

Corporate Governance Committee – 17th June 2026
Council – 15th July 2026

Report by: Clara Kerr, Head of Planning, Infrastructure & Public Protection. (Chief Planning Officer)

Lead Cllrs: Cllr Liam Dewey-Beckett
Executive Councillor for Governance & Democratic Services.
Cllr Sanderson
Executive Councillor for Planning



Wards	Open / Exempt	Key Decision?
All	Open	Yes

Variation to Part 3 of the Constitution – Responsibility for Functions: Adoption of National Scheme of Delegation of Decisions on Planning Applications.

Executive Summary: This report sets out recommendations for the Corporate Governance Committee to endorse and Full Council to approve a variation to Part 3 – Responsibility for Functions of the Council’s Constitution to reflect recent statutory changes to the planning system, particularly the introduction of a National Scheme of Delegation (NSoD) and revised limits on Planning Committee size. It also highlights the broader context of national planning reform, local peer review recommendations, and Local Government Reorganisation, all of which support improving efficiency, effectiveness, and delivery of growth through planning decisions.

Currently, the Constitution defines a Development Management Committee (DMC) of 16 members and relies on a locally adopted Scheme of Delegation (2019) to determine which planning decisions are made by Officers versus the Committee. While consultation with town and parish councils, residents, and stakeholders will continue unchanged, new legislation removes their ability to automatically trigger committee consideration of applications. This change is expected to reduce the number of cases referred to committee while maintaining appropriate input into decision-making.

The Planning and Infrastructure Act 2025 introduces a statutory national framework requiring most planning decisions to be delegated to officers, with committees focusing only on significant or sensitive cases. The 2026 Regulations specify two categories: Schedule 1 (mandatory officer decisions, including minor

developments and routine applications) and Schedule 2 (larger or complex applications, still primarily officer-led but eligible for committee referral under strict criteria). Referral will now require agreement between a senior planning officer and the committee chair, replacing practices such as councillor “call-ins.”

These reforms aim to streamline processes, improve consistency, and support economic growth by accelerating decision-making. Evidence suggests a potential reduction of around 33% in applications requiring committee consideration, allowing resources to focus on timely and effective decisions.

The legislation also limits Planning Committee membership to a maximum of 13 members, reducing the Council’s committee size accordingly. Failure to adopt these statutory changes could expose the Council to legal risks, including judicial review, appeals for non-determination, and associated costs.

The proposals align with findings from the Council’s 2024 Planning Peer Review, which identified the current Scheme of Delegation as overly complex and inefficient. Implementing the NSoD is therefore both a legal requirement and an opportunity to modernise processes, support growth, and improve performance.

The report concludes that adopting these changes is essential, with implementation expected by the 31st October 2026, alongside a suggestion for a wider review of local delegation arrangements to ensure consistency, effectiveness and timeliness of decision-making.

Recommendations

The Corporate Governance Committee (CGC) is recommended:

- 1.1. To endorse a variation to Part 3 – Responsibility for Functions of the Council’s Constitution to reflect the changes required under the Statutory National Scheme of Delegation of Planning Functions due to come into force on 31st October 2026 (unless amended) to amend the membership of the Development Management Committee to reduce the size of the committee from 16 to 13 Members.
- 1.2. To endorse the delegated authority as set out in Article 15 of the Constitution for the Monitoring Officer to ensure the Constitution is amended to reflect the changes impacted by the National Scheme of Delegation of Planning Functions.
- 1.3. To endorse the recommendation to delegate any future amendments (where necessary) to the Constitution in line with the Planning and Infrastructure Act 2025, and any successor documents to the Head of Planning, Infrastructure and Public protection in consultation with the Council’s Monitoring Officer, Chair of Development Management Committee and Portfolio Holder for Planning.
- 1.4. To note the direction of travel as a result of the National Scheme of Delegation, in combination with the recommendations of the Planning Peer Review, and forthcoming structural change through Local Government Reorganisation; and consider how the Constitution Review Working Group wishes to consider, discuss and bring forward other amendments to the HDC Scheme of Delegation for Planning, and other Constitutional

changes relating to Planning matters; in the interests of improving efficiency and effectiveness of decision-making on Planning matters and Planning service delivery.

