

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
All

Open / Exempt
Open

Key Decision?
N/A

Change to Constitution: Adoption of National Scheme of Delegation of Decisions on Planning Applications

Executive Summary: Council is recommended to vary Part 3 – Responsibility for Functions of the Council’s Constitution to reduce the membership of the Development Management Committee from 16 to 13 Members. The recommended amendments to the Council’s Constitution 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.

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.”

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.

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. Failure to adopt these statutory changes could expose the Council to legal risks, including judicial review, appeals for non-determination, and associated costs.

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

The Corporate Governance Committee considered this matter at their meeting on 17 June 2026 and endorsed the recommendation set out below.

Recommendations

The Council is recommended to:

- 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.

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 for 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 under the Planning and Infrastructure Act 2025. The impact for the Council is to reduce the membership of the Development Management Committee from 16 to 13 Members.

Permission exists for the Monitoring Officer under Article 15, paragraph 1.2 of the Constitution 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.

Background & context

- 1.1 Article 15, paragraph 1.2 of the Constitution sets out delegation to the Monitoring Officer to make necessary amendments to the Constitution to reflect legislative change. In so far as it relates to planning decisions the Council's Constitution (Appendix 1 of this report) 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 (inc 1 Cabinet Member) 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, *inter alia*, 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 automatically to trigger consideration of an application by DMC**. 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** 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 increase approvals and reduce uncertainty.
- 1.5** The Government 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 Council’s 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 Council’s 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 Act 2025 (the Act) received royal assent in December 2025 (Appendix 4). The purpose of the Act 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.
- 1.8** Part 2 of the Act introduces the ability for the Secretary of State to introduce regulations to introduce a regime for the delegation of planning decisions, identifying which functions should be delegated to planning officers for a decision and those which should go instead to a planning committee or sub-committee. There is 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.

1.9 The Act has 5 overarching objectives.

- a. Delivering a faster and more certain consenting process for nationally significant 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.

1.10 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 (new sections 319ZZC, 319ZZD, 319ZZE and 319ZZF). The Secretary of State has now made regulations known as The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The 2026 regulations implement the national scheme of delegation functions and the size of planning committees.

WHAT IS CHANGING

1.11 MHCLG has issued guidance to support Local Planning Authorities (LPAs) implement the changes at a local level.

1.12 The full guidance including a summary of Schedule 1 and Schedule 2 functions can be found at Appendix 5. 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.

1.13 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.

1.14 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.

1.15 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.

- 1.16** 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 the Council that will see a reduction of 3 members on DMC.

CONCLUSION ON CHANGES

- 1.17 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 of 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.
- 1.18** It is recognised that a number of changes are afoot, and in order to maintain pace with national statutory changes this report seeks to make an amendment to constitution.
- 1.19** 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)

Alternative options considered & not recommended

- 1.20** If the Council were not minded to implement the statutory requirements, this could give rise to a significant increase in appeals for non-determination of applications and/or Judicial Review of the decision-making process, resulting in additional resource burden and financial cost to the Council. The statutory changes must therefore be implemented.
- 1.21** 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. **Post-decision implementation**
- 1.22** As the changes come into force on 31st October 2026, the Constitution needs amending to reflect the requirements of the Regulations and guidance .

IMPLICATIONS OF THE DECISION

1.23 Council Key Priorities and Performance

- Forward thinking Economic Growth

- Doing our Core Work Well.

Huntingdonshire Futures Strategy

- Pride in Place
- Inclusive Economy

1.24 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.

1.25 Policy Implications

N/A

1.26 Legal & Constitutional Implications

For the reasons set out in Section 2 of this report, the National Scheme of Delegation 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 continue to apply its existing Scheme of Delegation until such time as it is reviewed and updated.

In the event that the statutory requirements are not implemented, it should be noted:

- Decisions may be ultra vires (beyond powers) or unlawful.
- There is an increased likelihood of judicial review (JR) or statutory challenge, presenting a significant risk to the Council
- Appeals are more likely to be allowed due to reliance on outdated framework.
- There is potential for cost awards against the authority, presenting a significant risk to the Council

1.27 Equality & Diversity Implications

N/A

1.28 Implications on Resources

In the event that the statutory requirements are not implemented, there is likely to be an increase in appeals, requiring officers to prioritise appeal work in accordance with statutory deadlines. This would divert resources away from the determination of planning applications, potentially resulting in delays to decision-making and associated economic impacts.

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

1.29

Document List	Custodian	File Location
Appendix 1: HDC's Constitution	HDC	Constitution
Appendix 2: Planning Scheme of Delegation	Head of Planning, 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 Planning, 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