

Open consultation

Planning committee reform: statutory consultation on draft Regulations and guidance

Published 26 March 2026

Applies to England

Contents

1. [Scope of the consultation](#)
2. [How to respond](#)
3. [Introduction](#)
4. [Draft regulations](#)
5. [Approach to Reserved Matters Applications on phased outline permissions](#)
6. [Draft guidance](#)
7. [Implementation](#)
8. [About this consultation](#)
9. [Personal data](#)

Print this page

Scope of the consultation

This statutory consultation seeks views on the draft Regulations and guidance underpinning our planning committee reforms from the Planning and Infrastructure Act 2025.

It covers the following areas:

- delegation of planning decisions to officers
- the size of planning committees

Geographical scope

These proposals relate to England only.

Impact assessment

We have undertaken an impact assessment through the passage of the parent Act which can be found online: [Planning and Infrastructure Act 2025 publications - Parliamentary Bills - UK Parliament](#).

Body responsible for the consultation:

Ministry of Housing, Communities and Local Government.

Duration

This consultation will last for 4 weeks from 26 March 2026.

Enquiries

For any enquiries about the consultation,
email: planningcommittees@communities.gov.uk

How to respond

You can respond by completing [the online survey](#)

Alternatively you can email your response to the questions in this consultation
to: planningcommittees@communities.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:

Planning Development Management
Fry Building
2 Marsham Street
London
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)
- an address (including post-code)
- an email address
- a contact telephone number

Introduction

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.

2. In the King's Speech, the government announced that it would modernise the way planning committees operate to best deliver for communities and support much needed development. To achieve this, the government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to:

- 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
- give a new power to the Secretary of State to 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. 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 [a public consultation](#) to seek views on what detailed provisions should be included in the regulations.

4. This consultation reinforced the importance of planning committees as a fundamental part of local democratic accountability. The consultation stated that planning is inherently a local activity and should reflect the views of residents and communities. However, it also highlighted that there was significant variation in how committees currently operate across England, which can create inconsistency, delay, and inefficiencies.

5. To address this, we have consulted on proposals to reform the way planning committees work including the introduction of a national scheme of delegation, introducing clear rules on committee size, and introducing mandatory training for committee members to ensure consistent professional standards. Our [government response to that consultation](#) has now been published.

In summary:

- in general, respondents were in favour of the proposals for a tiered approach to the national scheme of delegation which would allocate types of applications as being always delegated to officers (Tier A), or being able to be brought to committee subject to a gateway test (Tier B)
- we received a variety of feedback on the technical issues related to Tier A and Tier B which we have reflected on in the preparation of these draft regulations
- we also received feedback on the size of planning committees, including practical points on those councils with a wide range of political representation

- we received a range of views on the implementation of mandatory training which we will continue to consider following the implementation of reforms to the national scheme of delegation and the size of committees

6. We propose to bring forward the regulations and statutory guidance for a national scheme of delegation and size of planning committees so that the reforms will be in place by the end of September.

7. There is a statutory requirement to consult on both draft regulations and guidance under section 319ZZE (6) of the Town and Country Planning Act 1990. This statutory consultation seeks views on the technical detail and drafting of the regulations and guidance which reflect these principles and supports LPAs in delivering planning decisions that are transparent, accountable and community focused.

Draft regulations

8. Our draft regulations make provision for the national scheme of delegation and the size threshold for committees in England.

9. Regulation 1 sets out geographic extent, citation and commencement details of the Regulations. Regulation 2 sets out definitions of how terms used in the regulations should be understood. Regulation 2 also sets out restrictions on limiting officer discretion where applications have been delegated to officers and arrangements for joint committees where local planning authorities have made such arrangements.

10. Regulation 4 requires decisions on types of applications that are set out in Schedule 1 of the Regulations to be delegated to officers. (Tier A under the previous consultation).

11. Regulation 5 gives local planning authorities the ability to refer decisions on the types of application that are set out in Schedule 2 to a committee, subject to the nominated officer and nominated member agreeing to this (Tier B under previous the consultation). In their agreement they must have concluded that the proposal raises:

- one or more issues of economic, social or environmental significance to the local area
- one or more significant planning matters having regard to the development plan and any other material consideration

12. Regulation 5 also sets out that where a local planning authority has not made such arrangements to refer an application to a committee, it must be determined by an officer. In considering whether to refer an application, the relevant officer and relevant member must have regard to guidance issued by the Secretary of State.

13. Regulation 6 sets out the procedure for linked persons applications – which are applications made by the authority itself, or a member or officer of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers. In these circumstances the nominated member and the nominated officer may refer the application to the committee. There is no need to have regard to the gateway test in Regulation 5 in this determination.

