

Report of the Chief Executive

Briefing Note: Planning Committee Reform (National Scheme of Delegation)

1. Purpose of Report

This report provides a summary of the proposed reforms to Planning Committees.

2. Recommendation

The Committee is asked to NOTE the contents of this report regarding the National Scheme of Delegations and amendments required to the Constitution.

3. Detail

The government has published regulations (The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026) ("Regulations"), that will take effect 31st October 2026.

In summary, there will be a National Scheme of Delegation that every Council in England will have to work to. From 31st October, the call-in procedure will no longer be permitted under the new Regulations.

The government's proposed Scheme of Delegation confirms which planning applications will always be determined by Planning Officers and not by Planning Committee. These are referred to as Schedule 1 applications. There is also a Schedule 2 set of application types that may be determined by the Planning Committee if they satisfy what is referred to as a 'gateway test'.

The Planning Committee scheduled for November 2026 will be the first where the new delegation arrangements will apply.

There will be a need to amend the Planning Committee call in procedure in the Constitution of the Council.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Climate Change implications are considered within the report

8. Background Papers

Nil.

Schedule 1 Applications – Applications that must be determined by an officer

The regulations state these applications must be determined by officers in all instances.

- householder applications, as defined in the Town and Country Planning Development Management Procedure Order 2015;
- minor commercial applications, as defined in the same Order;
- minor residential applications, meaning development comprising at least one but not more than nine dwellings on a site smaller than 0.5 hectares; separately, incidental works to a building containing flats also count, unless they involve a change of use or a change to the number of flats;
- permission in principle;
- reserved matters approval on an outline permission that is not a large outline permission (less than 500 dwellings or 50,000 square metres floor space);
- applications made under a planning condition, under article 27(1) of the DMPO, which includes discharge of conditions;
- prior approval applications, and applications for a determination as to whether prior approval is required, under the Town and Country Planning General Permitted Development Order 2015;
- section 73 of the Town and Country Planning Act 1990 applications where the original permission was itself a Schedule 1 permission;
- non-material amendments under section 96A of the same Act;
- certificates of lawfulness of existing use (section 191) and proposed use (section 192) of the same Act;
- certificates of lawfulness of proposed works to a listed building under section 26H of the Planning (Listed Building and Conservation Areas) Act 1990;
- submission of a biodiversity gain plan;
- section 106A of the TCPA requests to modify or discharge a planning obligation connected with a Schedule 1 approval; and
- certificates of appropriate alternative development under section 17 of the Land Compensation Act 1961.

Schedule 2 Applications - Applications that may be determined by a committee or by an officer

Schedule 2 covers everything of substance that Schedule 1 does not:

- any application for planning permission that is not a householder, minor commercial or minor residential application, in other words the larger schemes;
- Listed Building Consent, and variation or discharge of its conditions under section 19 of the LBCAA;
- any application for planning permission the authority considers connected with a Listed Building Consent application of the LBCAA;
- retrospective applications under section 73A of the TCPA;
- section 73 applications of the TCPA where the original permission was a Schedule 2 permission;
- reserved matters approval on a large outline permission (large outline either 500 dwellings or 50,000 square metres or more floorspace);
- advertisement consent;
- consent for works under a Tree Preservation Order of the TPCA; and
- section 106A of the TPCA requests connected with a Schedule 2 approval.

The 'gateway test'

A Schedule 2 application can only be referred to a committee where two people agree that referral is appropriate:

- the nominated officer, i.e. the chief planning officer (Ryan Dawson).
- the nominated member, in most cases the chair of the planning committee.

Both must agree. Either can effectively decline. And they must also be satisfied that at least one of two criteria is met:

- the application raises an economic, social or environmental issue of significance to the local area; and / or
- or it raises a significant planning matter, having regard to the development plan and other material considerations.

Any applications decided at committee contrary to the regulations may be vulnerable to judicial review and potentially quashed.

Own-interest applications

There is one significant exception. Own-interest applications are those made by the authority itself, alone or jointly with someone else, or where members or officers have an interest. These sit outside Schedules 1 and 2 altogether, and the nominated member and nominated officer may agree to refer one to a committee at their discretion, with no gateway test to satisfy.

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The justification for this exemption preserves transparent decision making in the planning system.

Final point

Planning Committee may have a maximum of 13 members.