

Report to: Cabinet



Date of Meeting 9 July 2025

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The Reform of Planning Committees: Technical Consultation

Report summary:

The government is consulting on a working paper setting out how proposals to reform planning committees and introduce a national scheme of delegation would be implemented off the back of the Planning and Infrastructure Bill which is currently being considered by parliament. These proposals include enabling greater levels of officer delegation, mandatory training for committee members and to have consistency across the country on delegation.

The report sets out the proposals and a proposed response for Members consideration.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That Cabinet consider the proposed changes in the Reform of Planning Committee Technical Consultation and agree the proposed response for submission.

Reason for recommendation:

To ensure that members are aware of proposals that will affect the Council's constitution and decision-making processes and have the opportunity to submit comments for government consideration.

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Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☒ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☐ Environment - Operational
- ☐ Finance
- ☒ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [Reform of planning committees: technical consultation - GOV.UK](#)

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ A supported and engaged community
 - ☐ Carbon neutrality and ecological recovery
 - ☐ Resilient economy that supports local business
 - ☒ Financially secure and improving quality of services
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Background

At the Cabinet meeting on 4th June, Members received a report on the progress of the Planning and Infrastructure Bill, which aims to introduce a national scheme of delegation and make changes to the role of Planning Committees. The bill is currently progressing through various stages of debate in parliament. In the meantime, a working paper on the reform of Planning Committees has been published, seeking comments by 23rd July 2025. This report aims to summarise the proposals and suggest potential comments in response to the consultation.

The Consultation

The technical consultation on the reform of Planning Committees relates to key planning elements of the Planning & Infrastructure Bill, which is currently under consideration in parliament and aims to modernise Planning Committees. It covers:

- The proposed national scheme of delegation;
- Proposed changes to the size and composition of Planning Committees;
- Mandatory training for Planning Committee members; and
- Changes to the performance thresholds for quality of decision-making criteria.

Taking each of these elements in turn:

National Scheme of Delegation

The government is proposing to introduce a national scheme of delegation that classifies all planning application into two categories:

- **Tier A** which would include types of applications which must be delegated to officers in all cases; and
- **Tier B** which would include types of applications which must be delegated to officers unless the Chief Planner and Chair of Committee agree it should go to Committee based on a gateway test.

The current plan is to define the categories as follows, although views are sought on these definitions:

Tier A: mandatory officer delegation

- applications for planning permission for:
 - Householder development
 - Minor commercial development
 - Minor residential development (up to 9 dwellings)
- applications for reserved matter approvals
- applications for s96A non-material amendments to planning permissions
- applications for the approval of conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for Lawful Development Certificates
- applications for a Certificate of Appropriate Alternative Development

Tier B: Optional officer delegation (see table below)

Type of decision	Rationale
Applications for planning permission not in Tier A	Planning permission is the key consent and there will be examples of applications in most categories of different development where committee scrutiny is warranted as the issue will be about the principle of development. This will include all significant new housing and commercial developments. It will enable controversial or complex applications to be considered by committee.
Notwithstanding Tier A, any application for planning permission where the applicant is the local authority, a councillor or officer	This type of application is included to ensure that there can be open scrutiny of applications closely linked to the local authority itself.
Section 73 applications to vary conditions	This type of application is included as, although there will be many instances where officers should consider the variation, there will be some applications which would alert the principle of development which require committee scrutiny. Significant changes to mineral developments are, for instance, made through section 73 applications ^[footnote 2] .
Review of mineral planning conditions	Certain categories of mineral sites are subject to a review of their conditions to ensure these are still.

The intention for Tier B is to establish a rebuttable presumption of delegation. Each application would be evaluated through a “gateway check” by the Chief Planner and Planning Committee Chair to determine if it should be taken to committee or not. The consultation seeks views on the basis for this assessment, proposing the following options:

- Committee consideration where the application raises significant economic, social, or environmental issues relevant to the local area; or
- Committee consideration where the application presents a significant planning matter with respect to the development plan.

The Ministry of Housing, Communities, and Local Government (MHCLG) is also inviting opinions on categorising the following matters:

- Special control applications, such as tree preservation orders, listed building consent, advertisement control, etc. The consultation suggests delegating these to planning officers unless they are sensitive or related to substantial applications.
- Planning enforcement functions, which are typically delegated to officers.
- Section 106 agreement approval and variation, with MHCLG suggesting that decisions follow the same categorisation as the related planning application.
- Applications for "medium development," assuming proposals in the working paper are adopted.

Size and Composition of Planning Committees

MHCLG has decided against implementing mandatory strategic development planning committees due to insufficient support from previous consultations. However, they propose setting limits on the overall size of planning committees after the enactment of the PIB, currently intending to:

- Set a maximum committee size of 11 members; and
- Use statutory guidance to suggest smaller committees if locally effective.

