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*The Government is committed to getting Britain building again. This paper forms part of a series of working papers on different aspects of planning reform, designed to inform further policy development in collaboration with the wider sector.*

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## **Summary**

This paper invites views on models for a national scheme of delegation, which the Government has committed to introduce to support better decision making in the planning system. It proposes three possible options, designed to facilitate faster delivery of the quality homes and places that our communities need, by bringing greater standardisation over the operation of committees, in turn to give greater certainty to applicants.

In addition, the Government is interested in views on the creation of smaller targeted planning committees specifically for strategic development, as well as the introduction of a mandatory requirement for training for planning committee members.

All three reforms would require changes to primary legislation through the Planning and Infrastructure Bill. A series of questions are posed at the end of the paper, to inform discussions with the sector before determining whether any of these proposals are taken forward.

## **Introduction**

1. Planning is principally a local activity, because decisions about what to build and where should be shaped by local communities and reflect the views of local residents. That is why the Government is determined to ensure every area has an up-to-date local plan developed through resident engagement, and it is why we believe that planning committees have an integral role in providing local democratic oversight of planning decisions. It is however vital that in exercising that democratic oversight, planning committees operate as effectively as possible, focusing on those applications which require member input and not revisiting the same decisions. That is why, as part of the King's Speech, we announced that we will modernise the way planning committees operate to best deliver for communities and support much needed development.
2. The Government also wants to make sure that skilled planning officers in local authorities are given the appropriate amount of trust and empowerment. Over the last quarter of a decade, there has been an increased focus on delegating decisions to officers, with

committees now usually focusing on the largest or most controversial applications: 96% of decisions were made by officers in Q2 2024 compared to 75% in 2000. However, the number and type of applications committees consider still varies widely between local planning authorities. Some committee decisions are made not in accordance with material planning considerations, while some committees revisit developments which have already been considered by elected members through the local plan process – which can cause unnecessary delays, cost, and uncertainty. Furthermore, to ensure that planning professionals are fully supported in their role and their skills and experience are put to best use there is a strong case for allowing them to resolve more applications more quickly, in service of residents and businesses.

3. Most planning committees, which comprise a number of elected councillors, make well considered and fair decisions most of the time. However, there remain a number of issues with how committees operate that we want to address.
  - a. First, many local schemes of delegation do not provide full clarity on whether or not an application will go to committee, which can cause uncertainty for developers.
  - b. Second, too much time is spent considering applications which are compliant with the local plan or applications for post-permission matters, especially where the development would be on an allocated site and where there are clear policy requirements for the site in the local plan. This delays decisions on schemes which have already been considered through the local plans process, wasting the time of councillors, applicants and delaying good outcomes for places and for communities.
  - c. Third, in some of these instances the development is rejected against officer advice only to be overturned on appeal, delaying appropriate development and wasting taxpayers' money.
  - d. Fourth, there can be insufficient understanding among all committee members of planning principles and law, inhibiting their ability to make decisions in line with these principles and law, in turn making these decisions more vulnerable to being overturned on appeal.
  - e. Fifth, there is a lack of transparency of committee decisions and their consequences – especially if a committee refuses an application and there is a successful appeal with costs awarded against the local planning authority.
4. Box 1 below provides examples of schemes where the development proposal was on an allocated site and in line with policy expectations, but the committee refused the application against officer advice and the subsequent appeal was upheld, creating delays for all.

## **BOX 1: EXAMPLES OF SUCCESSFUL APPEALS TO REFUSALS BY PLANNING COMMITTEES**

**Mixed use development on a vacant brownfield site in London.** This site was allocated in the Local Plan for residential and educational use. In Autumn 2021, an application for planning permission was submitted for a development on the site consisting of approx. 120 residential apartments and a special school for 90 pupils. Planning officers recommended to the planning committee in Summer 2022 that planning permission should be granted. The planning committee decided to refuse it. An appeal was made by the applicant and the Inspector, in early 2024, agreed the appeal should be upheld and granted permission. (London Borough)

**Residential development on allocated greenfield site in Northern England.** The site was allocated in the Local Plan for residential use. In Autumn 2022 an application for planning permission was submitted for a development of approx. 100 dwellings on the site. Planning officers recommended to the planning committee that the application be approved in Autumn 2023. The planning committee decided to refuse it. An appeal was made by the applicant and the Inspector, in Summer 2024, agreed the appeal should be upheld and granted permission. (Northern Borough Council).

