
Appendix 2

E. GROWTH & DEVELOPMENT SERVICES

Note

** Notwithstanding the provisions contained in items A1, A2, A10 and C3, all planning applications, applications for advertisement, listed building and certificate of lawfulness, and consent for works to trees that have been submitted by:-

- (a) elected Members of West Lancashire Borough Council,
- (b) by staff employed in Planning Services,
- (c) employed elsewhere within the Council but involved in any part of the development control/enforcement process or,
- (d) the Chief Operating Officer, Corporate Directors and Heads of Service

or by spouses, partners or close family of such persons as referred to in a, b, c, and d be not delegated to the Corporate Director of Place & Community, but be referred to the Planning Committee for a decision.

(i) DEVELOPMENT CONTROL

**1. To deal with and determine full planning applications, outline planning applications, applications for approval of reserved matters and applications for listed buildings and (which are considered to be uncontroversial and which would not have a wide and significant environmental impact).

**2. To deal with the administration of applications and consultations submitted under planning legislation and to have full delegation rights to determine the following classes of development applications/consultations:

- (a) Vehicular accesses
- (b) Advertisements
- (c) Electricity sub-stations
- (d) Certificates of Lawful Development
- (e) The determination as to whether or not prior approval of the local planning authority is required in respect of agricultural developments covered by the prior notification procedures
- (f) Applications for development by or on behalf of Electronic Communications Code Operators, submitted for determination under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015

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- (g) The determination as to whether or not the prior approval of the local planning authority is required in respect of proposed demolitions and any proposed restoration of any site in respect of any proposals to demolish under Section 13 of the Planning and Compensation Act 1991 and associated legislation.
 - (h) Industrial/commercial applications on industrial estates which comply with Council planning policies.
 - (i) Development in respect of Housing Estates Remodelling or similar refurbishment schemes.
 - (j) Consultations by neighbouring planning authorities.
 - (k) Prior approval applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order 2015
 - (l) Non-material amendments to previously approved planning and other applications.
 - (m) Environmental Impact Assessment (E1A) scoping/screening.
3. To determine matters submitted in accordance with the requirements of conditions imposed on any formal approval or permission.
 4. In consultation with the Chairman of the Planning Committee and relevant ward members to respond to consultations from the County Planning Officer on Development Order (IDO) Mineral planning permission submissions.
 5. To issue, serve and withdraw Planning Contravention Notices.
 6. To enter into, modify and discharge Planning Obligations under Section 106 of the Town and Country Planning Act 1990, subject to consultation with the Legal & Democratic Services Manager.
 7. To make objections or lodge appeals on behalf of the Council to applications in respect of Goods Vehicles Operators Licences and in consultation with the Legal & Democratic Services Manager to present the Council's objection at any subsequent public inquiry and take any necessary action in relation to appeals.
 8. To authorise officers to exercise the powers of the Council under Section 225 of the Town and Country Planning Act 1990. (Power to remove or obliterate placards and posters).
 - **9. (a) To circulate to all members of the Council (at weekly intervals) a list of development applications received by the Council.

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- (b) To issue appropriate decision notices in respect of applications in any such lists as is referred to in (a) above three weeks from the date of issue of that list subject to there being no objection, or unresolved query from a member of the Council or outstanding response to consultation or notification (including Parish Councils and neighbours) where the period for response has not expired.
- (c) To submit a list in Planning Committee Members Update of applications in respect of which he has issued decision notices under the authority contained in (b) above along with a list of any related Appeal decisions.
10. To instruct the Legal & Democratic Services Manager to serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs..
11. To instruct the Legal & Democratic Services Manager to issue, serve and withdraw Breach of Condition Notices or Enforcement Notices in respect of Breach of Conditions.
12. To instruct the Legal & Democratic Services Manager to issue, serve and withdraw Enforcement Notices, Temporary Stop Notices and Stop Notices in respect of unlawful development that results in identified planning harm; and, to close planning complaint files where it is not considered expedient to pursue further action save for those sites with expressed elected Member interest or sites of a controversial nature.
13. In consultation with the Chairman of the Planning Committee, To instruct the Legal & Democratic Services Manager to issue, serve and withdraw Untidy Site Notices (Section 215).
14. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
15. In consultation with the Chairman of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the Town and Country Planning Act 1990 and to instruct the Legal & Democratic Services Manager to make the corresponding Order.
16. In consultation with the Chairman of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Town and Country Planning Act 1990 and to instruct the Legal & Democratic Services Manager to thereafter make the appropriate Order or application as the case may be.
17. Under the relevant sections of the Clean Neighbourhoods and Environment Act 2005, to require persons of a specified description (following guidance from the Secretary of State) to prepare plans for the management and disposal of waste created in the course of specified descriptions of work involving construction or demolition.