The Council is recommended:

- 1.1 to approve the necessary variation to Part 3 – Responsibility for Functions of the Council’s Constitution to reflect the amendment to the membership of the Development Management Committee to reduce the size of the committee from 16 to 13 Members.
- 1.2 to approve the delegation of any future amendments (where necessary) to the Constitution in line with the Planning and Infrastructure Act 2025, and any successor documents to the Head of Planning, Infrastructure and Public protection in consultation with the Council’s Monitoring Officer, Chair of Development Management Committee and Portfolio Holder for Planning.

Key Corporate Plan Priorities

1 *Forward thinking Economic Growth*

2 *Doing our Core Work Well.*

Place Strategy Priorities

1 *Pride in Place*

2 *Inclusive Economy*

Report Author(s)

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Purpose of the report

The purpose of the report is to consider recommendations for the Corporate Governance Committee to endorse and Full Council to approve a variation to Part 3 – Responsibility for Functions of the Council's Constitution to reflect recent statutory changes to the planning system, particularly the introduction of a National Scheme of Delegation (NSoD) and revised limits on Planning Committee size. For the avoidance of doubt permissions exist for the Monitoring Officer to ensure the Constitution is amended to reflect the changes impacted by the National Scheme of Delegation of Planning Functions in line with the Planning and Infrastructure Act 2025.

The report also recognises the direction of travel by Government nationally in respect of Planning reform, and impacts that this has on the Council in respect of the operation of its planning-decision making functions; the recommendations of the Planning Peer Review; and Local Government Reorganisation; and note the desirability to bring forward other changes in the interests of improving efficiency and effectiveness of decision-making on Planning matters and Planning service delivery, and supporting the delivery of growth.

Background & context

- 1.1 In so far as it relates to planning decisions the Council's Constitution (Appendix 1) sets out the approach to the Development Management Committee at Part 3 – Responsibility for Functions. There is clear reference to a make-up of 16 members (including at least 1 member of the Cabinet) and defers to the Scheme of Delegation for Development Management Committee.
- 1.2 In October 2019 the scheme of delegation (SoD) was formally adopted (Appendix 2) by the Development Management Committee (DMC). The SoD sets out when planning decisions will be delegated to the Head of Planning, Infrastructure & Public Protection and when planning decisions should be referred to the Development Management Committee.
- 1.3 **For the avoidance of doubt, this does not alter engagement with consultees through the planning process** in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, including Town/Parish Councils, residents and businesses who play a valuable role in shaping development through their comments that will continue to be given due weight as part of the planning process in reaching a decision. This statutory change is limited to when applications will be referred to DMC, alongside the size of the committee. For example, Town/Parish Councils will still be able to comment on applications, and those comments will be considered, **BUT they will no longer have the ability to automatically trigger a DMC consideration of an application**. Where an application does reach DMC, in line with the new thresholds, Town/Parishes will be continue to be able to register to speak etc. This change is likely to have a significant effect in reducing the number of items referred to DMC. However, regardless of referral the comments of Towns and Parishes play a crucial role in the consideration of proposals and how they can integrate

with existing communities, including (but not limited to) conditions that should be considered in the event permission is granted such as design matters, alongside ensuring financial contributions and/or mitigation is secured via S106 contributions for matters such as off site highway works. .

- 1.4 The Government has been clear in its aspiration to support growth, and as a consequence has made clear its desire to bring forward significant reforms to the planning system aimed at supporting growth, accelerating housing delivery and promoting infrastructure development. Part of the proposed reforms include measures to streamline planning processes – reducing bureaucratic hurdles; and making changes to the Planning Committee system to encourage a greater degree of decision-making through Delegated Powers – the aims being to streamline process, increase approvals, and reduce uncertainty.
- 1.5 The Government has consulted on the introduction of a National Scheme of Delegation; and the size and make up of Planning Committees during 2025 and 2026. The Government’s aim is to ensure that there is greater clarity and consistency about the role of planning committees in decision-making – “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.”. By comparison the current system varies significantly across the Country, with each Council having its own arrangements and requirements.
- 1.6 Members may also wish to note that as part of the Councils own Peer Review of Planning undertaken in December 2024, with the report presented to DMC on the 19th May 2025 (Appendix 3); one of the areas identified for potential improvement was the operation of the Scheme of Delegation. With Recommendations 5 and 9G suggesting that revision of the Scheme take place to ensure that Planning Committee is focused on the most significant and controversial applications, as well as improving clarity and transparency. See paras 1.9 and 6.9 providing appropriate context; in particular it is noted that the Peers recommended that the threshold is too low, that the delegations are complicated, and these factors do not align with the Councils positioning in respect of supporting growth and encouraging investment:

