications under section 70A, 70B and 70C of the Town and Country Planning Act 1990, or section 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Head of Development Management will 'finally dispose' of applications under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where it is appropriate to do so.

13. **Planning and Related Applications**

1. The National Scheme of Delegation for planning applications is implemented through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The Regulations were made on 15 July 2026. Its day to day operation is carried out through a delegation given to the Director: Growth who can sub delegate the routine operation of the system of dealing with Planning Applications to a Nominated Officer or Nominated Member. All Planning Applications received will be publicised in accordance with the Statement of Community Involvement.

2. The Director: Growth (as sub-delegated) will determine the majority of Planning Applications and must determine those that are identified in Schedule 1. Planning Committees will be focused on determining those applications that fall within Schedule 2 that are larger in scale, more complex, or more controversial.

3. Local circumstances remain relevant and a local 'triage' process will be implemented to provide some applications with a potential route to planning committee via the statutory 'gateway test'. This will involve being assessed by a panel comprising a Nominated Officer and a Nominated Member. The panel will consider whether the application satisfies the 'gateway test' criteria. This provides a mechanism to ensure that applications raising issues of genuine significance or sensitivity have a route to committee where appropriate, otherwise, the application will be determined under delegated powers.

4. The key principles of the scheme, together with the proposed implementation arrangements and qualification for the local Tewkesbury triage process are set out in the following section 6 of the Constitution relating to the protocol for Councillors and Officers involved in the Planning Process explaining the process and responsibility.

5. Planning applications will be referred to the Planning Committee for a decision in the following circumstances:

   (i) Applications submitted by the Council, by or on behalf of, a Tewkesbury Borough Councillor or by, or on behalf of, an employee of the Council.

   (ii) Applications listed in Schedule 2 to the 2026 Regulations that have been considered by the Nominated Officer and the Chair of the Planning Committee and are considered to be appropriate for committee decision having regard to Regulation 5 of the 2026 Regulations.

The above safeguards shall be subject to, and not affect, the authority of the Director: Growth to act in respect of those cases where strict statutory time limits are involved for making a decision or taking action, for example, in cases of agricultural buildings, demolitions and telecommunications determinations and in respect of notifications of works to trees in Conservation Areas, and any other matters where non-action within a set period automatically gives consent.

14. **Planning Enforcement**

1. The Director: Growth in consultation with the Director: One Legal, has the authority to carry out the following: — Director: One Legal

a. to issue Notices in respect of clear breaches of planning and listed building control and all other planning related legislation if it is considered expedient to take such action.

b. to issue a Planning Contravention Notice or Requisition for Information.

c. to issue any Notices under Section 215 of the 1990 Planning Act to require the proper maintenance of land.

d. to issue/serve any urgent notices under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and all other planning related legislation.

	e. to take action pursuant to the Rights of Entry under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, Part 8 of the Anti-Social Behaviour Act 2003 and all other planning related legislation.	
	f. to issue a Discontinuance Notice under Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007.	
15.	**Listed and Unlisted Heritage Assets**	
	1. The Director: Growth has the authority to respond to consultations from, or make proposals to, the relevant organisations on potential amendments to the Statutory List of Buildings of Special Architectural or Historic Interest.	
	2. The Director: Growth has the authority to make amendments to the local list of heritage assets.	
16.	**S106 Obligations**	
	1. The Director: Growth has the authority to negotiate, and to instruct the Director: One Legal to progress and enter into, s106 legal obligations in respect of any matter being dealt with under delegated powers (including appeals). In cases which have been subject to a Planning Committee decision, which is subject to the completion of a S106 planning obligation, the authority will be subject to the terms of that resolution.	Director: One Legal
	2. The Director: Growth has the authority to approve any details required to be submitted to the Council for approval under the terms of any S106 planning obligations.	

