City of BRADFORD METROPOLITAN DISTRICT COUNCIL

# Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory & Appeals Committee to be held on 15 October 2026

**Subject: The implementation of the National Scheme of Delegation**

**Summary statement: This report informs the Regulatory and Appeals Committee of significant national changes to the way planning applications must be determined by local planning authorities in England. These changes arise from Local Planning Authority Functions Statutory Instrument July 2026, formally titled The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The Regulations were made on 15 July 2026 and come into force on 31 October 2026. The Regulations introduce a new National Scheme of Delegation for planning functions.**

**This means that Government has now set national rules about which planning applications must be decided by officers and which applications may only go to a planning committee in defined circumstances.**

Richard Hollinson
Assistant Director (Planning, Transportation & Highways)

Report Contact: Chris Eaton

Phone: (01274) 434605
Email: chris.eaton@bradford.gov.uk

**Portfolio:**

**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**

**Regeneration and Economy**

## 1. SUMMARY

1.1 This report informs the Regulatory and Appeals Committee of significant national changes to the way planning applications must be determined by local planning authorities in England. These changes arise from Local Planning Authority Functions Statutory Instrument July 2026, formally titled The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The Regulations were made on 15 July 2026 and come into force on 31 October 2026.

1.2 The Regulations introduce a new National Scheme of Delegation for planning functions.

This means that Government has now set national rules about which planning applications must be decided by officers and which applications may only go to a planning committee in defined circumstances.

1.3 The Council has no discretion as to whether to implement the National Scheme of Delegation. From 31 October 2026, planning decisions must be made in accordance with the new Regulations. The Planning Officers Society good practice guidance warns that decisions taken on or after that date which are not made in line with the Regulations could be considered by the Courts to have been unlawfully taken.

1.4 The principal effect of the new Regulations is that some applications which may currently be capable of being referred to either the Regulatory & Appeals Committee (R & A Committee) or one of the two Area Planning Panels will, in future, have to be determined by officers. This includes, for example, householder applications, minor residential development, minor commercial development, non-material amendments, applications to discharge conditions, prior approvals, certificates of lawful development, biodiversity gain plans and many applications for “major” development. The full list of applications which must be delegated to officers is set out in Schedule 1 to the Regulations which is reproduced in this report at para 3.2.2.

1.5 The Regulations also place a national limit on the size of any planning committee or subcommittee determining applications under the Regulations. Such committees must not comprise more than 13 members. The existing R & A Committee and the Area Planning Panels meet the national requirements regarding the size of the committee.

1.6 The Council will therefore need to review and update its Constitution, its Planning Scheme of Delegation and associated Planning Committee Procedures, so that they comply with the National Scheme of Delegation by 31 October 2026.

1.7 The R & A Committee is not being asked to decide whether these national changes should be implemented. The purpose of this report is to explain the upcoming changes, set out their implications in plain English, and inform Members that a further constitutional update will need to be progressed through the Council’s governance arrangements.

## 2. BACKGROUND

2.1 The Government recognises that planning committees play an important role in the planning system; they provide local democratic oversight for planning decisions and are particularly important where applications raise significant planning, economic, social or environmental issues.

2.2 However, Government has introduced the new National Scheme of Delegation as part of a wider programme of planning reform aimed at speeding up decisions and increasing consistency in order to support economic growth. The guidance published by the Secretary of State, states that the “overriding presumption” should be that decisions are delegated to officers and only exceptionally referred to a Planning Committee for consideration and determination.

2.3 The new national arrangements are continued in the Local Planning Authority functions Statutory Instrument July 2026. The Regulations were made on 15 July 2026 and come into force on 31 October 2026.

2.4 The Regulations are made under powers inserted into the Town and Country Planning Act 1990 by the Planning and Infrastructure Act 2025. They require relevant local planning authorities to make arrangements for specified planning functions to be discharged either by officers or by committee, depending on the category of application and the statutory tests set out in the Regulations.

2.5 The Council must ensure that its decision-making arrangements comply with the Regulations from the date they come into force.

## 3. MAIN CONSIDERATIONS

### What is Changing?

3.1.1 The new framework divides relevant planning applications and planning related functions into two broad categories:
Schedule 1 applications which must be determined by officers; and
Schedule 2 applications which are presumed to be determined by officers (excluding matters which are currently delegated to officers and listed under Part A of Schedule 2 to the new proposed Bradford Planning Scheme of Delegation (attached hereto at Appendix 2) unless the statutory “gateway” for referral to committee is met and the nominated officer and nominated Member agree that referral is appropriate.

