

# REPORT FOR NOTING

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| <b>DECISION OF:</b>                                                                   | <b>PLANNING CONTROL COMMITTEE</b>                                                                                                                                                                                                    |
| <b>DATE:</b>                                                                          | <b>1<sup>ST</sup> SEPTEMBER 2026</b>                                                                                                                                                                                                 |
| <b>SUBJECT:</b>                                                                       | <b>NATIONAL SCHEME OF DELEGATION</b>                                                                                                                                                                                                 |
| <b>REPORT FROM:</b>                                                                   | <b>DEVELOPMENT MANAGER</b>                                                                                                                                                                                                           |
| <b>CONTACT OFFICER:</b>                                                               | <b>DAVID MARNO</b>                                                                                                                                                                                                                   |
| <b>TYPE OF DECISION:</b>                                                              | <b>COUNCIL</b>                                                                                                                                                                                                                       |
| <b>FREEDOM OF INFORMATION/STATUS:</b>                                                 | This paper is within the public domain                                                                                                                                                                                               |
| <b>SUMMARY:</b>                                                                       | Implementation of the National Scheme of Delegation for determination of Planning Applications                                                                                                                                       |
| <b>OPTIONS &amp; RECOMMENDED OPTION</b>                                               | To note                                                                                                                                                                                                                              |
| <b>IMPLICATIONS:</b>                                                                  |                                                                                                                                                                                                                                      |
| <b>Corporate Aims/Policy Framework:</b>                                               | Do the proposals accord with the Policy Framework? Yes                                                                                                                                                                               |
| <b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b> | Executive Director of Resources to advise regarding risk management<br><br>No direct financial implications to the Council arise from this Report as Planning Control Committee is not being requested to make a financial decision. |
| <b>Statement by Executive Director of Resources:</b>                                  |                                                                                                                                                                                                                                      |
| <b>Equality/Diversity implications:</b>                                               | No Direct Implications                                                                                                                                                                                                               |
| <b>Considered by Monitoring Officer:</b>                                              | Yes                                                                                                                                                                                                                                  |
| <b>Wards Affected:</b>                                                                | ALL                                                                                                                                                                                                                                  |
| <b>CLIMATE CHANGE IMPLICATIONS</b>                                                    | No Direct Implications                                                                                                                                                                                                               |

**TRACKING/PROCESS****DIRECTOR:**

| Chief Executive/<br>Strategic Leadership<br>Team | Executive<br>Member/Chair | Ward Members | Partners |
|--------------------------------------------------|---------------------------|--------------|----------|
|                                                  |                           |              |          |
| Scrutiny Committee                               | Committee                 | Council      |          |
|                                                  |                           |              |          |

**1.0 Background**

This report informs Planning Control Committee of significant national changes to the way planning applications must be determined by local planning authorities in England. These changes are due to the Local Planning Authority Functions Statutory Instrument July 2026 that is formally titled The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. These Regulations were made on 15<sup>th</sup> July 2026 and come into force on 31<sup>st</sup> October 2026.

The Regulations are made under powers inserted into the Town and Country Planning Act 1990 by the Planning and Infrastructure Act 2025. They require relevant local planning authorities to make arrangements for specified planning functions to be discharged either by officers or by committee, depending on the category of application and the statutory tests set out in the Regulations. This is therefore a national legal requirement. It is not a local policy choice and it is not a matter on which Planning Control Committee is being asked to express a preference. The Council must ensure that its decision making arrangements comply with the Regulations from the date they come into force.

The Council has no discretion as to whether or not to implement the National Scheme of Delegation. From 31st October 2026 planning decisions must be made in accordance with the new Regulations. There is a risk that decisions taken on or after that date which do not align with the requirements of the Regulations could be considered unlawful by a Court.

**2.0 SUPPORTING INFORMATION**

The Regulations introduce a new National Scheme of Delegation for planning functions. Essentially, this means that the government has now set national rules about which planning applications must be decided by officers and which applications may (only in defined circumstances) go to Planning Control Committee.

