Ribble Valley
Borough Council
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SCHEME OF DELEGATION FOR DEVELOPMENT MANAGEMENT AND COUNTRYSIDE MATTERS

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Contents

1. INTRODUCTION 2

2. DETERMINATION OF APPLICATIONS UNDER DELEGATED POWERS (applications which will be determined by the nominated officer) 3

3. APPLICATIONS THAT MAY BE DETERMINED BY PLANNING AND DEVELOPMENT COMMITTEE OR BY AN OFFICER 4

4. APPLICATIONS MADE BY INTERESTED PARTIES (OWN-INTEREST APPLICATION) 5

5. TRIAGE PROCESS 5

6. OTHER DECISIONS DELEGATED TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING 5

Development Management 5

Enforcement 6

Listed Buildings and Conservation Areas 6

Tree Preservation and Countryside 6

1.INTRODUCTION

1.1The Scheme of Delegation ("Scheme") sets out when applications received by the Council in relation to planning, countryside and other related matters will be decided by the Planning and Development Committee and when those applications will be delegated to officers of the Council for decision. It will also set out which decisions are delegated to the Director of Economic Development and Planning ("Director").

1.2The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("2026 Regulations"), (due to come into force on 31 October 2026) implement a national scheme of delegation, confirming which planning decisions must be made by officers and which may be considered by planning committees. This Scheme reflects its provisions.

1.3The Council has determined that its "Nominated Member" shall be the Chair of Planning and Development Committee and its "Substitute Nominated Member" shall be the Deputy Chair of Planning and Development Committee.

1.4The Council has determined that its "Nominated Officer" for the purpose of the 2026 Functions Regulations shall be the Director and its "Substitute Nominated Officer" shall be the Head of Development Management and Building Control.

1.5Any reference within this Scheme to a "Own-Interest Application" is as defined in the 2026 Regulations, in relation to a relevant local planning authority:

(1) An own-interest application is an application to a relevant local planning authority of a kind specified in Schedule 1 or Schedule 2 to these Regulations where—

(a)the application is made (whether or not jointly with any other person) by or on behalf of

(i)that authority,

(ii)a member of that authority, or

(iii)an officer of that authority, Or

(b)in the view of the nominated member and the nominated officer, the authority or any of its members or officers otherwise has an interest in the application.

(2) A relevant local planning authority must make arrangements so that any own-interest application made to that authority is determined in accordance with paragraphs (3) to (5).

(3) Any own-interest application that is not referred to a committee in accordance with paragraph (4) must be determined by an officer of that authority.

(4) The nominated member and nominated officer may agree to refer an own-interest application to a committee.

(5) In considering whether to make a referral under paragraph (4), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of TCPA 1990.

2. DETERMINATION OF APPLICATIONS UNDER DELEGATED POWERS (applications which will be determined by the nominated officer)

2.1 Determination of the following applications are delegated to the Director:

- An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)
- A householder application.
- A minor commercial application.
- A minor residential application.
- An application for permission in principle
- 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.
- An application for non-material changes to planning permission or permission in principle (section 96A(4) of TCPA 1990)
- A request to agree to modify or discharge a planning obligation (section 106A(1)(a) of TCPA 1990) (if linked to Schedule 1 development)
- An application to modify or discharge a planning obligation (section 106A(3) of TCPA 1990) (if linked to Schedule 1 development)
- Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
- Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
- The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A of the TCPA 1990.
- A reserved matters approval application in respect of an outline planning permission other than a large outline phase permission [1]
- Applications to discharge conditions attached to approvals.
- An application for prior approval
- An application for determination as to whether prior approval is required.
- Technical detail consent applications
- Determination of applications for a Certificates of Lawfulness of proposed works to listed buildings under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Determination of requests for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Substitution of house types
- Applications for new vehicular access points
- Full applications for a change of use
- Proposals for new shop fronts on existing shops
- Proposals to reinforce existing overhead power lines.
- All applications about which the observations of the Council are requested
- Hazardous substance consent
- An application for works to trees in a Conservation Area
- Heritage Partnership Agreements
- Applications for the Stopping Up or Diversion of Public Rights of Way
- Applications that require Secretary of State Consultation (if linked to Schedule 1

1 “large outline permission” means an outline planning 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;

development)

- Non-determination appeals (if linked to Schedule 1 development)

3.APPLICATIONS THAT MAY BE DETERMINED BY PLANNING AND DEVELOPMENT COMMITTEE OR BY AN OFFICER

3.1The Nominated Officer (or in their absence the Substitute Nominated Officer) and the Nominated Member (or in their absence the Substitute Nominated Member) may agree to refer a proposal to determine an application of the types listed below to Planning and Development Committee if in their view the proposal 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.