14. Regulation 7 sets out that committee discharging a function in Schedule 2 of the Regulations must be capped at 13 members.

Schedule 1 (Tier A)

15. Schedule 1 sets out the list of types of applications that must in all circumstances be delegated to officers. These includes applications for planning permission for householder, minor residential and minor commercial development, as well as a number of supplementary and technical consents such as discharge of conditions, reserved matter approvals (for non-phased development), lawful development certificates, and non-material amendments.

Schedule 2 (Tier B)

16. Schedule 2 sets out the list of types of applications that may be referred to a committee subject to the circumstances set out in Regulation 5 and must be delegated to an officer where those circumstances have not been met. These include other applications for planning permission not in Schedule 1, reserved matters approvals for phased development, variations of permissions, and special controls such as listed building and tree preservation order consents.

Questions

17. As the regulations are largely implementing the proposals consulted on during the passage of the Planning and Infrastructure Act 2025, we are particularly interested on views about the details and drafting of the regulations to ensure they are effective. We have set out one open ended question to gather views.

Question 1

Do you have any comments on the draft Regulations

Whilst comments on the specific details of the regulations are covered below Three Rivers DC remain concerned about their implications in terms of removing local democratic oversight of a number of planning applications and weakening local democracy. Maintaining strong and professional relationships between Officers and Members is key but this approach could result on a breakdown of these relationships, including between members of the Planning Committee, given the powers now being given to the nominated officer and nominated member. In addition, the new regulations are likely to place nominated Officers and Members

under additional resource burden with expected scrutiny and local challenge to how they have made their decisions on 'significant' impacts and 'local area' (as examples).

In respect of the wording of the regulations, it is our view that Para 4 of Schedule 2 should relate to "An application for planning permission or for reserved matters", and Para 11 of Schedule 1 deleted, for the reasons set out in our response to question two.

How should local authorities deal with applications which relate to the development of land directly adjacent to land owned by a member or officer of that authority. At present, we would take those applications to committee because of the potential perception of bias that could occur.

The draft regulations are silent about transitional arrangements, ie when an application has been called-in to committee under the current constitution, but the decision is not made until a time after the draft regulations are brought into effect.

The regulations should require the Gateway Test to be undertaken within a specific time period following the registration/validation of the application – to save any situation where a call-in is instigated last minute, at a time where Officers are prepared to determine under delegated powers. Our current constitution requires any call-in to be made during the application's consultation period.

There is reference to S191 and 192 certificates but not Certificate of Lawfulness for Listed Buildings.

It is unclear how Advertisement applications could ever pass the gateway tests and therefore why they appear in Schedule 2.

Approach to Reserved Matters Applications on phased outline permissions

18. Most applications for reserved matter approvals will be in Schedule 1 reflecting the fact that the principle of development has already been established at the outline stage and that delegation to officers can speed up decision making.

19. Our original consultation was silent on the specific issue of reserved matters applications on phased development, instead proposing that all reserved matters would always be delegated. However, numerous responses to our previous consultation expressed a view that when it comes to large-scale multi-phase developments, where development takes place over many years and in some cases decades, the scale and impact of reserved matters applications for individual phases

could justify committee consideration in some circumstances. We are therefore proposing an alternative approach in our draft Regulations to Reserved Matters applications on phased outline permissions, placing them in Schedule 2.

20. As a result, this type of application would be presumed to be delegated unless referred to a committee via the gateway test set out in Regulation 5. As per our approach to other applications in Schedule 2, there would be a strong expectation that the vast majority of phased reserved matters applications would be delegated, in line with our statutory guidance, unless the gateway test was met.

21. We welcome views on our proposed approach, which differs from the original consultation proposal to delegate all reserved matter applications, including whether the gateway test is sufficient to ensure that the vast majority of phased reserved matters applications would be delegated or whether alternative thresholds should apply to such applications to specify those that should always be delegated – for example, should there be a size threshold in relation to the scale of outline permission to determine whether a phased Reserved Matters application would be in Schedule 2, and therefore in scope of committee consideration, or in Schedule 1, and therefore delegated in all circumstances.

Question 2

Do you agree with our proposed approach to phased reserved matters applications? If not, do you think we should return to the original position of reserved matters on phased development being delegated in all circumstances or should we instead consider delegating certain types of phased reserved matters applications?

