



REPORT TO CABINET

DATE OF MEETING	13 October 2026
REPORT TITLE	National Planning Scheme of Delegation
LEAD MEMBER	Councillor Jim Moriarty, Cabinet Member for Planning and Licensing
LEAD OFFICERS	Stuart Ashworth, Assistant Director – Environment and Planning Hannah Wood-Handy – Planning Control Manager
CONSULTEES	Extended Leadership Team, James Arrandale-Legal Services Manager & Deputy Monitoring Officer Cllr Vivienne Spikings - Chair of Planning Committee, Cllr Francis Bone – Deputy Chair of Planning Committee Planning Committee members
WARDS AFFECTED	All

KEY DECISION	YES/NO
DECISION MAKER	Recommendations to Council
IS THE REPORT OPEN OR EXEMPT	OPEN

FINANCIAL IMPLICATIONS	NO
HR IMPLICATIONS	NO
POLICY IMPLICATIONS	YES
STATUTORY IMPLICATIONS	YES
RISK MANAGEMENT IMPLICATIONS	YES
ENVIRONMENTAL IMPLICATIONS	NO
EQUALITY IMPACT ASSESSMENT COMPLETED	PRE-SCREEN COMPLETED

SUMMARY OF REPORT

The new National Scheme of Delegation for Planning is coming into force on the 31 October 2026. Local authorities must comply with the new legislative requirements, otherwise they risk unlawful decisions from occurring, which could be subject to judicial review, with the associated financial and reputational risks that brings.

This report explains the steps necessary to bring it into force through amending the council's current constitution, as well as setting up internal processes to ensure decision-making is not stalled, and there is as smooth a transfer to the new system as possible.

RECOMMENDATIONS

Cabinet recommends to Full Council, that it:

1. Notes the revised Planning Scheme of Delegation attached at Appendix A.
2. Notes the consequential amendments to the Constitution, and the Planning Committee Terms of Reference (attached at Appendix B) and related procedural rules required to implement the National Scheme of Delegation.



3. Authorises the Assistant Director for Environment and Planning to make operational procedural changes to implement the National Scheme of Delegation.

4. Authorises the Monitoring Officer, in consultation with the Assistant Director for Environment and Planning, to make any necessary consequential amendments arising from the implementation of the National Scheme of Delegation.

REASON FOR DECISION

To ensure the council is able to fulfil its planning decision-making duties in a legally compliant way.

CORPORATE STRATEGY

How does this proposal support our Corporate Priorities [Our priorities | Corporate Strategy 2023 - 2027 | Borough Council of King's Lynn & West Norfolk](#)

Promote growth and prosperity to benefit West Norfolk	It allows planning applications to continue to be legally determined, to facilitate growth and prosperity.
Protect our Environment	The planning system also operates to protect the environment, and allowing legal decision-making is a key part of this.
Efficient and effective delivery of our services	It allows planning decision-making to be made in a legal and efficient way.
Support our communities	An effective and legal planning service is expected by our communities.

REPORT DETAIL

1. Introduction

- 1.1 The purpose of this report is to implement the National Scheme of Delegation (NSD) for the Council's planning decision-making arrangements, which comes into force on the 31st October 2026, and to seek approval for the necessary



amendments to the Council's Constitution. The NSD forms part of the Government's wider programme of planning committee reform introduced through the Planning and Infrastructure Act 2025 and subsequent regulations. The reforms are intended to create greater consistency in planning decision-making across England, ensuring that planning committees focus on applications of genuine significance, and reduce unnecessary delays in the determination process.

- 1.2 The National Scheme of Delegation establishes a statutory framework that prescribes which planning applications must be determined by officers and which may be considered by planning committees. Local planning authorities are required to review and amend their constitutional and governance arrangements to ensure compliance with the new requirements before the regulations come into force. Failure to do so will leave the council vulnerable to unlawful decision-making, and the significant impacts associated with that.

