Appendix 1 - Summary of new legislative requirements

1. The Government's published response to the consultation on proposed reforms to planning committees, alongside regulations and guidance setting out the new legislative framework signpost set out their package of measures aimed at strengthening decision-making, improving consistency, and clarifying the respective roles of councillors and officers in the planning process. The regulations take forward a national scheme of delegation and introduce clearer rules on committee size (which are now capped at a maximum of 13 members). The introduction of a new mandatory requirement for planning committee members to be trained is not being taken forward at this time but the response notes the Government will continue to consider this after the implementation of the other reforms.

2. Full details of the regulations and guidance can be found here:

   The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

   Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK

3. The regulations were made on 15 of July 2026 and come into force on 31 October 2026. The delay in the regulations coming into force was to allow time for local authorities over the summer to make arrangements, such as amending their constitutions, so that planning committees comply with the regulations.

National Scheme of Delegation and "Gateway" mechanism for referral to Committee

4. In summary, **Schedule 1** of the Regulations lists those applications which **must** be determined by an officer. (These are largely minor applications or decisions of a more procedural nature which, unless there were a number of objections, would, under current arrangements, normally be dealt with by officers under their delegated authority). Schedule 1 applications
   - Householder.
   - Applications for certificates of lawfulness of proposed works under the Listed Buildings Act.
   - Applications made under s73(1) to develop land without compliance with conditions previously attached where the original planning permission was a Schedule 1 permission
   - Minor residential and minor commercial development (1-9 dwellings on a site of less than 0.5 hectares) and other minor development to flats.
   - Discharge of conditions.
   - Reserved matter approvals (other than a large outline permission).
   - Lawful development certificates.
   - Certificates of appropriate alterative development.
   - Non-material amendments.
   - Biodiversity gain plans.

- Prior approval applications.
- Permission in principle.
- Changes to S106 obligations connected to the above type applications being amended under S106A.

5. **Schedule 2** lists those types of applications which **may** be referred to a committee or sub-committee if, following a "gateway" process undertaken by the local planning authority's **nominated officer and nominated member**, they agree the Schedule 2 application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter (having regard to relevant government guidance). Any application not referred to committee must be delegated to an officer.

   Schedule 2 applications

   - Any applications for planning permission not in Schedule 1 or made under s73A(1) (planning permission for development already carried out) or which is associated with a Listed Building Consent application (including an application to vary or discharge conditions of a listed building consent).
   - Reserved matters approvals for large outline permission.
   - Variations of permissions (S73 applications) in respect of which the original planning permission was a Schedule 2 planning permission.
   - Listed building consent ("LBC")
   - Variation or discharge of conditions to an LBC.
   - Tree preservation order consents.
   - Advertisement consent.
   - Changes to S106 obligations connected to the above type applications being amended under S106A.

6. If an application is made by a 'linked person', so someone who works for the authority as an officer or member or are making an application on behalf of the authority, or if it is the view of the nominated member and the nominated officer that the authority or any of its members or officers has an interest in the application it can be referred to the committee or subcommittee, without consideration to the gateway test.

7. If a planning function is not listed in Schedule 1 or Schedule 2, then it's for the LPA to decide on whether it should be delegated to officers or referred to a committee or sub-committee in their constitution.

Appendix 2 – Background on the current PASC Membership

Planning Applications Sub-Committee: On 13 October 2022 the Court of Common Council approved the establishment of the Planning Applications Sub-Committee to which it has delegated the Local Planning Authority functions of deciding planning applications, and listed building consents (not dealt with under officers' delegated authority). That Sub-Committee was to have the same Membership, Chair and Deputy Chair as the Planning and Transportation Committee). It was also agreed that only a decision of the Court of Common Council could alter the composition of that Sub-Committee (i.e. it is not within the gift of the Planning and Transportation Grand Committee to approve any changes).