3.1.2 This is a significant change from local schemes of delegation, where, for instance in Bradford applications can be referred to the Committee for determination because of a Member Call-In, a certain number of objections (or letters of support) have been received, or where an application is recommended for approval where there is an identified policy conflict. The Government’s statutory guidance is clear that current practices in local constitutions, such as ward member call-in powers or automatic referral to committee where a certain number of objections is received, will not be possible in future.

3.1.3 This means that the future role of the R & A Committee and the Area Planning Panel will be more focussed. It will remain important, but its role will be concentrated on those applications which genuinely meet the statutory criteria for committee determination.

### Schedule 1 applications – applications that must be determined by officers

3.2.1 Schedule 1 of the Regulations sets out applications that must be determined by officers. These applications cannot be reported to a planning committee for determination unless they fall into a specific exemption provided for in the Regulations, such as being connected with certain listed building consent matters or being an own-interest application.

3.2.2 Schedule 1 includes:
householder applications;
minor commercial applications;
minor residential applications;
applications for permission in principle;
Section 73 applications where the original planning permission was a Schedule 1 permission;
non-material amendment applications under S96A of the Town and Country Planning Act 1990;
certain applications or requests relating to modification or discharge of planning obligations connected with Schedule 1 approvals;
certificates of lawful existing use or development;
certificates of lawful proposed use or development;
biodiversity gain plan submissions;
reserved matters approval applications in respect of outline planning permissions other than large outline permissions;
applications to discharge planning conditions; and
prior approval applications or determinations as to whether prior approval is required.

3.2.3 This means that many smaller, technical or more routine planning decisions will have to be made by professional planning officers under delegated powers. They will not be able to be referred to the Planning Panel simply because they attract local objection, councillor interest, or a request for committee consideration. The only exception to this (where the relevant schedule 1 application will be referred to the Gateway test) are the following matters;

- where a local authority considers that a Schedule 1 application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- an application would otherwise fall under Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990 (retrospective applications)
- an application would otherwise fall under Schedule 1 but is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers.

3.2.4 This is likely to require careful communication with Ward Members, Parish Councils and residents, because some applications that may currently be expected to go to committee will no longer be lawfully capable of doing so.

**Schedule 2 applications – applications that may be determined by committee, but only in defined circumstances**

3.3.1 Schedule 2 of the Regulations covers applications that may be determined either by offices or by a committee. However, the starting point remains that they are to be determined by officers unless the statutory gateway is satisfied and referral to committee is agreed.

3.3.2 Schedule 2 includes:
applications for listed building consent;
applications to vary or discharge conditions of a listed building consent;
planning applications connected with listed building consent applications;

applications for planning permission that are not householder, minor commercial or minor residential applications;
Section 73 applications where the original planning permission was a Schedule 2 permission;
Section 73A applications for development already carried out;
certain applications or requests relating to modification or discharge of planning obligations connected with Schedule 2 approvals;
reserved matters applications in respect of large outline permissions;
advertisement consent applications; and
applications for works to trees protected by Tree Preservation Orders.

3.3.3 For Schedule 2 applications, referral to a planning committee will only be possible where the nominated officer and nominated member agree that the application raises:
one or more issues of economic, social or environmental significance to the local area; or
one or more significant planning matters having regard to the development plan and any other material considerations.

3.3.4 This is sometimes referred to as the ‘gateway test’. The gateway test is not based on the number of objections received, whether a Ward Member has asked for committee consideration, or whether locally held views are strongly expressed. Those matters may be relevant to understanding local concern, but the legal question will be whether the application meets the statutory criteria in the Regulations.

3.3.5 Government guidance states that, where the nominated officer and nominated member cannot agree that a Schedule 2 application should be referred to committee, the application must be delegated to officers for determination.

**The nominated officer and nominated member**

3.4.1 Regulation 3 allows a local planning authority to nominate a member and an officer for the
purposes of the referral arrangements in Regulation 5 and 6. The Government’s statutory guidance states that the nominated officers should be the Chief Planning Officer or equivalent officer with extensive professional planning experience, and that the nominated member should be the Chair of Planning Committee or equivalent member.

