

PORTFOLIO HOLDER:	Strategic, Local Planning and Infrastructure
REPORT FROM:	Assistant Director: Planning, Building Control and Regulatory Services
TO:	Executive
DATE:	18 July 2025

Report Author:	Neil Watson
Tel. No:	01282 661706
E-mail:	Neil.watson@pendle.gov.uk

**Proposed Changes to the Planning System Consultation:
National Scheme of Delegation and Changes to Committees**

PURPOSE OF REPORT

To inform the Executive of the latest proposed changes to how the planning system operates in England and to agree the Council's response to the consultation

RECOMMENDATIONS

- (1) That the Council responds in the form set out at Appendix 2.

REASONS FOR RECOMMENDATIONS

- (1) In order that Pendle contributes to the development of national planning policy

BACKGROUND

- 1 The Government set out proposed changes to the English planning system in a working paper that evolved over the last 2 quarters of the 2024/25 financial year. A report was considered by the Executive on 30th January 2025 - and the agreed response submitted to Government. Pendle was one of 130 written responses received.

- 2 The base legislation for requiring change has been laid in the Planning and Infrastructure Bill introduced to Parliament in March 2025. That sets out a framework for secondary legislation to implement the changes that will be drafted after this current consultation.
- 3 Government responded to those consultations in a further consultation paper published on 28th May 2025. The *Reform of planning committees: technical consultation* sets out in more detail what the Government proposes to do to change how schemes of delegation will operate as well as other reforms to Committee structures and requirements for training for Councillors.
- 4 For information Appendix 1 details the response to the first consultation. Appendix 2 suggests the response to the current consultation. The draft response has been written in consultation with the Planning Portfolio Holder as the response clearly needs to have a significant political steer in its content.
- 5 The main aspect of the proposals are summarized below:
 - Two tiers of applications are proposed to be identified categories A and B.
 - Category A applications will include householder and minor applications. These are proposed to be dealt with solely by planning officers. The proposals do not contain any provisions for calling in Category A applications.
 - Category B applications will be applications that are generally larger in scale than category A applications. Category B applications will all start off being delegated. They can then be called in to Committee. The process for this would be for call ins to be agreed by both the Chairman of Committee and the Chief Planning Officer. There is nothing in the proposals that deal with a situation where there is a disagreement. It appears that where one party does not agree the application does not proceed to Committee.
 - Certain applications will go to Committee such as those of the Council, planning officers or Councillors.
 - There will be a requirement for Councillors to be trained in planning and to gain a certificate for that training. The issue is how that certification would operate.
 - The consultation seeks views on the size of Committees both in terms of any minimum threshold and a maximum threshold.
- 6 There is no indication as to when the proposed changes may come into effect. It is clear however that the Government intends to move to a new position quickly so Pendle, as with all Councils, will need to be ready to

react to the final Regulations. As the changes will be mandatory it is anticipated that constitutions will be automatically altered by statute although clearly the remainder of the constitution will need to be considered to fit within the statutory framework. This will be the subject of further consideration once the draft Regulations are known. As drafted there would be significant impacts on how planning applications would be dealt with in Pendle and would require consideration to the Area Committee structure.

IMPLICATIONS

Policy: There will not be any direct policy implications.

Financial: Any financial implications would emerge should legislation be enacted that compels changes to how planning committees operate.

Legal: None directly from this report.

Risk Management: None directly from this report.

Health and Safety: None directly from this report.

Sustainability: None directly from this report.

Community Safety: None directly from this report.

Equality and Diversity: None directly from this report.

APPENDICES

LIST OF BACKGROUND PAPERS

All background papers are contained in links within the report:

[Major overhaul of planning committees to get Britain building - GOV.UK](#)

Appendix 1

Do you think this package of reforms would help to improve decision making by planning committees?

The reforms have some good points in them such as the requirement for mandatory training of participants in planning committees. They however demonstrate the complexity of the system and the difficulty of trying to shoe horn in a mechanistic way of deciding what applications should or should not go to Committee. Levels of delegation do correlate to speed of processing planning applications but in themselves are not the sole reason why applications sometimes take time to determine.

