

Report Title	Planning Reforms – Determination of Planning Applications. Changes to the Scheme of Delegation
Meeting	All Area Committees
Meeting Date	All Area Committees June 2026
Report Author	Neil Watson
Directorate	Place
Lead Executive Member(s)	
Wards Affected	All Wards
Public. Part Exempt, or Fully Exempt	Public
Appendices (if any)	Appendix 1: List of Schedule 1 and Schedule 2 applications.

1. Executive Summary

- 1.1 The report informs Area Committees of the forthcoming changes to how planning applications will be dealt with under Regulations that will come into force on 30/09/2026.

2. Recommendations

- 2.1 That the Area Committee notes the forthcoming changes.

3. Information: the Rationale & Evidence for the Recommendations

- 3.1 The Planning and Infrastructure Act 2025 introduced a number of provisions to allow the Secretary of State to:
- set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.
 - control the size and composition of planning committees.
 - impose a new requirement for members of planning committees to be trained, and certified, in key elements of planning.
- 3.2 The draft Regulations set out the detail of the allocation of functions to officers and Committees. Under the draft Regulations planning applications will fall within Schedule 1 or Schedule 2. A list of Schedule 1 and Schedule 2 applications is shown at Appendix 1 of this report.
- 3.3 Any planning application falling within Schedule 1 can only be determined by a planning officer. The Regulations also state that a Council cannot put any measures in place that fetter the ability of officers to make decisions.

- 3.4 There are exceptions to this for applications in Schedule 1 that are made by the Council, or applications where Members or officers have interests in them. These can be considered under Schedule 2.
- 3.5 Applications in Schedule 2 are to be considered in a different way. The Regulations state that Councils need to make arrangements in their Constitution to deal with applications defined in Schedule 2. If arrangements are not made then applications will be dealt with by officers of that Council.
- 3.6 Schedule 2 applications cannot be automatically referred to a committee. They will need to go through a gateway test first. This would be undertaken by a nominated Officer and a nominated Councillor. Deputies can be appointed but decisions to refer to a Committee can only be made by one officer and one Councillor. The guidance accompanying the Regulations indicates that the Member should be the Chairman of a planning committee and the nominated officer the Chief Planning Officer.
- 3.7 The nominated officer and nominated Councillor can agree to refer an application to Committee only if an application raises economic, social or environmental issues that are of “significance”. This will mean that unlike the current system where any application can be referred to Committee without reasons needing to be given, the nominated Officer and Member will have to be clear that an application referred is so referred based on those three grounds. The added test is that one or all of these grounds is of “significance”. What constitutes a matter of significance is not defined in the Regulations.
- 3.8 In cases where the nominated officer and nominated Member cannot agree the application will remain to be dealt with by officers.
- 3.9 The Regulations also limit the size of any Committee to a maximum of 13 Members. This will have implications for the Nelson, Brierfield and Reedley Committee which has 14 Councillors.
- 3.10 The final Regulations have to be issued and the detail of how the Council brings these Regulations into effect have still to be developed. The Council meeting on 1st October 2026 will determine what the scheme of delegation relating to Pendle will be.
- 3.11 No details have yet emerged about how the training of Councillors will be undertaken. This is however likely to be in the form of any Councillor who sits on a planning committee having to go through a formal training programme with an accreditation at the end of that training. That could be set locally or through a national accreditation programme.

4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)

4.1 The main link is to the quality of services. As the process will be a mandatory one there is limited scope to alter it.

5. Implications

5.1 Financial Implications

There are no direct financial implications.

5.2 Legal and Governance Implications

The constitution of the Council will have to be amended to comply with the Regulations.

5.3 Climate and Biodiversity Implications

None.

5.4 Human Resources Implications

None

5.5 Equality and Diversity Implications

None.

6. Consultation

6.1 There have been consultations on the Government's intended reform of dealing with planning applications that the Council has responded to. This report is to outline the results of those consultations and to inform Area Committees of the pending changes.

7. Alternative Options Considered

7.1 The Council has responded to previous consultations setting out alternative proposals to this change. Those changes have not been agreed by the Government.

8. Statutory Officer Sign off (please put an x in the relevant box below)

Section 151 Officer	X
Monitoring Officer	X

9. Background Documents

[Planning committee reform: statutory consultation on draft Regulations and guidance - GOV.UK](#)

[https://assets.publishing.service.gov.uk/media/69bc0c1c4c478213a823ce5b/Draft Discharge of Local Planning Authority Functions Regulations.pdf](https://assets.publishing.service.gov.uk/media/69bc0c1c4c478213a823ce5b/Draft_Discharge_of_Local_Planning_Authority_Functions_Regulations.pdf)

Contact Officers

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Appendix 1

Schedule 1	Schedule 1 Code	Schedule 2	Schedule 2 Code
Householder	21	Listed Building Consent under Section 10(1)	23 and 24
Minor Commercial	14	Listed Building Consent under Section 19(1) - variation or discharge of condition for a listed building	23 and 24
Minor residential (under 10 units) and is under 0.5ha	13	Planning application connected to LBC applications	23 and 24
Permission In Principle	13	An application for planning permission that is not a householder, minor commercial or minor residential	
Alteration to a PIP	13	Application under section 73 - develop land without compliance with a condition	Same code as the principal application
Alteration to S106 agreement for a Schedule 1 development	N/A	A request to discharge an obligation for a Schedule 2 application	
Certificate of existing lawful use under Section 191	26	A reserve matters phase application	Same code as the principal application
Certificate of proposed lawful use under Section 191	26	An application for an advertisement	22
Biodiversity Gain Plan	N/A	An application under the Tree Preservation Regulations	N/A
Reserved matters other than a phase applications	Depends on the type of reserved matters		
Applications under a planning condition	NRQD		
Permitted development prior approval or where prior approval is required	NRQD		

Note: The code is set nationally and refers to the classification for that type of application that the government set