

CABINET

DATE	16th July 2025
REPORT OF	Councillor Stewart Swinburn, Portfolio Holder Housing Infrastructure and Transport
RESPONSIBLE OFFICER	Carolina Borgstrom, Director for Economy, Environment and Infrastructure
SUBJECT	Response to Government consultation on reform of planning committees
STATUS	Open
FORWARD PLAN REF NO.	CB 07/25/06

CONTRIBUTIONS TO OUR AIMS

Decisions on planning applications influence and effect new development and future investment decisions. Government’s proposed changes to the operation of planning committees in the decision-making process could have wide ranging implications related to the Council’s aims, particularly its priorities of ‘Stronger Economy and Stronger Communities’

EXECUTIVE SUMMARY

On 28th May 2025 Government published a technical consultation on planning committee reforms. Views are sought on proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees. This report summarises the proposed changes and highlights key implications which are recommended for inclusion in the Council’s response to the consultation.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Delegates responsibility to the Director for Economy, Environment and Infrastructure in consultation with the Portfolio Holder Housing Infrastructure and Transport to submit the Council’s response to the Ministry of Housing, Communities and Local Government before the consultation closing date 23 July 2025.

REASONS FOR DECISION

To enable the Council to respond to the Government's consultation as set out by the Secretary of State for Housing, Communities and Local Government on 28th May 2025. The Council's response is required by 23rd July 2025.

1. BACKGROUND AND ISSUES

1.1. The Planning and Infrastructure Bill was introduced into Parliament on 11 March 2025 and includes the following measures:

- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;
- a new power for the Secretary of State to control the size and composition of planning committees; and
- a new requirement for members of planning committees to be trained, and certified, in key elements of planning.

1.2. These measures afford Government enabling powers to bring forward detailed provisions in regulations following the Bill's Royal Assent. It is the content and detail of these regulations that is the focus of the consultation.

1.3. The Government's consultation document sets out 20 questions and a link to the consultation document and questions can be found in section 13, background papers section of the report. The suggested answers to those questions are attached as appendix A.

Delegation on planning functions

1.4. The Government is proposing to introduce a scheme of delegation which categorises planning applications into the following two tiers:

- Tier A which would include types of applications which must be delegated to officers in all cases; and
- Tier B which would include types of applications which must be delegated to officers unless the Chief Planner and Chair of committee agree it should go to committee based on a gateway test.

1.5. Tier A applications are characterised as being "technical in matter, or about minor developments". The following types of applications for planning permission are identified:

- applications for planning permission for:
 - Householder development
 - Minor commercial development (commercial below 1000sqm)
 - Minor residential development (up to 9 residential units)

- applications for reserved matter approvals
- applications for s96A non-material amendments to planning permissions
- applications for the approval of conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for Lawful Development Certificates
- applications for a Certificate of Appropriate Alternative Development

1.6. Tier B applications involve:

- Applications for planning permission not in Tier A
- Notwithstanding Tier A, any application for planning permission where the applicant is the local authority, a councillor or officer
- Section 73 applications to vary conditions
- Review of mineral planning conditions

1.7 The current approach to delegation is one that allows for all applications to be delegated but with a clear set of exemptions. Primarily when there is a recommendation to approve when there are more than three objections, when a Parish/Town Council object, when there is a statutory consultee objection and when there is a Departure to the Local Plan. In cases of either a recommendation to approve or refuse a Councillor 'call in' will mean a committee decision as would applications submitted by elected Members and certain members of staff.

1.8 The changes highlighted in relation to delegation are significant and whilst the ambition of providing greater certainty and efficacy of planning committees is welcomed and supported it is considered that there are a number of matters that need to be taken into account. This is to ensure an appropriate and an improved decision-making process. These are articulated in the response to the questions at appendix A. In particular there are concerns regarding the two tiers of applications in that may fail to account for the full nature of decision making in planning. Complexity and importance are not just defined by the size or definition of the application type but by its location, type and interest.

1.9 The Council achieves a high level of delegation at around 86% (year 24/25) and with some changes to its scheme could achieve an even higher figure. This demonstrates that the Committee process is not a hurdle to decision making. It is therefore considered that the first point in response to the consultation be a recommendation that for LPA's who achieve a consistently high level of delegation (circa 90%) they should not be bound by a national delegation scheme. If an LPA fails to meet a target over a recording period, then this special measure would apply.

- 1.10 With regard to the two-tier approach the responses at Appendix A suggest modifications to facilitate exceptions in the case of Tier A applications. Clarity is also required on how the 'gateway approach' would be used for Tier B applications. It is suggested that enforcement not be subject to the two-tier process.