	3. The Director: Growth will approve the expenditure of any monies paid to the Council under the terms of any S106 planning obligations in consultation with a Panel of local/Lead Members to include Lead Member for Community and Housing; Lead Member for Planning and Place Making; and Lead Member for Finance and Asset Management. A member of the Finance Team, One Legal and the Community Development Team will advise the Panel. Where a member of the panel has a connection to the applicant (e.g. sit on the Board, or Parish Council that is making an application), they will be required to declare this and not be able to sit on the panel for that decision. This may be a virtual panel with information circulated via email.	Executive Director: Resources and S151 In consultation with a panel of Members to include: Lead Member for Community and Housing; Lead Member for Planning and Place Making; Lead Member for Finance and Asset Management; and the local Member(s).
	4. The Director: Growth has the authority to agree deeds of variation of existing s106 obligations and to modify/discharge obligations under the Town and Country Planning Act 1990.	
	5. The Director: Growth will use their discretion to refer any proposal to the appropriate Committee if they are not satisfied that the matter should be dealt with under delegated powers.	
17.	**Trees**	
	1. The Director: Growth has the authority to carry out the following: • to make and confirm Tree Preservation Orders which are not the subject of objection which cannot be resolved; • to revoke or vary existing orders, which are not the subject of objection which cannot be resolved; and • to serve Tree Replacement Notices.	
	2. Tree Preservation Orders, or proposals to revoke or vary existing orders which are subject to objection, shall only be confirmed by the Planning Committee.	
	3. To make provisional (emergency) Tree Preservation Orders.	

18.	**High Hedges**		
	1.	The Director: Growth has authority to issue, withdraw, waive or relax a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 and, in consultation with the Director: One Legal, to commence and instigate prosecution proceedings in relation to the failure to comply with the terms of a Remedial Notice served under Part 9 of the Act.	Director: One Legal
19.	**Hedgerows**		
	1.	To issue notices under the Hedgerows Regulations 1997.	
	2.	In consultation with the Director: One Legal, to commence and instigate prosecution proceedings in relation to the failure to comply with the provisions of the Hedgerows Regulations 1997.	Director: One Legal
20.	**Public Rights of Way**		
	1.	The Director: Growth has authority to make orders affecting public rights of way under the Town and Country Planning Act 1990 and to make observations on consultations from other authorities on public rights of way matters.	
21.	**Miscellaneous**		
	1.	The Director: Growth has the authority:	
		a. to make minor changes to the Pre-Application Planning Advice Scheme as necessary.	
		b. to commission appropriate specialist consultants in order to properly carry out the Council's Development Management functions, including appeals.	
		c. to deal with consultations and proposals in respect of hazardous materials.	
		d. to make representations on applications for heavy goods operators' licences to establish or continue vehicle operation centres.	
		e. to undertake any other actions and decisions as a local planning authority and/or the hazardous substances authority under the Town and County Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990, Planning (Hazardous Substances) Act 1990 and all planning related legislation, except as specifically allocated to or by Council.	

22.	To issue certificates of Lawful use or Development in consultation with the Director: One Legal.	Director: One Legal
23.	To issue certificates of Appropriate Alternative Development in consultation with the Director: One Legal.	Director: One Legal
24.	To approve applications under Sections 73 and 73A to vary or remove conditions in consultation with the Director: One Legal.	Director: One Legal
25.	To make a decision on whether to include the asset on the List of Assets of Community Value in consultation with the Lead Member for Community and Housing.	Lead Member for Community and Housing
26.	To agree the adoption of elements of Sustainable Drainage Systems when it is in the interest of the community and environment to do so and where they form part of an agreed land drainage design. Systems are only to be adopted when it is agreed that the Council will receive a commuted sum of money from which the interest, calculated at the rate of 4%, would be sufficient to finance the maintenance of the system in perpetuity. That the reed beds on the Brockworth/Hucclecote airfield site be adopted on these conditions and that all such adoptions be upon such terms and conditions as the Director of One Legal deems appropriate.	Director: One Legal
27.	To maintain the register of Local Land Charges pursuant to Section 3(2) of the Local Land Charges Act 1975 including the entry, amendment and cancellation of registrations and the issue of an official search certificate and all duties consequent upon that responsibility.	
28.	To revise annually all fees and charges relevant to the duties of the Director: Growth.	