2. Background

- 2.1 Historically, each local planning authority has operated its own locally determined scheme of delegation setting out which planning applications are decided by planning officers and which are referred to planning committee. Whilst the majority of planning applications across England are already determined under delegated powers, there has been significant variation between authorities in the proportion and type of applications referred to committee. The Government has identified this inconsistency as contributing to uncertainty, delays and inefficiencies within the planning system.
- 2.2 In response, the Government introduced powers through the Planning and Infrastructure Act 2025 to establish a National Scheme of Delegation. The detail of the scheme is set out in the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and supporting statutory guidance issued by the Ministry of Housing, Communities and Local Government. The regulations divide planning applications into two categories. Schedule 1 applications are subject to mandatory officer delegation and must be determined by officers. Schedule 2 applications are subject to a presumption of delegation unless they meet specified criteria and are considered to raise issues of significant economic, social, environmental or planning importance warranting committee consideration.



- 2.3 The regulations also require local planning authorities to identify a "Nominated Officer" and a "Nominated Member" who will jointly determine whether Schedule 2 applications should be referred to committee. Government guidance indicates that these roles would normally be undertaken by the Chief Planning Officer (or equivalent) and the Chair of the Planning Committee respectively. Deputies will also be needed in the event the nominated officer and councillor are not available, to ensure the system continues to operate smoothly. This will replace the existing local referral and call-in arrangements, and ensure compatibility with the new statutory framework.
- 2.4 It should be noted that government guidance states that Schedule 2 applications are expected to be delegated as well, unless in exceptional circumstances where they need to be referred to committee. It is therefore a high bar to pass, and to be referred to committee, a Schedule 2 application will need to be subject to a 'gateway test'. To pass this test, as 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 one or more issues of an economic, social or environmental significance to the local area
 - B. where the application raises one or more significant planning matters having regard to the development plan and any other material considerations
- 2.5 The 'Gateway test' assessment will be made by the nominated officer and nominated member. Ideally both should agree, but where there is disagreement, the default position is that the item will be delegated. Any decision reached must be recorded and published. It will also need to be reported to Planning Committee for their information.
- 2.6 As a consequence of the changes in the law, the Council is required to amend its Constitution, Scheme of Delegation and Planning Committee procedures to ensure compliance with the National Scheme of Delegation before the implementation date of 31 October 2026. This report sets out the proposed changes and seeks the necessary approvals to enable the Council to meet its statutory obligations.
- 2.7 Given the number of schedule 2 applications received by the borough council (approximately 550 in 2025), further refinement of those applications will be required, otherwise there is a danger that the nominated officer and member will be overwhelmed when carrying out the 'Gateway test'. For example, in theory each application for works to a protected tree could be taken forward to be



assessed through the gateway test, creating wholly unnecessary work. This will also need to be considered as part of the overall package of changes.

3. Proposal

- 3.1 The new planning National Scheme of Delegation (NSD) requires local planning authorities to review and amend their constitutional arrangements to ensure compliance with the new statutory framework before it comes into force on 31 October 2026. The Council is therefore required to implement a revised Planning Scheme of Delegation and associated governance arrangements.
- 3.2 The Council needs to adopt the revised Scheme of Delegation attached at Appendix A and ensure that any consequential amendments to the Constitution, Planning Committee Terms of Reference and related procedural rules are actioned. These amendments will ensure that planning applications are determined in accordance with the legislative requirements of the National Scheme of Delegation, and associated statutory guidance.

In summary the revised arrangements will:

- Delegate to officers all planning applications and functions that are required to be determined under Schedule 1 of the Regulations.
 - Establish a presumption of officer determination for Schedule 2 applications, unless they are referred to Planning Committee in accordance with the Regulations.
 - Designate the Assistant Director for Environment and Planning as the Council's Nominated Officer for the purposes of the Regulations, with appropriate provision for substitutes.
 - Designate the Chair of the Planning Committee as the Council's Nominated Member, with appropriate provision for substitutes.
 - Introduce a formal referral process for the 'Gateway Test', through which the Nominated Officer and Nominated Member may determine whether a Schedule 2 application raises issues of sufficient economic, social, environmental or planning significance to warrant determination by Planning Committee.
 - Remove and replace any existing local schemes that are inconsistent with the requirements of the National Scheme of Delegation.
 - Introduce a further triage system to ensure the nominated officer and member are not overwhelmed, given the potential number of schedule 2 applications in accordance with the national guidance.
- 3.3 Subject to approval, the revised constitutional arrangements shall take effect on 31 October 2026, coinciding with the commencement of the Regulations. The Assistant Director for Environment and Planning, in consultation with the



Monitoring Officer, shall be authorised to make any minor consequential, administrative or drafting amendments necessary to give effect to the approved changes and ensure ongoing compliance with legislative requirements and statutory guidance.

