

Consultation outcome

Planning Committees and the National Scheme of Delegation of Planning Functions: Draft guidance for local planning authorities in England

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Applies to England

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Following the conclusion of the consultation we have published the [statutory guidance](#).

Introduction

1. This guidance supports local planning authorities in England in implementing the provisions in sections 319ZZC - 319ZZF of the Town and Country Planning Act 1990 (introduced through section 54 of the Planning and Infrastructure Act 2025) and The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the 2026 Regulations). These sections relate to the national scheme of delegation of planning functions and the size of planning committees.

2. Sections 319ZZC – 319ZZE of the Town and Country Planning Act 1990 apply to all local planning authorities except development corporations, Homes and Communities Agency, National Park Authorities and the Broads Authority. They also apply to mineral planning authorities where they exist (excluding those which are National Park Authorities).

3. As required by section 319ZZE(4) and (5) of the Town and Country Planning Act 1990, local planning authorities must have regard to this guidance in operating or making arrangements required under the 2026 Regulations.

National Scheme of Delegation of Planning Functions

4. 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.

5. Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.

6. The Secretary of State has exercised this power through the 2026 Regulations. These regulations set out types of applications where decisions:

- must be delegated to officers in all cases (as set out in Schedule 1) and
- are presumed to be delegated to officers unless:
 - they meet at least one of the criteria in regulation 5(2) or
 - they are an application made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers (whether or not it is made jointly with another person) (regulation 6)
 - **and** the nominated officer and nominated member of the planning committee agree they should be referred to a planning committee or sub-committee for determination

7. Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution).

8. 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 a certain number of objections is reached, will not be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation.

Schedule 1 Functions

9. Schedule 1 of the Regulations sets out all the functions which must be delegated to officers in all cases. These include a number of categories of applications for planning permission for:

- householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)

- minor residential development (consisting of up to 9 new dwellings (flats or houses) on a site smaller than 0.5 hectares and other minor development in relation to flats)

10. It also contains a range of other planning consents:

- where it is not related to a phase of development in an outline planning permission, reserved matters approvals (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)
- prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)
- permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)
- non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)
- certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)
- certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)
- biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)
- certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

11. However, the application will fall within Schedule 2 where:

- a local authority considers that a Schedule 1 application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- an application would otherwise fall under Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990
- an application would otherwise fall under Schedule 1 but is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers

Schedule 2 Functions

12. The functions which fall within Schedule 2 of the Regulations are:

- applications for planning permission not listed in Schedule 1
- applications to develop land without compliance with conditions previously attached (under section 73(1) of the Town and Country Planning Act 1990)
- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)
- where it is related to a phase of development in an outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990)
- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)
- applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)

- applications to which paragraph 11 above apply

13. The overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. A function can be referred to a committee or sub-committee only where:

a) at least one of the criteria in regulation 5(2) is met or it is an application made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers (regulation 6); and

b) the nominated officer and nominated member of the planning committee agree to the referral

14. For these purposes:

a) the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process

b) the nominated member should be the chair of the planning committee or, where such a role does not exist, the equivalent member. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available

Where local planning authorities have more than one planning committee, they may nominate different officers or members for each committee.

15. It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice.

16. Where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in regulation 5(2) or which may fall under regulation 6 and which could therefore, be considered for referral to committee they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

17. Nominated officers and nominated members should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be delegated to officers under regulation 5(3).

18. Where an application would otherwise be in Schedule 1 but is of a type set out in paragraph 11 above it should be considered to be in Schedule 2.

Criteria which must be met before a case can be considered for referral

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

20. For the purpose of criteria A, 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)

21. Applications for development which do not raise a significant planning matter can only be referred to the committee under criteria B if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. 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

22. Where applications are made by the authority itself or an officer or member of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers, we recognise that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some applications to be referred to a planning committee or sub-committee even if they do

not raise any significant planning, economic, social or environmental issues. These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.

23. Under regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by or on behalf of a nominated officer or member or an entity owned or controlled (whether wholly or partly) by a member or officer (including jointly with another person), in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

Treatment of reserved matters applications

24. We recognise that in some cases outline planning applications may relate to large scale phased development taking place over many years. As such each reserved matters application can represent substantial development in its own right and may, in some cases, merit committee scrutiny. For this reason, as set out above, we have distinguished between those reserved matters applications which relate to phased outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

Treatment of section 106 decisions

25. We have not made specific provision for section 106 agreements themselves in the regulations. This is because, most of the time, appropriate section 106 obligations will be considered as part of the application process. In other cases, they can be entered into unilaterally by the landowner so there is no real 'function' for the local planning authority. We recognise that there may occasionally be section 106 obligations which are agreed outside of the context of a planning application but we consider that, in these cases, the decision on whether it should be delegated to officers or go to committee should be left to the discretion of the local authority.

26. Where a local planning authority considers a section 106 agreement is connected to an application falling into either Schedule 1 or Schedule 2, and agreement is being sought to amend or discharge the planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990), the function of agreeing to amend or discharge the obligation should fall into the same tier as the related application. This same approach applies to applications to modify or discharge an obligation under section 106A(3).

Transparency and Reporting

27. As a minimum, the local planning authority 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 it available on their website.

Size of committees

28. Regulation 7 provides for the number of members on a planning committee or sub-committee to be no more than 13. This is a maximum figure to accommodate local planning authorities where members are from multiple political parties. Local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making.