



Council

Monday 7th September 2026

**Subject: Recommendation from Governance and Audit Committee -
National Scheme of Delegation for Planning Decisions**

Report by:

Director of Planning, Regeneration and
Communities

Contact Officer:

Russell Clarkson, Head of Planning
(Russell.clarkson@west-lindsey.gov.uk)

Executive Summary:

Under the provisions of the Planning & Infrastructure Act 2025, the Secretary for State has powers to prescribe what planning functions may be determined by a committee, sub-committee or officer; and to determine the size and composition of planning committees.

The Secretary of State has confirmed they now intend to enact these powers through further legislation. *The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026* were made on 15th July 2026 and will come into force on 31st October 2026 ("the Regulations").

The Regulations require local planning authorities ('LPAs') in England to make arrangements for specified planning functions to be discharged by committees or by officers.

Planning applications listed in schedule 1 of the Regulations are required to be determined by officers only.

Planning applications listed under schedule 2 may only be referred to a committee where the member and officer nominated by the LPA agree that the application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter. Any such application not referred to a committee must be delegated to an officer.

The nominated member and officer may also agree to take an "own-interest application" to the committee (i.e. an application made by the authority itself; or an officer or member of the authority; or, where the authority or any of its

members or officers otherwise has an interest in the application.)

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

This report seeks the approval of the Full Council to amend the Constitution in accordance with the Regulations to ensure the Council is legally compliant.

Appendices to Report

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

RECOMMENDATIONS:

- (a) That Part IV of the Constitution is amended to ensure compliance with The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026;
- (b) That the Chairman of the Planning Committee be appointed as the Nominated Member and the Deputy Chairman to be appointed as the substitute.
- (c) That the Head of Planning be the Nominated Officer with the Director of Planning, Communities and Regeneration together with the two Development Management Team Leaders to be appointed as substitutes.
- (d) That delegation is given to the Monitoring Officer in consultation with the Director of Planning, Communities & Regeneration and the Chairman of the Planning Committee to make the amendments required to the Constitution to ensure compliance with The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.
- (e) A review of the process be undertaken following six months of implementation.

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 to be taken by the planning committee, rather than delegated to officers to determine. 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 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.
- 1.6 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 Table P134 – Live Table on Planning Application Statistics
(<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#local-planning-authority-performance-tables>)

- 1.7 On 1st June 2026, ‘Statutory Guidance - Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England’², was published.
- 1.8 On 15th July 2026, *The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026* were made (hereinafter referred to as “the Regulations”). A copy is appended to this report. The Regulations will come into force on 31st October 2026.
- 1.9 The Regulations set out a national scheme of delegation of planning functions for local planning authorities in England. The Regulations will also limit the size of planning committees to no more than 13 members.
- 1.10 The Regulations also require the Secretary of State to have carried out a review of the Regulations by 31st October 2028.

2 National Scheme of Delegation of Planning functions for England

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

“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.”

- 2.2 The Regulations require that a relevant local planning authority in England must make arrangements so that any **‘Schedule 1 application’ made to that authority is determined by an officer of that authority.**

- 2.3 Planning applications set out within Schedule 1 include:

- 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;
- a number of supplementary and technical consents such as applications to discharge planning conditions; permission in principle applications; lawful development certificates; biodiversity gain plans; ‘prior approval’ applications and non-material amendments.

² [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

However, applications which would otherwise fall under Schedule 1, will fall within 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;
- the application is being made retrospectively for works already carried out (under section 73A of the Town and Country Planning Act 1990).

2.4 **Schedule 2 of the Regulations lists planning application types that may be referred to a committee, only if certain circumstances are met.** Applications set out under schedule 2 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 for works already carried out (under s73A(1)) – including works that would otherwise have fallen in schedule 1;
- Applications to vary planning permission (under S73A); and
- special controls such as listed building, advertisement consents and tree preservation order consents.

2.5 Schedule 2 applications may only be referred to a committee where the 'nominated member' and 'nominated officer' as nominated by the LPA 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.

2.6 Irrespective of whether it falls within schedule 1 or 2, An “**own-interest application**”, can also be referred to committee where the nominated member and officer both agree (without having to meet the 'gateway test').

2.7 An “own-interest application” is an application made (whether or not jointly with any other person) by the authority itself; or by an officer or member of the authority; 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.

3 **Actions Required**

Changes to Part IV of the Constitution

3.1 Paragraph 9 of the statutory guidance explains:

*“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. Failure to do so may make decisions on whether to delegate applications to officers or refer them to committees for determination liable to judicial review.**”*

3.2 Paragraph 4 makes clear:

“For the avoidance of doubt, where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.”

3.3 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. This includes requests made by the Local Ward Member; or Parish Council.

3.4 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 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 Following the guidance, 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 their substitutes. The Director of Planning, Regeneration and Communities can also act as the ‘Nominated Officer’ if required. Nominated Officers cannot act concurrently on the same gateway application.

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 Member requests the application for discussion;
- 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);
- It is subject to outstanding material planning objections from the relevant Parish Council(s);
- It is subject to outstanding material planning objections from the Ward Member(s);
- It is subject to outstanding material planning objections from a statutory consultee.

3.12 A review of the process shall be undertaken after six months.

Alternative Options

4.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force on 31st October 2026. The Statutory Guidance, published on 1st June 2026 makes clear *“For the avoidance of doubt, where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.”*

	Option	Rational for not recommending
1	Do nothing.	Applications not determined in accordance with the new regulations would result in the Council not acting in accordance with the law and decisions would be open to a challenge under Judicial Review, with associated costs

		and decisions may then be quashed.
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:

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 require the prescribed legislative arrangements are implemented from 31st October 2026. This report supports compliance with those Regulations, including enabling the necessary amendments to the Constitution and associated governance processes.

Financial: FIN/61/27/CL/SL

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', with other Senior officers within the Development Management Service available to act as a substitute if required.

LGR implications:

The National Scheme of Delegation will apply to all Local Planning Authorities in England. It means that at the point of Vesting Day – both the new Lincoln and Lincolnshire unitary authorities will already have a consistent Scheme of Delegation in place across its respective administrative boundary, for determining planning applications.

Equality and Diversity including Human Rights:

Not applicable.

Data Protection Implications:

Not applicable.

Climate Related Risks and Opportunities:

Not applicable.

Section 17 Crime and Disorder Considerations:

Not applicable.

Health Implications:

Not 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-paperplanning-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-committeestechical-consultation/outcome/reform-of-planning-committees-technicalconsultation-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-draftregulations-and-guidance/outcome/planning-committee-reform-statutoryconsultation-on-draft-regulations-and-guidance-government-response#approachto-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)

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

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

☐

No

X

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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