Planning Committee and National Scheme of Delegation

Committee considering report:	Council
Date of Committee:	15 October 2026
Portfolio Member:	Councillor Denise Gaines
Date Head of Service agreed report:	25 August 2026
Date Portfolio Member agreed report:	21 September 2026
Report Author:	Bob Dray (Interim Service Lead – Planning)

1 Purpose of the Report

1.1 This report asks Council to approve amendments to the Council's Constitution to:

(a) Implement the National Scheme of Delegation for planning functions, as introduced under the Planning and Infrastructure Act 2025 and given effect by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

(b) Establish a single Planning Committee to replace District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee.

(c) Implement other minor amendments to the Constitution relating to Planning.

2 Recommendations

2.1 Replace Section 8 (Service Director – Development and Housing) of the Scheme of Delegation in Part 11 of the Constitution with the changes shown in Appendix A to implement the National Scheme of Delegation and ensure the amended Constitution is in accordance with the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

2.2 Amend Part 6.8 Appendix Planning Committees with the changes shown in Appendix B to replace the existing three committee structure with a single Planning committee.

2.3 Delegate to the Monitoring Officer to make any minor substantive changes to the Constitution they deem necessary to ensure the Council's planning delegation arrangement comply with the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This delegated authority is provided that any such changes are the

minimum necessary to ensure compliance, and subject to the amendments being ratified by Full Council as soon as practicable.

2.4 Endorse a review of the new arrangements by the Service Lead for responsibility for planning between 6 and 12 months following implementation.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	Planning committees involve a significant level of resource, predominantly by way of officer time. The increased levels of delegation are expected to significantly reduce the number of planning applications that are determined by planning committee. Consequently, part of these proposals is to replace the current planning committee structure with a single planning committee. The implementation of the national scheme of delegation would use existing system and software, and so no other significant costs are anticipated in this respect. There is a need for additional training for members and officers, and for public communications regarding the changes. However, it is anticipated that these can be accommodated within existing resources. No additional budget has been secured to implement these changes. If the National Scheme of Delegation is not implemented locally, it would not be legally possible to determine some planning applications, which could lead to appeals against non-determination (with costs) or judicial reviews, both of which have significant financial implications.
Human Resource:	In the short-term, the implementation is resource intensive. Taking a longer perspective, it is anticipated that the reduction in committee workload will result in a net more efficient use of human resources.
Legal:	The Council is under a statutory duty to have regard to the guidance and to operate the national scheme of delegation and committee arrangements required by the 2025 Regulations from 31st October 2026.

	Failure to amend the Constitution, or a committee decision taken in breach of the Regulations, would be liable to legal challenge by way of judicial review and could be quashed. It is therefore essential to make changes to the Constitution to ensure that the Council can continue to fulfil its legal obligations under the Town and Country Planning Act 1990 and other associated legislation. Planning law commentators have identified potential areas of challenge associated with the new national scheme of delegation, including the interpretation and application of the gateway tests. These are general risks applying to all local planning authorities and so there is no direct mitigation. The proposals do, however, include proposed clauses to enable the Monitoring Officer to make emergency changes to the Constitution if necessary to ensure compliance with the 2026 Regulations. This will help mitigate the risks associated with introducing a new regime at pace, and will enable to the Council to adapt should new case law and guidance materialise in the early stages of nationwide implementation. Proposals prepared in collaboration with Sharon Armour (Legal Services Manager). Consultation with Nicola Thomas (Service Lead – Legal and Democratic) and Sarah Clarke (Monitoring Officer).
Risk Management:	The principal risks of not approving the recommendations are: 1. The Council being unable to progress the determination of a significant number of applications until changes are made. These would occur where an unamended Constitution does not give delegated authority to officers, but the referral to committee would be contrary to the Regulations. 2. Avoidable delays in the determination of planning applications, and increased risk of appeals against non-determination with associated costs. 3. Legal challenge to committee decisions and reputational harm from non-compliance with a statutory framework.
Property:	No material implications.

