



Appendix

Ministry of Housing, Communities & Local Government

Reform of Planning Committees: Technical Consultation

**Representations prepared by Broxtowe
Borough Council in its role as a Local Planning
Authority**

June 2025

1.0 Introduction

- 1.1 These representations have been prepared by Broxtowe Borough Council and relate to the Government's 'Reform of Planning Committees: Technical Consultation', which was published on 28 May 2025 and is available at the following link: <https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/reform-of-planning-committees-technical-consultation>.
- 1.2 The Borough Council has significant concerns about the proposed changes, as set out within this document. The Borough Council has set out its concerns within its responses to the consultation questions.
- 1.3 These representations will be forwarded to the Ministry of Housing, Communities and Local Government by email to planningcommittees@communities.gov.uk and a copy will also be published on the Borough Council's website.

2.0 Consultation Response

- 2.1 The Borough Council's responses to the questions within the Technical Consultation are as follows.

Question One: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

The Borough Council very strongly disagrees with the proposal for a 'blanket approach' of requiring all applications of a certain type to be delegated to Planning Officers, rather than offering Local Planning Authorities the option for these to be determined by a Planning Committee. The Borough Council is of the view that the determination route for each application should be considered on the individual circumstances of each case and that there may be valid reasons why some smaller and more technical applications should be determined by the Planning Committee.

The Borough Council is deeply concerned that the approach which the Government is proposing has the potential to severely impact public confidence in the planning system as a whole and undermine local democracy and accountability.

The Borough Council is further concerned that this approach, as currently proposed, will harm the interests of disadvantaged groups within the local community, such as the elderly or disabled, and that it is contrary to the principles of openness and transparency which have guided the planning system since its inception.

In the experience of the Borough Council, Planning Committees are not a barrier to development or growth, but instead work to improve the quality of proposed development, with the result being better quality and more sustainable development for the benefit of existing and future residents. The Borough Council's view is therefore that the Government's proposed changes to the roles of Planning

Committees are misguided and could be counterproductive. An example of the latter could be where additional discussion and compromise at Planning Committees facilitates solutions to create more acceptable and appropriate development, reducing the need for expensive and time-consuming planning appeals.

The Borough Council is of the view that Local Planning Authorities should have the flexibility to determine applications using the method that they consider most appropriate.

Question 2: Do you agree the following application types should fall within Tier A?

As the Borough Council is of the view that the proposals to restrict the method of determination of certain applications is misguided, has the potential to undermine public confidence in the planning system, and will undermine local democracy, it follows that the Borough Council is of the view that none of the application types listed should be included within this tier, as such a 'tier' should not exist.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

The Borough Council is of the view that, as the proposals for tiers are misguided, no additional development types should be included within Tier A.

Question 4: Are there further types of application which should fall within Tier A?

As per the Borough Council's responses to previous questions, the system of tiers should not be developed and so no further application types should be included within Tier A.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Notwithstanding the Borough Council's responses to Questions 1 to 4 of this technical consultation, should the Government be minded to proceed with these proposals, the Borough Council is of the view that it would be absolutely essential for a mechanism to exist for applications in such a tier to be brought to Planning Committee in certain circumstances. Not to do so would risk severely undermining public trust in the planning system.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Should the Government proceed with these proposals, a system will be needed. In the case of disagreement between the Chief Planning Officer and the Chair of the Planning Committee, it is unclear from the Government's proposals as to who would ultimately make the decision. In the view of the Borough Council, this is likely to lead to further uncertainty and delay.

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

Householder applications

Minor commercial applications

Minor residential development applications

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

As the Borough Council is of the view that a 'tiered' system, as proposed, is inappropriate, it follows that all application types should be included within Tier B.

Question 8: Are there further types of application which should fall within Tier B?

Please refer to the Borough Council's response to Question 7.

Question 9: Do you consider that special control applications should be included in:

Tier A or

Tier B?

As the Technical Consultation acknowledges that most such applications are delegated, the Borough Council is of the view that there is very little practical justification for restricting such applications to Tier A. This would appear, in practice, to be proposing solutions to a 'problem' which does not exist.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

As per its response to Question 1, the Borough Council is of the view that Local Planning Authorities should have the flexibility to determine applications using the method that they consider most appropriate, rather than for such mechanisms to be set by (national) Government.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

As per its response to Question 1, the Borough Council is of the view that Local Planning Authorities should have the flexibility to make decisions using the method that they consider most appropriate, rather than for such mechanisms to be set by (national) Government.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

The Borough Council is of the view that Local Planning Authorities should have the flexibility to establish such committees as consider most appropriate, based upon their local circumstances and expertise, rather than for such mechanisms to be set by (national) Government.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

The Borough Council is of the view that this should be a matter for Local Planning Authorities to decide.

Question 14: Do you think the regulations should additionally set a minimum size requirement?

Please refer to the Borough Council's response to Question 13.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

The Borough Council is of the view that this should be a matter for Local Planning Authorities to set locally. Government may not be aware of local issues and may not achieve the correct balance between different requirements. Either way, Government will need to provide additional funding to support Local Planning Authorities and councillors in achieving these new certifications.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

The Borough Council is of the view that this would not be helpful at the current time. Additional bureaucracy will not be helpful in delivering the additional growth which the Government wishes to see.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

The Borough Council is of the view that this would not be helpful at the current time. Please refer to the Borough Council's response to Question 16.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

The Borough Council is of the view that the Government's proposed changes will result in potentially serious and damaging impacts upon a number of such groups.

Examples of such groups include the elderly and disabled. This could be prevented by not proceeding with these proposals.

Question 19: Is there anything that could be done to mitigate any impact identified?

Impacts could be mitigated by allowing Local Planning Authorities to determine applications using the mechanisms which they consider will be best help to protect those with protected characteristics.

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

The Borough Council does not have any comments to make in relation to this question.

3.0 Further Information

- 3.1 For further information or clarification in relation to these representations, please contact the Borough Council's Planning Policy Team on 0115 917 7777 or by email at policy@broxtowe.gov.uk.

Broxtowe Borough Council
June 2025