The City's Planning Applications Sub-Committee is, therefore, currently constituted as a Ward Committee generally comprising of a total of 35 Members including a reserved space for at least one Member of each Ward plus four Aldermen. This overall number can change as Wards may, for example, choose to engage in pairing arrangements with neighbouring Wards. The process of appointment of Ward Committees is set out in Standing Order 23.

As highlighted within the City's formal response to the original government consultation, the City Corporation is in a unique position whereby most of its elected members are politically independent, and its Planning Committee includes members with a broad range of expertise in matters related to or that affect planning and the built environment. This helps to contribute to the efficiency and quality of decisions made by the committee. It is also recognised, however, that the City's current arrangements in terms of Planning Committee size and set-up are an anomaly when compared to other London boroughs. As things stand, those Committees asked with considering planning applications at other London local authorities range from between 5-16 Members including the Chair and Deputy Chair. It should also be noted that the Government's reduction in committee size to a maximum of 13 is in line with the recommendations made under the 2020 Lisvane review, where it was recommended that an optimum number of members to oversee this function would be between 12-15 members.

Appendix 3
Planning & Transportation Committee
Constitution and Terms of Reference

Deletions in ~~strikethrough~~

Additions underlined

Constitution

A Ward Committee consisting of,

- four Aldermen nominated by the Court of Aldermen
- up to 31 Commoners representing each Ward (two representatives for the Wards with six or more Members regardless of whether the Ward has sides) or Side of Ward.

Terms of Reference

To be responsible for:-

(a) All functions of the City as local planning authority [relating to town and country planning and development control] pursuant to the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990 and Compulsory Purchases Act 2004, the Planning Act 2008 and all secondary legislation pursuant to the same and all enabling legislation (including legislation amending or replacing the same) (other than those local planning authority functions which are (i) determined by an officer pursuant to Regulations 4 & 5 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026; and (ii) referred to Planning Applications Sub-committee pursuant to Regulation 5 and 6 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026) .

(b) Making recommendations to the Court of Common Council relating to the acquisition, appropriation and disposal of land held for planning purposes and to exercise all other functions of the local planning authority relating to land held for planning (or highways) purposes, and making determinations as to whether land held for planning or highways purposes is no longer required for those purposes, other than in respect of powers expressly delegated to another committee.

(c) All functions of the Common Council as local highway, traffic, walkway and parking authority (other than in respect of powers expressly delegated to another committee) and the improvement of other open land under S.4 of the City of London (Various Powers) Act 1952.

(d) All functions under part II of the City of London (Various Powers) Act 1967 including declaration, alteration and discontinuance of City Walkway (other than in respect of the promotion of works to the Barbican Podium for which delegated authority lies with the Policy and Resources Committee). For the avoidance of doubt the delegated authority of Policy and Resources Committee does not include any declaration, alteration or discontinuance of City Walkway including in respect of the Barbican Podium and this remains the responsibility of the Planning and Transportation Committee.

(e) All functions relating to the construction, maintenance and repair of sewers in the City, including public sewers (on behalf of Thames Water under an agency arrangement).

(f) All functions of Common Council as Lead Local Flood Authority in relation to the Flood and Water Management Act 2010.

(g) All functions relating to the Stopping Up of highway (including as local planning authority and highway authority).

(h) All functions relating to street naming and numbering under the London Building Acts (Amendment) Act 1939.

(i) All functions relating to building control under the Building Act 1984, Building Regulations 2000-10 and London Building Acts 1930-82.

(j) All functions and powers of the City Corporation of providing assistance to the Building Safety Regulator under Section 13 of the Building Safety Act 2022, where the Building Safety Regulator is acting as the Building Control Authority under section 91ZA and 91ZB of the Building Act 1984.

(k) The setting of building control charges under the Building (Local Authority Charges) Regulations 2010.

(l) Updating and approving the Planning Protocol.

(m) Response to and resolution of dangerous structures under the London Building Acts (Amendment) Act 1939.

(n) All functions relating to the City of London Corporation's commemorative blue plaques.

(o) All functions relating to the Local Land Charges Act 1975.