Para 18 states “*Most applications for reserved matter approvals will be in Schedule 1 reflecting the fact that the principle of development has already been established at the outline stage*”. However, this does not take into account that these applications might only deal with the principles of the development, with none of the five ‘reserved matters’ provided in any detail. Therefore, there would have been no agreement to the access, appearance, landscape, layout or scale of the development. It does not seem to be consistent that these reserved matters, for a major development which is not phased, can only be determined under delegated powers when a full/detailed application for a major development of an identical nature would under Schedule 2 be capable of being called to committee. As one example, if outline permission is granted with all matters reserved for a major industrial development, the reserved matters would show the layout of the buildings but could not be determined by committee. Compare this to a full application for a major industrial development that includes the layout – that application could go to committee. Both are considering the layout of the development, and therefore its appropriateness in the context of an area, and its wider impacts (positive and negative). The proposal will encourage the use of more outline applications followed by reserved matters, silent on phasing, to avoid committee. This may lead to an increase in the number of applications being submitted, lengthening the time period before works can begin for the sake of

attempting to avoid a committee hearing. It is our view that Para 4 of Schedule 2 should relate to “An application for planning permission or for reserved matters”, and Para 11 of Schedule 1 deleted. The draft guidance states ‘*Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers.*’ Reserved matters applications following outline applications are key proposals that matter to areas, regardless of whether they are phased or not – how the schemes are implemented is not relevant. What is relevant is the extent of development proposed and how it will impact the area. This is why any major reserved matters scheme should be within Schedule 2.

Draft guidance

22. This statutory guidance sets out in further detail what local planning authorities should have regard to when implementing the national scheme of delegation.

23. In addition to explaining the Regulations, it sets out additional detail on the gateway test in Regulation 5, and how this should be interpreted. In particular, it sets out how local planning authorities should interpret the two limbs of the gateway test in relation to matters of economic, environmental or social significance, and that where applications are in accordance with site allocations these should not be considered to raise significant planning matters and should not be referred to committee in line with the gateway test. The guidance also provides expectations around transparency, record keeping, and committee size limits.

Questions

Question 3

Do you have any comments on the draft guidance?

The guidance should require the call-in process to take place within a set time period from the validation of the planning application, to avoid last-minute requests to call in which could delay decisions where they are prepared on the basis of a delegated decision. Our current constitution requires any call-in to be made during the application’s consultation period.

There needs to be clearer guidance on how triaging should work – Should LPA Officers triage all schedule 2 submissions, with its associated resource burden or is it acceptable to have a local ‘call in’ procedure which just identifies those schedule 2 applications to be considered under the ‘Gateway Test’ We do not disagree with the process – but it should be made clear whether we need to expressly triage schemes, with a written audit trail as to why they are/are not called in. In the absence of this, we have concerns about judicial review risk when there is disagreement about the decision making process used. This will take more LPA time and resource, and delay decisions. A centrally defined way to achieve this would be preferred, as this should

help to reduce the challenges LPAs may otherwise face from interested parties through formal complaints procedure or judicial review.

Will there be guidance in respect of how the chosen route might be challenged by third parties? For example, could they use judicial review or is this not appropriate/possible?

How would you define a 'significant' planning matter, and/or the 'Local Area' at para 19 of the draft guidance.

It is not clear how change of use applications fall into the guidance or schedule 1 or 2. Are change of use applications always minor (ie not major) and therefore always schedule 1? They are minor but they might not relate always to commercial or residential development.

Para 24 – Reserved Matters applications can represent substantial development even if not phased, so the phased approach is not supported.

Implementation

24. Further to this statutory consultation and the consideration of any responses we will look to lay the regulations in draft for consideration by both Houses of Parliament in Spring.

25. We are looking to set a date to bring the regulations into force from 30 September 2026. This will allow time for local authorities over the summer to make arrangements, such as amending their constitutions, so that planning committees comply with the regulations.

26. During this period, the Planning Advisory Service will be providing practical training and support to local planning authorities with the implementation of these reforms.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK

data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk or by writing to the following address:

Data Protection Officer,
Ministry of Housing, Communities and Local Government,
Fry Building,

2 Marsham Street,
London
SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share [special category](#) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

There is a legal duty for us to consult on the draft regulations and guidance, as set out in section 54 of the Planning and Infrastructure Act 2025.

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by MHCLG of a task in

the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

MHCLG may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@communities.gov.uk or

Knowledge and Information Access Team,
Ministry of Housing, Communities and Local Government,
Fry Building,
2 Marsham Street,
London
SW1P 4DF

7. Your personal data will not be sent overseas.

8. Your personal data will not be used for any automated decision making.

9. Your personal data will be stored in a secure government IT system.

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for 2 years before it is deleted.