
Implementation of New National Scheme of Delegation

Decisions to be taken by:

Planning and Development Control Committee
2nd September 2026

Council
17th September 2026

Lead director/officer:

PDCC: Andrew L Smith, Director of Planning,
Development and Transportation

Council: Kamal Adatia, Monitoring Officer

Useful information

Ward(s) affected: All

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Version: 1

1. Summary

- 1.1 From 31 October 2026 all Councils shall be bound by a new National Scheme of Delegation that will replace local arrangements. Applications are to be categorised either as Schedule 1 applications (have to be delegated to officer level) or Schedule 2 applications (applications that are presumed to be delegated unless specific criteria are met). Additional provisions are required for 'Own Interest' applications (Council/Council Officers/Member applications).
- 1.2 This report sets out the proposed response to these requirements and our proposed arrangements for handling Schedule 2 and Own Interest applications. The overall approach seeks to align as closely as possible to the current local Scheme of Delegation (attached at Appendix 1) currently in operation.
- 1.3 In order to comply with the new legislative requirements, the Constitution will need to:-
 - include a legally compliant Scheme of Delegation including confirmation of nominated officers and members
 - include updated Good Practice Guidance on how the new arrangements should be implemented
 - include provision to align with the new national limit on the size of Planning Committees to a maximum of thirteen Members.
- 1.4 For the avoidance of doubt, the Council's Scheme of Delegation for planning decisions should adhere to the new National Scheme of Delegation. Within Leicester City Council's Constitution, those delegation arrangements are contained within the Terms of Reference of the Planning and Development Control Committee. The proposed constitutional amendments therefore revise the Committee's Terms of Reference so as to incorporate the amended Scheme of Delegation set out in Appendix 2.

2. Recommended actions/decision

For Planning and Development Control Committee:

- I. To consider the proposals set out in this report and make comment for Council's consideration

For Council:

- I. To comply with the National Scheme of Delegation and Planning Committee requirements, approve the following amendments to the Constitution:
 - a) Insert the new provisions, explanatory text and Scheme of Delegation as set out in Appendix 2 of this report into Part 3 of the Terms of Reference within the Constitution

- b) Replace the existing Good Practice Guidance with the new Good Practice Guidance set out in Appendix 3 of this report into the Constitution
- c) Other minor and consequential amendments to the Constitution.

3. Scrutiny / stakeholder engagement

- Member received Training on Planning- May/June 2026
- As this is a legislative requirement, no further stakeholder engagement undertaken

4. Background and options with supporting evidence

4.1 Planning Committees play a critical role in maintaining public trust and ensuring local democratic oversight within the English planning system. Planning Committees remain central to transparent, consistent, and high-quality decision-making.

4.2 In the King's Speech in 2026, the Government announced that it would modernise the way Planning Committees operate to best deliver for communities and support development. To achieve this, the Government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to:

- a) give a new power to 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
- b) give a new power to the Secretary of State to control the size and composition of Planning Committees
- c) impose a new requirement for Members of Planning Committees to be trained, and certified, in key elements of planning

4.3 The measures in the Act are enabling powers, with the detailed provisions to be set out in subsequent Regulations. In May 2025 the Government launched consultation to seek views on what detailed provisions should be included in the Regulations.

4.4 On the 26th March 2026 guidance was published to support Local Planning Authorities (LPAs) implement the changes in (a) and (b) above by the Autumn, anticipated to be no later than the 30th September 2026.

4.5 On the 1st June 2026 additional guidance was issued to confirm the required **implementation date of 31st October 2026**.

4.6 For clarity, this will mean any planning application decisions made by a Local Planning Authority on and beyond 31st October 2026 must be determined under the new legislative requirements and this report aligns the Council's Constitution in this respect.

Paragraphs 4.7- 4.30 detail the changes proposed:

4.7 In summary, the National Scheme of Delegation aims to improve clarity and consistency in planning decisions by ensuring Planning Committees focus on significant proposals, while routine or technical decisions are handled by Planning officers.

4.8 Under powers in the Town and Country Planning Act 1990 (TCPA 1990), the Secretary of State has introduced the 2026 Regulations, which:

- Require certain applications to always be decided by officers (Schedule 1).
 - Presume most other applications (Schedule 2) will be decided by officers unless they meet specific criteria (as part of the “Gateway Test”)
 - Allow referral to a Planning Committee only if both a nominated officer and Committee Member agree.
- 4.9 For completeness and reference, the current Scheme of Delegation adopted in June 2021 is set out at **Appendix 1** to this report.
- 4.10 **Appendix 2** sets out the proposed changes to the Terms of Reference by adopting a new national Scheme of Delegation.
- 4.11 **Appendix 3** sets out the associated Good Practice Guidance with track changes which also includes minor inconsequential textual amendments and clarifications with regards to voting procedures and recording mandatory training.
- 4.12 The main changes to the provisions relate to two new Schedules of application types set out by the Government as below:

Paragraphs 4.13 to 4.15 provides further details on Schedule 1.

