

Protocol for managing decision making under the National Scheme of Delegation

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

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

1. Overview

This protocol applies to all decisions to be made after the Regulations come into force, indicated to be 31 October 2026, irrespective of when an application was submitted or whether a Committee decision would previously have been required in accordance with the Council's scheme of delegation, or there had been a request for referral to Committee before that date. These all fall away on the change to the regulations taking effect. All Schedule 1 applications will automatically be delegated to officers for decisions as per the Regulations, unless there is a connection to a Schedule 2 application that requires referral to committee.

For all Schedule 2 applications there remains a general presumption that decisions will be made under delegated powers by Officers. Case Officers will prepare an Assessment of Significance ('AoS') in the fifth week after a Schedule 2 application is validated OR in advance of preparing a report to make a recommendation on the application. An AoS will not however be required where local triage arrangements as set out in section 2 of this protocol are in place to remove the need for individual assessment.

The AoS will include the Case Officer's recommendation as to whether:

- a) In the case of a Schedule 2 application, the proposal raises 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, or
- b) In the case of an Own-Interest application, the application would benefit from committee consideration in the interests of transparency and public accountability.

In reaching the recommendation above due regard will be given to guidance issued by the Secretary of State and the following local guidance. The AoS should reference

the local guidance and it will be sufficient to highlight the presumptions contained therein if no exceptional justification dictates otherwise. Where a recommendation departs from the presumptions contained in the local guidance the AoS should clearly explain the reasoning for this with reference to Regulation 5(2) and 5(4) or 6(4).

The AoS will be reviewed by a Principal Planning Officer or the Service Manager – Development Management. The AoS will then be considered by the nominated Officer and nominated Member under the process set out below.

2. Schedule 2 applications – local guidance and application of triage

In respect of Schedule 2 applications the following local guidance will be used when determining whether an application will be referred to the Development Management Committee:

- a. **Listed Buildings** - For applications for Listed Building Consent made under s10(1) of the Listed Buildings Act, other than those applications connected with an application for planning permission that is otherwise being referred to the Development Management Committee, it is presumed that the application **will not be** referred to Development Management Committee *unless* the application is recommended for approval and there is:
 1. An outstanding objection from Historic England, or
 2. The application involves a Listed Building of Grade I or Grade II*, or
 3. The officer recommendation is approval of the total or substantial demolition of Listed Buildings
- b. **Major Applications** - Applications for planning permission that are 'Major' applications, as defined by the Town and Country Planning (Development Management Procedure) (England) Order (DMPO), or for a Reserved Matters phase application in relation to a large outline permission, will be considered on a case-by-case basis.
- c. **Retrospective and variation Applications** - For applications made under s73(1) or 73A(1) it is presumed that they **will not be** referred to Development Management Committee *unless* the application in question would otherwise be referred to committee under another paragraph within this guidance.
- d. **Planning Obligations** - For applications made to modify or discharge a planning obligation they will not be referred to Development Management Committee unless they relate to the modification, variation or discharge of the main obligation/heads of terms. Matters relating to the operation of a legal agreement

are not defined as planning obligations and therefore do not fall under this requirement.

The following Schedule 2 Applications will be Triaged out of the requirement to prepare an AoS under this Local Guidance and will automatically be presumed to be delegated:

Adverts: For applications made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement).

Trees: For applications made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).

Listed Building Consent (conditions): Discharge or variation for conditions on Listed Building Consents (under s19(1) of the Listed Buildings Act)

In respect of applications by a specified person/the Council the following local guidance will be used to determine whether an application will be referred to the Development Management Committee:

- a) For applications made by a Member of Rushmoor Borough Council, or a Senior Officer of Rushmoor Borough Council¹, it is presumed that the application **will be** referred to the Development Management Committee.
- b) For applications made by Rushmoor Borough Council, an Ordinary Officer of Rushmoor Borough Council², or an entity owned or controlled (whether wholly or partly) by the Council or any of its members or officers; it is presumed that they **will not be** referred to the Development Management Committee *unless* they are minor commercial applications, minor residential applications or major applications.
- c) Approval of applications by or on behalf of a member of staff that has a role or involvement in the planning application process, e.g. anyone working in the Planning Team, will be referred to the Development Management Committee.

¹ In this guidance 'Senior Officer' is meant to refer to the Chief Executive; the Deputy Chief Executive, the Directors, who report to and are directly accountable to the Chief Executive/Deputy and fulfil the roles of statutory Chief Officers, Section 151 Officer and non-statutory Chief Officers; heads of service, who report to the Directors or Chief Executive; and the Monitoring Officer.

² In this guidance 'Ordinary Officer of Rushmoor Borough Council' is meant to refer to an employee of the Borough Council other than a Senior Officer of Rushmoor Borough Council.

3. Process for considering referral to the Development Management Committee (Referral meetings)

A meeting, which may be held virtually or in person, between the Nominated Member (the Chair of the Development Management Committee or their nominated deputy) and the Nominated Officer (the Executive Head of Property and Growth or their nominated deputy), hereafter the 'referral meeting', will be held fortnightly unless no relevant applications have been validated by the Council in the preceding fortnight.

The AoS produced by Case Officers for the relevant applications will be considered by the Nominated Member and Nominated Officer and a decision will be reached as to whether to refer the matter to the Development Management Committee utilising any guidance issued by the Secretary of State and the local guidance above.

The Nominated Member and the Nominated Officer will make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case will be delegated to officers under regulation 5(3).

4. Recording of decisions at Referral Meetings

All decisions on relevant Schedule 2 as to whether to refer an application to Development Management Committee or delegate a decision to officers will be recorded.

That record will include the cases that have been considered for referral to committee, the outcome of the consideration and the reason for the decision. It will be sufficient to make reference to the published AoS for a relevant case if the decision reflects the recommendation therein.

A list of delegated decisions made following referral meetings will be published on the council website. A report will be provided to Development Management Committee on a quarterly basis recording those decisions.

Appendix, List of Schedule 1 and Schedule 2 applications

Schedule One	Schedule Two
• householder development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) • minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) • minor residential development which is defined in the Regulations as: • development that includes only dwellings and development for the purposes incidental to the enjoyment of dwellings, comprises at least one but not more than nine dwellings, and is to be carried out on a site having an area smaller than 0.5 hectares • development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them but excludes development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of a change of use or change to the number of flats • an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b) • to develop land without compliance with conditions previously attached) in respect of which the previous planning permission was a Schedule 1 planning permission (applications under section 73(1) of the Town and Country Planning Act 1990) • reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) • discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015) • prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015) • permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990) • where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or	• applications for planning permission which are not householder, minor commercial or minor residential applications • applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent • applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990) • applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990) • where it is related to a large outline planning permission, applications for reserved matters approvals (under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) • where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990) • where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and Country Planning Act 1990) • applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990) • applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990) • applications for advertisement consent (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007) • applications for consent under tree preservation orders (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)

Schedule One	Schedule Two
discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990) • where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990) • non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990) • certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990) • certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990) • certificates of lawfulness for proposed works to listed buildings (under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990) • biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990) • certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)	