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18. In consultation with the relevant Portfolio Holder, to consult on and decide, the local list of planning applications validation requirements as set down in the Appendix to the report to Cabinet on 16 November 2010, and to make subsequent modifications or replace the list in the future.
 19.
 - (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and
 - (b) to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
 20. To apply surcharges in accordance with the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the said Regulations.

(ii) BUILDING CONTROL

1. To deal with the administration and determination of applications for Building Regulation Approval.
2. To exercise the Council's powers in respect of defective premises, demolition etc under Sections 77,78,79,81, 82 and 83 of the Building Act, 1984 and to take such action as is necessary.
3. To issue notices under Regulation 14 of the Building Regulations requiring work to be uncovered where notice of commencement or other stages of work has not been given to the Council.
4. To take action, in consultation with the Legal & Democratic Services Manager, under Section 35 of the Building Act 1984 where a person contravenes a provision contained in the Building Regulations.
5. To take action, in consultation with the Legal & Democratic Services Manager, under Section 36 of the Building Act 1984 requiring work which contravenes Building Regulations to be removed or altered as expedient.
6. To operate, amend and publicise the Scheme of Charges for Building Regulation work.
7. To take action to recover charges in accordance with the Scheme of Charges for Building Regulation work.
8. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).

(i) PLANNING POLICY, HERITAGE AND ENVIRONMENT

1. To undertake public consultation on draft Conservation Area documents, in consultation with the relevant Portfolio Holder, prior to reporting to Cabinet on

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- the outcome of such consultation (including consultation with the Planning Committee) with a view to securing approval or adoption of the documents.
2. To authorise the Legal & Democratic Services Manager to issue, serve and withdraw Listed Building Preservation Notices and Urgent Work Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - **3. To deal with and determine applications for consent for works to trees the subject of Tree Preservation Orders, or lying within designated conservation areas.
 4. To authorise the Legal & Democratic Services Manager to make, vary and revoke Tree Preservation Orders, including, where appropriate, a direction under Section 201 of the Town and Country Planning Act 1990 and to confirm Orders where no valid objections are received.
 5. To exercise the Council's power and duties for making observations on consultation requests submitted to it by the Lancashire County Council, the Forestry Commission, or other parties for applications for felling licences under the Forestry Act, 1967.
 6. Under the relevant sections of the Anti-Social Behaviour Act 2003 to:-
 - instruct the Legal & Democratic Services Manager to issue and serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70.
 - take all necessary action in respect of appeals made under Section 71.
 - authorise persons to enter land for the purposes of Sections 74 and 77.
 - prosecute for offences, including the laying of informations, under Section 75 and 77, and
 - take all necessary action to recover expenses under the provisions of Section 77.
 - carry out the functions of Part 8 of the Act – High Hedges and the associated regulations.
 7. In consultation with the relevant Portfolio Holder to implement the West Lancashire Free Tree Scheme, subject to finance being made available in the Capital Programme.
 8. To accept donations for the provision of seating or trees.
 9. To manage, publish and set fees for entries on the Council's Tree Contractor List.
 10. To implement future changes in the fees for high hedge applications in line with the Fees and Charges Policy.
 11. To deal with the numbering of properties and in consultation with the relevant Portfolio holder and appropriate ward councillor(s), the name of the streets

and the renaming of streets and to act as the LLPG Custodian and to take all necessary action in respect of the addresses of properties in the Borough.

12. To amend the Street Naming and Numbering Policy, process and charges in consultation with the relevant Portfolio Holder.
13. In consultation with the relevant Portfolio Holder to approve expenditure of up to £3,000 to match fund schemes brought forward by the West of Lancashire Community Rail Partnership.
14. In consultation with the relevant Portfolio Holders to implement the actions set out under Section 4.4 of the Report considered by the Cabinet on 3 June 2003 and make the necessary arrangements for publishing the “Design Champion” initiative.
15. To publish the Annual Monitoring Report.
16. In consultation with the relevant Portfolio Holder Planning, to update the Local Development Scheme and publish it on the Council’s website should any further iterations of the document be required.
17. In consultation with the Portfolio Holder Planning, to assist in the sustainable energy strategy.
18. To take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
19. To implement the provisions of the application process identified in the protocol for amending or adding names to Council owned War Memorials.
20. In consultation with the relevant Portfolio Holder, to determine any applications for amending or adding new names to Council owned War Memorials in accordance with the agreed protocol and, in consultation with the relevant Portfolio Holder, to make any minor amendments to the protocol following its implementation.
21. In consultation with the relevant Portfolio Holder to consider applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