- 4.13 **Schedule 1** of the Regulations sets out all the functions which must be delegated to officers in all cases (noting the Own Interest application provisions). These include a number of categories of applications for planning permission for:
- An application made under [section 17\(1\)](#) of the [Land Compensation Act 1961](#) (certificates of appropriate alternative development)
 - An application made under section 26H(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (certificate of lawfulness of proposed works)
 - A householder application
 - A minor commercial application
 - A minor residential application
 - An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission
 - An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle
 - In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—
 - (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);
 - (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations)
 - An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development) non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)

- An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development) certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)
- The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990
- A reserved matters approval application in respect of an outline planning permission other than a large outline permission
- An application made under [article 27 \(1\)](#) of [DMPO](#) (applications made under a planning condition)

4.14 However, the application will fall within Schedule 2 where:

- a local authority considers that a Schedule 1 application for planning permission is connected to a Schedule 2 application, or
- an application would otherwise fall under Schedule 1 but is made (whether or not jointly with any other person) by or on behalf of a Local Authority, a Member or an officer (as defined) of that Local Authority or an entity owned or controlled (whether wholly or partly) by that Authority or any of its Members or officers, or
- in the view of the Nominated Member and the Nominated Officer, the Authority or any of its Members or officers have a Disclosable Pecuniary Interest, or prejudicial Other Disclosable Interest.

4.15 The majority of the above applications are currently determined by officers under delegated powers. The key change proposed is that there is no ability for Members to call in Schedule 1 applications or for officers to refer such applications to Planning Committee even where they have generated significant local interest (previously six objections or via Councillor call-in).

Paragraphs 4.16 - 4.18 provide further details on Schedule 2

4.16 The functions that fall within **Schedule 2** of the Regulations are:

- applications for planning permission not listed in Schedule 1
- An application for listed building consent made under section 10(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (making of applications for listed building consent)
- An application made under section 19(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (variation or discharge of conditions of listed building consent)
- applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990)
- An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission
- An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)

- (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—
 - (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);
 - (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).
- applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- A reserved matters approval application in respect of a large outline permission
- An application made under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)
- An application made under of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).

4.17 The Government's new overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. A function can be referred to a committee only where:

a) at least one of the criteria in Regulation 5(2) (set out in para 4.19 below) is met **or** it is an application made by or on behalf of a Local Authority, a Member or officer (as defined) of that local authority or an entity owned or controlled (whether wholly or partly) by that Authority or any of its Members or officers ('own interest applications') or is an application in which a Member or officer has a relevant "interest" (as defined); and

b) the Nominated Officer and Nominated Member of the Planning Committee both agree to the referral.

4.18 Nominated officers and nominated Members should make every effort to reach agreement on which cases should be referred to Planning Committee. However, where agreement is not possible, the case must be delegated to officers by default.

4.19 Criteria which must be met before a case can be considered for referral:

In determining whether a referral is made, the Government presumption is that decisions are delegated to officers and should only exceptionally be referred to Planning 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

4.20 The Government advises that applications for development which do not raise a significant planning matter (criterion B) 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, thus providing an opportunity for local democratic oversight where necessary.

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

- The proposal broadly complies with local plans and national policy
- where a specific planning matter 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)

4.22 Own Interest Applications:

Where applications (whether they fall under Schedule 1 or 2) are made by the Authority itself or an officer (as defined) 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, or is an application in which a Member or officer has a relevant “interest” (as defined) it may be appropriate for some applications to be referred to a Planning Committee even if they do not raise any significant planning, economic, social or environmental issues. These cases can be referred to the Committee with the agreement of both the Nominated Officer and Nominated Member.

4.23 Treatment of reserved matters applications

The guidance states that the government recognises that in some cases outline planning applications may relate to large scale phased development taking place over many years. As such each reserved matters application can represent substantial development in its own right, and may, in some cases, merit Committee scrutiny. For this reason, as set out above, the Regulations distinguish between those reserved matters applications which relate to phased outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

4.24 The default position with decision making with Schedule 2 applications remains delegated; however, if Schedule 2 applications meet at least one of the thresholds set out in 4.19 (A) and (B), or if it is an Own Interest application, then the application would be subject to the ‘Gateway Test’. This is explained further below.