**Residential development on allocated greenfield site in East of England.** The site was allocated in the Local Plan for residential use for c.500 dwellings, with the potential to increase to maintain 5-Year Housing Land Supply. In Spring 2020 an application was submitted for development of approx. 660 dwellings on site. Planning officers recommended to the planning committee that the application be approved in Summer 2021. The planning committee decided to refuse it. An appeal was made by the applicant and the Inspector, in Spring 2022, agreed that the appeal should be upheld and granted permission. (East of England District Council).

### **Our objectives**

5. We want to encourage better quality development that is aligned with local development plans, facilitates the speedy delivery of the quality homes and places that our communities need, and gives applicants the reassurance that in more instances their application will be considered by professional officers and determined in a timely manner. This will allow committees and the elected representatives that sit on them to focus their resources on contentious development not aligned with the development plan where local democratic oversight is required. This approach will empower planning professionals to make sound planning decisions on those cases aligned with the development plan and give greater certainty to developers and communities as to how development will be scrutinised by their local planning authority.
6. Tackling these issues means providing greater certainty to applicants that good-quality schemes aligned with the development plan will be approved in a timely manner – while still ensuring that residents know non-compliant or speculative schemes that depart from the development plan will be subject to appropriate democratic scrutiny. In delivering on that objective, we want to:

- a. encourage developers to submit good quality applications which are compliant with plan policies;
- b. allow planning committees to focus their resources on complex or contentious development where local democratic oversight is required and a balanced planning judgement is made;
- c. ensure planning committee members get the training and support they need to fulfil their duties effectively; and
- d. empower planning professionals to make sound planning decisions on those cases aligned with the development plan.

## Our proposals

7. In order to meet these objectives, we are proposing action on three fronts:
  - a. **a national scheme of delegation** – bringing clarity and consistency to everyone about which applications get decided by officers and which by committees;
  - b. **dedicated committees for strategic development** – allowing a dedicated and small group of councillors to dedicate energy to the most significant projects; and
  - c. **training for committee members** – requiring that councillors undertake appropriate training before they can form part of a planning committee.

## National scheme of delegation

8. Under local government law, planning decisions by a local authority must be a committee function, and not a function of the executive. Section 101 of the Local Government Act 1972 provides broad powers for the discharge of committee functions, by either a committee, sub-committee or delegation to an officer. Every council has its own scheme of delegation to identify the circumstances where planning decisions are taken by the planning committee rather than delegated to officers. There are currently no powers for the Secretary of State to set a national standard scheme of delegation for planning committees.
9. We want to change this and establish a national scheme of delegation which will provide a standardised, consistent approach to delegation of decisions in all local planning authorities, recognising where sites have already had democratic approval through the local plan process. We think a national scheme of delegation will make the system easier to navigate and assist in making it more transparent to users and the public. In designing this scheme, we want to work extensively with the sector. As a first step, we have developed several options for early consideration and discussion, which range from resting on a judgement about compliance with the development plan to hard rules based on the type of application. We have also set out a potential hybrid approach at the end of this section, which may combine the best elements of these different options. Box 2 provides a summary of how these options would play out with three illustrative examples.

*Option 1 – Delegation where an application complies with development plan*

10. The first option aims to ensure that planning committees do not spend their time considering planning applications which comply with the development plan. It would require the delegation of decisions to officers where an application for planning permission complies with the development plan – for instance, when the application is for development on an allocated site in line with plan policies or in line with a design guide. Local authority members will have already considered and approved the policies and site allocations in the relevant authority's local plan, on which residents will also have been consulted, and should be confident that professional officers can make decisions on applications which comply with the plan.
11. Where an application for planning permission does not comply with the development plan, it would be for the local planning authority to determine what is appropriate in their area, in the same way that they do currently. A planning committee would not need to consider all applications which did not comply; these could be delegated to officers if the local planning authority so wished.
12. This approach would apply to other types of applications such as reserved matter approvals, discharge of conditions or other special consents. For instance, where applications were made for reserved matters for an outline planning permission, and these applications were compliant with the development plan, these would be delegated to officers, but if they were a departure from the Plan they could be considered by the planning committee.
13. The judgement on compliance with the development plan may be complex and need some careful consideration of the issues, particularly where an application may not fully meet a specific policy which, for instance, could be outdated or there is no up-to-date local plan. We are keen to seek views on how compliance with the development plan could be defined in a clear enough way for both applicants and local planning authorities to determine when an application should or should not be caught by this requirement, including how any published site allocations' development plan document or supplementary planning document should be part of this assessment. In particular, there are already two relevant terms in planning law – 'in accordance with the development plan' and 'departure from the development plan' – which could be used and on which we would welcome views. We are also interested in views on whether there should be different approaches depending on whether a local planning authority has an up to date local plan or not. Where a plan is out of date, and the presumption applies, there will need to be clarity too on how an officer assesses compliance with the development plan.
14. We are also interested in views on who should make this judgement and what information should be provided to justify it. One option could be for the officer's report determining an application which complies with the development plan to confirm that this application

must be delegated to an officer. The report itself should include any assessment of the application against development plan policies which would provide a justification.