“Development Management Committee (DMC), is the ‘shopfront’ of Huntingdonshire’s planning service and has an important role in making decisions on significant applications that enable growth and investment needed in Huntingdonshire. It is important that the Committee is allowed to focus on larger, controversial and complex planning proposals. To this end we recommend the current scheme of delegation (which is very complicated and sets an unusually low threshold for planning applications to be decided at DMC) is reviewed as soon as possible.”

- 1.7 The Planning and Infrastructure Bill 2025 received royal assent in December 2025 (Appendix 4). The purpose of the Bill is to improve prosperity and living standards through the restoration of economic stability and increased investment. To achieve this critical infrastructure and the delivery of new homes must be accelerated, which in turn require reforms to the planning system. The full suite of proposed amendments to the planning system is set out in Appendix 5.

The Bill introduces statutory changes to the Scheme of Delegation for planning decisions, with an expectation for them to be adopted within the Council's Constitution. This is to ensure that the procedure of decision making on planning applications is lawful and transparent, alongside being embedded within the efficient framework of governance of the Council.

1.8 The bill has 5 overarching objectives.

- a. Delivering a faster and more certain consenting process for critical infrastructure.
- b. Introducing a more strategic approach to nature recovery
- c. Improving certainty and decision-making in the planning system
- d. Unlocking land and securing public value for large scale investment
- e. Introducing effective new mechanisms for cross-boundary strategic planning.

1.9 This report will focus on C – Improving certainty and decision-making in the planning system. Section 54 of the Planning and Infrastructure Act 2025 made amendments to The Town and Country Planning Act 1990 to facilitate change. The Town and Country Planning (Discharge of Local Planning Authority Functions)(England)Regulations 2026 were also introduced. These changes relate to the national scheme of delegation functions and the size of planning committees.

WHAT IS CHANGING

1.10 On the 26th March 2026 guidance was published to support Local Planning Authorities (LPAs) implement the changes as set out in paragraph 2.3 by the Autumn, anticipated to be no later than the 30th September 2026. On the 1st June 2026 additional guidance was issued to confirm the implementation date of 31st October 2026. (Appendix 6)

1.11 The full guidance including Schedule 1 and Schedule 2 functions can be found at Appendix 6. 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.

1.12 Under powers in the Town and Country Planning Act 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 will be decided by officers unless they meet specific criteria or involve local authority interests.
- Allow referral to a planning committee only if both a nominated officer and committee member agree.

For matters not covered by the regulations, local planning authorities can decide their own delegation arrangements.

The scheme removes existing local practices such as councillor “call-ins” or automatic committee referrals based on objection numbers, requiring councils to update their constitutions to comply.

1.13 Schedule 1 of the Regulations lists planning functions that must always be delegated to officers. These include decisions on **smaller-scale developments**, such as householder applications, minor commercial schemes, and minor residential developments (up to 9 dwellings on sites under 0.5 hectares).

It also covers a wide range of **other routine planning matters**, including:

- Reserved matters approvals
- Discharge of planning conditions
- Prior approvals for permitted development
- Permission in principle
- Changes to planning obligations (s106)
- Non-material amendments
- Certificates of lawfulness (existing or proposed use)
- Biodiversity gain plan approvals
- Certificates of appropriate alternative development

However, some cases that would normally fall under Schedule 1 are instead treated under Schedule 2 if they involve:

- Linked listed building consent applications
- Retrospective applications (under section 73A)
- Applications submitted by or on behalf of the local authority or related bodies

In essence: Schedule 1 ensures that straightforward, lower-risk planning decisions are handled by officers, unless specific circumstances require escalation under Schedule 2.