3.4.2 The Planning Officers Society guidance recommends that for planning functions, delegations should be clearly placed with the Chief Planning Officer or equivalent senior professional planning officer, with substitutes and sub-delegation arrangements set out outside the Constitution

3.4.3 The Council will therefore need to identify in its revised arrangements who will act as nominated officer and nominated member, and who will act as substitutes. This will need to be done in a way that is clear, transparent and resilient, so that planning decisions are not delayed by the absence or unavailability of a single named individual.

3.4.4 The Council’s Assistant Director for Planning, Transportation and Highways will work with the Legal Officer and Democratic Services to ensure that the revised arrangements are legally robust, operationally clear and capable of being applied consistently from 31 October 2026.

**Own-interest applications**

3.5.1 Regulation 6 deals with “own-interest applications”. These are applications which fall
within Schedule 1 or Schedule 2 and are made by or on behalf of the local planning authority, a member of the authority, an officer of the authority, or where the nominated member and nominated officer consider that the authority or any of its members or officers otherwise has an interest in the application. This is one of the categories that consist of exceptions to schedule 1 applications being automatically delegated (see 3rd bullet point in para 3.2.3 above)

3.5.2 Own-interest applications do not automatically have to go to committee. Under the Regulations, they may be referred to committee where the nominated member and nominated officer agree to do so. If they are not referred to committee, they must be determined by an officer.

3.5.3 The Government Guidance recognises that, in the interests of transparency and public accountability, some own-interest applications may appropriately be referred to committee even if they do not raise significant planning, economic, social or environmental issues.

3.5.4 The Council will therefore need a clear process for identifying and considering own interest applications, including safeguards to ensure that any member or officer with a relevant interest is not involved in deciding whether the application should be referred to committee.

**Transparency and record keeping**

3.6.1 Government guidance states that, as a minimum, local planning authorities should keep a record of cases the nominated officer and nominated member have considered for referral to committee, the outcome of that consideration and the reasons for their decision. The guidance also states that this should be reported to planning committee on a regular basis and made available on the Council’s website.

3.6.2 The Planning Officers Society guidance suggests that transparency can be supported by recording within officer reports or committee reports why an application has been dealt with under delegated powers or referred to committee, and by maintaining a proportionate published record where required.

3.6.3 Officers will therefore need to design a practical record-keeping process which is transparent but does not create unnecessary administrative burden. This will be particularly important because the National Scheme of Delegation is likely to change public and
Member expectations about what can and cannot be reported to R & A Committee or the Planning Panel.

**Committee size**

3.7.1 Regulation 7 provides that any committee determining an application under arrangements made under Regulation 5 or Regulation 6 must not comprise more than 13 members.

3.7.2 The Government guidance confirms that 13 is a maximum figure and that local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision-making.

3.7.3 The Council will therefore need to ensure that the size and terms of reference of Planning Committee comply with the new national requirement. As the current committee size for both R & A Committee and the Area Planning Panels is already below the statutory maximum, no reduction is legally required, but the terms of reference will still need to be reviewed to ensure compliance with the new statutory framework.

**Constitutional Changes**

3.8.1 The Council's Constitution will need to be reviewed and updated before the Regulations come into force this will be done through the exercise of delegated powers held by the Director of Legal and Governance. This will include, as a minimum, the terms of reference for the R & A Committee and the Planning Panel, arrangements for nominated officers and nominated members and related committee procedures. The form of the new Bradford Planning Scheme of Delegation falls to be determined by this Regulatory & Appeals Committee which is set out in Appendix 2 to this report.

3.8.4 The Regulatory & Appeals Committee (with the exception of the Bradford Planning Scheme of Delegation) is therefore not being asked to approve changes to the Constitution through this report. The purpose of this report is to ensure that the Committee is aware of the national change, understands its likely effect, and is clear that formal constitutional amendments will need to be progressed through the Council's established governance route.

**Implications for Members, Ward Councillors and local communities**

3.9.1 These changes will affect how Members and local communities engage with the planning application process. In particular, it will no longer be possible for local arrangements to provide for an application to be referred to committee solely because a Ward Member requests it, or because a certain number of representations have been received, that would be inconsistent with the National Scheme of Delegation.

3.9.2 It remains very important that Members, Parish Councils and residents continue to engage with planning applications. However, comments will need to focus on material planning considerations and, where relevant, should be submitted as early as possible in the application process so that they can be properly considered before a planning judgement is reached.

3.9.3 The reforms do not remove local democratic oversight from the planning system. Instead, they change the threshold for when that oversight is exercised through either the Regulatory & Appeals Committee or the Planning Panel. Member consideration will be focussed on those applications which meet the statutory significance tests, rather than those which simply attract local objections or interest.