Committee Size

- 1.11 The Government suggestion is for planning committees to have no more than 11 members. The Planning Committee size at NELC is 11 members and it is therefore suggested that the Council supports this element of the consultation.

Mandatory Training

- 1.12 The consultation proposes only allowing committee members to make decisions if they have been trained. This is to be ensured through the introduction of either a national certification scheme which would involve an online test for committee members, or a local-based approach where the local planning authority provides certification.
- 1.13 Currently the Council undertakes the annual planning training of members and members are not allowed to sit on Planning Committee unless this has been completed. Certification is not expected to be onerous and whilst it is suggested this element is supported it is considered that there is no reason why this should not be administered at a local level rather than a national level.

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

There is limited risk associated with responding to the Government's consultation. Responding provides the Council with the opportunity to express its views on the implications of the proposed changes.

3. OTHER OPTIONS CONSIDERED

The Council could decide not to respond to the consultation, although doing so would result in the Government not being made aware of its concerns regarding the proposed changes to planning committees.

No other options were considered as the Council will be required to abide by the requirements once the Planning and Infrastructure Bill is enacted and provisions are brought into effect.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

Whilst there are no direct reputational implications from the resulting decisions of this report it is important that the Council is transparent about its response to the Government consultation.

5. FINANCIAL CONSIDERATIONS

A decision to respond to the consultation has no direct financial or resource implications for the Council.

6. CHILDREN AND YONG PEOPLE IMPLICATIONS

There are no impacts on Children and young people as a direct result of this report.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no impacts on Climate change and the environment as a direct result of this report.

8. CONSULTATION WITH SCRUTINY

A report will be presented to the Transport, Infrastructure and Strategic Housing Scrutiny panel at its meeting on July 15th, 2025, and any feedback from that meeting will be reported at the Cabinet meeting.

9. FINANCIAL IMPLICATIONS

There are no direct implications arising from the recommendation to respond to the Government consultation.

10. LEGAL IMPLICATIONS

As set out in the body of the report, measures introduced through the Planning and Infrastructure Bill establish enabling powers for regulations to be brought forward following the Bill's Royal Assent. The consultation seeks views on what detailed provisions should be included in the regulations. Once in place, the Council will be required to operate its planning committee in accordance with these legal obligations.

11. HUMAN RESOURCES IMPLICATIONS

There are concerns of what is being proposed in terms of the health and well-being of Planning Officers at LPAs in terms of undue pressure. The move to a system which will mean a much greater emphasis on Planning Officers being 'judge and jury' and one which could significantly move away from the checks and balances which a committee process provides for contentious applications is concerning. Unfortunately, the approach proposed in the consultation does not highlight or consider this risk.

This risk aside, there are no immediate HR implications arising from the contents of this report.

12. WARD IMPLICATIONS

All wards are affected.

13. BACKGROUND PAPERS

- 13.1. Government consultation web page: [Reform of planning committees: technical consultation - GOV.UK](#)
- 13.2. Planning and Infrastructure Bill: [Planning and Infrastructure Bill - Parliamentary Bills - UK Parliament](#)

14. CONTACT OFFICER(S)

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**COUNCILLOR STEWART SWINBURN – PORTFOLIO HOLDER FOR HOUSING
INFRASTRUCTURE AND TRANSPORT**

APPENDIX A

Question 1: Do you agree with the principle of having a two-tier structure for the national scheme of delegation?

North East Lincolnshire Council (NELC) welcomes the ambition of providing greater certainty and efficiency to decision making through planning committees as set out in this consultation. However, it is suggested that there are a number of matters that need to be considered in these suggested reforms to ensure decision making is appropriate and improved.

There are some concerns as to the two-tier structure as set out. Whilst there is benefit to having a defined structure it is an over simplistic approach that fails to appreciate the full nature of decision making on planning applications. Complexity and importance are not just defined by the size or definition of the application type but by its location, type and interest. The lived experience in North East Lincolnshire (NEL) is that both minor commercial and also, residential applications are seldom without their challenges and are often controversial raising behavioural, economic and social balance considerations with substantial public interest. In contrast NEL has major industrial development on allocated sites that have little public contention and more often the challenges are related to technical and/or time matters with statutory consultees. To remove minor applications totally from a decision by Planning Committee undermines the 'safety-net' of the planning process whereby applications can be determined by a collective committee. Decisions which can require consideration in the planning balance and on proposals which can be very emotive. Please also see the concerns articulated at question 18.

A suggested alternative approach would be to recognise LPA's that achieve high levels of delegation across all applications and only impose national standards on those who fall below a certain level such as 90% delegation. This is easily monitored through returns and would focus LPA's on achieving high levels of delegation locally. This would be more productive in terms of efficient decision making and at the same time retain the core principles of democratic decision making.

