

PLANNING COMMITTEE

DATE	02/09/2026
REPORT OF	Carolina Borgstrom, Director of Economy, Environment and Infrastructure
SUBJECT	Introduction of National Scheme of Delegation
STATUS	Open

CONTRIBUTION TO OUR AIMS

Changes are required to the Council's scheme of delegation and corresponding parts of the constitution in order comply with legislation.

EXECUTIVE SUMMARY

This report is to inform members of the need to make changes to the constitution in order to comply with the new national scheme of delegations, as required by legislation. The necessary changes to the constitution will be taken to full Council on 24 September 2026. The report also informs members of the detail of the national scheme of delegations.

RECOMMENDATIONS

This report is chiefly for information purposes. Members are asked to:

- Note the new national scheme of delegation, which will be mandatory for all local planning authorities from 31 October 2026;
- Let officers have any comments to pass on to full Council in respect of the proposed arrangements for determining Other Applications (as defined below).

REASONS FOR DECISION

To inform members of the need to change the constitution and scheme of delegation to comply with government legislation introducing the national scheme of legislation.

1. BACKGROUND AND ISSUES

1. The National Scheme of Delegation is coming into force on 31 October 2026. The legislation and guidance require all local planning authorities to make arrangements for the determination of certain planning applications, in accordance with the national scheme of delegation.
2. Officers currently have delegated powers to determine all planning applications unless the application has received over 3 objections from different addresses or an objection from the parish Council or the application has been called in by the ward councillor, or any councillor, for reasons based on material planning considerations. Officers can also, in accordance with the current statutory

- framework, refer planning applications to planning committee.
3. Councils will be, from 31 October 2026, required to determine what is known as Schedule 1 planning applications by delegated powers. There will therefore be no power for Councillors or officers to call in or refer Schedule 1 applications to planning committee.
 4. In respect of Schedule 2 applications, as defined in the legislation and guidance, there will be a discretion for those applications to be referred to planning committee. However, the legislation requires the discretion to be exercised in a particular way, as set out in the arrangements below in this report.
 5. In order to give effect to the above requirements, amendments to the Council's constitution are required. These amendments will chiefly affect the scheme of delegation but other parts of the constitution will need to be amended for consistency.
 6. These amendments will be taken to full Council on 24 September 2026 for approval in order to meet the deadlines set by the legislation. According to the legislation and guidance, failure to adhere to the national scheme of delegation can lead to a judicial review risk.
 7. There are some planning applications which do not fit within Schedule 1 or Schedule 2 applications (which will be referred to in this report as 'Other Applications'). Officers will recommend to full Council that these are dealt with in the same manner as Schedule 2 applications. Planning committee members are invited to comment on the proposed arrangements for dealing with Other Applications. These comments will be passed on to full Council.
 8. The regulations also set out how to deal with 'Own-Interest' applications which are defined in the legislation and below. These are applications in which the Council, a councillor or an officer has an interest.
 9. The government has also issued guidance - Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England. The legislation has specified that the guidance must be taken into account when exercising powers under the legislation. As stated, the legislation will come into force on 31 October 2026.
 10. The legislation is contained in sections 319ZZC to s319ZZF of Part XV of the Town and Country Planning Act 1990 ('the 1990 Act'), as inserted by the Planning and Infrastructure Act 2025, and The Town and Country Planning (Discharge of Local Planning Authority Functions) Regulations 2026.
 11. For completeness members are informed that the legislation also limits the size of planning committees to 13 members.

Schedule 1 applications

12. In accordance with the legislation, the Council must make arrangements for all Schedule 1 applications to be determined by an officer, under delegated powers. Planning applications must be exercised in accordance with those arrangements.

13. This means that Schedule 1 applications must be determined by an officer. There is no discretion for Schedule 1 applications to be called-in or referred to committee.

14. Schedule 1 applications are defined as applications which are not Own-Interest and are not Schedule 2 applications. Subject to the above, Schedule 1 applications are applications for:

- i. householder development;
- ii. minor commercial development;
- iii. minor residential development which is defined as:
 - A. development for dwellings (or purposes incidental to dwellings) for between 1 and 9 dwellings on a site which is smaller than 0.5 hectares;
 - B. development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats. This excludes development for a change of use or a change to the number of flats in the building; OR
 - C. an application for any consent, agreement or approval in respect of the above applications;
- iv. Section 73 application for the variation or removal of conditions if it relates to a Schedule 1 planning permission;
- v. reserved matters approval in respect of an outline planning permission which is not a Large Outline Permission. A Large Outline Permission is one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more;
- vi. discharge of conditions;
- vii. prior approval determinations for permitted development rights;
- viii. permissions in principle;
- ix. applications and/or requests to agree to modify or discharge section 106 agreements/undertakings/obligation which are connected to a Schedule 1 application or permission;

