

Planning Control Committee

2 July 2026

National Scheme of Delegation

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1.0 SUMMARY

- 1.1 This report is prepared to provide a briefing on the National Scheme of Delegation which is expected to come into effect on 31 October 2026.
- 1.2 This National Scheme of Delegation (NSD) mandates which planning applications must be delegated to officers and which can be referred to committee.
- 1.3 The current scheme of delegation is set out in the Council's constitution, and this will need to be amended to align with the national scheme.
- 1.4 The NSD will split all planning applications into either
- Schedule 1 (Mandatory Delegation) that **must** be determined by planning officers
 - Schedule 2 (Presumed Delegation) which are **presumed** to be delegated unless
 - they meet certain criteria;
 - made on behalf of the Local Authority or a Councillor or employee or
 - a nominated officer and Councillor agree it should be referred for Committee consideration.

2.0 BACKGROUND

- 2.1 The National Scheme of Delegation follows a Government consultation earlier in the year. The Government's [response on Planning Committee Reform](#) was published on 2 June 2026 alongside [draft regulations](#), which indicate that they will come into force on 31 October 2026

3.0 STATUTORY PROVISIONS

- 3.1 The draft regulations have been laid before Parliament under section 333 (3ZAB) of the Town and Country Planning Act 1990 for approval by resolution of each House of Parliament.
- 3.2 These regulations may be cited as The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

4.0 THE NATIONAL SCHEME OF DELEGATION

- 4.1 The NSD will split all planning applications into either
- Schedule 1 (Mandatory Delegation) that must be determined by planning officers
 - Schedule 2 (Presumed Delegation) which are presumed to be delegated unless:
 - ❖ they meet certain criteria;
 - ❖ made on behalf of the Local Authority or a Councillor or employee or
 - ❖ a nominated officer and Councillor agree it should be referred for Committee consideration.
- 4.2 Schedule 1 includes all householder applications, minor commercial applications and minor residential applications as well as all reserved matters other than in respect of a “large” outline permission (defined as 500 or more homes or 50,000m² of floorspace). See Schedule 1 Functions at Appendix A.
- 4.3 The authority will need to identify the “nominated officer” and “nominated Councillor”. This function may be fulfilled by more than one person and / or provide for substitutes.
- 4.4 The guidance sets a presumption these roles will be fulfilled by the Chief Planning Officer (or equivalent) and the chair of planning committee.
- 4.5 They will be charged with determining whether a Schedule 2 application raises one or more issues of economic, social, environmental or planning significance. If the consensus is that they do, then they may be reported to Planning Control Committee. Extract from the Statutory guidance on schedule 2 is attached as Appendix B.

- 4.6 However, it is not a requirement that all Schedule 2 applications must be considered in this way; Councils may use their own constitutions to set out which Schedule 2 applications will be subject to this consideration with the remainder being delegated.
- 4.7 Under the NSD current 'call-in' practices will not be possible. This includes those in support of an objection by a Parish or Town Council. The response from parish and town councils will be considered by officers as they are for all applications currently when a comment is received, whether they are determined under delegated powers or by the Planning Control Committee (PCC).
- 4.8 The regulations will also place a statutory limit on the size of the planning committee at 13 members. Councils should consider whether a smaller number of members would be more appropriate in their area. As North Herts' PCC currently has 12 members this should not require any change.
- 4.9 It will also be necessary to make appropriate accompanying and complementary changes to officer delegations and call-in procedures.

5.0 Approach for North Hertfordshire Council

- 5.1 I understand that the implications of the NSD will be progressed as part of the wider Constitutional Review Programme rather than as standalone workstream.
- 5.2 The current proposal is for a series of focussed workshops, each dealing with a topic area. The NSD and associated planning committee reforms will be one of these.
- 5.3 Any further implications or (potential) efficiencies will be considered following the announcement by the Government on Local Government Reorganisation, which is expected in July 2026.
- 5.4 Under the NSD, it is anticipated that the volume of items being referred to PCC will reduce significantly.
- 5.5 Further work will be undertaken to quantify this, but Members will be aware that a large proportion of committee business consists of applications that will fall under Schedule 1, that will not be able to be reported to PCC.
- 5.6 PCC meetings for the 2026/2027 Civic year have already been scheduled based mostly on two meetings per month.
- 5.7 The current officer view is that the schedule should not be amended at this point. Once the NSD is implemented, the need for each PCC meeting will

be considered on a case-by-case basis and cancelled if there is insufficient business.

- 5.8 The outcomes will be monitored and will inform planning for the next Civic year, which normally begins early in the calendar year. I consider that the NSD may provide scope to revert to a meeting cycle of about one meeting each month.
- 5.9 A similar note was presented to the Strategic Planning Board meeting on Tuesday 16 June.
- 5.10 A separate proposal to amend the Council's Scheme of Delegation in advance of the NSD (as recommended by the 2025 Planning Officers' Society review) is still being progress; a delegated decision to give effect to these changes is with Legal Services for review.
- 5.11 It is still intended that these changes will be made as an interim measure.

6.0 CONTACT OFFICER

Shaun Greaves, Development and Conservation Manager

Shaun.greaves@north-herts.gov.uk

APPENDIX A – SCHEDULE 1 FUNCTIONS

Schedule 1 of the Regulations sets out all the functions which must be delegated to officers for a decision (unless it is an own-interest application). These include a number of categories of applications for planning permission for:

- 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)

It also contains a range of other planning consents:

- 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 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)

However, applications which would otherwise fall under Schedule 1, will fall within Schedule 2 where:

- a local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- the application is made under section 73A of the Town and Country Planning Act 1990

APPENDIX B

Schedule 2 functions

The functions which fall within Schedule 2 of the Regulations are:

- 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)
- applications to which paragraph 19 above apply

The overriding presumption is that the applications listed in Schedule 2 will be delegated to officers. An application can be referred to a committee or sub-committee only where:

- a. at least one of the criteria in regulation 5(3) is met **or** it is an own-interest application (regulation 6); **and**
- b. the nominated officer and nominated member of the planning committee agree to the referral

Criteria which must be met before a case can be considered for referral under regulation 5

22. In determining whether a referral under regulation 5 is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At 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 an economic, social or environmental issue of significance to the local area

B. where the application raises a significant planning matter having regard to the development plan and any other material considerations

Applications for development which do not raise a significant planning matter can only be referred to the committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. What constitutes 'significant' will vary depending on the local area but examples could include:

- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

For the purpose of criterion B, the following circumstances are unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal

has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)