3.9.4 This change will need to be clearly communicated, including to all Members and not only those who sit on the Regulatory & Appeals Committee or on the Planning Panel. Internal discussion has already identified the need for an all-Member briefing on the National Scheme of Delegation and for clear communications to explain the change in expectations around call-in and committee referral.

**Planning Committee Procedures and Good Governance**

3.10.1 The Planning Officers Society guidance highlights that implantation of the National Scheme of Delegation provides an opportunity to review wider Planning Committee procedures so that they remain legally robust, proportionate and effective. The guidance covers matters including the format of committee agendas, recommendations, public speaking rules, late material, lobbying, voting procedures, minutes, site visits and technical briefings.

3.10.2 The guidance also emphasises that Planning Committees operate in a quasi-judicial context and procedures should minimise the risk of legal challenge or complaint to the Ombudsman.

3.10.3 In reviewing the Council's constitutional and procedural arrangements, officers will therefore need to ensure that the Council not only complies with the minimum statutory requirements, but also maintains clear, fair and defensible decision-making processes.

3.10.4 In particular, revised procedures should make clear:
when applications must be determined by officers;
when Schedule 2 applications may be considered for committee referral;
how the nominated officer and nominated member will apply the gateway test;
how own-interest applications will be handled;
how referral decisions will be recorded;
how inappropriate lobbying of the nominated officer or the nominated member will be managed; and
how Planning Committee will operate where it is asked to determine applications under the new framework.

## 4. KEY MESSAGES FOR REGULATORY & APPEALS COMMITTEE MEMBERS

4.1 The key messages for Members are:
The guidance published by the Secretary of State, states that the "overriding presumption" should be that decisions are delegated to officers and only exceptionally referred to a Planning Committee for consideration and determination
The National Scheme of Delegation is a national legal requirement, not a local policy choice;
It comes into force on 31 October 2026;
Some applications that may currently be capable of being referred to committee will, in future, have to be decided by officers;
Schedule 1 applications (subject to the exception detailed in paras 3.2.3 and 3.5.1 above) must be delegated to officers;
Schedule 2 applications are presumed to be delegated to officers unless the statutory gateway test is met and the nominated officer and nominated member agree to committee referral.
Ward Member call-in arrangements and objection number triggers will not be able to override the National Scheme of Delegation.
The Regulatory & Appeals Committee and the Planning Panel will remain important, but their role will be more focussed on significant applications that meet the statutory tests.
The Council's Constitution, Planning Scheme of Delegation and associated procedures will need to be reviewed and updated before 31 October 2026.

The formal decision to amend the Constitution will need to be taken through the Council's constitutional governance arrangements.
Members, Parish Councils and residents will need clear communication and guidance so that they understand how to engage effectively under the new arrangements.

## 5. CONCLUSION

5.1 The introduction of the National Scheme of Delegation represents a significant national change to the operation of planning decision-making in England. The "overriding presumption" should be that decisions are delegated to officers and only exceptionally referred to a Planning Committee for consideration and determination

5.2 The Council is required to implement the new Regulations from 31 October 2026. The R & A Committee is not being asked to decide whether these changes should happen; they are being introduced nationally and must be reflected in the Council's local arrangements.

5.3 The role of the R & A Committee, and the Planning Panel will remain important, but it will become more focussed. Smaller, technical and routine applications will be determined by officers where the Regulations require this. More significant major applications may still be considered by committee where the statutory criteria are met, and referral is agreed by the nominated officer and nominated member.

5.4 The Council will be updating its constitution and associated procedures to ensure lawful, clear and transparent decision-making from 31 October 2026. This work will be progressed through the Council's formal governance arrangements.

## 6. FINANCIAL & RESOURCE APPRAISAL

6.1 There are no direct financial implications arising from this report, as the Regulatory & Appeals Committee is not being asked to make a financial decision.

## 7. LEGAL IMPLICATIONS

7.1 The Regulations create a statutory framework which the Council must follow from 31 October 2026. The Planning Officers Society guidance reinforces that decisions taken on or after that date must be taken in line with the Regulations and that, if they are not, they could be considered by the Courts to have been unlawfully taken. In relation to risks from potential legal challenge see the section below on Risk Implications.