(iv) GENERAL – Development Control, Building Control and Planning

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:

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- (a) Section 15 - Authority to carry out surveys with power to authorise persons to carry out the same.
 - (b) Section 16 - Authority to serve Notices and to take all necessary action in respect thereof.
 - (c) Section 23 - Authority to take all necessary action when a Notice is served on the Council under this section.
 - (d) Section 24 - Authority to serve Notices.
 - (e) Section 25 - Authority to serve Notices.
 - (f) Section 26 - Authority to authorise persons to enter onto land.
2. To submit and present the Council's evidence at Local Plan and Development Plan Document Examinations in Public, LDF Examinations, Public Local Inquiries and in Planning and Enforcement Notice Appeals and in the Courts.
 3. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision and to publish where appropriate the findings of these assignments.
 4. In consultation with the relevant Portfolio Holders to make minor amendments to the Planning Services Customer Charter.
 5. To dispose of surplus plant, machinery, equipment or man hours in accordance with Contracts Procedure Rules and Financial Regulations.
 6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report on the action taken being reported by including an Article in the relevant Members Update.
 7. To exercise the functions, powers and duties of the Council under Sections 20, 31 and 34 of the County of Lancashire Act, 1984.
 8. To amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements, when adopted. (Minute 135 Cabinet 15 March 2011 refers).
 9. In consultation with the relevant Portfolio Holder to amend the service, procedures, delivery and charging schedule for Energy Assessments for new Residential Properties.
 10. To implement a Cycle to Work Scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
 11. To publish, review and maintain Part 1 of the Brownfield Land Register and to propose land for inclusion in Part 2 of the Register (both aspects) in consultation with the Portfolio Holder for Planning and to carry out all necessary publication, notification and consultation procedures.

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12. To also determine applications for Technical Details Consent.

(v) STRATEGIC PLANNING, REGENERATION AND EXTERNAL FUNDING

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
6. In conjunction with the Head of Finance, Procurement & Property Services, to accept payments of Grants.
7. In consultation with the relevant Portfolio Holder, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities..
8. In consultation with the Legal & Democratic Services Manager to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership. .
9. In consultation with the Legal & Democratic Services Manager and Portfolio Holder for Housing and Economic Regeneration, to negotiate and enter into necessary agreement(s) and share data, with Business Link Northwest and other partners and stakeholders for the economic benefit of the Borough of West Lancashire.
10. In consultation with the relevant Portfolio Holder to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
11. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.

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12. To administer the Community Right to Bid process, to include, in consultation with the relevant Portfolio Holder, the consideration and determination of the listing of assets and compensation.
 13. To, in consultation with the Head of Finance, Procurement & Property Services, the Leader and the Finance Portfolio Holder, determine whether there is a positive business case to purchase up to three of the remaining land auction sites at Whalleys, Skelmersdale (as shown in Appendix 1 of the report to Council on 16 December 2015) prior to the 31 March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so.
 14. In consultation with the relevant Portfolio Holder to:-
 - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes and Community Agency and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
 - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
 - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
 - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
 - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
 15. To determine, in consultation with the relevant Portfolio Holder, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
 16. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
 17. In consultation with the Leader and Portfolio Holder for Economic Regeneration to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the

obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.

18. In consultation with the Leader and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
19. In consultation with the Leader and Portfolio Holder for Regeneration, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
20. In respect of the Moor Street Gateway Redevelopment Project:
 - a) in consultation with the Portfolio Holder for Regeneration:-
 - negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
 - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
 - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
 - secure appropriate tenants for the ground floor space that will belong to the Council
 - b) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

(vi) TECHNICAL SERVICES

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
 - (a) Section 15 - To survey land to be acquired compulsorily with power to authorise persons to carry out the same.
 - (b) Section 16 - To serve Notices to obtain particulars of persons interested in land and to take all necessary action in respect thereof.
 - (c) Section 23 - To take all necessary action when a Notice to deal with dangerous trees is served on the Council under this section.
 - (d) Section 24 - To serve Notices to make safe dangerous trees
 - (e) Section 25 - To serve Notices with respect to dangerous excavations.