Mandatory Training

The provisions on mandatory training are less defined, as further engagement with the sector will occur after the spending review. The consultation seeks views on whether member certification should be managed by:

- A national certification scheme procured by MHCLG involving an online test; or
- A local approach where the local planning authority provides certification.

MHCLG shows a preference for a national certification scheme.

Proposed Response

Responses are sought via an online survey to a series of questions. Below are the questions and proposed responses on behalf of EDDC:

Question 1: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

Yes - It makes sense to split those matters that are not to be delegated and those that can be in this way.

Question 2: Do you agree the following application types should fall within Tier A?

- applications for planning permission for:
 - Householder development
 - Minor commercial development
 - Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan

- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

No – It is accepted that householder applications, non-material amendments, approval of conditions, approval of BNG plans, prior approvals, lawful development certificates and certificates of appropriate alternative development are not strategic matters and should be delegated to officers. It is not however appropriate for central government to dictate that the other matters listed, which in some cases could be strategic or otherwise significant in nature, and hence could be quite controversial, must be delegated. This includes applications for minor commercial/residential and reserved matter approvals.

It is important to consider the wider context against which these changes are being proposed. This includes the withdrawal of funding for Neighbourhood Planning technical support which will limit the ability to establish planning policy at a more granular level than district-wide. Coupled with this is forthcoming local government reorganisation and the shift to larger, unitary authorities which will fundamentally move decision making further away from local people. With local plan decisions only coming along once every decade or so, they are not a sufficient tool for oversight of developments at small scale - not least because they are not intended or expected to deal with the level of detail or context required when scrutinising applications of this scale.

Within this context the loss of a robust mechanism for accountability to the public via the consultation and committee system would effectively mean the end of public scrutiny for planning decisions at a less-than-strategic scale. The net effect would be to remove any democratic oversight of small-scale development, and of the detail of reserved matters, which is often significant to objections, particularly in design terms. The proposals as currently structured are therefore considered to be regressive rather than progressive.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

This scale of development in some circumstances would be quite substantial developments to a rural village community, for example where this scale of growth could be a substantial percentage increase in size of the existing community and so it should be open for these decisions to be made at Planning Committee. As such all applications for medium development should be open to being made at committee (i.e. under Tier B).

Question 4: Are there further types of application which should fall within Tier A?

Applications for advertisement consent, listed building consent and works to trees should logically be in Tier A based on the approach set out and for consistency.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

There is a need for openness and transparency in decision making particularly where the officer recommendation is contrary to the views of an elected member of the Council on the basis of material planning considerations. On the more significant application types identified in Tier A there should be an option for matters to come to committee where this is the case. This needs to include applications for minor residential and commercial development, and reserved matters.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Our current scheme of delegation includes a similar test for certain types of applications and this works well, however this can put pressure on the chair of the committee to put matters to committee on non-planning grounds such as political pressure. With the much greater range of

applications in tier A this will generate additional work in reviewing these applications for the chair, however it is difficult to suggest an alternative approach.

Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

- **Householder applications**
- **Minor commercial applications**
- **Minor residential development applications**

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Yes

Question 8: Are there further types of application which should fall within Tier B?

Yes – There should be more flexibility for minor residential developments and reserved matters to be considered under Tier b rather than Tier A

Question 9: Do you consider that special control applications (Tree Preservation Orders, Listed Building Consent, Advertisement Consent etc) should be included in:

- **Tier A or**
- **Tier B?**

Tier A

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

Where they are not linked to a planning application then they should be under Tier b but where they are then this should follow alongside the relevant application.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

Tier A

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

No – This should be a local matter for the Council to decide having regard to factors such as the size of the membership of the council and the workload of the committee.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

There should be no restriction, and this should be left to be set at the local level.

Question 14: Do you think the regulations should additionally set a minimum size requirement?

The Committee benefits from the shared knowledge and experience of the Members who sit on it and so it is important that the committee is of sufficient size to benefit from a diverse range Members and so there should be a minimum set to ensure that this is achieved.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

Yes – It would be a good to have a national standard for training and national system for administering this as this puts a strain on officer to deliver appropriate training and there is a benefit in this being administered independently and an appropriate standard recognised.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

No – The proposed certification and training should help to maintain the quality of decision making.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

The threshold could be lowered for non-major developments where there are high numbers of decisions being made and tested on appeal but in the case of major developments many authorities receive relatively few of these and even fewer go to appeal. In many cases they are complex cases and finely balanced and so there is a danger that one or two decisions which go against the council may lead to them falling below the threshold when there is not a problem with the quality of decision making simply that a Planning Inspector has made a finely balanced decision that is contrary to a finely balanced decision of the LPA.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

No

Question 19: Is there anything that could be done to mitigate any impact identified?

N/A

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

No.

Financial implications:

Any financial consequences for areas such as additional training will be presented to members for consideration once details have been confirmed. There are no direct financial implications at this stage.

Legal implications:

There are no substantive legal issues to be added to this report at this time.