Policy:	The National Scheme of Delegation is a legislative change enacted by Government as part of wider planning reforms, which is supported by published statutory guidance. These changes relate to how planning functions are delegated within local planning authorities, but otherwise the legal and policy framework for decision-makers remains unchanged. Planning law continues to require planning decisions to be made in accordance with the development plan (e.g. local plan and neighbourhood plans) unless material considerations indicate otherwise. These specific reforms do not alter the National Planning Policy Framework (revised separately on 17th August 2026), or any local planning policies.			
	Positive	**Neutral**	**Negative**	**Commentary**
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		No, the National Scheme of Delegation has been subject to EqIA through the legislative process. The changes are procedural and apply equally to all applicants and residents. The proposals in this report are to make the necessary changes to implement these into the Council's constitution. There is not considered to be any material impact on inequality from these proposals. Every planning decision must have due regard to the Equality Act and this is not proposed to change. The number of planning committees is not considered have any material impact on inequality from these proposals. The changes are procedural and apply equally to all applicants and residents.

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No, the National Scheme of Delegation has been subject to EqIA through the legislative process. The changes are procedural and apply equally to all applicants and residents. The proposals in this report are to make the necessary changes to implement these into the Council's constitution. It is not considered that this decision would affect persons with protected characteristics in any materially different way. Every planning decision must have due regard to the Equality Act and this is not proposed to change. The number of planning committees is not considered that this decision would affect persons with protected characteristics in any materially different way. The changes are procedural and apply equally to all applicants and residents.
Environmental Impact:		✓		The changes are procedural and do not have a direct environmental impact. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This will not change under the National Scheme of Delegation or a single planning committee. The development plan will maintain the same policies in relation to environmental protection.
Health Impact:		✓		The changes are procedural and do not have a direct health impact. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This will not change under the National Scheme of Delegation or a single planning committee. The development plan will maintain the same policies in relation to public health and the built environment.

ICT Impact:		✓		The changes will be implemented using the existing case management system. Where changes are required, it is anticipated that these can be made in-house.
Digital Services Impact:		✓		These are procedural changes with no direct impact on Digital Services. However, where appropriate, process design will seek to prioritise digital solutions (for example, any forms for members to flag applications for consideration).
Council Strategy Priorities:		✓		The recommendations are not brought forward to support any of the Council's strategic priorities, rather the recommendations relates to business as usual in that they are ensuring planning functions continue in accordance with the legislative framework.
Core Business:	✓			The implementation of the National Scheme of Delegation is required to continue business as usual planning functions, predominantly the determination of planning applications.
Data Impact:		✓		No additional data would be routinely collected as part of the new processes.

Consultation and Engagement:	The recommendations in this report have been prepared in collaboration between the Service Lead – Planning (Chief Planning Officer), Development Manager and Legal Services Manager. There has also been engagement with the Portfolio Holder for Planning and Housing, Service Director (Development and Housing), Development Management Team Leaders, Service Lead – Democratic and Legal, the Executive Director – Place, and the Executive Director – Resources (Monitoring Officer).

	In addition, it is recognised that this is a substantial change to the way in which planning decision are determined, and therefore the following early engagement has also taken place: • Briefing note for Constitution Review Task Group • Early update email circulated to all members • Early update email circulated to all parish and town councils • Topic at annual member planning training (September 2026) In recognition of upcoming local government reform, officers have also liaised with colleagues at South Oxfordshire and Vale of the White Horse ("South and Vale") Councils to ensure implementation proposals are aligned as much as possible.

4 Executive Summary

4.1 This report is brought because the Council is required to update its Constitution to implement the National Scheme of Delegation for planning functions. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force on 31st October 2026 and will require certain planning functions to be discharged by officers, with other applications only capable of being referred to committee where the statutory gateway tests and local referral arrangements are satisfied.

4.2 The report proposes to:

(a) Replace the existing planning delegation provisions in the Constitution with updated wording that reflects the National Scheme of Delegation.