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- (f) Section 26 - To authorise persons to enter onto land.
2. To accept donations for the provision of seating or trees.
 3. To serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs within the Ormskirk Town Centre Conservation Area after consultation with the Legal & Democratic Services Manager.
 4. To exercise the powers of the Street Authority under the New Roads and Street Works Act, 1991 and the Traffic Management Act 2004, within the prescribed area.
 5. To deal with matters arising from day to day operation of Borough Council markets and to deal with any lost property within the markets.
 6. To deal with urgent repairs in private streets within the urban core under Section 230 of the Highways Act, 1980.
 7. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
 8. To deal with applications for the use of Council owned sites in Ormskirk Town Centre for business or promotional purposes.
 9. To operate and administer car parks and the Ormskirk Bus Station in accordance with Council policy including the removal/relocation of vehicles as provided in the Council's Car Park Control Orders.
 10. To determine requests from the duly appointed enforcement contractor, for an increase in the contract price for the enforcement of pay and display car parking in Ormskirk Town Centre to reflect increases in the national minimum wage, in consultation with the relevant Portfolio Holders.
 11. To administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.
 12. To determine requests for the excess charge, imposed in respect of contraventions of the West Lancashire District Council (Off Street Parking Places) (Consolidation) Order 2008, to be waived.
 13. To determine requests in consultation with the relevant Portfolio Holders, for increases in the discount allowed to residential permit holders to park on The Stiles Car Park. This subject to the proviso that only one parking permit be issued per dwelling in accordance with arrangements to the issue of such permits.

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14. To administer the agency for highway functions in accordance with the Street Services Agreement and the guidelines and codes of practice set out by the Lancashire County Council.
 15. To administer the relevant sections of the Highways Act 1980 and any Act or Acts extending or amending the same or incorporating the same therein; including the serving of notices, the issuing of licences, enforcement, the laying of informations and complaints to the Magistrates Courts and the carrying out of any work in default including recovery of the costs.
 16. The power to examine and test drains and other apparatus believed to be defective.
 17. To erect street nameplates under Section 19 Public Health Act 1925.
 18. To serve notices under the Public Health Act 1936 concerning the culverting of watercourses.
 19. To exercise the powers within the Land Drainage Act 1991.
 20. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984.
 - (a) To arrange for the affixing of traffic signs to buildings or structures in or fronting to or constructed over roads under Section 11.
 - (b) To apportion charges for the cleansing or repair of private sewers under Section 22.
 - (c) To recover the cost of making good damage to grass verges on footways under Section 12.
 21. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
 22. To receive notices in respect of and authorisation of reinstatement works under the New Roads and Street Works Act 1991.
 23. To consent to the holding of car boot sales on land not owned by the Council subject to the agreed criteria.
 24. To adopt highways etc. which are subject to an Agreement under Section 38 of the Highways Act, 1980 with effect from the issue of the Final Certificate or those which are not subject to such Agreements subject to satisfactory condition and capacity.
 25. To respond to the County Council's road safety programme subject to reporting any major changes of County Council policy to the Executive.
 26. To suspend or terminate market stallholders occupancy and to determine appeals in respect of written warnings or final written warnings.

27. To adopt highways constructed by or on behalf of the Council.
28. To adopt footpaths constructed under the provisions of Section 37 of the Highways Act 1980.
29. In cases where a developer defaults in his obligations and commitments to maintain a highway, pursuant to Agreements under Section 38 of the Highways Act 1980, to take all appropriate action, including the invitation of tenders and the acceptance of the lowest tender, to secure completion of works specified in the appropriate Agreement provided the cost of such works can be funded either by the bond in its entirety or, in cases where the bond is insufficient, by contributions from Lancashire County Council.
30. To determine the making of Orders under the provisions of the Road Traffic Regulation Act 1984 to provide designated disabled parking bays, subject to the applicant meeting the Lancashire County Council criteria.
31. To determine the making of Traffic Regulation Orders pursuant to the provisions contained in the Road Traffic Regulation Act 1984 following consultation with the appropriate portfolio holder and the ward councillors and to introduce such orders in the event of there being no outstanding objection or objections to the proposals.
32. In consultation with the Chairman of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the Highways Act 1980 and the Town and Country Planning Act 1990 and to instruct the Legal & Democratic Services Manager to make the corresponding Order.
33. In consultation with the Chairman of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Legal & Democratic Services Manager to thereafter make the appropriate Order or application as the case may be.
34. In consultation with the relevant Portfolio Holder and relevant Ward Members to respond on behalf of the Council, to consultations from Lancashire County Council in respect of highway and public rights of way matters.
35. To make Orders to prevent obstructions in streets during public processions etc., under Section 21 of the Town Police Clauses Act 1847.