*Option 2 – Delegation as default with exceptions for departures from the development plan*

15. Our second option is that a national scheme of delegation should operate by exception, specifically that all applications should be delegated to officers unless specific circumstances apply. This could mean all applications must be delegated to officers unless:
  - a. the application is a departure from the development plan and is recommended by officers for approval; or
  - b. the application has been submitted by the local planning authority, its members or officers.
  
16. This approach would allow for greater delegation to officers of all application types. It sets a hard definition of criteria which must be met for an application to be decided by the planning committee. Its key benefit would be that committees would focus on only those applications which depart from the development plan and officers consider suitable for approval, as well as ensuring for propriety reasons that decisions involving the local planning authority are made transparently.
  
17. There are two aspects of this approach that we are conscious need specific consideration.
  - a. First, it would mean the committee must decide all such 'specific circumstance' applications, and the number of those applications could be significant, especially in large local planning authorities where some applications involving a departure from the development plan may be readily acceptable. This could lead to undesirable pressures on committee business. This could potentially be addressed by giving discretion to the chair of the planning committee to delegate decisions on specific applications back to officers.
  
  - b. Second, it would lead to officers determining applications for locally sensitive or controversial small-scale development where planning merits are finely balanced in terms of the development plan, and historically officers have looked to the committee to make the final decision. Examples include the development of a community asset, changes to a high profile listed building, or the use of an open space. One way of addressing this could be to create a further 'specific circumstance' category, where the head of planning and chair of the planning committee agree for the committee to consider an application by exception. However, this 'specific circumstance' may bring too much discretion back into the national scheme of delegation, and so not provide the intended certainty. Local discretion could, for instance, see ward councillors lobby to secure committee scrutiny of particular developments, even if they do not depart from the

development plan.

*Option 3 – Delegation as default with a prescriptive list of exceptions*

18. The third option would again require all applications to be delegated to officers. However, under this model, the national scheme of delegation would set out a prescriptive list of application types to be determined by committees to provide certainty to applicants from the start.
19. This approach does not focus on whether an application complies or generally departs from the development plan, but replaces it with a more specific approach linked to key common tests in national policy and development plans to provide greater clarity and consistency to applicants.
20. As an illustration, the list of circumstances where a committee could consider an application could include the following circumstances.
  - a. All applications for planning permission must be delegated to officers unless the application is:
    - i. for major residential or commercial development not on an allocated site;
    - ii. for an allocated site and the proposals depart from the policy in the local or neighbourhood plan for that site;
    - iii. for land on the Green Belt which engages the exceptional circumstances test in the NPPF;
    - iv. for development subject to Environmental Impact Assessment or which is likely to have a significant impact on a habitats site;
    - v. for development that would cause substantial harm to a designated heritage asset and there could be exceptional reasons for its approval;
    - vi. submitted by a local planning authority, its members or officers; or
    - vii. subject to over a specified number of objections.
  - b. All applications for other planning consents and approvals must be delegated to officers unless, for applications for listed building consent, the application was for works which would cause substantial harm to a listed building and there could be exceptional reasons for its approval.
21. This option would be the most prescriptive to set centrally. It would have the benefit of providing greater clarity on those application types which must be considered by planning committees in a way that is wholly consistent across the country, providing the greatest certainty to applicants. It would however leave little room for local interpretation, and a common list of required committee applications may miss significant local variations in application types, for example, where there is a particularly controversial listed building

consent application. It would also not provide for as clear a link between compliance with the development plan and the scheme of delegation, reducing the incentives for developers to comply.

22. In relation to the objection threshold, while there are some attractions to this approach, namely that it would more explicitly link an application going to committee with the level of concern it has caused locally, it risks incentivising organised opposition to development in order to meet whatever threshold is set. The Government is therefore less inclined to pursue this but is keen to consider views on it as part of further work on the national scheme of delegation.