(b) Delegate all Schedule 1 applications to officers, as required by the Regulations, and delegate a number of other application types that are technical in nature.

(c) Introduce a local triage process for Schedule 2 and own-interest applications, recognising that this is the main area where there is the ability for local discretion. The process would filter which applications are considered by the nominated member and nominated officer, rather than requiring every Schedule 2 application to be reviewed. It would broadly use existing local committee triggers as the starting point, including officer referral, Planning Committee Chairman referral, ward member flagging, own-interest applications and major development, while excluding application types that are proposed to remain fully delegated.

(d) Replace the existing District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee with a single Planning Committee, reflecting the expected reduction in committee workload.

(e) Delegate limited authority to the Monitoring Officer to make any necessary minor amendments to ensure compliance during implementation, subject to ratification by Full Council as soon as practicable.

(f) Endorse a review of the new arrangements between 6 and 12 months after implementation.

4.3 Approval of the recommendations is necessary to ensure the Council can continue to determine planning applications lawfully and efficiently once the new statutory framework comes into force. The proposed arrangements provide a proportionate local implementation of the Regulations, maintain appropriate democratic oversight for qualifying applications, reduce avoidable committee workload, and include safeguards through Monitoring Officer delegation and post-implementation review.

5 Introduction

5.1 The Planning and Infrastructure Act 2025 introduced a new statutory framework requiring all local planning authorities in England to adopt a National Scheme of Delegation for planning functions, alongside a maximum size limit for planning committees.

5.2 The Government has stated that these reforms are intended to provide greater clarity, consistency and certainty in planning decision-making across England, to ensure that planning committees focus on key proposals that matter to an area, and to enable more routine and policy-compliant applications to be determined by professional planning officers.

5.3 The new requirements are given effect by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The Regulations were made on 15th July 2026 and come into force on 31st October 2026. From that date, the Council will be legally required to determine certain categories of planning application under officer delegated authority, and to operate a statutory 'gateway test' before certain other applications may be referred to committee. The Council's current Constitution does not reflect these requirements and must be amended before commencement.

5.4 This is a mandatory legislative change. The Council has discretion over some elements of local implementation – for example, committee structure and size within the statutory maximum, and internal process design. The Council does not have discretion over whether to comply with the core statutory framework. It is therefore essential the Constitution is amended, and internal processes revised, prior to the commencement date on 31st October 2026.

6 Overview of the National Scheme of Delegation

6.1 This section gives an overview of the new National Scheme of Delegation, as set out in legislation and guidance (Appendix C). A Member Briefing Note from the Planning Advisory Service (Local Government Association) is included in Appendix D. The following section sets out how it is proposed to implement the National Scheme of Delegation at West Berkshire.

6.2 The National Scheme of Delegation sets out two schedules to determine which applications must be delegated to officers, and those which may be referred to planning committee subject to the statutory 'gateway tests':

(a) Schedule 1 sets out the list of types of applications that **must in all circumstances be delegated to officers**.

(b) Schedule 2 sets out the list of types of applications that **may be referred to a committee subject to the circumstances** set out in the Regulations and must be delegated to an officer where those circumstances have not been met.

6.3 In determining whether a committee referral is made for a Schedule 2 application, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria (the "**gateway tests**") must be met for a referral to committee to be considered to meet that threshold:

(a) where the application raises a significant planning matter having regard to the development plan and any other material considerations.

(b) where the application raises an economic, social or environmental issue of significance to the local area.

6.4 The decision to refer to committee is made by agreement between a nominated member (e.g. Committee Chairmen) and a nominated officer (e.g. Chief Planning Officer). This decision must be made having regard to any guidance issued by the Secretary of State (see Appendix C), and the overriding presumption is that the applications listed in Schedule 2 will be delegated to officers and only exceptionally referred to committee.

Schedule 1 applications

6.5 The table below lists all application types that are listed in Schedule 1 of the Regulations. These are the types of applications that **must in all circumstances be delegated to officers**. Some of these application types are already 'fully delegated' under the Council's pre-existing Scheme of Delegation. For comparison, the table also identifies those which are currently subject to call-in and those which are always delegated currently.