4. Options Considered

- 4.1 Usually there would be a 'do nothing' option as an alternative proposal. However, as a change to the scheme of delegation is a legal requirement, 'do nothing' is not an option. That would bring the council into disrepute and put it at significant risk of legal challenge, as unlawful planning decisions would be being made. That said there are effectively sub-options as to a triage system for items going forward to the 'Gateway Test', as that decision is in the control of the council.

Option 1 – Implement the new national scheme of delegation, with all Schedule 2 items go forward to be considered through the 'Gateway Test' (not recommended)

- 4.2 This option would see all potential Schedule 2 applications considered against the Gateway Test by the nominated officer and member. Based on the number of the type of schedule 2 applications in 2025, this could be 550 applications and would include the vast majority that would clearly fail the test. This would be a significant waste of officers time and resources, and the nominated member's time.

Option 2 – Implement the new national scheme of delegation, and triage the Schedule 2 applications as set out in Appendix A - para.4.7 (recommended)

- 4.3 This would allow a more proportionate approach, and remove applications which, for example, do not go to committee presently, such as tree works applications. It would represent a more balanced approach to the issue of the 'Gateway Test', and ensure those considered under the 'Gateway Test' are the right ones that have the potential to go to committee.
- 4.4 Given the legal requirements of the Scheme of Delegation and the statutory date for implementation, the triage system is drafted as set out in Option 2 and contained within Appendix A para. 4.7 and to note accordingly.

5. Financial Implications

- 5.1 There are no direct financial considerations associated with the changes. There will however be changes in the way planning decisions are made, which will mean less planning committee meetings, freeing up officer time within the planning and democratic services teams.



However, it should be noted that there will be new meetings between the nominated officer and nominated member, where decisions on whether an application should go to committee or not will need to be recorded and published.

6. HR Implications

6.1 See section 5.

7. Policy Implications

7.1 The proposal has policy implications as it requires amendments to the Council's Constitution, Planning Scheme of Delegation, Planning Committee Terms of Reference and related procedures to ensure compliance with the National Scheme of Delegation and statutory guidance.

7.2 The revised arrangements replace incompatible local referral or call-in provisions with a nationally prescribed framework, including new roles for the Nominated Officer and Nominated Member and a clear process for deciding whether Schedule 2 applications should be referred to Planning Committee.

8. Climate Change and Environmental Implications and considerations

8.1 The National Scheme of Delegation considers environmental implications/considerations as per the gateway test to planning committee and both climate change and environmental considerations are enshrined in planning law and policy in accordance with Development Plan and NPPF.

9. Statutory and Legal Implications

9.1 The Planning and Infrastructure Act 2025 provided the power to establish a National Scheme of Delegation for planning. The detail of the scheme is set out in the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and supporting statutory guidance, issued by the Ministry of Housing, Communities and Local Government.

10. Local Government Reorganisation Implications

10.1 Each council will need to amend its constitution to bring forward the same national scheme of delegation. That said, discussions will take place in the context of LGR, to see if uniformity of areas/issues such as publishing decisions or other internal operational decisions can be achieved.

11. Health and Safety Implications

11.1 There are none.



12. Consultees

- 12.1 See title page, which sets out who has been consulted as part of this report. Planning Committee were consulted and fed back to MHCLG during the two rounds of consultation ahead of the national scheme being finalised.

13. Equality Impact Assessment

- 13.1 Please see the completed EIA pre-screening form included with this report, which is considered to have a neutral impact. The proposed changes to the constitution ensure that the Council meets its legal obligations.