7.2 The Council will therefore need to ensure that its Constitution, Planning Scheme of Delegation, committee terms of reference and related procedures are amended so that there is no conflict between local arrangements and the National Scheme of Delegation

## 8. RISK MANAGEMENT AND GOVERNANCE ISSUES

8.1 The principal risks are legal, and governance in nature and are

i. the Council's decision-making arrangements are not compliant by 31 October 2026.

ii. that decisions in relation to the Gateway Test are perceived to be taken by the Council that don't comply with the "overriding presumption" that decisions are delegated to officers and only exceptionally referred to a Planning Committee

8.2 There is also reputational and customer-service risk if Members, applicants, Parish Councils and residents are not given clear information about the changes. Many people currently understand committee referral through existing local practices such as ward member call-in or objection thresholds. The National Scheme of Delegation changes those expectations.

8.3 This risk can be mitigated by:

- early Member briefing;
- clear updates to the Council's website;
- revised guidance for Ward Members and Parish Councils;
- clear wording in officer reports explaining why an application is delegated or referred to committee; and
- transparent recording of nominated officer / nominated member referral decisions.

## 9. OTHER IMPLICATIONS

### 9.1 EQUALITY & DIVERSITY

The National Scheme of Delegation does not create direct negative equality and diversity implications, as the framework applies uniformly across all planning applications and wards.

### 9.2 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications.

### 9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no greenhouse gas emissions impacts.

### 9.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety impacts.

### 9.5 HUMAN RIGHTS ACT

There are no implications that relate to the Human Rights Act.

### 9.6 TRADE UNION

There are no trade union impacts.

### 9.7 WARD IMPLICATIONS

The above matters apply to the whole district.

### 9.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

There are no implications for area committees.

### 9.9 IMPLICATIONS FOR CORPORATE PARENTING

There are no implications for corporate parenting.

**9.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

There are no data protection and information security matters arising from the proposal/decision.

**10. NOT FOR PUBLICATION DOCUMENTS**

None.

**11. RECOMMENDATIONS**

That the Regulatory & Appeals Committee:

11.1 Notes the introduction of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the Regulations"), which come into force on 31 October 2026.

11.2 Notes that the Regulations introduce a new National Scheme of Delegation which all relevant local planning authorities in England must, by law, follow.

11.3 Notes that the Council will need to update its Constitution, Planning Scheme of Delegation and associated Planning Committee procedures to ensure compliance with the Regulations.

11.4 To approve and adopt the necessary amendments to the Bradford planning scheme of delegation so that it is fully compliant with the Regulations and the new National Scheme of Delegation.

11.5 To approve that application categories (falling outside schedule 1 of the Regulations) currently delegated to the Strategic Director of Growth in the existing Bradford planning scheme of delegation (attached at Appendix 1) are retained and adopted.

11.6 Note that the formal decision to amend the Constitution will need to be made through the Council's constitutional governance arrangements.

**12. APPENDICES**

**Appendix 1**

The existing Bradford Planning Scheme of Delegation

**Appendix 2**

The new Bradford Planning Scheme of Delegation proposed to be introduced from 31 October 2026.

**12. BACKGROUND DOCUMENTS**

- Background documents are documents relating to the subject matter of the report which disclose any facts or matters on which the report or an important part of the report is based, and have been relied on to a material extent in preparing the report. Published works are not included.
- All documents referred to in the report must be listed, including exempt documents.
- All documents used in the compilation of the report but not specifically referred to, must be listed.

**Appendix 1**

## Development Management Officer Scheme of Delegation

Approved by the Regulatory and Appeals Committee of the Council on
12 November 2020, took effect on 19 January 2021 and amended on 11 March 2025

### Delegation to Strategic Director of Place

Subject to the exceptions listed below the Strategic Director of Place, or the subsequent post that replaces the said director, is authorised to discharge the following Council (non-executive) functions and be authorised to sub-delegate these functions to other Officers within the said Director's Directorate as set out within a "Development Management Officer Scheme of Delegation".
All functions and responsibilities of the Council as

(i) Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 2 of the Hedgerow Regulations 1997)
(ii) Mineral Planning Authority (within the meaning of Section 1(4) of the Town and country Planning Act 1990)
(iii) Relevant Authority (within the meaning of the Part 8 of the Anti-Social Behaviour Act 2003)
(iv) Hazardous Substances Authority (within the meaning of Section 1 of the Hazardous Substances Act 1990)
(v) For screening to determine whether an Environmental Impact Assessment is required and the issuing of any subsequent scoping opinion (under the provisions of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017)

The Strategic Director of Place is always entitled to refer any item to the Bradford & District Planning Panel or the Regulatory and Appeals Committee, or the body that subsequently replaces the said committee and/or panel, where he/she/they considers it expedient to do so.

