

Report Title:	Information on the introduction of the National Scheme of Delegation		
Report to:	Development Control Committee	Date:	01.09.2026
Report of:	Head of Planning & Building Control	Cabinet Portfolio	Planning
Cabinet Lead Member	Cllr Samara Barnes	Wards Affected	All
Key Decision:	No	Forward Plan: N/A	General Exception ☐ Special Urgency ☐
Integrated Impact Assessment:			
	Required:	No	Attached: N/A
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Valley Plan Priorities	Thriving Local Economy - This involves securing new inward investment, creating a sustainable economy, matching local skills with future job opportunities, and supporting town centres as unique destinations.	X
	High Quality Environment: This includes having a "clean and green" local environment, reducing the borough's carbon footprint, improving waste and recycling rates, and delivering new homes with a good mix of housing tenures.	X
	Healthy & Proud Communities: This priority focuses on improving the health and physical/mental wellbeing of residents, reducing health inequalities, ensuring access to better leisure facilities and health services, and fostering a sense of pride in the community.	
	Effective & Efficient Council: The aim is to provide good quality and responsive services, embrace new technology, be a financially sustainable council with a commercial outlook, and ensure sound governance.	

1. PURPOSE OF THE REPORT & EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to inform the Members of the Committee of the introduction of the National Scheme of Delegation for planning applications which will be introduced from October 31st 2026.

2. RECOMMENDATION(S)

- 2.1 No decision is required – the report is for information only.

3. BACKGROUND & REASON FOR THE DECISION

- 3.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 sets out which types of planning applications must be delegated to officers in all circumstances (Schedule 1), and which types of planning applications are presumed to be delegated, but could go to committee subject to passing a gateway test, agreed by the nominated Officer and the nominated Member (Schedule 2).

- 3.2 The regulations have implications for Planning and Development Committee and MHCLG expect local authorities to make the necessary arrangements, including amending their constitutions, so that they are in compliance with the 2026 Function Regulations.
- 3.3 The government's aim behind the national scheme of delegation is to ensure that there is greater clarity and consistency about the role of Planning Committees in planning 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.
- 3.4 The scheme is nationwide and is mandatory. It is operational from 31st October 2026 therefore, it will take effect then and will reduce the number of applications going to Planning Committee. The first Planning Committee at Rossendale that will be affected is the November 17th meeting.
- 3.5 The scheme introduces two categories of applications, with implications for how each category is determined.
- 3.6 All Schedule 1 applications must be delegated to Planning Officers, i.e. applications for minor residential development (housing schemes up to 9 dwellings), also applications for minor commercial development and householder applications.
- 3.7 All other types of application fall under Schedule 2. The overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. A function can be referred to a committee only where it is an application made by or on behalf of a local authority, a member or officer of that local authority, or an entity owned or controlled (whether wholly or partly) by that authority, or any of its members or officers.
- 3.8 Also, a Schedule 2 application can be referred to a committee, where it meets one of the two statutory significance tests and the nominated member and officer agree that it should be determined by the Committee.
- 3.9 The two significance tests are: 1) it must raise significant economic, social or environmental issues for the local area and 2) it must involve significant planning matters in relation to the Development Plan and material considerations.
- 3.10 By way of examples, the statutory guidance tells us that economic, social or environmental issues of significance could be 1) an outline planning permission for a large multi-phase residential development. 2) change of use from a community shop in a rural area. 3) Planning permission or Listed Building Consent for changes to a notable listed building in a town centre.
- 3.11 It also tells us that significant planning matters having regard to the development plan and other material considerations are unlikely to be: 1) an application in broad compliance with an allocation & local policy & NPPF. 2) Where a planning matter e.g. highways or flood risk was raised by a statutory consultee as an issue of objection but the application has been suitably amended to address the issue.
- 3.12 It will be necessary for the Council's nominated Officer and nominated Member to meet on a regular to apply the gateway test, i.e. the tests of significance outlined above at 3.9 and decide which applications are going to Committee.
- 3.13 The guidance indicates that the nominated Officer and Member should usually be the Head of Planning and Chairman of the Planning Committee. It will be necessary to nominate deputies in the event of occasions when they cannot attend the gateway test meetings. This could be the Principal Officer in the Development Management team and the Vice Chairman of the Committee.
- 3.14 If the nominated Officer and Member do not agree, the guidance states that the decision rests with the nominated Officer. There is no facility for a third party to be involved in the decision making.
- 3.15 The guidance encourages a record of gateway test decisions to be published.

- 3.16 It is also possible for schedule 2 applications to be triaged, with the objective of reducing the number of applications going to the gateway test. The triage process could constitute an assessment against certain criteria which the Council could decide on, i.e. this could be - where a non-major application in Schedule 2 has received less than 3 objections it does not go forward to the gateway test and is therefore, determined at Officer level.
- 3.17 It is important to note that the Council's local scheme of delegation, will no longer apply and all Councils must follow the national scheme.
- 3.18 The ability for members to call in applications is removed and applications with 3 or more objections can no longer be reported to Planning Committee.

4.0 RISK

- 4.1 There is a risk that the Council does not amend its constitution which would leave it open to legal challenge. This will be mitigated by the Monitoring Officer presenting a report to Full Council on 7th October 2026 following consideration of the amendments by Governance Working Group.

5.0 SECTION 151 OFFICER COMMENTS (FINANCE)

- 5.1 There are no financial implications arising from this report.

6.0 MONITORING OFFICER COMMENTS (LEGAL)

- 6.1 The Council is required to operate its planning functions in accordance with the legislative framework and any amendments introduced through national planning reforms. The Council's Constitution will require amendment to conform with the national scheme of delegation prior to October 31st 2026.

7.0 INTEGRATED IMPACT ASSESSMENT IMPLICATIONS

- 7.1 The proposed changes are intended to alter the categories of planning applications determined by planning officers and those referred to Development Control Committee. The changes relate to decision-making processes rather than the substantive planning policies against which applications are assessed. All planning applications will continue to be determined in accordance with material planning considerations and the Public Sector Equality Duty under the Equality Act 2010. No direct adverse equality impacts have been identified.

8.0 POLICY/STRATEGY FRAMEWORK IMPLICATIONS

- 8.1. The policy implications are covered in the body of the report.

9.0 LOCAL GOVERNMENT REORGANISATION IMPLICATIONS

- 9.1 Prior to Vesting Day, a new Constitution for the new Authority will need to be in place, to enable decision making on planning applications.

10. BACKGROUND PAPERS

- 10.1 There are no background papers.