14. Risk Management Implications

- 14.1 The principal risk is that, if the Council does not amend its Constitution, Scheme of Delegation and Planning Committee procedures before the regulations take effect on 31 October 2026, planning decisions will be legally vulnerable, exposing the Council to potential judicial review, reputational harm and financial risks.
- 14.2 The recommendations in this report mitigate these risks by approving the national scheme of delegation, allowing the making of the required constitutional amendments, confirming the Nominated Officer and Nominated Councillor roles, and introducing a clear referral process for Schedule 2 applications.
- 14.3 Transitional risks will be managed through advance preparation, clear communication with officers and members, recording and publication of referral decisions where required, and senior oversight by the Assistant Director for Environment and Planning in consultation with the Monitoring Officer.

15. Conclusion

- 15.1 The Council is required to implement the National Scheme of Delegation by 31 October 2026. The proposed amendments to the Constitution, Planning Committee Terms of Reference, Planning Scheme of Delegation and related procedures will ensure planning decisions remain lawful, efficient and consistent with the new statutory framework.



- 15.2 The adoption of the scheme of delegation will provide the necessary governance arrangements, nominated roles and referral process to support a smooth transition to the new system.

LIST OF APPENDICES

Appendix A – Planning Scheme of Delegation
Appendix B - Amendment to Planning Committee Terms of Reference (Part 3, 1 C of the Constitution)

LIST OF BACKGROUND PAPERS

Section 101 of the Local Government Act 1972
319ZZC 319ZZF of the Town and Country Planning Act 1990 (as inserted by the Planning and Infrastructure Act 2025)
Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

PRE SCREENING EQUALITY IMPACT ASSESSMENT

For equalities profile information please visit [Norfolk Insight - Demographics and Statistics - Data Observatory](#)

Name of policy/service/function	Implementation of the new National Scheme of Planning Delegation			
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New	X	Existing	
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	The government is implementing a national scheme of planning delegation across the country, to ensure a degree of uniformity in how certain types of application are determined. Yes. Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.			
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>	Hannah Wood-Handy – Planning Control Manager, Extended Leadership Team, James Arrandale-Legal Services Manager & Deputy Monitoring Officer Cllr Jim Moriarty			



		Cllr Vivienne Spikings - Chair of Planning Committee, Cllr Francis Bone – Deputy Chair of Planning Committee Planning Committee members			
Question		Answer			
1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service? Please tick the relevant box for each group. NB. Equality neutral means no negative impact on any group. <i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i> <i>*For more information on health inequalities please visit The King's Fund</i>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Sex			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Armed forces community			x	
	Care leavers			x	
	Health inequalities*			x	
	Other (eg low income, caring responsibilities)			x	
Please provide a brief explanation of the answers above: This is about where an application is determined, and its mechanism, so it should have a neutral impact. Also being applied across the country.					
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				



3. Could this policy/service be perceived as impacting on communities differently?	No	
If 'yes' to questions 2 - 3 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary: Decision agreed by EWG member:		
4. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions:
		Actions agreed by EWG member:
5. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	Please provide brief summary:
Assessment completed by: Name	Stuart Ashworth	
Job title	Assistant Director – Environment and Planning	
Date completed	21/8/26	
Reviewed by EWG member	Amy Pearce	Date 02/09/2026
☐ Please tick to confirm completed EIA Pre-screening Form has been shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)		



Appendix A

Planning: Scheme of Delegation

National Scheme of Delegation

1. Introduction

- 1.1 In accordance with section 101 of the Local Government Act 1972 and sections 319ZZC–319ZZF of the Town and Country Planning Act 1990, as inserted by the Planning and Infrastructure Act 2025, the following Scheme of Delegation is adopted to implement the National Scheme of Delegation of planning functions.
- 1.2 This Scheme supersedes and replaces the Council's previous planning delegation and call-in arrangements. The Scheme applies to the determination of all applications and related planning matters where the Council is the Local Planning Authority.
- 1.3 It must be read in conjunction with, and interpreted in compliance with, the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the Regulations") and the statutory guidance, *Planning Committees and the National Scheme of Delegation of Planning Functions*, dated 1 June 2026.

2. Default Delegation to Assistant Director – Environment and Planning:

- 2.1 **To undertake all statutory and non-statutory functions of the Council acting as Local Planning Authority**, including but not limited to determination of all planning applications and all other applications related to a planning process, prior notifications, listed building applications and related matters, advert consent applications, and certificate of lawful use / development applications; dealing with all other matters including tree and hedgerow matters, making Tree Preservation Orders, High Hedgerow notices, EIA screening and scoping opinions, Habitats Regulations Assessment, planning appeal work, responding to statutory and non-statutory consultations including the NSIP process and the service of any notices in relation to any of the functions delegated, and serving all types of notice relating to planning enforcement.