## **BOX 2: ILLUSTRATIVE CASE STUDIES OF THE DIFFERENT OPTIONS**

### **Case Studies**

- I. A major development proposal for 100 dwellings complies with the local plan site allocation and policy requirements, including on design, open space and affordable housing provision. Officers have recommended approval.
- II. A minor development proposal for a change of use from a pub to a community centre. There are no specific site allocations in relation to the pub in the local plan, but there is a local plan policy which states that pubs must be protected from development resulting in a change of use or loss of the pub. In exceptional circumstances, development proposals resulting in the loss of a pub will only be permitted where there is no market demand for the pub use. Officers have recommended approval.
- III. A minor development proposal on a windfall site for the demolition of a small office unit and replacement with seven residential dwellings. The site is not allocated for residential use in the local plan, but officers have recommended the proposal for approval.

### **Result under Option 1**

- I. This would automatically be delegated to officers.
- II. As this is not in line with the local plan policy, it would be up to the discretion of the local planning authority to decide whether the application should go to committee in line with their local scheme of delegation (in relation to applications not in accordance with the development plan.)
- III. As this is not in accordance with the local plan, it would be up to the discretion of the local planning authority to decide whether the application should go to committee in line with their local scheme of delegation (in relation to applications not in accordance with the development plan).

### **Result under Option 2**

- I. This would be delegated to officers by default.
- II. Because this is a departure from the development plan and is recommended for approval by officers, this would go to committee.
- III. Because this is a departure from the development plan and is recommended for approval by officers, this would go to committee.

### **Result under Option 3**

- I. This would be delegated to officers by default.
- II. Because this is a departure from the development plan and is recommended for approval by officers, this would go to committee.
- III. Because this is a minor development proposal this application would be delegated to officers.

### *A hybrid approach*

23. The three options outlined above are not mutually exclusive, and it may be that the best approach is in fact one that blends different elements. One potential hybrid option would combine three components:
- a. first, applications which comply with development plan would be delegated, as per option one;
  - b. second, *all* reserved matters applications would be delegated, reflecting the fact that the principle of permission had been achieved and so giving greater certainty for post-permission matters; and
  - c. third, *all* applications for residential development below a certain size would be delegated, for instance using the non-major development threshold of ten units for residential development and 1,000 square meters for non-residential – recognising that consideration would need to be given to the operation of a threshold that works for all areas across the country.
24. Such a hybrid approach could help further focus the efforts of planning committees on the most significant applications, avoid committees looking repeatedly at the same scheme, and support small and medium enterprise (SME) builders.

### **Dedicated committees for strategic development**

25. Many areas of England have strategic development opportunities, often identified in local plans, which will bring long term change to an area. These include individual large scale development proposals, as well as Area Action Plans and proposals for urban extensions. Such strategic development opportunities are often in key locations with significant potential for new housing, jobs and infrastructure. In London, for instance, there are opportunity areas identified in the London Plan, and as part of our wider strategic planning reforms we expect over time more spatial development strategies to identify similar opportunities in their areas.
26. Planning permission for this kind of strategic development is often secured from the outline planning permission following considerable engagement with the local planning authority, and there is significant ongoing consenting on substantive matters as the development evolves. In some instances, development may come forward piecemeal from independent developers, requiring strategic oversight to deliver the vision for the area. This type of strategic development, which will impact on the long-term future of a location, will always be considered by elected members, and not subject to the general approach being proposed for a national scheme of delegation. Such strategic development requires longer term engagement by committee members and can involve consideration of many technical planning matters.

27. There are already successful examples across England of ‘Strategic Planning Committees’ which reflect the ambitions for a targeted focus on strategic development. These include the Ebbsfleet Development Corporation, which was established in 2015 to assist in the development of 15,000 new homes around the HS1 hub. Its planning committee comprises up to eight members, focuses on the strategic development of the Garden City and supports timely decision making in accordance with the plan for the area.
28. We want to test views on requiring local planning authorities to establish smaller, dedicated committees focused only on strategic development where there is such development planned in their area. Such committees would take ownership of strategic development applications and build expertise using local knowledge and understanding of planning issues. These committees would operate in addition to the main planning committee and would focus only on those developments that are critical to supporting local economic development and local housing need, providing long term focus and consistency for the most important schemes.
29. These committees could deal directly with, and have detailed knowledge of, specified strategic development opportunities. They could consider complex issues such as Section 106 agreements, and subsequent post-permission matters such as approval of design codes or reserved matters for key later phases. This could provide for a clearer and more direct decision-making process for developments of critical importance to the growth and economy of an area, while retaining local democratic oversight for such decisions.
30. In addition to their general benefit, there are two specific considerations.
- a. **The appropriate size of these committees.** We think there are considerable benefits in having a small committee of knowledgeable members who can have informed discussions about the strategic development, while recognising that as a committee there will need to be political balance reflecting the overall composition of the local authority. Several strategic development committees have seven to nine members, but we are keen to explore whether three to five members would give adequate scope for careful consideration of all matters.
  - b. **What constitutes strategic development in an area.** One approach could be for the local planning authority to decide what is a strategic development having regard to statutory guidance from the Secretary of State. Another approach could be to define strategic development in regulations based on development thresholds – for example, 500 units for residential development or 50,000 square meters for non-residential.
31. We are also interested in views on whether these focussed committees should include, in addition to elected members, independent expert members who have professional expertise in, for example, regeneration, planning and design. This approach has been taken

