



Committee: Governance and Audit

Date: 21st July 2026

Subject: National Scheme of Delegations for Planning Decisions

Report by:	Director of Planning, Regeneration and Communities
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Executive Summary:

Under the provisions of the Planning and Infrastructure Act 2025 (the Act), the Secretary of State intends to enact his powers to set out a new national scheme of delegation for planning decisions. The new National Scheme of delegation will 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.

The Government has indicated it intends for the National Scheme of Delegation for planning decisions to come into force on 31st October 2026. It has laid draft regulations before Parliament.

It is proposed to split planning applications into two categories:

- Schedule 1 applications which are to be delegated to officers in all circumstances;
- Schedule 2 applications may only be referred to the committee if it is agreed by both the nominated member & nominated officer, using statutory criteria.

‘Own interest applications’ (those made by the authority, or a member or officer of the authority) may also be referred to the Planning Committee where the nominated member and officer both agree.

This paper therefore considers what measures West Lindsey District Council must take in preparation for the launch of the new National Scheme.

This will include:

- Changes to the Constitution;
 - Appointment of the “nominated member” and “nominated officer” (and substitutes);
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- Arrangements for how the consideration of cases for referral to committee will operate in practice;
- Recording and reporting of decisions made by the nominated Member and nominated Officer.

Appendices to Report

- The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Draft Regulations 2026
- Extract from Part IV of the Council's Constitution

RECOMMENDATIONS:

- (a) That Part IV of the Constitution is amended to reflect that planning decisions made from 31st October 2026 are made in accordance with The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026;
- (b) That the constitution makes provision for the appointment of a Nominated Member and Nominated Officer (and substitutes);
- (c) That the constitution sets out a triage approach for referring schedule 2 and 'own-interest' applications for discussion between the nominated member and nominated officer;
- (d) Provisions are made for recording and reporting decisions taken between the nominated member and nominated officer.

1. Introduction

- 1.1 Under local government law, planning decisions made by a local authority must be through a committee function, and not a function of the executive. Section 101 of the Local Government Act 1972 provides broad powers for the discharge of committee functions, by either a committee, sub-committee or delegation to an officer.
- 1.2 Every council has its own scheme of delegation to identify the circumstances where planning decisions are taken by the planning committee rather than delegated to officers. At West Lindsey District Council, the responsibility for functions, including planning decisions, is set out in Part IV of the Council's Constitution (Responsibility for Functions).
- 1.3 In the year ending December 2025, 96% of planning applications in West Lindsey were determined by officers under delegated powers. This is in line with both the East Midlands average (96%) and the average across England as a whole (96%) for the same period¹.
- 1.4 In the King's Speech (2024), the government announced that it would 'modernise' the way planning committees operate to '*best deliver for communities and support much needed development*'. The government consequently 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.

- 1.5 The Government states:

"Planning is principally a local activity because decisions about what to build and where should be shaped by local communities and reflect the views of local residents. That is why the government is determined to ensure every area has an up-to-date local plan developed through significant resident engagement, and it is why the government believes that planning committees have an integral role in providing local democratic oversight of planning decisions. It is, however, vital that in exercising that democratic oversight, planning committees operate as effectively as possible, focusing on those

¹ Table P134, Live Tables on Planning Application Statistics
(<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#local-planning-authority-performance-tables>)

applications which require member input and not revisiting the same decisions.”

- 1.6 From May to July 2025, the Government undertook a technical consultation on how it may implement a new national scheme of delegation for deciding which planning applications should be referred to a committee. In March 2026, the Government [published its response](#) to that consultation and confirmed its intention to proceed with a new national scheme of delegation, to be applied across all authorities in England.
- 1.7 It undertook [further consultation](#) (which ran 26th March – 23rd April 2026) on draft regulations and guidance, as to how this would then operate in practice.
- 1.8 On 1st June 2026, the Government [published its response](#) to this second consultation. It confirmed that the Government will proceed for a National Scheme of Delegation for Planning decisions and that they are laying the draft regulations for parliamentary scrutiny. The intention is that the final regulations will be made in July and come into force on 31 October 2026.