(p) The appointment of such Sub-Committees as is considered necessary for the better performance of its duties including a Planning Applications Sub-Committee, Streets & Walkways Sub-Committee and a Local Plans Sub-Committee.

Appendix 4

Planning Applications Sub-Committee Terms of Reference

Deletions in ~~strikethrough~~

Additions underlined

Composition

- ~~The Members of the Planning and Transportation Committee are automatically appointed as Members of the Planning Applications Sub-Committee.~~
- The Chair of the Planning and Transportation Committee (to act as Chair of the Sub-Committee)
- The Deputy Chair of the Planning and Transportation Committee (to act as Deputy Chair of the Sub-Committee)
- No more than 11 other Members of the Planning and Transportation Committee, at least one of whom must be a serving Alderman, and one of whom must have a primary residence in the City of London.

Terms of Reference

1. To determine all applications listed in Schedule 2 of the Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026 which the nominated member and nominated officer agree should be referred to a committee or sub-committee. [i1] ~~applications (including matters relating to planning obligations, conditions and to the principle of stopping up orders under the Town and Country Planning Act 1990 relevant to such determinations) not delegated to officers under the Scheme of Delegation with all other functions within the Terms of Reference of the Planning and Transportation Committee not delegated to officers continuing to be exercised by that Committee or any other Sub-committees to which it delegates functions.~~

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[1] SCHEDULE 2
Applications that may be determined by a committee or by an officer:
1. An application for listed building consent made under section 10(1) of the Listed Buildings Act.
2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).
3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraphs 1 or 2.
4. An application for planning permission that is not— (a) a householder application, (b) a minor commercial application, or (c) a minor residential application.
5. An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached).
6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)(b).
7.—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990; (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990. (2) In this paragraph, "Schedule 2 approval" means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.
8. A reserved matters phase application.
9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)(c).
10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order

Appendix 5 – Proposed and Consequential Amendments to the Scheme of Delegations to Officers

PROPOSED AMENDMENTS TO OFFICER SCHEME OF DELEGATION

D. PLANNING AND DEVELOPMENT D1.

Development Management

167. To determine Schedule 1 applications (as defined in the Town and Country Planning (Discharge of Local Planning Authority Functions)(England) Regulations 2026 which must pursuant to those regulations be determined by an officer. ~~for outline, full and temporary planning permission under Part III of the Town and Country Planning Act 1990 and applications for Permission in Principle under the Town and Country Planning (Permission in Principle) Order 2017, subject to the decisions being in accordance with policy, not being of broad interest and there being no more than 9 planning objections~~.

168. To determine Schedule 2 applications (as defined in Town and Country Planning (Discharge of Local Planning Authority Functions)(England) Regulations 2026, save where:

(a) the nominated member and nominated officer have agreed to refer the Schedule 2 application to a Committee or Sub-committee pursuant to Regulation 5; or
(b) the application is an "own interest" application as defined in the 2026 Regulations and the nominated member and nominated officer have agreed to refer the proposal a committee or Sub-committee.

~~To make non-material changes to planning permission pursuant to Section 96A of the Town and Country Planning Act 1990.~~

~~169. To determine applications for Listed Building Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990; subject to the applications not being of broad interest and there being no more than 4 relevant objections.~~

~~170~~169. To advise the Secretary of State for Communities and Local Government of what decision the City of London Corporation would have made on its own applications for listed building consent if it had been able to determine them subject to the same criteria as above.

~~171~~170. To determine submissions ~~pursuant to the approval of conditions, under the Town and Country Planning Act 1990 and the Planning (Listed Buildings Conservation Areas) Act 1990 and~~ in relation to clauses set out in approved Section 106 Agreements. To determine technical details consent pursuant to a Permission in Principle under the Town and Country Planning (Permission in Principle) Order 2017.

~~172~~171. To make minor changes to conditions and planning obligations in respect of planning permissions, listed building consents and which have been conditionally

approved by ~~the~~ a Committee or Sub-committee, including to avoid duplication between s106 planning obligations and conditions.