at the Old Oak and Park Royal Development Corporation which consists of four independent members, and four elected councillors from the three Boroughs within its area.

32. We do not anticipate that all local planning authorities would need to stand up such a committee, as it would only be required where strategic development was being proposed.

### **Mandatory training for planning committee members**

33. Finally, it is important that planning committee members are sufficiently trained in planning matters before they make decisions. Planning is a complex area – drawing on regulations, caselaw, and policy requirements – and it is important that planning committees which are undertaking a regulatory function are able to make robust decisions. Unfortunately, there are still too many decisions being made where the planning justification is weak, and the decision is overturned on appeal, creating delays and uncertainty.
34. Many local planning authorities in England already train their members, and there is good take-up of the membership training offered by the Planning Advisory Service. However, the approach to membership training is inconsistent and varies across the country. It is also unusual for a regulatory function as complex as planning not to require core training for key decision makers: in other regulatory environments, it would be seen to be a pre-requisite. For instance, in Scotland, elected members who sit on licensing boards are required to undertake mandatory training before they can take up a position on the board. In England, while the Licensing Act 2003 does not specifically include provisions for mandatory training of members, it strongly recommends that such members receive proper training to ensure they understand the complexities of licensing law and policy.
35. We are therefore, considering introducing mandatory training for planning committees to ensure members understand key planning principles, propriety, and new planning issues so that decision making is better informed and decisions are more robust. Specifically, we would require all members of planning committees, together with other key decision makers such as the Mayor of London, to undertake certified training before they could sit on a planning committee and be involved in the decision-making process. This would involve prohibiting members who have not undertaken the training from making decisions.
36. We envisage the training would cover at least the key principles of planning including, but not limited to, planning legislation, the role of the development plan and national planning policy, the planning application process, enforcement, and the code of conduct for planning committees. We are also keen to explore whether the training should be further extended to more in-depth planning matters and the effective operation of a planning committee. In considering the scope of the mandatory training, there is a balance to be struck between

requiring a comprehensive package of training and the practical need to ensure committees can continue to make timely decisions, especially following local elections and the appointment of new members to the committee.

37. We also envisage that the mandatory training and certification would be principally provided online, and to do this, the Government would procure a provider to prepare the training programme. If a decision is made to proceed with mandatory member training, the Government would provide resource for training under the new burdens doctrine. We are interested in how local planning authorities currently provide training for their members and will work with the sector on the detail of any training programme.

38. We are also interested in views on other ways in which we can further professionalise committees, including, for example, the production of a professional code of practice.

### **Conclusion and areas for further work**

39. We may take forward any or all of the above proposals, each of which would require primary legislation through the Planning and Infrastructure Bill. Should proposals set out in this working paper be taken forward, they would be the subject of further detailed consultation in the normal way – in particular where necessary to underpin secondary legislation following passage of the Planning and Infrastructure Bill.

40. In addition, the Government is clear that greater transparency of information on decision making is necessary to build reform. We will therefore be asking local planning authorities through our planning statistics returns to provide us with data on decision making in relation to planning committees, and in particular where refusals have been made against officer recommendation. We will also look to collect data from the Planning Inspectorate on where these applications have been overturned at appeal stage, and the costs awarded as a result.

41. We would welcome views on the options set out in this paper, and in particular on the following questions.

- a. Do you think this package of reforms would help to improve decision making by planning committees?
- b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?
- c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

- d. Are there advantages in giving further consideration to a model based on objections?
- e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?
- f. Do you have a view on the size of these targeted committees?
- g. How should we define strategic developments?
- h. Do you think the approach to mandatory training is the right one?