Schedule 2 covers **all planning functions not included in Schedule 1**, typically involving more complex, sensitive, or higher-risk cases. These include:

- Full planning applications outside Schedule 1
- Applications to vary or remove conditions (section 73)
- Retrospective applications (section 73A)
- Reserved matters linked to outline permissions
- Modifications or discharge of planning obligations (s106)
- Listed building consent and related condition changes
- Advertisement consent
- Tree preservation order consent

- Any cases redirected from Schedule 1 (as described in paragraph 11)

Delegation and referral:

- The default position is that **Schedule 2 functions are also delegated to officers.**
- However, cases can be referred to planning committee **only if specific criteria are met**, including:
 - Meeting referral criteria in the regulations or involving the local authority; and
 - **Agreement between a nominated senior officer and the planning committee chair.**

By way of example, of the 54 applications presented to DMC between April 2025-March 2026 18 of those applications would be delegated in accordance with the National Scheme of Delegation. This represents a reduction of 33% of applications requiring preparation for referral to DMC meaning more time made available to focus on decision making and ensuring applications are determined within statutory timescales, thus improving performance and efficiency within planning, whilst allowing support services, such as democratic services and legal services to focus on wider council matters.

Process and governance:

- Authorities must nominate:
 - A **senior planning officer** (e.g. Chief Planning Officer)
 - A **planning committee chair (or equivalent member)**
- They should also ensure **backup arrangements** and may introduce **triage systems** to manage workload.
- If the nominated officer and member **cannot agree**, the decision **remains delegated to officers.**

Schedule 2 introduces a structured **filter for potential committee involvement**, but delegation to officers remains the default unless clearly justified.

As per paragraph 34 of appendix 6 the LPA should keep a record of the cases the nominated officer and nominated member have considered for referral and outcome of their decisions. That should be reported to the planning committee on a regular basis and make it available on their website.

1.14 Referrals to planning committee should be **exceptional**, with a strong presumption in favour of **officer delegation**. A case can only be considered for referral if **at least one statutory criterion is met**:

- **A:** The application raises a **significant planning issue** in relation to the development plan or other material considerations.
- **B:** The application raises a **significant economic, social, or environmental issue** for the local area.

Clarifications:

- Matters are **unlikely to be significant** if:
 - The proposal broadly complies with local plans and national policy (unless new issues arise).
 - Initial concerns from consultees have been resolved through amendments.
- Cases that don't meet criterion A can only be referred under **criterion B** if they still have wider local significance (e.g. major housing schemes, loss of community facilities, or changes to notable listed buildings).

Special cases:

- Applications involving the **local authority or its members/officers** may be referred to committee for **transparency**, even if they do not meet the criteria.
- However, strict **conflict of interest rules** apply:
 - Those connected to the application must not be involved in referral decisions.
 - Decision-makers must not be responsible for the land/building concerned.

1.15 Planning Committee sizes are also being amended by legislation. 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. For HDC that will see a reduction of 3 members on DMC.

CONCLUSION ON CHANGES

1.16 These are statutory changes as a result of legislation. The expectation is that Councils amend their Constitution (and Scheme of Delegation) accordingly to remove the potential for legal challenge to decisions made. **Refusal to adopt national changes does not absolve the Council for the need to comply with the changes.** Instead, this could give rise to challenges to the Council by way of appeals against non-determination of planning applications and or Judicial Reviews of decisions taken and thus see an increase in costs awarded against the council for unreasonable behaviour.

1.17 It is recognised that a number of changes are afoot including (but not limited) to those outlined in paragraph 1.9 (a, b, d, e), and in order to maintain pace with national statutory changes this report seeks delegations to make further amendments to constitution, where necessary, as remaining elements of the Bill come into force through 2026.

1.18 The NSoD aligns with the published Peer Review (appendix 3) insofar as

- It allows DMC to focus on more complex applications (Para 6.9)
- Is more strategic in its approach (Para 1.9)
- Overcomes concerns about unusually low threshold for referral to DMC (Para 6.9)

- It is transparent and raises threshold for referral (Para 1.9)

Notwithstanding that the Council has just gone through elections, and there is Local Government Reorganisation on the horizon, this is a change which must happen by virtue of legislative change. It does however align with other changes which may be brought forward, aligned with the national agenda relating to Planning Reform, but also those recommended as outcomes from the Peer Challenge and continued evolution of Council processes to reflect best practice and respond to opportunities which arise from transformation. Ultimately, these changes are considered to be beneficial in respect of supporting the Councils pro-growth and delivery focussed aspirations; and provide a balance between efficiency, effectiveness, local democracy and public interest. Further, and to ensure procedurally sound decision-making these national changes, coupled with the outcomes of the Peer Review suggest it is timely to review the local scheme of delegation for matters not addressed by the national scheme of delegation. This will avoid the possibility of conflicting advice arising through the course of decision making and will compliment the overall objectives of providing efficient and effective services as part of the Councils core business.