Proposed Schedule 1 functions that must always be delegated under the National Scheme of Delegation.	**Available to call-in (before changes)**	**Always delegated (before changes)**
Householder development (a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development.	✓	
Minor commercial development (a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building.	✓	
Minor residential development (a) an application for planning permission for development that— (i) includes only dwellings and development for purposes incidental to the enjoyment of dwellings, (ii) comprises at least one but not more than nine dwellings, and	✓	

(iii) is to be carried out on a site having an area smaller than 0.5 hectares; (b) an application for planning permission for development (other than excluded flat development) of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of the flats; or (c) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b).		
Reserved matters approvals in respect of an outline application other than a large outline permission. ("large outline permission" means an outline planning permission which permits development involving either or both of— (a) the provision of 500 or more dwellings; (b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more.)	✓	
Discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)		✓
Prior approval for permitted development rights, or an application for determination as to whether prior approval is required (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)		✓
Permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)	✓	
Where a local planning authority considers a planning obligation is connected to a Schedule 1 application, **requests to agree to modify or discharge a planning obligation** (under section 106A(1)(a) of the Town and Country Planning Act 1990)		✓
Where local planning authority considers a planning obligation is connected to a Schedule 1 application, **modification or discharge of**	✓	

a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)		
Non-material amendments to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)		✓
Certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)		✓
Certificates of lawfulness of proposed used or development (under section 192(2) of the Town and Country Planning Act 1990)		✓
Biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)		✓
Certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)	✓	

Schedule 2 applications

6.6 Schedule 2 covers applications that may be considered by Planning Committee, but only if the statutory gateway tests and any local arrangements are met. These are detailed in the statutory guidance (Appendix C), but in summary are:

(a) planning applications that are not covered by Schedule 1;

(b) planning applications that would normally be Schedule 1, but are linked to listed building consent or changes to conditions on listed building consent;

(c) applications to change or remove conditions from an earlier Schedule 2 planning permission;

(d) retrospective planning applications, where the development has already taken place;

(e) reserved matters applications that relate to a large outline planning permission[1];

(f) requests to change or remove a planning obligation, where the obligation is linked to a Schedule 2 application;

(g) formal applications to change or remove a planning obligation, where the obligation is linked to a Schedule 2 application;

[1] "large outline permission" means an outline planning permission which permits development involving either or both of (a) the provision of 500 or more dwellings; (b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more.

(h) applications for listed building consent;

(i) applications to change or remove conditions on listed building consent;

(j) applications for advertisement consent; and

(k) applications for consent to carry out works to trees protected by tree preservation orders.

Own-interest applications

6.7 The new scheme recognises that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some 'own-interest applications' to be referred to planning committee without the need for consideration of the 'gateway tests'. Accordingly, the nominated member and officer may also refer the following types of application to committee:

(a) Made by the Council, or on Council-owned land

(b) Made by elected councillors or members of staff

Local implementation and triage system

6.8 Government guidance says the Council does not need to review every Schedule 2 or own-interest application for possible referral to Planning Committee. The Council can therefore use a local triage process to decide which applications should be considered by the nominated member and officer.

6.9 Under the proposed approach, only applications with a realistic prospect of meeting the statutory gateway tests, or raising relevant own-interest issues, would be considered for possible referral. The Council may also decide that some Schedule 2 application types should always be determined by officers. If the nominated member and officer do not both agree to refer an application to Planning Committee, it must be determined by officers.

Councillor and public involvement in planning decisions

6.10 The National Scheme of Delegation does not make any changes to the ability for residents, business, town/parish councils and other interested parties to make comments on planning applications. Any such comments will continue to be taken into account in determining planning applications where they raise material planning considerations.

6.11 Although the route to planning committee will now be governed by the new Regulations, ward councillors remain an important voice in the planning process. They may continue to represent the views of residents, businesses and parish councils, and provide relevant local knowledge. Councillors may make representations on planning applications, which will similarly be taken into account where they raise material planning considerations.