2 Proposed National Scheme of Delegation for planning decisions

- 2.1 The draft regulations (see appendix 1) propose a two-tier approach to planning decisions.

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 developments;
- minor residential development (consisting of up to 9 new dwellings (flats or houses) on a site smaller than 0.5 hectares);
- minor commercial development (i.e. alterations to existing shops, cafes and businesses);
- Applications for approval of reserved matters, following the grant of outline planning permission (for developments of less than 500 dwellings / 50,000 square metres floorspace);
- as well as a number of supplementary and technical consents such as applications to discharge planning conditions, permission in principle applications; lawful development certificates, ‘prior approval’ applications and non-material amendments.

However, any of the above application types will be moved to Schedule 2 where:

- a local authority considers that the 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 is seeking planning permission retrospectively for works that have already been carried out (under section 73A of the Town and Country Planning Act 1990)

Schedule 2 (Tier B) sets out the list of types of applications that may be determined by an officer; or may be referred to a committee if certain circumstances are met.

These include:

- applications for planning permission which are not householder, minor commercial or minor residential applications;
- Applications for approval of reserved matters following the grant of outline planning permission, for schemes over 500 dwellings / 50,000 square metres floorspace;
- Applications seeking retrospective permission (s73A(1));
- Applications to vary planning permission (S73A); and
- special controls such as listed building, advertisement consents and tree preservation order consents.

2.2 Statutory Government guidance² published on 1st June 2026 states (paragraph 22), that *“the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee.”*

2.3 Schedule 2 applications may only be referred to a committee where the ‘nominated member’ and ‘nominated officer’ agree that, in their view (the reg5(3) ‘gateway test’):

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

They must also have regard to any guidance issued by the Secretary of State, in making that decision.

2.4 The statutory guidance states that: *“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 determined by officers in accordance with regulation 5(2) or regulation 6(3).”*

2.4 An **“own-interest application”**, which are applications made (whether or not jointly with any other person) by the authority, or an officer or member of the authority, can be referred to committee where the nominated member and officer agree (without having to meet the reg.5(3) gateway test). An “own-interest application” can be an application type in either schedule 1 or 2.

2.5 The draft regulations will also limit the size of planning committees to not more than 13 members.

2.6 The draft regulations require the Secretary of State to carry out a review of the Regulations; and publish a report setting out the conclusions of the review; by 31st October 2028.

² <https://www.gov.uk/government/publications/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-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>

3 Actions Required

Changes to Part IV of the Constitution

- 3.1 The Constitution currently delegates the determination of planning applications to the Director of Planning, Regeneration and Communities, other than in certain specified circumstances, which may then require referral to the Planning Committee (see appendix 2).
- 3.2 The Constitution will need to be altered to reflect that such decisions to be taken from 31st October 2026 will need to be made in accordance with The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Appointment of “Nominated Member” and Nominated Officer”

- 3.3 The Authority will need to appoint a “nominated member” and “nominated officer” who will need to agree whether a schedule 2 application (or ‘own-interest application’) should be referred to the Planning Committee. The statutory guidance states the following (paragraph 10):
 - 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 (or where there is an own interest application and the Chief Planning Officer or equivalent officer has an interest in it).*
 - b) *the nominated member should be the chair of the planning committee or, where such a role does not exist, the vice chair or 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 (or where there is an own interest application and the nominated member has an interest in it).*
- 3.4 Accordingly, it is recommended that through the Constitution, it sets out the appointment of the sitting Chairman of the Planning Committee as the “Nominated Member”. The Deputy Chairman should be appointed as his substitute.
- 3.5 It is recommended that the Head of Planning is appointed as the “Nominated Officer”. It is recommended that the two Development Management Team Leaders are appointed as his substitutes. The Director of Planning, Regeneration and Communities can also act as the ‘Nominated Officer’ if required.