Whilst we make observations on the issues involved these are made based on the changes being forced on Councils. Pendle has excellent planning performance whilst at the same time operating a democratic, inclusive and open Committee structure where residents can fully participate in the determination of applications that affect their every day life. With robust processes both effective decision making and inclusive democratic decision making can be achieved.

The proposed changes are an anathema to democracy, undermine political accountability and will result in the public having no respect for the planning process.

Planning applications are the subject to an increasing level of complexity. Technical details on drainage systems, section 106 agreements, biodiversity net gain, highway technical reports etc are complex. We would strongly criticise how BNG has been rolled out for example and the significant lack of testing and understanding of this that has led and still leads to confusion amongst practitioners. This is compounded by there being no where near the capacity of professionals nor money to deal with BNG inevitably gives LPAs challenges.

Planning applications are often received with inadequate technical information. Our very clear experience is that it is not decision making and Committees that delay applications but the quality and content of applications and in particular the quality of technical reports. If these cannot be improved at the outset of applications then reforming schemes of delegation, and thus requiring speedier decisions, will either result in more refusals for inadequate content of applications or will make little difference to the speed of determination.

We welcome the changes to fees and to the funding for more planning staff. This is not enough to offset the major impacts underfunding has had but it will start to address under resourcing. Lack of staff is also a fundamental issue in how to improve speed and quality of determining applications.

The examples given on the three ways of potentially altering schemes of delegation illustrate well what schemes of delegation will need to deal with. Planning is all about making judgements. Judgements about whether an application does or does not comply with the development plan. Take case study 2 on Box 2 as an example. There is an exception test in policy that would mean it is in line with the development plan but all the examples say it does not comply with policy. It shows that planning judgement has to happen even with the worked example given.

Applications of most kinds will be a matter of judgement on conformity. Take for example design. All major applications will have design components and one party may differ in indicating whether the application does or does not comply with the development plan. That matter may only be determined after an appeal which will make the final decision on the conformity with the development plan. An alternative way of dealing with such applications would be to consider applications that are in general conformity or conformity with strategic policies.

Other ways of dealing with delegation could be based on levels of objection to a scheme and not whether or not it complies with the development plan. The bar would need to be set high with that though otherwise it could be the subject of manipulation.

Local Councillors are elected to make decisions on applications. Whilst we recognise that the level of delegation needs to be higher than allowing minor applications to be called in without good planning reasons there needs to be flexibility to allow locally elected Councillors to call in controversial applications.

Any scheme should have within it a requirement for applications to be called in in writing giving clear planning reasons. Chief Planning Officers should have the sole role of deciding whether the application should be brought to committee. Unless there is a clear route for determining what does and does not go to Committee this will itself become a resource hungry process.

Do you have views on which of the options we have set out in regard to national schemes of delegation would be most effective? Are there any aspects which could be improved?

Our overall view is as set out in our response to the first question. As set out they are too mechanistic and do not take into account that planning decisions as to the conformity with the development plan are often subject to discretion.

The issue of discretion will be important as how decisions are taken could be subject to judicial challenge as lying within or outside of the scheme of delegation.

We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

Of the three options the third one is the most appropriate where it lets Councils determine a list of development types that would be automatically called to Committee with the others being delegated.

Are there advantages in giving further consideration to a model based on objections?

A model based on objections would also need to be subject to criteria on scale such as objections to major planning applications. We have experienced applications where AI has been used to generate a number of objections and so levels of objection alone is potentially open to manipulation.

Do you agree that targeted planning committees for strategic development could facilitate better decision making?

The form of committee is not the key element in how major schemes are dealt with. The most essential two issues are getting high quality informed reports to Committee in a timely manner and for the members to be technically trained and competent to make decisions based on the planning merits of the application.

Do you have a view on the size of these targeted committees?

No

How should we define strategic developments?

These should be defined in development plans and be developments that affect areas outside of a Council Area. If they are included in a Local Plan they should have specific policies and expectations about what should be delivered.

Do you think the approach to mandatory training is the right one?

Yes. There should also be a minimum standard that should be delivered by those carrying out the training including principles in development management and overarching planning policy.

Appendix 2

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

The principle of having a two tier system for applications is acceptable as this will facilitate steering the right form of development through the delegated determination route.

