

Report to Planning Committee

Subject: Planning Committee Reform

Date: 15th July 2026

Author: Assistant Director - Development

Purpose To brief Planning Committee Members on proposed legislative changes by the and to nominate members to a Cross-Party Working Group of 9 members to agree the Planning Committee Rules within the Constitution, amend the Planning Committee Protocol and amend the Scheme of Delegation.

Recommendation(s)

THAT:

- 1) That Planning Committee note the content of this report and the Government's proposed planning reforms**
- 2) That the Planning Committee nominates members to a Working Group to agree Planning Committee Rules within the Constitution, amend the Planning Committee Protocol and also the Scheme of Delegation**

1 Background

- 1.1 Government is introducing a National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Sections 319ZZC–319ZZF have been inserted into the Town and Country Planning Act 1990 (as amended) to empower the Secretary of State to define which functions are delegated to officers and which are reserved for planning committees or sub-committee.
- 1.2 Its purpose is to provide greater clarity and consistency about which planning functions are decided by officers and which require committee

oversight, reducing variation and uncertainty across Local Planning Authorities

1.3 Local Planning Authorities are expected to have the new arrangements for decision-making in place by 31st October 2026. Decisions taken on or after that date must be taken in accordance with the Regulations and if not, could be considered by the Courts to have been unlawful.

1.4 The reforms will include a restriction on the number of elected members on Planning Committees to not exceeding 13 and mandatory training will be introduced for members of Planning Committees.

1.5 The introduction of a National Scheme of Delegation which will group planning applications into 2 schedules;

1.6 Schedule 1 (Tier A)

Schedule 1 sets out the list of types of applications that must in all circumstances be delegated to officers. These includes applications for planning permission for householder, minor residential and minor commercial development, as well as a number of supplementary and technical consents such as discharge of conditions, reserved matter approvals (for non-phased development), lawful development certificates, and non-material amendments.

1.7 Schedule 2 (Tier B)

Schedule 2 sets out the list of types of applications that may be referred to a committee subject to the circumstances set out in Regulation 5 (for clarity, this is the 'gateway' test where the nominated officer and nominated member agree to refer applications to Planning Committee or not) and must be delegated to an officer where those circumstances have not been met. These include other applications for planning permission not in Schedule 1, reserved matters approvals for phased development, variations of permissions, and special controls such as listed building and tree preservation order consents.

1.8 In making the decision the nominated member and officer must apply the criteria in Regulation 5(2) known as the Gateway Test. This is where the nominated member and nominated officer consider whether the

application 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.

2 Proposal

- 2.1 To brief Planning Committee Members on proposed legislative changes by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and to nominate members to a Cross-Party Working Group of 9 members to agree Planning Committee Rules within the Constitution, amend the Planning Protocol and amend the scheme of Delegation to be consistent with the National Scheme of Delegation (NSD) through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

3 Alternative Options

- 3.1 There are no alternative options, this legislation will come into force on 31st October. Any decisions not taken in accordance with the Regulations may be considered not to be legal.

4 Financial Implications

- 4.1 None, the changes required to the Constitution, Scheme of Delegation and Planning Committee Protocol will be met from existing budgets.

5 Legal Implications

- 5.1 Any decisions not taken in accordance with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 may be considered not to be legally sound.

6 Local Government Reorganisation Implications

- 6.1 The legislation will apply to every Local Planning Authority in England, therefore a consistent approach to the determination of planning applications will be being taken by authorities ahead of Local Government

Reorganisation.

7 Equalities Implications

- 7.1 None, the legislation will be applied across Local Planning Authorities in England. Any implications have been considered by the government.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 None, any carbon reduction and sustainability implications will be considered in the determination of individual planning applications by both the Local Planning Authority and Secretary of State should they decide to call in an application.

9 Background Papers

- 9.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 - <https://www.legislation.gov.uk/ukdsi/2026/9780348283709/contents>
- 9.2 Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer