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.