Alternative options considered & not recommended

- 1.19** As per paragraph 1.17 in the event members were not minded to support this statutory amendment this could give rise to a significant upturn in appeals for non-determination of applications or Judicial Reviews of the decision making process resulting in additional resource burden and financial cost to the Council. It is therefore recommended to formally adopt the national changes.
- 1.20** The national changes represent the minimum expectation in respect of changes; should the Council wish to go further, beyond that minimum, it is free to do so by amending its local arrangements. In the interests of efficiency at this time and embedding the new changes, opportunities to make wider improvements and changes have been limited. However, should Members wish Officers to include such changes, this could be delegated to the Head of Planning, Infrastructure & Public Protection in consultation with the Chair of DMC, and Portfolio Holder for Planning. Given there is alignment between the direction of travel at a national level, and the recommendations from the Peer Review; and in light of forthcoming LGR, such an approach would not be unreasonable and may unlock significant efficiencies to the decision-making process including savings on both Officer and Member time, and use of Council resources.

Post-decision implementation

- 1.21** This will be implemented in line with national expectation of 31st October 2026 unless further guidance is issued that would amend the timeline for implementation. Having regard to the concerns raised as part of the Peer Review of Planning services, as outlined at paragraph 1.7, namely that the existing threshold of applications to be referred to DMC under the current Scheme of

Delegation (SoD) is too low, coupled with the age of the SoD alongside the statutory National Scheme of Delegation, it is considered timely to commence a review of the local SoD to ensure alignment across legislation and local priorities without delays to decision making. .

IMPLICATIONS OF THE DECISION

1.22 Council Key Priorities and Performance

- Forward thinking Economic Growth
- Doing our Core Work Well.

Huntingdonshire Futures Strategy

- Pride in Place
- Inclusive Economy

1.23 Financial Implications

No immediate financial implications. However, in the event of an upturn in appeals and or Judicial reviews (JR) of planning decisions regard should be had to additional costs for resource to manage appeals and JRs alongside the risk of costs being awarded against the Council.

1.24 Policy Implications

N/A

1.25 Legal & Constitutional Implications

For the reasons set out in Section 2 of this report, this legislation will supersede the Scheme of Delegation as set out in the Council's Constitution. For matters not addressed by the National Scheme of Delegation the Council will apply the Scheme of delegation, as adopted until such time as it has been refreshed.

In the event it is not adopted it should be noted :

- Decisions may be ultra vires (beyond powers) or unlawful
- Increased likelihood of judicial review (JR) or statutory challenge
- Appeals more likely to be allowed due to reliance on outdated policy
- Potential for cost awards against the authority

1.26 Equality & Diversity Implications

N/A

1.27 Implications on Resources

In the event Council do not formally adopt the changes there will likely be an upturn in appeals meaning officers will have to prioritise appeal work in accordance with appeal deadlines above planning applications thus resulting in a delay to decision making with potential economic impacts.

BACKGROUND PAPERS– Local Government (Access to Information) Act 1985

1.28

Document List	Custodian	File Location
Appendix 1: HDC's Constitution	HDC	Constitution
Appendix 2: Planning Scheme of Delegation	Head of Infrastructure & Public Protection	Agenda for Development Management Committee on Monday, 14 October 2019, 7:00 pm - Huntingdonshire.gov.uk
Appendix 3 : Planning Peer Review	Head of Infrastructure & Public Protection.	Agenda for Development Management Committee on Monday, 19 May 2025, 7:00 pm - Huntingdonshire.gov.uk
Appendix 4: Planning & Infrastructure Bill	Government	Landmark Planning and Infrastructure Bill becomes law - GOV.UK
Appendix 5: Draft guidance on Planning Committees and National Scheme of Delegation	Government	Planning Committees and the National Scheme of Delegation of Planning Functions: Draft guidance for Local Planning Authorities in England - GOV.UK
Appendix 6: Statutory Guidance: Planning Committees and National Scheme of Delegation of Planning Functions; Guidance for local planning authorities in England	Government	Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK