

Government reforms to planning committees and the National Scheme of Delegation

All Member Briefing
14th & 24th September 2026

Jennie Selley – Head of Planning Delivery & Building Control

Milla Iyavoo - Deputy Monitoring Officer/ Deputy Solicitor for
the Council

Content:

- What is the National Scheme of Delegation?
- Why has the Government introduced it?
- The regulations
- What the statutory guidance tells us
- Position on ward member call in's made before 31st October
- Next steps

What is the National Scheme of Delegation?

- **The national scheme of delegation regulations set out which planning functions or applications go to committee for determination and which to officers.** This is currently set out in Part 3E of our Constitution.
- All local authorities in England need to amend their constitutions to align with the national scheme of delegation and a failure to do so may make them liable to judicial review.
- [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)
- **The regulations come into effect from the 31st October 2026.**



What is the National Scheme of Delegation?

- Under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if the Parish/Town Council object, will not be possible.
- Also applies to joint planning committees and minerals & waste authorities.

Why has the government introduced it?

“The government’s aim behind the national scheme of delegation is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers.”

The Regulations

The regulations set out the following two-tier approach to decision making:

- **Schedule 1** functions or applications, must be delegated to officers (unless they are own-interest applications)
- **Schedule 2** functions or applications, where there is a presumption in favour of officer delegation unless the nominated officer and nominated member agree the application should be referred to a planning committee.

Schedule 1 functions and applications (delegated to officers):

- Householder development
- Minor commercial development (< 1000 sq m)
- Minor residential development (up to nine dwellings on sites below 0.5 hectares)
- Section 73 applications where the related planning permission was a Schedule 1 planning permission
- Reserved matters where the outline planning permission is for fewer than 500 dwellings or less than 50,000 sq m of floorspace
- Discharge of conditions
- Prior approval applications
- Permission in principle applications
- Non-material amendments
- Section 106A applications where a planning obligation is connected to a Schedule 1 planning permission
- Biodiversity Gain Plans
- Certificates of Appropriate Alternative Development
- Certificates of lawfulness of existing/proposed use or development, and certificates of lawfulness for proposed works to listed buildings

Schedule 2 functions and applications:

- Applications which are not householder, minor commercial or minor residential applications
- Section 73 applications where the related planning permission was a Schedule 2 planning permission
- Reserved matters applications relating to large outline permissions (500+ dwellings or 50,000+ sq m of floorspace)
- Section 106A applications where a planning obligation is connected to a Schedule 2 planning permission
- Listed building consent (LBC) applications (including variation or discharge of conditions on an LBC, and Section 73 applications on planning applications connected to LBC applications)
- Advertisement consents
- Tree preservation order consents

The Gateway Test

A Schedule 2 application can only be referred to planning committee where both the **nominated officer** (in most cases the chief planning officer or equivalent) and the **nominated member** (in most cases the chair of the planning committee) agree that referral is appropriate and at least one of the following criteria is met:

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

Statutory guidance on the gateway test

For the purpose of criteria A:

It is for the nominated officer and member to assess whether the development proposal raises a **significant economic, social or environmental issue for the local area**, providing an opportunity for local democratic oversight where necessary. What constitutes 'significant' will vary depending on the local area but examples could include:

