

# Planning Reform – Constitution

## 1.0 Scope of the consultation

This is a statutory consultation which seeks views on the draft regulations and guidance underpinning planning committee reforms relating to the Planning and Infrastructure Act 2025. It covers the following areas:

- delegation of planning decisions to officers; and
- the size of planning committees.

This consultation lasts for 4 weeks from 26 March 2026.

## 2.0 Introduction

In the King's Speech, the government announced that it would modernise the way planning committees operate to best deliver for communities and support much needed development. To achieve this, the government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to:

- give a new power to the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee
- give a new power to the Secretary of State to control the size and composition of planning committees
- impose a new requirement for members of planning committees to be trained, and certified, in key elements of planning

The measures in the Act are enabling powers, with the detailed provisions to be set out in subsequent regulations. In May 2025, the government launched a consultation to seek views on what detailed provisions should be included in the regulations.

They now propose to bring forward the regulations and statutory guidance for a national scheme of delegation and setting the maximum size of planning committees so that the reforms will be in place by the end of September.

## 3.0 Draft regulations

The regulations set out two tiers of application and how they should be treated in terms of decision making.

### Schedule 1 (Tier A)

Schedule 1 sets out the list of types of applications that must in all circumstances be delegated to officers. These includes applications for planning permission for householder, minor residential and minor commercial development, as well as a number of supplementary and technical consents such as discharge of conditions,

reserved matter approvals (for non-phased development), lawful development certificates, and non-material amendments.

The position at the moment in our scheme is that members can request a call in of any application, however pursuant to the new regs Sched 1 applications are only to be determined by officers. Members will be able to make representations in the usual way, but will not be able to call in.

## **Schedule 2 (Tier B)**

Schedule 2 sets out the list of types of applications that may be referred to a committee subject to the circumstances set out in Regulation 5 and must be delegated to an officer where those circumstances have not been met. These include other applications for planning permission not in Schedule 1, reserved matters approvals for phased development, variations of permissions, and special controls such as listed building and tree preservation order consents.

Regulation 5 indicates that applications may be determined by a committee if a nominated member and nominated officer agree to refer a proposal if in their view the proposal raises—

(a) one or more issues of economic, social or environmental significance to the local area,

or

(b) one or more significant planning matters having regard to the development plan and any other material considerations.

This is not substantially different in practice to our current scheme however the call in process we have will be replaced in the new regs by consideration by a nominated officer and member in accordance with Reg 5. It is likely to follow that the nominated officer would be Head of Development Management but arrangement will be needed to nominate the member although the regs do enable the nomination of different officers / members for different purposes - so there could be a number of nominated members .

### **Question 1**

Do you have any comments on the draft Regulations?

**The approach broadly follows NYC's current approach I would therefore suggest no further comments at this stage.**

## **Approach to Reserved Matters Applications on phased outline permissions**

Most applications for reserved matter approvals will be in Schedule 1 reflecting the fact that the principle of development has already been established at the outline stage and that delegation to officers can speed up decision making.

The original consultation was silent on the specific issue of reserved matters applications on phased development, instead proposing that all reserved matters would always be delegated. However, responses to the previous consultation expressed a view that when it comes to large-scale multi-phase developments, where development takes place over many years and in some cases decades, the scale and impact of reserved matters applications for individual phases could justify committee consideration in some circumstances. The government are therefore proposing an alternative approach for applications on phased outline permissions, placing them in Schedule 2.

As a result, this type of application would be presumed to be delegated unless referred to a committee via the gateway test set out in Regulation 5.

#### **Question 2**

Do you agree with our proposed approach to phased reserved matters applications? If not, do you think we should return to the original position of reserved matters on phased development being delegated in all circumstances or should we instead consider delegating certain types of phased reserved matters applications?

**Support for the reason specified above.**

## **4.0 Statutory Guidance**

Statutory guidance supporting the regulations (produced in draft) sets out in further detail what local planning authorities should have regard to when implementing the national scheme of delegation.

In addition to explaining the Regulations, it sets out additional detail on the gateway test in Regulation 5 highlighted above, and how this should be interpreted. In particular, it sets out how local planning authorities should interpret the two limbs of the gateway test in relation to matters of economic, environmental or social significance, and that where applications are in accordance with site allocations these should not be considered to raise significant planning matters and should not be referred to committee in line with the gateway test.

The guidance indicates that 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

For the purpose of criteria A, it is indicated that 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).

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; and
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre.

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, it is recognised 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.

### **Size of Committee**

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

### **Questions**

#### **Question 3**

Do you have any comments on the draft guidance?

**No further comments are necessary on the guidance generally.**

**The question on Committee size isn't explicitly asked however it is suggested we highlight 15 as a more appropriate number (as per Strategic Planning). The justification being achieving democratic representation for an authority the size of NYC.**