Ribble Valley
Borough Council
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SCHEME OF MANAGEMENT

TO IMPLEMENT THE SCHEME OF DELEGATION FOR PLANNING MATTERS

OCTOBER 2026

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1. INTRODUCTION

1.1 The RVBC Scheme of Delegation October 2026 ("Scheme of Delegation") 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. This scheme reflects the provisions of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026) ("Legislation") which comes into effect on 31st October 2026.

1.2 The purpose of this Scheme of Management document is to provide clarity on how the Council will manage Schedule 2 and 'own interest' applications. In doing so regard is had to the Scheme of Delegation, the Legislation and Government guidance "Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England" ["statutory guidance"].

1.3 Schedule 2 applications are not automatically delegated by the Legislation but are still subject to a presumption of determination by officers. They may only be referred to Planning & Development Committee in accordance with the Council's approved arrangements and if they present:-

(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.

1.4 As set out in the Scheme of Delegation the following are Schedule 2 applications which are not automatically delegated decisions and may be considered for referral to Planning & Development Committee:-

1) An application for listed building consent (and an application for planning permission that is connected)

2) An application for the variation or discharge of conditions of listed building consent (and an application for planning permission that is connected)

3) An application for planning permission that is not:

- A householder application;
- A Minor commercial application or
- A minor residential application.
- Substitution of house types
- Application for new vehicular access point
- Full application for a change of use
- Proposal for new shop front(s) on existing shop(s)
  [see Glossary for definitions]

4) An application to develop land without compliance with conditions previously attached (known as a section 73 application) in respect of which the original permission was a Schedule 2 application).

5) An application for development that has already been carried out (known as a section 73A application) including where they would relate to a Schedule 1 application.

6) A request to agree to modify or discharge an obligation under section 106A(1)(a) of the TCPA or an application to modify or discharge that obligation under section 106A (3) of the TCPA where it relates to a Schedule 2 application

7) An application for reserved matters approval in respect of a large outline planning permission (500+ dwellings or a floorspace of 50,000 sqm)

8) An application for advertisement consent

9) An application for consent for works to tree(s) protected by a tree preservation order.

1.5 In respect of own interest applications this is an application submitted by the local authority itself or by a member or officer of the authority, or where the authority, a member or officer otherwise has an interest in an application.

1.6 The decision-making process for these applications should be one of ensuring openness and transparency. In deciding whether to refer to committee, it should be ensured that, because of the nature of the applicant, there is not a real (or reasonably perceived) risk of bias by determining the application under delegated powers and secondly that, because of the nature of the development, there is a good reason to refer it to Committee

2. TRIAGE OF SCHEDULE 2 AND 'OWN INTEREST' APPLICATIONS

2.1 Regulation 5 (4) of the Legislation and paragraph 14 of the statutory guidance makes clear that it is not necessary for all Schedule 2 or 'own interest' applications to be considered at the 'gateway test' for potential referral to committee. To do so would have resource implications for both officers and nominated members which would not be consistent with the Government's stated aim of speeding up planning decisions.

2.2 Therefore it is recommended that a triage system is put in place. This would identify specific types of Schedule 2 applications which would be unlikely to meet the gateway test of raising 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.

2.3 The statutory guidance indicates that 'special control applications' such as listed building consent, advertisement consent and consent under tree preservation orders, despite being included in Schedule 2, do not generally raise issues that would merit committee scrutiny.

2.4 Therefore, it is proposed that these type of applications be included in a list of 'triaged' applications which will not be referred to committee and will be determined by officers. This approach is considered proportionate and consistent with Government guidance because these application types rarely raise significant planning issues capable of meeting the 'gateway test' and have predominantly been determined under delegated powers previously.

2.5 In light of the above, other than in exceptional circumstances, the following Schedule 2 application types will not proceed to the 'gateway test' and will be delegated decisions:

- Applications for Listed Building Consent (and an application for planning permission that is connected) involving householder development

- Applications for the variation or discharge of conditions relating to Listed Building Consent (and an application for planning permission that is connected).

- Applications for householder development that has already been carried out (a Section 73A application)

- Applications for Advertisement Consent.

- Applications for consent for works to tree(s) protected by a tree preservation order.

2.6 It is also recommended that a triage process apply to 'own interest' applications[1]. Under the Regulations, an own-interest application can fall within Schedule 1 or 2. It is proposed that, other than in exceptional circumstances, only the following applications will be considered at the gateway test:

• applications submitted by or on behalf of Ribble Valley Borough Council or on land owned by RVBC
• applications submitted by members of staff directly working with the Economic Development & Planning Directorate
• applications submitted by an elected member
• applications submitted by head of service and above (or their partner/spouse or close family member)

3. THE GATEWAY TEST

3.1 Schedule 2 applications and 'own interest' applications that do not fall within the triage process will be referred to the 'gateway test'. This will be carried out by the Nominated Officer and Nominated Member, or their substitutes. The intention is that this will be a monthly meeting with applications first referred to the gateway once the statutory consultation period has expired. In some instances it may be necessary for applications to be referred back to the gateway, for example on receipt of additional information or updated consultee responses.

3.2 The purpose of the gateway test is to determine if it is appropriate for the applications to be determined by the Planning & Development Committee rather than under delegated powers. An application will only be determined by the Planning & Development Committee where it is considered a significant planning matter or an economic, social or environmental issue of significance to the local area, or an applicable 'own interest' application.

3.3 What will constitute a 'significant planning matter' or an 'economic, social or environmental issue of significance to the local area' will be determined having regard to the examples provided in statutory guidance and by the Planning Advisory Service. The volume of representations (whether in objection or in support) cannot constitute a basis for referral to committee. The substantive planning issues raised within representations may, however, be relevant to whether the statutory gateway criteria are met.

3.4 To protect the integrity of the nominated officer's independence and the gateway

[1] 'Own interest' applications are as defined in Regulation 6 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

process, any representations by ward members about Schedule 2 applications should be directed to the nominated member and not to the nominated officer directly.

4. REPORTING

4.1 Statutory guidance on implementing the national scheme of delegation states:

'As a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make it available on their website'.

4.2 To comply with this guidance, it is proposed that

- If it is agreed to refer an application to the Planning & Development Committee, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report.

- If it remains a delegated decision, the reasons for it should be set out succinctly and clearly in the associated delegated report.

- A monthly report be included in the planning committee agenda recording all applications that have been considered for referral to committee.

APPENDIX - GLOSSARY

“Householder application” (as defined in the Development Management Procedure Order 2015) means:

(a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does not include an application for change of use or an application to change the number of dwellings in a building

“Minor commercial application” (as defined in the Development Management Procedure Order 2015) means:

(a) an application for planning permission for development of an existing building, or part of a building, currently in use for any of the purposes falling within Class E(a), (b), (c) of the Schedule to the Town and Country Planning (Use Classes) Order or use as a public house, wine-bar or other drinking establishment or a hot food takeaway (former Class A1-Class A5 of the 1987 Use Classes Order), or
(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building

“Minor residential application” means:

Development of up to 9 new dwellings (flats or houses) on a site smaller than 0.5 hectares and other minor development in relation to flats.

See the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 for full definition of minor development in respect of flats

“New shopfront on existing shop” means:

New shopfront relates to any floor (not just ground floor) and existing shop relates to any building used for the carrying out of any retail trade or other commercial, business and service use (this can include Sui generis uses).