Transparency and reporting

- 3.6 The statutory guidance states:

“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” (paragraph 12); and,

“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.” (paragraph 34)

- 3.7 A ‘Referral to Committee’ decision record will be created for each application discussed between the nominated member and nominated member. The decision record will capture the outcome of the consideration and the reason for the decision.
- 3.8 Schedule 2 application discussions and the referral to committee decisions will usually be discussed at the monthly Chairs Briefing but can be agreed in writing (via email).
- 3.9 The statutory guidance states (paragraphs 13-14):

“It is not a requirement of the national scheme of delegation that nominated officers and nominated members consider all Schedule 2 applications or all own-interest applications for potential referral to committee. Local planning authorities may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral. The regulations provide for the option for Schedule 2 applications to be considered for committee against the gateway test but do not require all schedule 2 applications to be considered – they will otherwise be delegated to officer.

Where local planning authorities anticipate that there may be a significant number of Schedule 2 or own-interest applications which may need to 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.”

- 3.11 It is therefore recommended that a triage system is put in place to determine which schedule 2 applications are referred to the Nominated Member & Nominated Officer for discussion. It is considered that as a minimum, this would include all ‘own-interest applications’ and those schedule 2 applications that:
- The Nominated Officer considers it appropriate to do so (i.e. they consider it may meet the ‘gateway test’; or has had significant public interest);
 - The Nominated Member requests the application for discussion;

- It is subject to outstanding objections from the relevant Parish Council(s);
- It is subject to outstanding objections from the Ward Member(s)
- It is subject to outstanding objections from a statutory consultee.

4. Alternative Options

4.1 It will be a requirement of national legislation to determine planning applications in accordance with the new regulations from 31st October 2026.

	Option	Rational for not recommending
1	Do nothing	Applications not determined in accordance with the new regulations would be open to a challenge under Judicial Review
2	Require all schedule 2 applications to be discussed by the Nominated member and Nominated Officer.	This would lead to delays in determining otherwise uncontentious applications – the speed of decision-making is a national key performance indicator (KPI).

ASSOCIATED IMPLICATIONS

Legal:

Amendments to the constitution have been reviewed by the Council's Monitoring Officer.

Financial: FIN/61/27/GA/AP

There are no financial implications arising from this report.

Staffing:

The role of the Head of Planning covers the requirements set out in legislation to be a 'nominated officer'.

LGR implications:

The National Scheme of Delegation will apply to all Authorities in England. It means that at the point of Vesting Day – the new Authority will already have a consistent Scheme of Delegation in place across its administrative boundary for determining planning applications.

Equality and Diversity including Human Rights:

Not applicable

Data Protection Implications:

None applicable

Climate Related Risks and Opportunities:

None applicable.

Section 17 Crime and Disorder Considerations:

None applicable.

Health Implications:

None applicable.

Risk Assessment:

The report proposes a way forward that meets national statutory planning requirements, thus mitigating the risk to the authority of legal challenge.

Title and Location of any Background Papers used in the preparation of this report:**Planning Reform Working Paper: Planning Committees (February 2025)**

<https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees>

Reform of planning committees: Technical Consultation – Government Response (March 2026)

<https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/outcome/reform-of-planning-committees-technical-consultation-government-response>

Planning committee reform: statutory consultation on draft regulations and guidance – government response (1st June 2026)

<https://www.gov.uk/government/consultations/planning-committee-reform-draft-regulations-and-guidance/outcome/planning-committee-reform-statutory-consultation-on-draft-regulations-and-guidance-government-response#approach-to-reserved-matters-applications>

Statutory Guidance - Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England (published 1st June 2026)

<https://www.gov.uk/government/publications/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-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>

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

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No

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Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

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No

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