



South
Cambridgeshire
District Council

**GREATER CAMBRIDGE SHARED PLANNING SERVICE
PLANNING COMMITTEE REVIEW
NATIONAL SCHEME OF DELEGATION – 31/10/2026**

Planning Committee Date October 2026

Report to Cambridge City Council Planning Committee
South Cambridgeshire District Council Planning
Committee
Joint Development Management Planning
Committee

Report By Joint Director of Planning and Economic
Development

Ward / Parishes affected All

1.0 Executive Summary

- 1.1 The Planning and Infrastructure Act 2025 included powers for the Secretary of State to be able to set out what planning functions should be delegated to officers, to control the size and composition of planning committees and for members of planning committees to be trained and certified in key elements of planning.
- 1.2 Members will recall that at the June 2026 planning committee meetings, officers provided an update on the Planning Committee Review process. It was noted that a draft National Scheme of Delegation had been published in April 2026, and that this would come into force on 31 October 2026. This report summarises the National Scheme and the mandated changes that will come into effect from this date.
- 1.3 Implementing the National Scheme of Delegation is a legal requirement under The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, which come into force on 31 October 2026. Non-compliance poses a high risk of judicial review for any planning committee decisions made after that date.
- 1.4 The key changes are:
- **End of Ward Call-Ins:** Powers for individual ward councillors and parish councils to "call in" applications to planning committee for determination will no longer be permissible.
 - **Representation Triggers:** The threshold for consideration by the Delegation Panel for Planning Committee referral based on the number of representations received (currently 5 representations) will be removed.
 - **Definition of Schedule 1 Applications:** These include householder applications, minor residential schemes (up to 9 dwellings), minor commercial development (Class E), discharge of conditions, certificates of lawfulness, non-material amendments and most prior approval applications. These must ordinarily be determined under delegated

powers and cannot be referred to committee. Limited exceptions apply, such as specified local authority own-interest cases.

- **Definition of Schedule 2 Applications:** These include major residential, major commercial, industrial and mixed-use development, and proposals affecting heritage assets and applications that raise significant policy, environmental or community considerations. The category also includes certain development proposals involving the local authority's own interests. The regulations presume Officer Delegation. Such applications will only be referred to committee if a nominated officer *and* a nominated member agree that the proposal meets strict significance criteria.
- **Committee Size Cap:** Capped at a maximum of 13 members.

2.0 Recommendation

2.1 It is recommended that Cambridge City Council / South Cambridgeshire District Council Planning Committee / Joint Development Management Planning Committee notes the contents of this report, including:

- The mandatory statutory changes taking effect on 31 October 2026 relating to the National Scheme of Delegation, and the implications for planning committee delegation across Greater Cambridge.
- The cessation of the current Planning Delegation Meetings with effect from 31 October 2026; and
- The introduction of a Planning Committee Gateway Meeting, to operate from 1 November 2026, in accordance with the arrangements set out in this report.

2.2 Furthermore, it is recommended that the Cambridge City Council Planning Committee / South Cambridgeshire District Council Planning Committee / Joint Development Management Planning Committee **approves** the revised Nov 2026 Greater Cambridge Scheme of Delegation (SoD) attached at appendix 2. This updated Scheme of Delegation reflects the National Scheme of Delegation

and deals with residual applications and matters not otherwise encompassed by the new regulations.

3.0 The National Scheme of Delegation

- 3.1 In May 2025 the Ministry of Housing, Communities and Local Government (MHCLG) published a technical consultation setting out the proposed reforms and seeking views. The consultation introduced a national scheme of delegation which proposed a 'two-tier' system based on a presumption that no planning applications would be automatically referred to planning committee, and some application types would never be heard by planning committee. Alongside the proposed two-tier approach to the determination of applications, the consultation document set out proposals for the size of planning committees and member training.
- 3.2 A further consultation on the draft regulations and guidance was undertaken by MHCLG on 26 March 2026. The consultation emphasised the importance of planning committees in maintaining public trust and ensuring democratic oversight of the planning system but was clear that their time should be focused on the most strategic and complex schemes and that there should be consistency between authorities. It did not introduce new requirements for member training, as had been anticipated by the 2025 consultation.
- 3.3 The March 2026 draft regulations set out the national scheme of delegation and the size threshold for committees (no more than 13 members). The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ('the 2026 Regulations') comes into force on 31st October 2026 and establishes a mandatory National Scheme of Delegation (NSoD) for all Local Planning Authorities (LPAs) in England.
- 3.4 The 2026 regulations are supported by guidance, which was published on 1 June 2026, which seeks to assist LPAs in implementing the provisions, including with regard to the NSoD of planning functions and the size of planning committees ('the 2026 guidance').