Pendle made representations at the initial consultation stage pointing out that it is difficult to pigeon hole applications into ones that conform to the development plan and ones that do not. The current proposals have had regard to that by moving away from using conformity with the development plan as a way of shifting application that will be delegated for those that will go to Committee.

In the same vein not all minor applications, or tier one applications, are appropriate to be determined through a delegated route. There are tier 1 applications that evoke considerable public interest as well as some that could have profound implications for how other applications are dealt with in an LPA area.

There needs to be a mechanism for ensuring there is some discretion in the process. Gateways could be established to allow those applications that should go to Committee, but which would be excluded under the current proposals, to go to Committee. For example applications that evoke substantial public interest, that interest being based on proper planning material considerations, and which are agreed to go to Committee by the Chairman and Chief Planning Officer, could be exceptions to the rigid delegation path set out in the consultation. There needs to be some discretion to avoid democracy being bypassed completely.

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

Response: The Council does not agree with the proposals on the basis that they are undemocratic. However on the assumption that they will be introduced the list for Category A applications is agreed.

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?

No. Schemes of this scale can have major impacts on residents and areas. The role of elected Councillors is to scrutinise such controversial applications. With a call in process that is based on planning grounds that would prevent non-contentious applications being called in on spurious grounds and ensure that the democratic process still allows for proper consideration of applications that although minor in scale may have major impacts.

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

No

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?

Yes. As with the response Pendle made to the first consultation planning is not a process that can have applications pigeon holed into certain categories. It is difficult to see how “exceptional circumstances” could be readily defined. There should be the ability to call applications in to Committee based on gateway criteria as set out for example in our answer to question 1. That could operate in the same way as category B applications are proposed to work with agreement of call in between the Chairman of Committee and the Chief Planning Officer. Alternatively for category A applications it could be left to the discretion of the Chief Planning Officer on the basis of a written request by an elected Councillor based on legitimate planning grounds.

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?

Any call in should be based solely on sound planning grounds. Any call in should be in writing and should clearly set out the legitimate planning considerations that merit calling the application to Committee.

A gateway of agreement of the Chief Planning Officer and Chairman of Committee would be an appropriate mechanism but clearly that could bring forward tensions between elected politicians and planning staff. The process would need to have a way of resolving a situation where the two do not agree on a call in. That needs however to be a quick resolution with the best option of giving one of the two the final say when there is an impasse.

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

The category A applications in this scenario account for the vast majority of applications any Council deals with. Whilst the categories are appropriate there must be discretion so that this is not overly rigid and a mechanism to allow call ins for difficult applications.

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

No

Question 9: Do you consider that special control applications should be included in:

- Tier A or
- Tier B?

We have no comment on this

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?

It would make sense that they should follow how their respective application are dealt with and be in the same tier.

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

Enforcement decisions should all start off being considered under a delegated route. It is important that the democratic process is fully followed though by elected Councillors having to be informed of prospective action before it takes place, unless in an emergency such as the demolition of a listed building, and for there to be an opportunity for the decision to be reviewed. In the same way as there should be gateways for call ins for planning applications any review of a decision to take enforcement action must be in writing and be based entirely on legitimate planning grounds. There could then be the same gateway test for any review having to be agreed by the Chairman of Committee and the Chief Planning Officer.

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

A planning Committee should have a maximum and minimum number to ensure a range of views but to ensure the size is not unwieldy. There is no formula for assessing the right size but our view would be a minimum of 5/6 and a maximum of 11.

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

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

A planning Committee should have a maximum and minimum number to ensure a range of views but to ensure the size is not unwieldy. There is no formula for assessing the right size but our view would be a minimum of 5/6 and a maximum of 11.

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. There should be a national set of issues that are the minimum that should be covered in training and the training should be delivered by Members of the Royal Town Planning Institute to ensure those giving it have gone through a rigorous planning accreditation process. The accreditation should however then be a matter for Local Councils.

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 thresholds work well and are at the right level.

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?

No. The thresholds work well and are at the right level.

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.

Our view is that the proposals do not impact on any of the categories of people or any of the 5 environmental characteristics.

(prevention, precautionary, integration, rectification at source and polluter pays principles.

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

No

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