

National Scheme of Delegation of Planning Functions (NSD)

Briefing Note No. 26 - 11

Service : Development Management (Planning)
Further Enquiries to: Gary Collins, Head of Development Management
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Direct Line: (01249) 706648

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The Secretary of State has exercised this power, enabled by the Planning and Infrastructure Act 2025, through new Regulations. These regulations set out types of applications where decisions:

- **must** be delegated to officers in all cases (as set out in Schedule 1) and
- are **presumed** to be delegated to officers unless certain conditions are met (Schedule 2).

Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution).

Under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for local councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation.

Schedule 1 – **must** be Delegated

Schedule 2 – **presumed** to be Delegated unless

- they meet at least one of the criteria in Reg 5(2) **or**
- they are an application made by or on behalf of a local authority, a member or officer of that authority or an entity owned or controlled by that authority **and**
- the nominated officer **and** nominated member of the

	planning committee agree they should be referred to a planning committee for determination
Schedule 1	Schedule 2
Householder development	Applications for PP not listed in Sch 1
Minor commercial development (less than 1,000 sq m of floorspace or site area of less than 1 Ha)	Applications to develop land without compliance with conditions previously attached (s73(1) of the TCPA 1990)
Minor residential development (9 units or less)	Applications for development which has already been carried out (s73A(1) of the TCPA 1990)
Reserved Matters – where not related to development in an outline planning permission of less than 500 units	Reserved Matters – where related to a development in an outline planning permission of at least 500 units
Discharge of conditions	Modification or discharge of a planning obligation connected to a Schedule 2 application
Prior Approval for PD rights	Applications for Listed Building Consent
Permission in Principle	Applications for the variation or discharge of conditions of listed building consent
Modification or discharge of a planning obligation connected to a Schedule 1 application	Applications for Advertisement Consent
Non Material Amendments	Applications for consent under tree preservation orders
Certificates of Lawfulness - Existing	Application made by or on behalf of a local authority, a member or officer of that authority or an entity owned or controlled by that authority
Certificates of Lawfulness - Proposed	
Biodiversity Gain Plan	
Certificates of appropriate alternative development	
If a Sch 1 application for PP is connected to a Sch 2 app for LBC or VAR or DoC on a LBC this falls within Schedule 2	
If an application under 73A of the TCPA 1990 (Var or removal of cond) would otherwise fall under Sch 1, this falls within Schedule 2	
Applications made by a Local Authority, or a member, officer or entity of that authority fall within Schedule 2	

Regulation 5(2) says:

The nominated member and nominated officer may agree to refer a proposal to determine a Schedule 2 application to a committee if in their view the proposal raises—

- (a) one or more issues of economic, social or environmental significance to the local area, or
- (b) one or more significant planning matters having regard to the development plan and any other material considerations.

This is known as the **Gateway Test**. Both the Officer and Member must agree for an application to be considered at a Committee, because the presumption is that decisions are delegated.

For these purposes:

- a) the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process
- b) the nominated member should be the chair of the planning committee or, where such a role does not exist, the equivalent member. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available

Where local planning authorities have more than one planning committee, they may nominate different officers or members for each committee.

It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice.

Where local planning authorities anticipate that there may be a significant number of cases which meet the criteria in regulation 5(2) or which may fall under regulation 6 and which could therefore, be considered for referral to committee they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

For the purpose of criteria A of Reg 5(2), 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)

Applications for development which do not raise a significant planning matter can only be referred to the committee under criteria B of Reg 5(2) 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. 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

Where applications are made by the authority itself or an officer or member of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers, we recognise that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some applications to be referred to a planning committee or sub-committee even if they do not raise any significant planning, economic, social or environmental issues. These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.

Regulation 7 provides for the number of members on a planning committee or sub-committee to be no more than 13. This is a maximum figure to accommodate local planning authorities where members are from multiple political parties. Local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making.

Implementing the NSD

Existing Member call-in ends on 30th October 2026. However:

Officers will endeavour to take Schedule 1 applications to a Committee by the end of March, **that are the subject of an existing call-in or one made before 1st August.** Schedule 1 applications called in after this date are very unlikely to be able to be reported to a Committee before 31st October and are therefore likely to be delegated decisions.

Schedule 2 applications **that are the subject of a call-in before 31st October** will be

considered favourably during the Gateway Test and are likely to be decided by a Committee.

If you have any doubts over which Schedule an individual application falls within, please contact the planning case officer.

Member Briefings will be held before the NSD takes effect, in order to prepare Members for this change in legislation. Town and Parish Councils will also be briefed and will also receive this briefing note.