- 3.5 Up until now, each LPA maintains its own scheme of delegation within its constitution. In 2025 the Greater Cambridge Shared Planning Service (GCSPS) introduced a single scheme of delegation, covering both LPAs. The introduction of the NSoD removes this local discretion for certain application types with the aim of ensuring consistency, speeding up decision-making, and modernising the planning system.
- 3.6 The 2025 GCSPS Scheme of Delegation aligns with recommendations identified by the Planning Advisory Service, following their reviews of all three planning committees. This sought to make the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex applications; and to ensure that there is consistency between the three planning committees to aid understanding by users and support transparency and efficiency of decision making. The revised 2026 GCSP Scheme of Delegation incorporates the NSoD and outlines how applications and matters which sit outside of it are to be determined.
- 3.7 The mandatory NSoD aims to create a standardised national framework. It contains two schedules – with technical and minor decisions delegated to officers, allowing planning committees to focus their time and resources on major developments, complex applications and those with strategic importance.
- 3.8 The NSoD divides all planning applications into two distinct categories, and sets out how they must be handled:
- **Schedule 1 Applications (see appendix 1):** These are routine, minor, or technical developments which must be delegated to planning officers for determination. The Planning Committee no longer has the authority to decide these cases.
 - **Schedule 2 Applications (see appendix 1):** These are considered to be more complex applications. There is still a presumption that these will be determined by officers, but they may be referred to the Planning Committee, if they pass the new 'Gateway Test'.

- **Own Interest applications** - These are applications made by officers, members or the Council and the Council itself which will be referred to Planning Committee for decision.

3.6 From 31 October 2026, all existing triggers/ clauses in individual LPAs constitutions allowing individual Ward Councillor or Parish Councils "call-ins" or automatic triggers based on the number of public representations are removed by the statutory instrument. Any committee decision made via these abolished local mechanisms after this date will be legally void and highly vulnerable to judicial review.

Greater Cambridge approach to National Scheme of Delegation (NSoD)

3.7 Officers are working to introduce processes which ensure the provisions of the 2026 Regulations regarding the NSoD of planning functions and the size of planning committees are followed. This will require amendments to the Council's constitutions, which is currently in progress.

3.8 With regard to the changes made necessary to the updated 2026 GCSP Scheme of Delegation, this includes:

- Removal of ability of individual Ward Councillors or Parish Councils to call in an application.
- Removal of automatic trigger based on the number of public representations.
- Removal of ability for Planning Committee to determine schedule 1 applications.

Outline planning applications

3.9 These are not automatically referred to Planning Committee under the NSoD. Minor outline proposals will generally be determined by officers, whilst major outline applications are likely to fall within Schedule 2 and may be considered for committee referral where they raise significant planning, economic, social or environmental issues.

- 3.10 Reserved matters applications relating to a phase of development within an approved outline permission are also treated as Schedule 1 applications unless they relate to a large outline 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) and then are treated as a schedule 2 application and may therefore be eligible for committee referral. Reserved matters applications that do not relate to a phased development are generally expected to be determined under delegated powers.

Variation or Modification of S106 Planning Obligations

- 3.11 With regard to the variation or modification of S106 obligations, it is proposed that these are determined in accordance with the application Schedule categorisation type to which they relate. Again, there is a presumption of officer determination but potential committee referral could be required if the prescribed referral tests are met.

Listed building consent, advertisement consent, consents for works to trees with a Tree Preservation Order or Trees in a Conservation Area

- 3.12 The supporting guidance acknowledges that listed building, advertisement consent and consents for works to protected trees do not in most cases raise issues which would merit committee scrutiny and that the presumption is that they should only be exceptionally referred to committee. Under the GCSPS June 2026 scheme of delegation these types of applications are mostly considered under delegated powers, unless related to a planning application which would trigger referral or would give rise to significant environmental, social and economic impacts. It is therefore proposed that new arrangements replicate this approach.
- 3.13 As such, advertisement consents, consents for works to trees with Tree Preservation Orders or protected trees (such as those within Conservation Areas), variation and discharge of conditions attached to listed building consent will not be referrable to committee.

3.14 Listed building consent (LBC) applications will be considered under Schedule 2 only where they are connected to a Schedule 2 planning application that has been referred to Planning Committee by the Planning Gateway Meeting, otherwise LBC applications will not be referable to Planning Committee. This approach is considered proportionate and consistent with Government guidance because these application types rarely raise strategic planning issues capable of meeting the gateway test and have historically been determined under the GCSP Scheme of Delegation.

4.0 The Gateway Test

4.1 The 2026 Regulations introduce a formal triage process whereby Schedule 2 applications are assessed against statutory criteria to determine whether they should be referred to Planning Committee. To implement these requirements, it is proposed that applications be assessed against the relevant criteria set out in the guidance and considered through a Planning Committee Gateway Meeting prior to a decision being made on the appropriate route for determination.

4.2 Under the 2026 Regulations, a Schedule 2 application can only be referred to planning committee if two nominated individuals set out in the regulations agree to this approach.

- The Nominated Officer (the Chief Planning Officer (CPO) or an equivalent officer who has extensive professional experience.)
- The Nominated Member (the Chair of the Planning Committee)

4.3 If the Nominated Officer and Nominated Member do not come to a mutual agreement to refer the application, it has to remain as an officer-delegated decision.