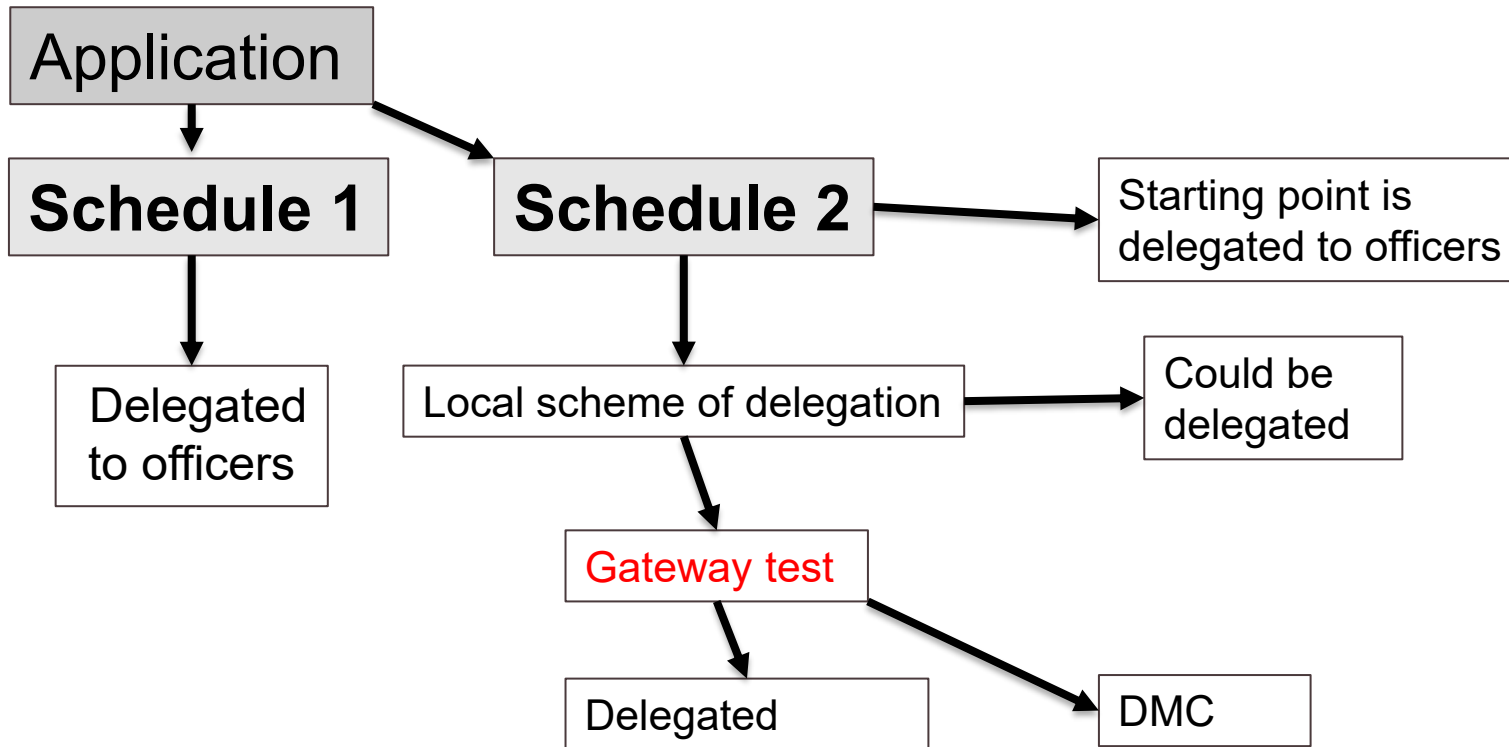
- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

Statutory guidance on the gateway test

For the purpose of criteria B , the following circumstances are unlikely to raise a **significant planning matter**:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application.
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise).

Summary:



Own-interest applications:

- A key exception to the above is own-interest applications, which are applications made by the authority itself (whether alone or jointly with another person), a member or officer or where the authority, members or officers have an interest in the application.
- These applications may be referred to committee where the nominated officer and nominated member agree that referral is appropriate. The gateway test does not need to be satisfied in these circumstances.
- There will be appropriate safeguards where the nominated officer or nominated member has an interest in an application.

Transparency and reporting

- A record must be kept of the cases that the nominated member and officer have considered for referral to committee and the reasons for their decision.
- This will be reported to planning committee on a regular basis and made available on the Council's website.

Ward member call in's made before 31st October

- There are currently no transitional arrangements or government guidance setting out how existing called-in applications, or applications called in the lead-up to 31 October, should be dealt with when the National Scheme of Delegation (NSD) comes into force.
- Officers will make every effort to report called-in applications to DMC before 31 October. However, some called-in applications may not be ready for determination by this date, for example, where amendments or additional information are required or because the consultation period has not yet expired. In addition, some call-ins may be made too late to allow sufficient time for reports to be prepared and published for the 21st October DMC meeting.
- The latest possible date for a call-in, to allow officers to prepare a report for October DMC, is 30th September but for the reasons set out above a call in by this date does not guarantee that the application will be reported to DMC.

Ward member call in's made before 31st October

- Any called-in applications that have not been determined by 31 October will be considered under the new statutory arrangements, regardless of whether they were previously called in. This means that Schedule 1 applications will be determined by officers. For Schedule 2 applications that have been called in, any referral to committee will need to comply with the new gateway arrangements.
- Please contact the application case officer if you would like to know whether a particular called-in application is expected to be determined by DMC and/or if you are unsure whether it will fall under Schedule 1 or Schedule 2 for the new NSD arrangements after 31 October.

Size of planning committees

- A limit on the size of planning committees to 13 members.
- The Council's Development Management Committee already has 13 so no change required.



Next Steps:

- Report to Full Council on 24th September with amended scheme of delegation for approval.
- Copy of presentation sent to town and parish councils.



Questions?