- x. non-material changes to planning permission or permission in principle under section 96A of the 1990 Act;
- xi. lawful development certificates (existing or proposed);
- xii. lawful development certificates for proposed works to listed buildings ;
- xiii. approval of biodiversity gain plans;
- xiv. certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

Schedule 2 applications

15. Schedule 2 applications must be determined by officers unless the nominated officer and nominated member agree that:
 - a. the application should be referred to the planning committee; AND
 - b. that the application raises:
 - i. an economic, social or environmental issue of significance to the local area; OR
 - ii. a significant planning matter having regard to the development plan and any other material considerations (referred to in government guidance as the 'gateway test')
16. Officers will recommend to full Council that the nominated officer is the Head of Planning Services (post currently occupied by Martin Dixon) and the nominated member is the chair of the planning committee.
17. The guidance states that the overriding presumption is that Schedule 2 applications should be determined officers and only referred to planning committee as an exception.
18. Schedule 2 applications are applications which are not an 'Own-Interest' application and applications for one of the following:
 - a. listed building consent;
 - b. variation or discharge of conditions of a listed building consent;
 - c. applications for planning permission which the nominated officer considers is connected with either an application for listed building consent or any application for the variation or discharge of conditions of a listed building consent;
 - d. applications for planning permission which is not a householder, minor commercial or minor residential application;

- e. section 73 applications for the variation or removal of conditions which is made in respect of a Schedule 2 permission;
- f. applications under section 73A(1) of the 1990 Act for development which has already been carried out;
- g. applications for reserved matters approvals where the approvals relate to a Large Outline Permission;
- h. requests to agree and/or applications to modify or discharge a section 106 agreement/undertaking/obligation which relate to a Schedule 2 Application;
- i. applications for advertisement consent;
- j. applications for consent under tree preservation orders

Own Interest Applications

- 19. Own Interest Applications are applications which would fall within the definition of Schedule 1 or Schedule 2 applications but where the application is made by or on behalf of the Council (whether or not jointly with another person), a councillor or an officer of the Council OR where in the view of the nominated member and nominated officer, the Council or any of its members/councillors or officers otherwise has an interest in the application.
- 20. In accordance with the legislation, officers will put forward amendments to the constitution to the effect that the nominated member and nominated officer may agree to refer an Own-Interest Application to planning committee.

Other Applications not falling within Schedule 1 or 2 of the Regulations

- 21. Officers will recommend to members that planning applications which do not fall within Schedule 1 or 2 of the Regulations will be dealt with like Schedule 2 Applications and/or Own-Interest Applications. This means that the nominated member and nominated officer will decide whether or not to refer those applications to planning committee, using either the gateway test or the considerations for Own-Interest Applications, where applicable. The reason for this is to ensure consistency in dealing with planning applications and a recognition that these applications are less likely to attract the same level of public interest as Schedule 1 or Schedule 2 applications.

Miscellaneous

- 22. The guidance also has a section on transparency and reporting and states that, as a minimum, the Council 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 the information available on the Council's website

23. The impact of the regulations will be reviewed by the Secretary of State by October 2028.

2. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

The main risk of not making the above changes to the constitution is that the Council's planning decision making would not be compliant with legislation and the Council would risk legal challenge of its planning decisions on this basis.

Officers have considered the Council's public sector equality duty and have identified no issues which arise out of this report.

3. OTHER OPTIONS CONSIDERED

The Council has no choice in how Schedule 1 and 2 Applications and Own Interest Applications are determined, in order to stay compliant with the relevant legislation.

The Planning Committee is not making any decision but is invited to give its comments in respect of proposed arrangements for Other Applications.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

None identified at this stage. The report to full Council will contain any proposals regarding communicating these changes to parish Councils, interested groups and members of the public. The government has already consulted on and communicated these changes.

5. FINANCIAL CONSIDERATIONS

No financial impact identified.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

None identified.

7. CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS

None identified.

8. PUBLIC HEALTH, HEALTH INEQUALITIES AND MARMOT IMPLICATIONS

None identified.

9. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations within this report.

Failure to implement the required changes may result in a risk of legal challenge, with potential financial consequences for the Council.

10. LEGAL IMPLICATIONS

The changes to the scheme of delegation are required to comply with legislation. Failure to make the changes could expose the Council's planning decision to judicial review.

11. HUMAN RESOURCES IMPLICATIONS

Report for information only.

12. WARD IMPLICATIONS

All wards.

13. BACKGROUND PAPERS

[The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

[Town and Country Planning Act 1990 – Part XV](#)

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

14. CONTACT OFFICER(S)

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