~~173. To determine applications for planning permission, listed building consent and to replace an extant permission/consent granted on or before 1 October 2010, for development which has not already begun, with a new permission/consent subject to a new time limit pursuant to Article 20 of the Town and Country Planning (Development Management Procedure) Order 2015 and Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and provided no more than 4 planning objections have been received.~~

~~174. To determine applications for Certificates of Lawfulness of existing and proposed use or development in accordance with sections 191 and 192 of the Town and Country Planning Act 1990.~~

~~175~~172. To ~~determine applications for~~take steps in respect of applications for Advertisement Consent pursuant to Regulations 12, 13~~, 14,15~~ and 16 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

~~176. To determine applications for prior approval under the Town and Country Planning (General Permitted Development) Order 2015.~~

~~177~~173. To make observations in respect of planning and related applications submitted to other Boroughs, where the City of London Corporation's views have been sought and which do not raise wider City issues.

~~178~~174. To serve notices under Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.

~~179~~175. To determine the particulars and evidence to be supplied by an applicant for planning permission pursuant to section 62 of the Town and Country Planning Act 1990.

~~180~~176. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.

~~181~~177. To issue and serve Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 and Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

~~182~~178. To issue a letter of assurance under Section 172A of the Town and Country Planning Act 1990.

~~183~~179. To serve notices under Section 215 of the Town and Country Planning Act 1990.

~~184~~180. To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990.

~~185~~182. To decline to determine a retrospective application for planning permission under Section 70C of the Town and Country Planning Act 1990.

~~186~~183. To seek information as to interests in land under Section 330 of the Town and Country Planning Act 1990, and as applied by Section 89 of the Planning (Listed Buildings and Conservation Areas Act) 1990, and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

~~187~~184. To institute proceedings pursuant to Section 224 of the Town and Country Planning Act 1990.

~~188~~185. To serve Notice of Intention to remove or obliterate placards and posters pursuant to Section 225 of the Town and Country Planning Act 1990.

~~189~~186. To advertise and serve the notice of intention to make a stopping up order under section 247 of the Town and Country Planning Act 1990.

~~190~~187. ~~To agree minor variations to agreements pursuant to sections 106 and 106A of the Town and Country Planning Act 1990 and t~~To negotiate and agree the final terms of section 106 covenants where it has been ~~the planning committee has~~ resolved that planning permission be granted subject to a section 106 agreement and to authorise section 106 covenants in respect of planning applications (~~and~~ where the planning application is such that it may be determined by the Chief Officer (or other appropriate officer authorised by them) under this Scheme of Delegation).

~~190~~188. To agree minor variations to agreements pursuant to section 278 of the Highways Act 1980.

189. To make payments to other parties where required by the terms of an agreement made under section 106 of the Town and Country Planning Act 1990 or section 278 of the Highways Act 1980.

~~192~~190. To determine City Community Infrastructure Levy contributions pursuant to the Community Infrastructure Levy Regulations 2010 (as amended).

~~193~~192. To pass Community Infrastructure Levy contributions to other parties pursuant to section 216A of the Planning Act 2008 and regulations made thereunder.

~~194~~193. To determine applications to discharge requirements and approve details pursuant to the Thames Tideway Development Consent Order and other similar Development Consent Orders, and to discharge conditions and approve details pursuant to deemed planning permission granted by Transport and Works Act Orders and statutes in respect of infrastructure projects subject to the applications being in accordance with policy, not being of broad interest, and there being no more than 4 planning objections.

~~195~~194. To carry out public consultation in respect of applications in accordance with the Statement of Community Involvement and the duty to cooperate in Section 33A of the Planning and Compulsory Purchase Act 2004.

~~196~~195. To authorise the entering into of Planning Performance Agreements and Memoranda of Understanding under S111 of the Local Government Act 1972 and Part 1 of the Localism Act 2011 and making charges for discretionary planning services under S93 of the Local Government Act 2003.

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