3.2In making such a determination the Nominated Officer and Nominated Member shall have regard to the relevant guidance issued by the Secretary of State.

1)An application for listed building consent made under section 10(1) of the Listed Buildings Act.

2)An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions listed building consent).

3)An application for planning permission that the authority concerned considers is connected with an application of the kind listed in paragraph 1 or 2.

4) An application for planning permission that is not:

- A householder application;
- A Minor commercial application or
- A minor residential application.
- A full application for change of use
- A new shop front
- Substitution of house types
- New vehicular access

5)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.

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

7)In respect of a planning obligation which the Council considers relates to a Schedule 2 approval2 (2026 Regulations):

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[2] "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 Schedule 2 of the 2026 Regulations.

- A request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990
- An application to modify or discharge that obligation under section 106A (3) of TCPA 1990.

8) Where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

9) 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.

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

4. APPLICATIONS MADE BY INTERESTED PARTIES (OWN-INTEREST APPLICATION)

4.1 Any own-interest application may be referred to Committee if both the Nominated Officer and Nominated Member agree that the application should be referred.

5. TRIAGE PROCESS

5.1 Government guidance recommends that Council's apply a 'triage' process to planning applications to avoid all Schedule 2 application types having to go through the 'gateway test'. It is proposed that Schedule 2 applications, including 'Own-interest applications' are to be triaged with the Nominated Officer and Nominated Member having delegated responsibility to determine those applications that are to be triaged (the Scheme of Management document, which will be subject to approval by Planning and Development Committee, will set out the triaging provisions).

6. OTHER DECISIONS DELEGATED TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

6.1 These powers are delegated to the Director of Economic Development and Planning

Development Management

(a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.

(b) The statutory or the discretionary need to advertise various types of applications.

(c) What statutory or other consultations/notifications are required

(d) Determination on matters relating to fees arising on an application

(e) Determination as to whether or not to decline to determine an application under Sections 70A-D of the Town and Country Planning Act

(f) Determination as to whether or not applications should be subject to an Environmental Impact Assessment (EIA)

(g) Determination of an application as finally disposed of

(h) Negotiations leading to the satisfactory completion of Section 106 Agreements - unless the Planning and Development Committee has formally requested further involvement at the time of the resolution of the application.

(i) Decisions whether to use consultants to prepare and present an appeal case following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee.

Enforcement

6.2 In all cases where there is a breach of planning control, the Director of Economic Development and Planning is authorised to take the necessary action to regularise the situation, including the service of:

- A notice on untidy sites (Section 215 Notice),
- An Enforcement Notice,
- A Breach of Condition Notice
- A Temporary Stop Notice
- A Planning Contravention Notice

Listed Buildings and Conservation Areas

6.3 In the case of an unlisted building that is of Special Architectural of Historic interest and is in danger of demolition or alteration, the Director of Economic Development and Planning is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

6.4 In respect of Listed Buildings authorise the Director of Economic Development and Planning to serve/ apply for:

- An Urgent Works Notice
- A Repairs Notice
- An injunction in relation to a listed building.

Tree Preservation and Countryside

6.5 The Director of Economic Development and Planning is authorised to make:

a) Provisional tree preservation orders where necessary because of the immediate threat to trees involved
b) Confirmation of tree preservation orders when no objections have been received
c) Decisions on complaints received in relation to High Hedge legislation
d) Decisions on notifications under the Hedgerow Regulations
e) Confirmation of Stopping Up or Diversion Orders of a public rights of way where such requests are made to the Local Planning Authority in accordance with Section 257 of the Town and Country Planning Act
f) Responses to Lancashire County Council on the consultation stage of Stopping Up or Diversion Orders of a public right of way.