Should a two-tier structure be imposed then it will be important that there is an exceptional process such as that detailed in the response to question 5.

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

- **Applications for planning permission for:**
 - **Householder development**
 - **Minor commercial development**
 - **Minor residential development**

- **Applications for reserved matter approvals**
- **Applications for non-material amendments to planning permissions**
- **Applications for approval of the BNG Plan**
- **Applications for approval of prior approval (for permitted development rights)**
- **Applications for lawful development certificates**
- **Applications for a Certificate of Appropriate Alternative Development**

Important material matters frequently feature in Reserved matters applications for major residential development and can be contentious and complex. These should be Tier B.

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?

No. As noted above minor applications can be contentious and those of 10-50 dwellings depending on context even more so. Taking this approach, risks encouraging a piece-meal approach by 'lotting' larger sites into several medium sized sites to avoid committee with the result being poorly planned developments. They should not be Tier A.

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

Applications for s73 applications to vary conditions/s73B applications to vary permissions for Tier A applications.

There is no reference to permission in principle applications.

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?

Yes. Planning is a democratic process, and elected members need to have a role and be accountable. A call in by an elected member (or two) and then supported by the Planning Chair would be an appropriate mechanism.

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?

The consultation is not clear on when a Tier B application would be considered for Committee prior to the 'gateway test'. Would a scheme of local delegation apply in the first instance? The references to 'significance' to the local area' and 'significant planning matter having regard to the development plan' are not clear and are not appropriate for use. There need to be clear guidelines with no ambiguity. Following consideration under a local delegation there could then be the use of the 'gateway

test' but the 'gateway test' cannot act in isolation and should not make decision making more onerous. The 'gateway test' approach could also result in those making that decision being perceived as having too much influence.

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.

Whilst acknowledging the need for probity, when considered against the principles suggested in this consultation this provides an unfair advantage to these groups to have a case determined by Committee when the majority of a community will not have that opportunity.

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

Not if they relate to Tier A applications.

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

Hazardous Substance Consent applications.

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

Tier A or

Tier B?

These should be in Tier A.

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?

Yes Section 106 decisions should follow the treatment of the associated planning applications. Any not linked to planning applications could be Tier A.

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

Enforcement should not be classed in the same way as for planning applications. Enforcement considerations can be contentious and complex. At NELC there is extensive delegation but the ability to take items to committee must remain if necessary. This is to ensure that matters which are contentious and emotive can be decided and owned by the full Planning Committee on the recommendation of Officers.

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

Yes. NELC have 11 members.

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

N/A

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

Yes. A minimum of 9 to allow for different viewpoints to be expressed and considered.

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

We agree with (and indeed undertake) training but think certification is better managed at a local level.

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?

No. There must remain the ability for proper decision making based on the need for high quality and sustainable development. The ability to challenge and seek improvement is the cornerstone of decision making in planning. Decisions by the Planning Inspectorate are not sufficiently consistent to allow for such a reduction. Planning decisions should not be overly dictated by a quantitative analysis. The need for quality developments informed by good decision making should be retained and not be diminished. The current thresholds allow for that.

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?

No. For the reasons stated at answer 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.

There are some concerns in terms of the health and well-being of Planning Officers at LPAs. The move to a system which will mean a much greater emphasis on Planning Officers being 'judge and jury' and one which could significantly move away from the checks and balances which a committee process provides for contentious applications is of concern. There could also be risks of real or perceived probity. An example of the problems of undue pressure and intolerance to Planning Officers has recently been highlighted in a study in Wales. The RTPi 'Big Conversation' of January 2023 was in response to this concern. This highlighted the need for planning to become more resilient as a profession and particularly protecting the resilience of Planning Officers in relation to handling difficult situations and high expectations. Unfortunately, the approach proposed in this consultation does not highlight or consider this risk or how it will be addressed. Indeed, the result could be counter-productive in what it seeks to achieve through 'risk averse' decisions in relation to cases where there is substantial opposition. Ultimately it could act as deterrent to people coming into the planning profession.

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

We support efficient and effective decision making and as an LPA, already operate a 'delegation by default' mechanism which achieves high levels of delegation (circa 86%). The main suggestion we have is that if a new process is introduced, is that it is effectively an intervention whereby if an LPA's delegated decision level drops below a defined national threshold (we have suggested 90%), then the national mechanism will apply by default for a period of time (six or twelve months). Appropriate safeguards would be required but in essence this would serve to encourage efficient decision making.

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?

No.