3. Conditions

3.1 Applications that must be delegated to officers

3.1.1 Schedule 1 functions

- 3.1.2 In line with regulation 4 of the Regulations, the Council must delegate the determination of all Schedule 1 applications to an authorised planning officer. These applications cannot be referred to Planning Committee.



3.1.3 They include the following categories, as defined in the relevant legislation and the Regulations, which must always be decided by officers:

Application type	Explanation
1. Householder applications	Alterations or extensions to an existing dwelling, and development within the curtilage of a dwelling.
2. Minor commercial applications	Small-scale non-residential development below the thresholds for major development.
3. Minor residential applications	"Minor residential" is defined as proposals comprising up to nine dwellings, together with associated incidental development, on a site of less than 0.5 hectares, and certain small-scale developments involving existing flats, in accordance with the Regulations.
4. Permission in Principle	Applications made under section 58A of the Town and Country Planning Act 1990.
5. Section 73 variations where the original permission was Schedule 1	Applications under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions where the original planning permission was granted on a Schedule 1 application.
6. Non-material amendments	Applications under section 96A(4) of the Town and Country Planning Act 1990 for non-material changes to an existing planning permission or permission in principle.
7. Section 106A modifications relating to Schedule 1	Requests or applications under section 106A(1)(a) or section 106A(3) of the Town and Country Planning Act 1990 to modify or discharge a planning obligation where the obligation is connected with a Schedule 1 application or approval.
8. Certificates of Lawfulness relating to planning	Applications under section 191(1) or section 192(1) of the Town and Country Planning Act 1990 for Certificates of Lawfulness of Existing or Proposed Use or Development.
9. Certificates of Lawfulness of Proposed Works to a listed building	Applications under section 26H(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for a certificate of lawfulness of proposed works to a listed building.



10. Biodiversity Gain Plans	Submission of a Biodiversity Gain Plan under paragraph 13(2)(a) of Schedule 7A to the Town and Country Planning Act 1990.
11. Certificates of Appropriate Alternative Development	Applications under section 17(1) of the Land Compensation Act 1961.
12. Reserved matters applications relating to a non-large outline permission	Reserved matters applications resulting from an outline planning permission other than a large outline permission. A large outline permission is one authorising the provision of 500 or more dwellings or the provision of a building or buildings where 50,000 square metres or more of floorspace is created.
13. Discharge of conditions	Applications under article 27(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 made pursuant to a condition on a planning permission.
14. Prior approval applications	Applications made pursuant to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for prior approval, or for a determination as to whether prior approval is required.

3.1.4 Schedule 1 applications subject to reclassification

3.1.5 For the avoidance of doubt, an application that would otherwise fall within Schedule 1 must instead be treated as a Schedule 2 application in the following circumstances:

Connected listed building matters

Where the Local Planning Authority considers that a Schedule 1 application for planning permission is connected with:

- an application for listed building consent; or
- an application to vary or discharge a condition attached to listed building consent.

Retrospective applications

Where an application would otherwise fall within Schedule 1 but is made under section 73A of the Town and Country Planning Act 1990 for development that has already been carried out.

Own-interest applications

Where an application would otherwise fall within Schedule 1 but is made by or on behalf of:



- the Authority;
- a member or officer of the Authority; or
- an entity owned or controlled, whether wholly or partly, by the Authority or by any of its members or officers.

3.2 Applications that may be determined by Planning Committee or by an officer

3.2.1 Schedule 2 functions

3.2.2 All planning applications not identified above as Schedule 1 applications, or otherwise specifically reserved to Full Council by law, are classified as Schedule 2 applications.

3.2.3 Schedule 2 applications are delegated to officers for determination by default unless the statutory test ("Gateway test") in regulation 5(3) of the Regulations is met and a decision is made to refer the application to Planning Committee.