6.12 Where a Schedule 2 application is referred to Planning Committee, the speaking rights for town/parish councils, objectors, supporters, applicants/agents and ward members will remain unaffected.

7 Implementation Proposals for the National Scheme of Delegation

7.1 This section sets out the proposals for implementing the National Scheme of Delegation in West Berkshire.

Continuity with South and Vale

7.2 In the context of local government reorganisation (notwithstanding the current pause and review by Government), officers have liaised with colleagues at South Oxfordshire and Vale of White Horse District Councils in order to maximise alignment where possible. South and Vale each have their own planning committees, similarly with a meeting each month.

7.3 A Special Council of the Vale of White Horse District Council and a Special Council of South Oxfordshire District Council on 24th September 2026 will consider constitution amendments relating to the National Scheme of Delegation. The proposals at South and Vale similarly give local ward members the ability to make a "Gateway Referral Request", which is equivalent to what is being proposed in this report.

Amendments to Constitution

7.4 Appendix A includes the full text of the proposed changes to the Constitution required to implement the National Scheme of Delegation. It is proposed to replace Section 8 of the Constitution's Scheme of Delegation, which sets out the delegations to the Service Director – Development and Housing.

7.5 The responsibilities for Planning and Housing have been disaggregated for clarity, but no substantive changes are proposed to the Housing delegations. These are replicated in Section 8.2.

7.6 The Planning delegation have been rewritten in Section 8.1 to reflect the National Scheme of Delegation. The following is a summary of these changes, some of which are elaborated below:

(a) Similar to the existing arrangements, all planning matters are delegated to the Service Director and Service Lead with responsibility for Planning, and to the Chief Planning Officer, and the provisions set out the conditions and limitations.

(b) The Chief Planning Officer is delegated authority to produce and maintain a document nominating the nominated member, nominated officer and their substitutes. An example Nominations Document is included at Appendix F.

(c) All applications listed in Schedule 1 of the Regulations are delegated to officers. This is a direct requirement of the Regulations.

(d) The amendments identify several application types (in addition to Schedule 1 applications) that are delegated to officers.

(e) Sets out arrangements for Planning Committee to consider Schedule 2 applications which are referred to committee by the nominated member and nominated officer. The clauses repeat key legal parameters set out in the Regulations.

(f) A local triage system is set out which determines which applications are considered by the nominated member and nominated officer for referral to Planning Committee.

(g) Sets out provisions to ensure that there is no inappropriate lobbying of the nominated member and nominated officer in whether to refer an application to Planning Committee. These terms do not prevent a ward member from making representations to support their flagging of applications for consideration.

(h) Sets out provisions to enable the Monitoring Officer to make necessary amendments to the Constitution to ensure its terms of compliant with the Regulations upon implementation.

Nominated Member and Nominated Officer

7.7 As with the current arrangements, the proposed constitution amendments give delegated authority to the Service Director and Service Lead with responsibility for Planning.

7.8 Under the proposals, the Chief Planning Officer (Service Lead) will produce and maintain a document that identifies the nominated member, nominated officer and their substitutes, as required by the Regulations. In accordance with best practice, this document sits outside the Constitution so that it can be updated as necessary without reverting to Full Council on every occasion. Multiple nominations are included to ensure there are no single points of failure.

7.9 Ordinarily, it is anticipated that the nominated member would be the Planning Committee Chairman. The Vice Chairman would be a substitute, together with any other identified member.

7.10 Ordinarily, it is anticipated that the nominated officer would be the Chief Planning Officer (Service Lead), with the Development Manager, Service Director and Executive Director as substitutes.

Application process

7.11 The internal process is an operational matter that falls outside the recommendations of this report. However, for awareness, each application would be dealt with as follows

(a) **Initial screening**: At validation stage, each application will be registered as either a Schedule 1 or Schedule 2 application. Thereafter, any Schedule 1 application will proceed to be determined under delegated authority, but Schedule 2 applications will be subject to additional steps.

