Adopted by Full Council on 29th October 2026

Planning: Scheme of Delegation

Borough Council of
King's Lynn &
West Norfolk

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.