### Exceptions

The Strategic Director of Place is not authorised to discharge the following functions:

1. The determination of Applications following a written request to the Strategic Director of Place from a ward or adjoining ward Councillor or Member of Parliament for the area/constituency containing the application site, that an Application be referred to the appropriate Regulatory and Appeals Committee or Bradford and District Planning Panel, or subsequent replacement committee and/or panel.

a) The request in paragraph 1 must;
(i) not relate to a matter where the Council has previously made a decision relating to an identical or substantially similar Application in the previous 24 months: and

(ii) include reason(s) for the requested referral which the Director, after consultation with the relevant committee or panel chair, considers are based on material planning considerations and give rise to concerns affecting more than neighbouring properties.

b) In the event that a decision not to refer an Application in accordance with 1(a)(ii) above is taken an officer decision record shall be made.

2. The approval of Applications for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development within the meaning of Paragraph 3 of the Town and Country Planning (Consultation) (England) Direction 2009 (or as amended) which do not accord with the provisions of the development plan.

3. The determination of Applications for or including the provision of 150 or more dwellings except those applications where the principle of development has already been established by a previous outline or full planning permission including reserved matters, Applications seeking the renewal of a previous permission or variations of house types or similar changes on an already approved scheme.

4. The determination of Applications for or including the provision of over 5000 square metres of office, commercial or retail development except those applications where the principle of development has already been established by a previous outline or full planning permission including reserved matters, Applications seeking the renewal of a previous permission or variations of unit designs or similar changes on an already approved scheme.

5. The approval of Applications, where approval would reverse a previous decision taken by the Regulatory and Appeals Committee or Bradford and District Planning Panel unless there has been a material change in the proposal and impact in planning terms.

6. The approval of Applications, where approval would conflict with a direction raised by a statutory consultee defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (or as amended).

7. Where the Strategic Director of Place considers that the Application should be referred to the Regulatory and Appeals Committee or Bradford & District Planning Panel for determination because of the significance, impact or sensitivity of the proposal.

8. The determination of Applications submitted by or on behalf of Councillors, the Council's Senior Leadership or any officer employed within the Department of Place or those of a spouse, partner, business associate or client, or close relative.

**Information required to be reported to Bradford and District Planning Panel or Regulatory and Appeals Committee**

The following shall be reported to the Bradford and District Planning Panel or Regulatory and Appeals Committee for information:

1. Enforcement action authorised; enforcement notice, breach of condition notice, listed building enforcement notice, advertisement discontinuance notice, section 215 notice, tree replacement notice.
2. Stop notices and Injunctions authorised.

**General Matters and definitions**

1. When issuing formal determinations on behalf of the Council (e.g., grants or refusals of planning permission, certificates of lawfulness), relevant officers shall do so in the name of the Strategic Director of Place.

2. Any decision taken in pursuance of this scheme must comply with:-
   a) Any statutory requirements with regard to the matters to be taken into consideration in making the decision;
   b) The Council's Constitution;
   c) The general principles of the Human Rights Act 1998 & Equality Act 2010;
   d) The Members' Planning Code of Conduct;
   e) Any other relevant protocols adopted by the Council from time to time

3. In this Scheme of Delegation an "Application" means:
   (i) An application for outline or full planning permission
   (ii) An application for listed building consent
   (iii) An application for permission in principle

   For the purposes of exception 1 only, "Application" also includes an application for reserved matters approval.
   For the purposes of exception 8 only "Application" also includes an application for advertisement consent and an application to carry out works to trees protected by a Tree Preservation Order.

4. In this Scheme of Delegation references to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force.

5. In this Scheme of Delegation the "Strategic Director of Place" shall include any subsequent equivalent officer responsible for the planning function and responsibilities set out in this document.

6. In this Scheme of Delegation, the scope of the Regulatory and Appeals Committee and Bradford and District Planning Panel, shall include any such subsequent replacement Committee or Panel with equivalent decision making responsibilities.