Sections 4.25 to 4.30 details the process and governance:

4.25 In order to implement an appropriate process, detailed guidance is set out in the revised Good Practice Guide at Appendix 3 of this report. The process will be implemented by the following Nominated Officers/Members:

Nominated Officer

The Head of Planning or the Director of Planning, Development and Transportation. In their absence, substituted by a Group Manager of the Planning Service.

Nominated Member

The Chair of the Planning and Development Control Committee or, the Vice Chair. In their absence a substitute Member drawn from the Planning Committee nominated by the Chair.

4.26 Schedule 2 introduces a structured filter for potential Committee involvement, but **delegation to officers remains the default unless clearly justified**. A record of the cases the Nominated Officer and Nominated Member have considered for referral and outcome of their decisions will be retained and published by Governance Services. These outcomes will also be reported to PDCC and made available on the Council's website.

4.27 Proposed Approach for Triaging Schedule 2 Submissions

The volume of Schedule 2 applications is significant and therefore arrangements need to be made to practically manage the volume of submissions considered by the Nominated Member and Nominated Officer. Noting the overall presumption to delegate decisions to officers, and the criteria set out in the legislation, it is proposed that officers apply the criteria (as set out in the new Good Practice Guidance) after the close of the publicity period of relevant schedule 1 (those identified in paragraph 4.14 above) and all Schedule 2 applications. This criteria is aligned with the current Scheme of Delegation in that Schedule 2 applications which attract six or more objections, or referral requests from Councillors giving a clear planning reason for determination by Planning Committee. Those applications which trigger potential for Planning Committee will fall to be considered as part of the Gateway Test by the Nominated Officer and Nominated Member.

4.28 Proposed Approach for Gateway Test

Currently Planning and Development Control Committee meets every three weeks. It is intended to hold the Gateway Test meeting between the Nominated Officer and Nominated Member on a similar three week cycle. As noted above, the outcome of the Gateway Test meetings will be recorded and reported accordingly.

Section 10 of the revised Good Practice Guidance sets out the detailed procedures to be applied in the Gateway Test.

4.29 Size of Planning Committee

An additional legislative change required is that the make-up of Planning Committee should not exceed 13 Councillors. At present, the Council's Constitution does not specify the number of constituent Members, however the legislation now places a restriction on maximum numbers and therefore this must be included in the Constitution. Note that for many years the Council's PDCC has comprised 11 Members as a maximum.

4.30 Enforcement Matters

The current scheme of Delegation includes provision for Member referral of Enforcement matters in certain circumstances. This provision has not been used for many years. As the determination of pursuing Enforcement cases is not solely based upon material planning considerations but has also to be founded upon legal and evidential requirements the provision is not considered to be appropriate for Member determination and is proposed to be removed.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no direct financial implications arising from this report.

Signed: Stuart MacEvoy

Dated: 11th August 2026

5.2 Legal implications

The new National Scheme of Delegation comes into effect on 31 October 2026. The Council is required to comply with the new national scheme and the constitutional changes set out in this report are required to ensure the Council's compliance. Failure to comply with the new scheme may give rise to potentially invalid decisions or decisions that could be judicially reviewed or challenged on appeal.

Signed: Zoe Iliffe, Principal Lawyer (Property Highways & Planning)

Dated: 19/8/26

5.3 Equalities implications

Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED) which means that, in carrying out their functions they have to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The report sets out amendments to the Council's Scheme of Delegation and associated guidance to reflect new national planning requirements. The changes are procedural and are not expected to have a disproportionate impact on any protected characteristic group. Planning decisions will continue to be made in accordance with statutory requirements, with decisions based on material planning considerations. Any future procedural changes arising from the implementation of the new arrangements should be monitored to ensure they do not create unintended barriers to participation or disadvantage for any protected group.

Signed: Surinder Singh

Dated: 13th August 2026

5.4 Climate Emergency implications

The report concerns amendments to the Council's Constitution and planning decision-making procedures to comply with new national legislation. It does not introduce changes to planning policy or directly affect carbon emissions, energy use, climate resilience or the Council's Climate Emergency commitments. Climate change considerations will continue to be assessed as part of the determination of planning applications through the application of national and local planning policy. Applications raising significant environmental issues may still be referred to Planning Committee under the proposed Gateway Test arrangements. Therefore, no significant direct climate change implications are considered to arise from this report.

Signed: Phil Ball

Dated: 14/08/2026

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers:

N/A

7. Summary of appendices:

Appendix 1 – Current Scheme of Delegation

Appendix 2 – Changes to the Constitution Terms of Reference

Appendix 3 – Good Practice Guidance with track changes

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No as the proposals are procedural and follow government legislation requirements.