Planning Committee Gateway Meeting

4.4 For the purposes of the GGSPS Gateway Test, it is proposed that the Nominated Officer will be the Director of Planning and Economic Development,

with delegation to the GCSPS Delivery Managers and Team Leaders. This ensures that there is appropriate cover at all times, to avoid delays in the referral process or if the CPO or equivalent has an interest in the application.

- 4.5 With regard to the Nominated Member, the 2026 guidance states that this should be the Chair of Planning Committee, with other members to cover if that person is not available or the Chair has an interest in the application. It is proposed that the Nominated Member will be the Chair of Planning Committee, with the Vice Chair acting as a substitute.
- 4.6 The 2026 guidance states that it is for the local planning authority to put in place arrangements for how the consideration of cases for referral to committee will operate in practice. As a minimum there should be a record of the cases considered for referral, the outcome of their consideration and the reason for their decision. This will be reported to Planning Committee on an annual basis and will be made available on the website. These arrangements will be worked up over the coming weeks following the best practice advice from the Planning Officers Society and Planning Advisory Service (PAS).
- 4.7 An application can only be referred to committee for determination through the Planning Committee Gateway Meeting if it raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter.
- 4.8 The 2026 guidance sets out circumstances that are considered **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).

4.9 Examples of schemes that could be referred to committee for a decision in future include:

- *an application for outline planning permission for a large multi-phase residential development not allocated in the local plan*
- *a major application for planning permission and listed building consent for changes to a grade 1 listed building in a town centre*

Greater Cambridge Scheme of Delegation Nov 2026

4.10 The introduction of the National Scheme of Delegation establishes decision-making arrangements for applications falling within Schedules 1 and 2 of the Regulations. However, a number of planning functions and associated matters remain outside the scope of those provisions. These residual matters were previously addressed through the GCSP Scheme of Delegation approved in June 2026 and now require updating to ensure alignment with the new national framework.

4.11 The proposed amendments are principally administrative in nature and are intended to:

- remove provisions superseded by the National Scheme of Delegation;
- clarify responsibility for the determination of matters falling outside the scope of the national arrangements; and
- ensure that the Council's local Scheme operates alongside, and is consistent with, the national framework.

4.12 The proposed revised GCSP Scheme of Delegation is attached at Appendix 2. Whilst updated to reflect the National Scheme of Delegation, it is expressly intended to operate only insofar as it is consistent with the national regulations.

Where any provision of the local Scheme conflicts with the National Scheme of Delegation, the national provisions shall prevail.

- 4.13 Approval of the revised Scheme will ensure that decision-making arrangements remain compliant with the National Scheme of Delegation and provide clarity regarding the determination of matters that fall outside the scope of the national regulations

Size of Planning Committee

- 4.14 The Regulations also provide that a Planning Committee may comprise no more than 13 elected members. SCDC's Planning Committee currently consists of 11 Members, City Planning Committee currently comprises of 9 Members and JDMC currently comprises of 12 Members and therefore all 3 planning committees already comply with this requirement. No amendments are required in relation to the size of the Committee, although future appointments will need to continue to comply with the statutory limit.

5.0 Implications

Financial Implications

- 5.1 The cost of the Planning Committee meetings, reflecting the amount of Member time, but also the significant officer input to prepare, attend and administer a meeting are significant. The Councils existing staff and resources budgets cover these costs. The changes have not amended the frequency of Planning Committee meetings but reduced caseload of items at the committee meetings and made the investment of time and resources more effective. The national scheme of delegation does not introduce additional costs but indirectly supported ongoing work to increase impact and effectiveness the Councils and the Shared Planning Service.

Staffing Implications

- 5.2 There are no staffing implications arising from this report.

Equality and Poverty Implications

- 5.3 An Equality Impact Assessment (EQIA) has not been undertaken in respect of this report, because no material changes are proposed to the fundamental operation of the Committee meetings.

Environmental Implications

- 5.4 None.

Procurement Implications

- 5.5 None.

Community Safety Implications

- 5.6 None.

Legal Implications

- 5.7 The introduction of the National Scheme of Delegation requires the Council's local Scheme of Delegation to be reviewed and updated to ensure consistency with the new legislative framework. Approval of the revised Scheme will provide clarity regarding the determination of matters that remain outside the scope of the national arrangements and help ensure decisions are taken in accordance with the appropriate delegated authority. Where any conflict arises between the local Scheme and the National Scheme of Delegation, the national provisions will prevail.

6.0 Consultation and Communication Considerations

- 6.1 No formal consultation has been undertaken in the preparation of this report.

7.0 Background Papers

- 7.1 Background papers used in the preparation of this report:
- Greater Cambridge Shared Planning Service Scheme of Delegation for Planning Committee
 - SI 2026 No.854 The Town and County Planning (Discharge of Local Authority Functions) (England) Regulations 2026

- Statutory guidance Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England. Published 1 June 2026.

8.0 Report Author

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9.0 Appendixes

Appendix 1 – National Scheme of Delegation of Planning Functions, Schedule 1 and Schedule 2 applications

Appendix 2 – Proposed GCSP Scheme of Delegation

Appendix 1 - National Scheme of Delegation of Planning Functions

Schedule 1

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 use 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

Schedule 2

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)