

Government Planning Committee Reforms

Introduction and context

Overview of Planning Reforms

The reforms arise from measures in the Planning and Infrastructure Act 2025

Consultation

Public consultation launched in May 2025

Public consultation on draft Regulations and government guidance from 26 March 2026 to 23 April 2026

Draft Regulations

The draft Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 laid before Parliament on 1 June 2026

Guidance

Government guidance has been published; further guidance may be published

Timetable

If the draft Regulations are approved by Parliament, they will come into force on 31 October 2026

Implementation Context

Local authorities must update constitutions and delegation schemes to align with the draft Regulations and be effective from 31 October 2026

The reform package at a glance

National Scheme of Delegation

Establishes a uniform framework across England for deciding which planning applications are decided by officers under delegated powers and which applications are decided by planning committee.

Committee Size and Composition

Gives the Secretary of State powers to regulate planning committee size - maximum number of members on a planning committee must be no more than 13

National scheme of delegation: Schedule 1 and Schedule 2 applications

Schedule 1 applications

Have to be decided by officers under delegated powers

Can't be taken to Planning Committee

Schedule 2 applications

Could be taken to Planning Committee - there is a presumption that decisions are delegated to officers unless a nominated officer and nominated member agree the application should be referred to a planning committee for determination and that it meets at least one of the criteria in the statutory Gateway test

Triage process - government guidance advises triage to ensure that the nominated officer and nominated member are not overwhelmed by undertaking the Gateway test for all Schedule 2 applications and to avoid any unnecessary delays in planning decision making

Gateway test – considered by a nominated member (the Chair of Planning Committee) and a nominated officer against two statutory criteria and if meets one of these criteria and member and officer agree, then taken to planning committee

National scheme of delegation: own-interest applications

Own-interest applications

An application is made (including jointly with someone else) by:

- the Council
- a member of the Council
- an officer of the Council, or
- in the view of the nominated member and the nominated officer, the authority or any of its members or officers otherwise has an interest in the application

If the nominated officer and nominated member agree that an own-interest application can be referred to committee in the interests of transparency and public accountability

Not subject to the Schedule 2 gateway test

Schedule 1 applications - 1

- Certificates of appropriate alternative development
- Certificate of lawfulness of proposed works to a listed building
- A householder application
- A minor commercial application
- A minor residential application – one to nine dwellings, on a site less than 0.5ha in size
- An application for permission in principle
- An application to vary or remove conditions when the original planning permission was a Schedule 1 planning permission
- Non-material changes to planning permission or permission in principle
- A request or application to modify or discharge a Section 106 agreement connected with a Schedule 1 approval

Schedule 1 applications - 2

- Certificate of lawfulness of existing use or development
- Certificate of lawfulness of proposed use or development
- Submission of a biodiversity gain plan
- A reserved matters approval application in respect of an outline planning permission other than a large outline permission which involves either or both of:
 - (a) the provision of 500 or more dwellings;
 - (b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more
- An application to discharge conditions
- An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for—
 - (a) prior approval, or
 - (b) a determination as to whether prior approval is required.

Schedule 2 applications - 1

- An application for listed building consent
- An application for variation or discharge of conditions of listed building consent
- An application for planning permission that the authority concerned considers is connected with an application of a kind specified in the two bullet points above
- An application for planning permission that is not—
 - (a) a householder application,
 - (b) a minor commercial application, or
 - (c) a minor residential application.
- An application made to vary or remove conditions in respect of which the original planning permission was a Schedule 2 planning permission
- An application for development already carried out

Schedule 2 applications - 2

- A request or application to modify or discharge a Section 106 agreement that is connected with a Schedule 2 approval
- A reserved matters approval application in respect of a large outline permission which involves either or both of:
 - (a) the provision of 500 or more dwellings;
 - (b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more
- An application for express consent to display advertisement
- An application for works to TPO trees

Schedule 2 applications – the Gateway test

The guidance states that in determining whether a referral of a Schedule 2 application is made to committee, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee.

At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

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

What this means for the NWL committee process?

Constitution will need to be amended

Member call-in process will cease

Applications listed under Schedule 1 of the Regulations must be determined by officers and cannot be taken to planning committee

Applications listed under Schedule 2 of the Regulations would be triaged and only be referred to committee where a nominated member and a nominated officer jointly agree that the application raises significant economic, social, environmental or planning issues

Applications submitted by the Council, a ward member, an officer or where the authority or any of its members or officers otherwise has an interest in the application, may be taken to planning committee

Some parts of the constitution relating to planning committee, e.g. considering objections or other representations to the making of TPOs, will still remain