**Appendix 2**

## Development Management Officer Scheme of Delegation

Approved by the Regulatory and Appeals Committee of the Council on 12 November 2020, took effect on 19 January 2021 and amended on 11 March 2025 and 15 October 2026

### Definitions

In this Scheme of Delegation:

1. "CIL" means the Community Infrastructure Levy under the Planning Act 2008 and associated Regulations.
2. "Gateway Test" means whether a Schedule 2 Application (having regard to any statutory guidance issued under Section 319ZZE of the Town and Country Planning Act 1990) raises-
    a. one or more issues of economic, social or environmental significance to the local area, or
    b. one or more significant planning matters having regard to the development plan and any other material considerations
3. "Nominated Member" means-
    a. in the case of a Schedule 2 Application, the Chair of the Regulatory and Appeals Committee (or the Vice Chair or other substitute appointed from time to time), and
    b. in the case of an Own-Interest Application, the Chair (or the Vice Chair or other substitute appointed from time to time) of either -
        i. the Regulatory Appeals Committee, or
        ii. the Bradford & District Planning Panel,

    as determined by the Nominated Officer upon consideration of the relevant application
4. "Nominated Officer" means an officer or officers with sufficient seniority and experience as determined and sub-delegated by the Director of Growth in his discretion
5. "Nominated Persons" means the Nominated Member and the Nominated Officer
6. "Own-Interest Application" means either –
    a. an application of a kind set out in Schedules 1 or 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 made (whether or not jointly with any other person) by or on behalf of-
        i. the Council
        ii. any Councillor, or
        iii. any Council officer,

    And/Or
    b. the Nominated Persons agree the Council, any Councillor or Council officer has otherwise an interest in such an application

7. “Schedule 1 Application” means an application of a kind set out in Schedule 1 to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (and replicated for reference purposes in Schedule 1 to this Scheme of Delegation) which is not an Own-Interest Application, an application for listed building consent or for the variation or discharge of a condition on a listed building consent or an application made under section 73A of the Town and Country Planning Act 1990 (retrospective applications)
8. “Schedule 2 Application” means an application of a kind set out in Schedule 2 to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (and replicated for reference purposes in Schedule 2 to this Scheme of Delegation) which is not an Own-Interest Application

**Delegation to Strategic Director of Growth**

9. The Strategic Director of Growth, or the subsequent post that replaces the said director, is authorised to discharge the following Council (non-executive) functions and be authorised to sub-delegate these functions to other officers within the said Director’s Directorate.
10. All functions and responsibilities of the Council as
    i. Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990, The Planning Act 2008, the Land Compensation Act 1961and Regulation 2 of the Hedgerow Regulations 1997), which for the avoidance of any doubt includes determination of any:
    a. Schedule 1 Application;
    b. Schedule 2 Applications as listed in Part A of Schedule 2;
    c. Schedule 2 Applications within Part B of Schedule 2 that the Nominated Persons (having always regard to the Gateway Test) have either-
        i. agreed is not necessary to refer to the Regulatory Appeals Committee, or
        ii. been unable to reach such an agreement.
    d. Own-Interest Application that the Nominated Persons (having always regard to statutory guidance issued under Section 319ZZE of the Town and Country Planning Act 1990) have either –
        i. agreed is not necessary to be referred to the Regulatory Appeals Committee or the Bradford & District Planning Panel (as appropriate), or
        ii. been unable to reach such an agreement.
        iii. Mineral Planning Authority (within the meaning of Section 1(4) of the Town and Country Planning Act 1990).
        iv Relevant Authority (within the meaning of the Part 8 of the Anti-Social Behaviour Act 2003).
        v. Hazardous Substances Authority (within the meaning of Section 1 of the Hazardous Substances Act 1990).
        vi. For screening to determine whether an Environmental Impact Assessment is required and the issuing of any subsequent scoping opinion (under the provisions of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017).

11. (Save for any Schedule 1 Application, Schedule 2 Application falling within paragraphs 10 i.b. and i.c. above or Own-Interest Application falling within paragraph 10 i.d. above) the Strategic Director of Growth is always entitled to refer any item to the Bradford & District Planning Panel or the Regulatory and Appeals Committee, or the body that subsequently replaces the said committee and/or panel, where he/she/they considers it expedient to do so.

12. The Nominated Officer shall make a record of any decision of the Nominated Persons in relation to an application assessed against the Gateway Test and/or an Own Interest Application which includes details of the outcome of their consideration and the reasons for their decision and relevant statutory guidance.

