

COUNCIL MEETING – 1ST OCTOBER 2026

AGENDA ITEM NO. 7

IMPLEMENTING THE NATIONAL SCHEME OF DELEGATION FOR PLANNING APPLICATIONS

SUMMARY

From 31st October 2026, a new National Scheme of Delegation for planning applications will come into effect. This will establish a mandatory national framework for determining which planning applications must be determined by officers and which may be referred to committee. The changes are being introduced under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and will apply to Rushmoor and all local planning authorities in England.

The new national scheme means that updates are required to the Scheme of Delegation in relation to the Development Management Committee to incorporate the new legislation. Therefore, this report proposes a new protocol for managing decision making as prescribed under the national scheme of delegation (attached at **Appendix 1**) and sets out the accompanying changes which are required to be applied to the Constitution (attached at **Appendices 2 and 3**).

The Regulations contain two Schedules which direct how the different planning matters are to be dealt with: **Schedule 1** lists the planning applications that must be delegated to an officer, and **Schedule 2** sets out applications that may go to Committee. A full list is enclosed within Appendix 1.

For Schedule 2 matters, there is a presumption for delegation to a planning officer. However, Schedule 2 matters must follow a new 'gateway test' to determine whether referral to committee is appropriate. Referral to committee shall be based on whether the application proposal will raise:

- one or more issues of economic, social or environmental significance to the local area; or
- one or more significant planning matters, having regard to the development plan and any other material considerations

The Protocol at Appendix 1 sets this out in further detail, with procedures for the new gateway process that follow the national guidance and statutory framework. This includes guidance for 'own interest' applications involving the Council, Members or officers.

RECOMMENDATIONS:**THAT THE COUNCIL NOTE:**

- (1) the introduction of the National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
- (2) the new Protocol for managing decision making under prescribed arrangements for a National Scheme of Delegation, as attached at Appendix 1, to be inserted within Part 3 – Section 6 of the Constitution ‘roles and responsibilities of Council Decision Making Bodies – Development Management Committee’
- (3) the updates to be made to Part 3 of the Constitution (Section 4, para 4.2 and Section 6, para 6.5 to 6.7), as set out in **Appendices 2 and 3** of this report, to implement the new statutory Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations, effective from 31st October 2026.

1. BACKGROUND

- 1.1 As part of its wider programme of planning reform, the Government is introducing a new National Scheme of Delegation for planning functions.
- 1.2 Under Section 319ZZC of the Town and Country Planning Act 1990, the Secretary of State has exercised powers to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee (the National Scheme of Delegation). The government’s stated aim is to ensure there is greater clarity about the role of planning committees in planning decision making and to deliver a single set of rules and a uniformity of approach across the country which will replace the variety of arrangements currently in place.
- 1.3 The National Scheme of Delegation is set out in the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the DLPAF), which will be mandatory from 31 October 2026.
- 1.4 As a result of the legislative changes, planning applications will fall within either Schedule 1 or Schedule 2 of the Regulations. All applications falling within Schedule 1 must be delegated to officers for a decision. The Government's stated intention is that Committees should focus on key proposals that matter to an area, enabling minor and technical decisions to be made by planning officers. The list of application types covered by Schedule 1 can be viewed in Appendix 1 and in the revised scheme of delegation for matters delegated to the Executive Head of Property and Growth in Appendix 2.
- 1.5 The applications listed in Schedule 2 may be determined by a Planning Committee or an officer under regulation 5 of the DLPAF. In addition, an application by the Council or an officer or member of the Council, referred to as 'own interest applications' may also be determined by a Planning Committee - whether they fall in Schedule 1 or 2 - in the interests of transparency and public accountability.

- 1.6 Government advise it is for the Local Planning Authority to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice. The attached Protocol at Appendix 1 includes how this will operate for Rushmoor to ensure there is structure, transparency and clarity in the process for all parties (see further information on gateway process below).
- 1.7 The Regulations do not allow for call-in or referral of Schedule 2 applications by Members. However, ward Members will continue to be able to make representations on planning applications, and these will be taken into account as part of the decision-making process.
- 1.8 Any planning matters not listed within either Schedule 1 or 2 may be referred to Committee.

2. GATEWAY PROCESS

- 2.1 The Regulations introduce a new 'gateway' process to determine whether any Schedule 2 applications should be referred to committee for decision.
- 2.2 In keeping with the prescribed arrangements, the gateway process will involve a 'referral' meeting between the Chair of the Development Management Committee or their nominated deputy (usually this will be the Vice-Chair of the Committee) and the Executive Head of Property and Growth or their nominated deputy. Together they can jointly agree to refer a Schedule 2 application to Development Management Committee if in their view the proposal raises:
 - (a) one or more issues of economic, social or environmental significance to the local area, or;
 - (b) one or more significant planning matters having regard to the development plan and any other material considerations.
- 2.3 To support the referral meeting, and to meet requirements for transparency and record keeping, the planning case officer will prepare an Assessment of Significance (AoS) for Schedule 2 applications utilising any guidance issued by the Secretary of State and applying the local protocol (as set out in Appendix 1). The AoS will include recommendations as to whether the matter meets the criteria for determination by committee.
- 2.4 Government guidance advises that every effort should be made 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 the Regulations. In addition, the Guidance sets out in determining a referral, the presumption should be that decisions are delegated to officers and only exceptionally are referred to committee.

3. TRANSPARENCY OF DECISION MAKING

- 3.1 A Schedule of Decisions and the Protocol for decision making will be available on the website to enable members, residents and other stakeholders to see when an application has been considered through the Gateway process and whether it has been referred to committee or determined under delegated powers.
- 3.2 Committee reports, and reports of decisions made under delegated powers will identify which Schedule applications fall within and explain the basis on which the application has been referred to committee or determined under delegated powers. This will ensure decision-making remains transparent and residents and applicants understand how we are applying the statutory framework established by the new Regulations.

Weekly List of Planning Applications

- 3.3 The weekly list of planning applications will continue to be circulated to Members each week on a Tuesday and will be updated to identify which Schedule each application falls within. Members will not be able to request Committee consideration for any Schedule 1 applications but may make representations directly to the case officer, which will be taken into consideration when a decision is made under delegated authority.

4. IMPACT ON COMMITTEE CASELOAD –

- 4.1 Officers have reviewed applications considered by the Development Management Committee during the last 12 months. Based on the categories of applications in Schedules 1 and 2 of the Regulations, this shows that all of the items reported would still be eligible for committee consideration under the new arrangements, subject to the Schedule 2 Gateway process.
- 4.2 However, of the 9 applications considered by the Development Management Committee over that period, five were ‘own interest’ applications and of these, it is considered that only two are likely to have been referred to Committee when following the new protocol, given their scale and the level of interest generated.

5. IMPLICATIONS

Legal implications –

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 require local planning authorities to implement the prescribed arrangements by 31st October 2026. The recommendations in this report are intended to support compliance with those Regulations, including the necessary amendments to the Constitution and associated governance processes.

Financial implications -

The recommendations set out in this report do not have a financial impact on the Council's Revenue or Capital budgets.

Equalities Implications

No specific equalities impacts have been identified arising from the recommendations in this report.

6. CONCLUSIONS

- 6.1 The Protocol is proposed to comply with the introduction of a national scheme of delegation together with necessary changes to the Constitution to ensure that decisions on planning applications remain legally sound.
- 6.2 The Protocol will provide clarity and transparency to the proposed process for whether a planning application is referred to the Development Management Committee and will come into effect for the first committee under the new rules on 18th November.

BACKGROUND PAPERS

- The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
- Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England