3.2.4 Schedule 2 functions include:

Application type	Explanation
1. Planning applications not falling within Schedule 1	Applications that are not householder, minor residential or minor commercial applications, including major developments and larger-scale or more complex proposals.
2. Retrospective applications	Applications under section 73A(1) of the Town and Country Planning Act 1990 for planning permission for development that has already been carried out.
3. Reserved matters applications relating to a large outline permission	Reserved matters applications under an outline permission authorising the provision of 500 or more dwellings or the provision of a building or buildings where 50,000 square metres or more of floorspace is created.
4. Section 73 variations where the original permission was Schedule 2	Applications under section 73(1) of the Town and Country Planning Act 1990 to vary or remove conditions where the original planning permission was granted on a Schedule 2 application.
5. Section 106A modifications relating to Schedule 2	Requests or applications under section 106A(1)(a) or section 106A(3) of the Town and Country Planning Act 1990 to modify or discharge a planning obligation connected with a Schedule 2 application or approval.
6. Listed building consent	Applications under section 10(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.



7. Variation or discharge of listed building consent conditions	Applications under section 19(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. Connected planning applications under Schedule 1	Applications for planning permission that the Local Planning Authority considers are connected with an application for listed building consent or an application to vary or discharge a listed building consent condition.
9. Advertisement consent	Applications for express consent to display an advertisement under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
10. Tree Preservation Order consent	Applications under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 for consent to carry out works to a protected tree.

4. Referral of Schedule 2 and own-interest applications to Planning Committee

4.1 In accordance with Regulation 5, a Schedule 2 application will only be referred to Planning Committee for determination where both the Nominated Officer and the Nominated Member agree that the application raises one or more issues of significance under the statutory referral criteria (also known as the “Gateway Test”).

4.2 The statutory referral criteria under Regulation 5(3) are:

4.2.1 Criterion A

The application raises one or more issues of economic, social or environmental **significance** to the local area, or

4.2.2 Criterion B

The application raises one or more **significant** planning matters having regard to the development plan and any other material considerations.

4.3 If neither criterion is satisfied, or if the Nominated Officer and the Nominated Member do not agree to refer the application, the application must be determined under officer delegation in accordance with Regulation 5(2).

4.4 When considering a potential referral, the Nominated Officer and the Nominated Member must have regard to the statutory guidance and the intention that only exceptional cases of significant local importance should be referred to Planning Committee.



4.5 Own-interest applications

- 4.5.1 Applications which are made (whether jointly with any other person) by the authority or an officer or member of the authority, or it is an application where, in the view of the nominated officer and nominated member, the authority or any of its members or officers has an interest, are own-interest applications dealt with under regulation 6.
- 4.5.2 The Nominated Officer and the Nominated Member may agree to refer an own-interest application to Planning Committee for reasons of transparency or propriety, even where the application may not satisfy Criterion A or Criterion B.
- 4.5.3 However, there is no automatic requirement or presumption that all own-interest applications must be referred to Planning Committee. Where an own-interest application is not referred, it will be determined under officer delegation. A different senior officer will act as the Nominated Officer where this is necessary to avoid a conflict of interest.

4.6 Nominated roles

- 4.6.1 For the purpose of the referral process, the Council designates:
- the Assistant Director for Environment and Planning (or future equivalent title), as the Nominated Officer;
 - the Chair of Planning Committee as the Nominated Member;
 - the Planning Control Manager, or future equivalent title, as substitute Nominated Officer; and
 - the Vice-Chair of Planning Committee as substitute Nominated Member.
- 4.6.2 In the exceptional circumstances of either the nominated officers or members, or their substitutes, not being available, then a Principal Planning Officer, and another member of the Planning Committee appointed by the Monitoring Officer, can act as the Nominated Officer or Member.
- 4.6.3 The Nominated Officer and the Nominated Member will jointly consider those Schedule 2 and own-interest applications that they, or other senior officers, consider may warrant referral.
- 4.6.4 They will determine by agreement whether an application meets the criteria for consideration by Planning Committee. However, where agreement is not possible, the application must be determined by officers in accordance with regulation 5(2) or regulation 6(3).
- 4.6.5 The statutory expectation is that most Schedule 2 and own-interest applications will not require referral and will be determined by officers.



4.7 Triage of Schedule 2 applications

4.7.1 The following Schedule 2 applications will always be considered under officer delegated powers :

- An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order) (c).

