

Divisions Affected – All

PLANNING AND REGULATION COMMITTEE

21 SEPTEMBER 2026

NATIONAL SCHEME OF DELEGATION OF PLANNING FUNCTIONS

Report by Director of Law and Governance

RECOMMENDATION

1. The Committee is RECOMMENDED to:

- a) Delegate implementation of the arrangements necessary to comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the “Regulations”) to the Director of Law and Governance in consultation with the Director of Economy and Place
- b) Appoint the Chair of Committee and the Deputy Chair of Committee to act as nominated Members for the purposes of Regulations 5 and 6 of the Regulations
- c) Appoint the Planning Development Manager and the Planning Applications Team Leader as nominated officers for the purposes of Regulations 5 and 6 of the Regulations
- d) Note that the Constitution will be amended by the Monitoring Officer to reflect the requirements of the Regulations

Executive Summary

- 2. This report summarises the changes brought about by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and invites Members to delegate implementation of arrangements for compliance with the National Scheme of Delegation to the Director of Law and Governance in consultation with the Director of Economy and Place.
- 3. The Regulations bring about reform of the operation of Planning Committees in England and introduce a mandatory national scheme of delegation setting out a framework for which planning applications will go to Committee for determination and which will be determined by officers.
- 4. The Regulations enable local planning authorities to appoint a nominated Member and a nominated officer who can decide whether to refer an application for planning permission to Committee if they agree that the application raises an issue of economic, social or environmental significance to the local area, or

raises a significant planning matter. The report recommends that the Committee appoint nominated Members and nominated officers.

National Scheme of Delegation of Planning Functions

5. Following public consultation in 2025 and early 2026, new regulations were made on 15th July 2026 bringing about reform of the operation of Planning Committees in England. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 take effect on 31st October 2026 and introduce a mandatory national scheme of delegation setting out a framework for which planning applications will go to Committee for determination and which will be determined by officers.
6. The National Scheme of Delegation splits applications into two schedules which are set out in detail in Annex 2. Schedule 1 applications must be delegated to officers to determine, while there is a presumption that Schedule 2 applications will be delegated to officers to determine unless the nominated officer and nominated Member (see paragraphs 9 and 10 below for more details) agree that the application should be referred to committee for determination on the basis that it meets at least one of the following criteria:
 - (a) it raises one or more issues of economic, social or environmental significance to the local area, or
 - (b) it raises one or more significant planning matters having regard to the development plan and any other material considerations
7. In terms of the role of the Council as minerals and waste planning authority, all applications for planning permission will be Schedule 2 applications. Various other applications, including applications for non-material amendments, for lawful use certificates and to discharge conditions will be Schedule 1 applications and will have to be determined by officers.
8. There are additional provisions for applications described in the Regulations as “own interest applications”, such as the planning applications for roads, schools and children’s homes submitted and determined by the Council, often at Committee.
9. Guidance was issued by the Ministry of Housing, Communities and Local Government on 1st June 2026 to support local planning authorities in implementing the new Regulations. That guidance is set out in Annex 1. The Regulations make clear that this guidance must be taken into account when operating or making arrangements required under the Regulations.
10. The guidance recognises that there may be cases where, in the interests of transparency and public accountability, it is appropriate for “own interest applications”, irrespective of whether they are in Schedule 1 or Schedule 2, to be referred to Committee for determination without the need to apply the criteria set out in paragraph 4 above. Decisions on whether to refer such applications to Committee would again be made by the nominated officer and nominated Member.

11. The Regulations state that planning authorities may nominate a Member of the authority to act as the nominated Member and an officer of the authority to act as the nominated officer and also provide for substitute nominated Members and nominated officers. The guidance indicates that the nominated officer should be an officer who has extensive professional planning experience and that the nominated member should be the Chair of Committee or the Deputy Chair.
12. Officers consider that the nominated officer should be the Planning Development Manager and if they are not available or have a conflict the Planning Applications Team Leader. In line with the guidance, officers consider that the nominated Member should be the Chair of Committee and, if they are not available or have a conflict, the Deputy Chair.
13. It is open to the Committee to allow the nominated officer to decide which Schedule 2 applications should go to the nominated officer and the nominated Member to jointly apply the criteria and decide whether the application should go to Committee or be determined by an officer and which applications are clearly appropriate for officers to deal with and should just be determined by the officers. That is in line with current practice, though the criteria applied are different. Officers recommend the continuation of this approach so that not all Schedule 2 applications go for a joint decision.
14. The guidance states that the local planning authority should keep a record of the cases the nominated officer and nominated Member have considered for referral to Committee, the outcome of their consideration and the reasons for their decision. They should report this to the Planning Committee on a regular basis and make it available on their website.

Size of Committee

15. The Regulations state that a Planning Committee must not comprise more than 13 Members. The Planning and Regulation Committee currently has 12 Members and so that does not contravene this requirement.

Corporate Policies and Priorities

16. The actions identified in this report are needed to implement regulations introduced by the Secretary of State for Housing, Communities and Local Government.

Financial Implications

17. There is no budget required to implement the changes to the scheme of delegation for Planning and Regulation Committee.

Legal Implications

18. Under the Town and Country Planning Act 1990, the Council is a local planning authority and has responsibility for minerals and waste planning matters. Accordingly, the Council must comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 as regards the operation of its Planning and Regulation Committee and apply the mandatory national scheme of delegation.

Staff Implications

19. The new regime will provide for more planning applications to be determined by officers and this should reduce the officer time spent handling this aspect of applications.

Equality & Inclusion Implications

20. The Regulations are mandatory for Local Authorities to implement. Should an equality impact assessment be required it should have been carried out by the Ministry of Housing, Communities and Local Government (MHCLG) but there do not seem to be any equality or inclusion implications arising from the legislation.

Local Government Reorganisation Implications

21. The three new unitary Councils will need to make their own arrangements for implementing the Regulations.

Sustainability Implications

22. The impact assessment published by the MHCLG alongside the Regulations states: There is expected to be an overall negative environmental impact from the embodied carbon in additional housing units encouraged by easier planning processes. The greater energy efficiency of new housing supports commitments to decarbonise and helps to minimise the carbon impact of additional housing.

Risk Management

23. Provided that the Regulations are implemented as required there should be no risk to the Council.

Consultations

24. No consultation is needed by the Council. Consultation was carried out by the MHCLG prior to the Regulations being made.

Anita Bradley
Director of Law and Governance and Monitoring Officer

Annex 1: Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England published 1 June 2026.

Annex 2: Extract setting out applications described in Schedules 1 and 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Background papers: Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

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