**Information required to be reported to Bradford and District Planning Panel or Regulatory and Appeals Committee**

13. The following shall be reported to the Bradford and District Planning Panel or Regulatory and Appeals Committee for information:
    - 13.1 The record made under paragraph 12 of this scheme concerning the Nominated Persons' reasoning for their decision on a referral of a Schedule 2 Part B Application and/or Own-Interest Application including their application of the Gateway Test (and any relevant statutory guidance).
    - 13.2 Enforcement action authorised; enforcement notice, breach of condition notice, listed building enforcement notice, advertisement discontinuance notice, section 215 notice, tree replacement notice and CIL enforcement and any other planning enforcement matter falling within paragraph 9 of the scheme of delegation.
    - 13.3 Stop notices and Injunctions authorised.

**General Matters**

14. When issuing formal determinations on behalf of the Council (e.g., grants or refusals of planning permission, certificates of lawfulness), relevant officers shall do so in the name of the Strategic Director of Growth.
15. The Nominated Officer shall determine which Nominated Member shall consider with him whether or not to refer an Own-Interest Application to the relevant committee
16. Any decision taken in pursuance of this Scheme of Delegation must comply with:
    a. Any statutory requirements with regard to the matters to be taken into consideration in making the decision;
    b. The Council's Constitution;
    c. The general principles of the Human Rights Act 1998 & Equality Act 2010;
    d. The Members' Planning Code of Conduct;
    e. Any other relevant protocols adopted by the Council from time to time
17. In this Scheme of Delegation references to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or reenactment thereof for the time being in force.
18. In this Scheme of Delegation the "Strategic Director of Growth" shall include any subsequent equivalent officer responsible for the planning function and responsibilities set out in this document.

19. In this Scheme of Delegation, the scope of the Regulatory and Appeals Committee and Bradford and District Planning Panel, shall include any such subsequent replacement Committee or Panel with equivalent decision making responsibilities.

**SCHEDULE 1**
**(Applications that must be determined by an officer)**

***1.*** *An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development).*

***2.*** *An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works).*

***3.*** *A householder application.*

***4.*** *A minor commercial application.*

***5.*** *A minor residential application.*

***6.*** *An application for permission in principle.*

***7.*** *(1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.*

*(2) In this paragraph*

*"original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;*

*"Schedule 1 planning permission" means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.*

***8.*** *An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle).*

***9.*** *(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—*

*(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations));*

*(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).*

*(2) In this paragraph,*

*"Schedule 1 approval" means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.*

***10.*** *An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development).*

***11.*** *An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development).*

***12.*** *The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990.*

***13.*** *A reserved matters approval application in respect of an outline planning permission other than a large outline permission.*

***14.*** *An application made under article 27 (1) of DMPO (applications made under a planning condition).*

***15.*** *An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for -*

*(a) prior approval, or*

*(b) a determination as to whether prior approval is required.*

## SCHEDULE 2

### Part A
### (Applications within this Schedule that are to be determined by an officer)

***1.*** *An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent), unless the application is connected with an application falling within Schedule 2 Part B*

***2.*** *An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent), unless the application is connected with an application falling within Schedule 2 Part B*

***3.*** *An application for planning permission falling within Schedule 1 of this scheme that the authority concerned considers is connected with an application of a kind specified in paragraph 1 or 2* above.

***4.*** *An application made under regulation 9 (1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement).*

***5.*** *An application made under regulation 16 of the Town and Country Planning (Tree (1)Preservation) (England) Regulations 2012 (application for consent under tree preservation order).*

***6.*** *An application made under Section 73A (1) of TCPA 1990 (planning permission for development already carried out) unless the application is connected with a development falling within Schedule 2 Part B.*

### Part B
### (Applications that may be determined by a committee or by an officer)

***1.*** *An application for planning permission that is not -*

*(a) a householder application,*

*(b) a minor commercial application, or*

*(c) a minor residential application.*

***2.*** *(1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.*

*(2) In this paragraph*

*"original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;*

*"Schedule 2 planning permission" means a planning permission granted pursuant to an application which is of a kind specified in this Schedule Part B.*

***3.*** *An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out).*

***4.*** *(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—*

*(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);*

*(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning*

*obligations).*

*(2) In this paragraph, "Schedule 2 approval" means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule Part B.*

***5.*** *(1) A reserved matters approval application in respect of a Large Outline Permission.*

*(2) In this paragraph "Large Outline Permission" means an outline permission which permits development involving either or both of –*

*(a) the provision of 500 or more dwellings*

*(b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more.*