4.7.2 A Local Member(s) can ask for any Schedule 2 application to be considered by the Nominated Member and Nominated Officer at the "Gateway Test" stage. To be considered at this stage, any representations made by a Local Member(s) must come forward within **21 days of the date of publication of the application on the weekly list of applications or within 30 days of the date of the publication of an application for EIA development on the weekly list of planning applications, and must describe how the criterion in paragraph 4.2 are considered to be met, through completion of the "Gateway Test" pro-forma.** In considering whether the criterion in paragraph 4.2 apply, the Nominated Member and Nominated Officer shall have regard to any representations made in writing by the Local Member(s) - see note 5.5.2.

4.7.3 All other Schedule 2 applications shall be triaged by Officers to assess whether they may potentially meet the criterion, and therefore can proceed to the "Gateway Test" stage to be considered by the Nominated Member and Nominated Officer. Any triage decision shall be authorised by the Planning Control Manager or Assistant Director – Environment and Planning or in their absence, a Principal Planning Officer or in the case of Listed Buildings, the Principal Conservation Officer.

4.7.4 The Assistant Director- Environment and Planning or Planning Control Manager (or future equivalent titles), can refer any Schedule 2 application directly to the "Gateway Test" if they believe it meets the criterion.

4.7.5 Outside of the National Scheme of Delegation, the Assistant Director – Environment and Planning or Planning Control Manager (or future equivalent titles), can refer any other matter that may require Planning Committee input, to the committee e.g. statutory or non-statutory consultations on National Significant Infrastructure Projects (NSIP).

5. Notes

5.1 Removal of local call-in and referral triggers

5.1.1 For clarification previous local call-in powers and referral triggers no longer apply and are superseded by the new framework.

5.1.2 This includes arrangements enabling:



- a ward member to require referral;
- a town or parish council to require referral to the former sifting panel.

5.1.3 Ward members and town and parish councils may continue to make representations through the normal consultation process, but they cannot compel an application to be heard by Planning Committee.

5.2 Transparency and reporting

5.2.1 The Council will maintain a clear audit trail of referral decisions.

5.2.2 A record will be kept of all Schedule 2 and own-interest applications considered through the Nominated Officer and Nominated Member process, including:

- whether the application was referred to Planning Committee or determined under delegated powers; and
- a concise explanation of the reasons for that decision.

5.2.3 This information will be periodically reported to Planning Committee and published to support ongoing oversight and public transparency.

5.3 Prosecutions and injunctions

5.3.1 All prosecutions, injunctions and decisions associated with them, and the use of powers in default, shall be made only with the agreement of the Head of Legal Services (or their equivalent title), or a Chief Officer.

5.4 Other matters

5.4.1 All other planning-related functions and duties, or those activities undertaken by the Local Planning Authority on behalf of the Council, are delegated to the Assistant Director – Environment & Planning (or equivalent title), and to such officers that they authorise to make decisions as set out in Sub-Delegations.

5.4.2 For the avoidance of doubt, Local Members means the Ward Members(s) for the area covered by the application, and it will also include - in circumstances that should first be agreed with the Committee Chair - another Ward Member. Relevant circumstances are likely to include

- (i). where it is a major application and just outside the boundary of the Members ward and be likely to have a significant bearing on the adjacent Members ward; or,
- (ii). the Ward Member has a conflict of interest in the application – and has suggested their constituents approach the adjacent Member about the application; or,
- (iii). the Ward Member is not available due to exceptional unforeseen circumstances and the adjacent Member is helping out in their absence.



Appendix B - Amendment to Planning Committee Terms of Reference (Part 3, 1 C of the Constitution)

C - Planning Committee

Composition

- C.1 The Planning Committee shall consist of up to thirteen members (who must undertake relevant training before taking up the position). No councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the Members of the Cabinet.

Terms of Reference

- C.2 Subject to complying with any relevant legal requirements, the Committee shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Committee

The Committee shall have the following functions:

- C.3 To determine the planning applications referred to it pursuant to the Regulations and the Constitution, as set out above.
- C.4 To consider, and where necessary determine, any other planning matter referred to it by the Chief Planning Officer.