The principal effect of the Regulations is that some applications which may currently be capable of being referred to Planning Control Committee will, in future, fall to be determined by officers. This includes, for example, householder applications, minor residential development, minor commercial development, non-

material amendments, applications to discharge conditions, prior approvals, certificate of lawful development and biodiversity gain plans.

There is also a national limit on the size of committees or sub-committees determining applications under the Regulations. An upper limit of 13 members is placed on such committees or sub-committees.

The Council is therefore required to review and update its Constitution, including the Planning Scheme of Delegation and associated Planning Control Committee Procedures to ensure compliance with the National Scheme of Delegation by 31<sup>st</sup> October 2026.

Planning Control Committee is not being asked to decide whether these national changes should be implemented as there is a requirement for the Council to implement them. The intention of this report is to explain the upcoming changes, set out their effects and inform Members that a further constitutional update will need to be progressed through the Council's governance arrangements with the formal decision to amend the Constitution being made by Full Council.

### **3.0 POLICY AND FINANCIAL IMPLICATIONS**

The stated aim of the national scheme of delegation is that, having identified variation between Councils, committees should focus on the proposals that genuinely matter to an area, and that the more minor and technical decisions should sit with officers.

The national scheme replaces those local schemes with a single set of rules for the whole of England. Section 54 of the Planning and Infrastructure Act 2025 inserted sections 319ZZC to 319ZZF into the Town and Country Planning Act 1990, giving the Secretary of State power to say which functions must be delegated to officers and which may go to a committee. That power has been exercised through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

There will, however, be significant officer time spent on reviewing the Constitution, updating the Planning Scheme of Delegation, preparing associated procedures, briefing Members and updating public-facing guidance. Due to the timescales involved it is recommended that Officers should undertake work on this as soon as possible.

Following implementation, the National Scheme of Delegation is likely to reduce the number of applications that are reported to committee, but it will necessitate a robust triage, recording and transparency process to reduce the grounds of a potential legal challenge over such matters. Guidance issued by the government recognises that local planning authorities may wish to put in place a triage system so that the nominated officer and nominated member do not become inundated and to prevent unnecessary delays in the planning decision making process.

### **4.0 Key Messages for Planning Control Committee**

The key messages for Members are:

The National Scheme of Delegation is a national legal requirement, not a local policy choice;

- It comes into force on 31 October 2026;
- Some applications that may currently be capable of being referred to committee will, in future, have to be decided by officers;
- Schedule 1 applications must be delegated to officers;
- Schedule 2 applications are presumed to be delegated to officers unless the statutory gateway test is met and the nominated officer and nominated member agree to committee referral.
- Ward Member call-in arrangements and objection number triggers will not be able to override the National Scheme of Delegation.
- Planning Control Committee will remain important, but its role will be more focussed on significant applications that meet the statutory tests.
- The Council's Constitution and associated procedures will need to be reviewed and updated before 31 October 2026.
- The formal decision to amend the Constitution will need to be taken through the Council's constitutional governance arrangements, expected to include Full Council.
- Members, Parish Councils and residents will need clear communication and guidance so that they understand how to engage effectively under the new arrangements.

The Appendix to this Report is a report that has been prepared for consideration by Council and details the effects and implications of the Regulations.

## **5.0 RECOMMENDED: That Planning Control Committee:**

- **Notes the introduction of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 which come into force on 31<sup>st</sup> October 2026; and**
- **Notes that the Regulations introduce a National Scheme of Delegation which all relevant local planning authorities in England must follow, by law; and**
- **Notes that the Council will need to update its Constitution, Planning Scheme of Delegation and associated Planning Control Committee procedures to ensure compliance with the Regulations; and**
- **Notes that the formal decision to amend the Constitution will need to be made via Full Council and that the matter is referred to Full Council for consideration at their meeting on 16<sup>th</sup> September 2026.**
- **Conclusion**

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### **List of Background Papers:-**

[Consultation outcome - Reform of planning committees: technical consultation](#)  
[Planning Committees and the National Scheme of Delegation of Planning Functions: Draft 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](#)

**The Town and Country Planning (Discharge of Local Planning Authority Functions)  
(England) Regulations 2026**

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