(b) **Schedule 2 triage**: Similar to how current committee triggers operate, the Planning Service will introduce measures to ensure that any application meeting the triage conditions set out in the proposed triage system are referred to the nominated member and officer (or their substitutes).

(c) **Gateway tests**: The Nominated Member and Officer will meet on a regular basis. They will consider all applications which have been triaged for assessment against the 'gateway tests'. They will decide whether the triaged applications can be referred to committee, or are to be determined under delegated authority. The Regulations require that this decision must be made having regard to the Government's statutory guidance. A record will be made of each decision, including reasons. Occasionally, it may be necessary to revisit these decisions within the process if the circumstances change, but most decisions about committee referral will be made at a point where consultation has concluded so that all parties have certainty on the process that will be followed.

(d) **Application report**: Every application report – delegated and committee – will include a statement setting out the outcome of the screening, triage and gateway tests.

7.12 It should be noted that the law and policies that guide decision making outcomes on planning applications is not changing. Planning law continues to require that all planning decisions are made in accordance with the development plan (e.g. local plan and neighbourhood plans) unless material considerations indicate otherwise. These changes do not affect the National Planning Policy Framework, the adopted Local Plan, or any other planning policy document.

Schedule 1 and other 'triaged out' applications

7.13 The constitution amendments stipulate that any application listed in Schedule 1 of the Regulations will be delegated to officers for decision. See list at paragraph 6.6.

7.14 Councils may also identify other application types that are always delegated to officers, in addition to those listed in Schedule 1 of the Regulations. This may be where, for example, existing schemes of delegation delegate applications that are not specifically listed in Schedule 1.

7.15 The following application types are included within Schedule 2 of the Regulations, but it is considered appropriate to 'triage/carve out' such that they are always delegated.

Application type	**Justification**
Applications for the **variation or discharge of conditions of listed building consent** (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990)	The Council's current scheme of delegation stipulates that all discharge of conditions applications are always delegated. Conditions on listed building consents are normally technical considerations. For example, details of joinery, method statements, window details,

Applications for **advertisement consent** (under regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007)	Advertisement consents are subject to limited considerations – local amenity and public safety – which are normally technical in nature. Many local planning authorities delegate these applications.
Applications for **consent under tree preservation orders** (under regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	Applications specialist knowledge of tree biology, physiology, pests and diseases etc. which can affect their health, as well as current Arboricultural management practice. In particular "5 Day Notices" must be determined urgently where a protected tree is thought to pose an immediate risk to people or property. Hedgerow notifications are determined against various schedules of specific ecological, landscape, or historical criteria; and these again are entirely technical assessments requiring specialist Archaeological and Ecological determination.
Applications for **screening and scoping opinions** under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	The Council's current scheme of delegation stipulates that all EIA screening and scoping opinions are always delegated. These are technical determinations.

Triage process for Schedule 2 applications

7.16 The triage process for Schedule 2 applications is the area in which the Council has the greatest degree of discretion in how the national scheme of delegation in implemented.

7.17 The guidance is clear that, the overriding presumption is that the functions listed in Schedule 2 will be delegated to officers. In determining whether a referral is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. This encourages a robust triaging process that filters out the majority of applications, thereby making the referral process as efficient as possible, and avoiding raising expectations of a committee referral if that would be inconsistent with the Regulations.

7.18 The proposals seek to largely replicate the Council's existing scheme of delegation as the foundations for the new triaging process. It is considered that the similarities with the existing arrangements will assist the Council in the initial implementation.

7.19 The table below summarises the applications which would be triaged for consideration by the nominated member and officer. Whilst largely repurposing existing committee triggers as a triage process, the following should be noted:

(a) The level of objection would not trigger referral in of itself. This is because any committee referral must be made on planning reasons, and so it would likely raise public expectations if every application with (for example) 10+ objections would be subject to a committee decision. This does not change the fact that all representations that raise material planning considerations are taken into account. Moreover, the ward member would still be able to flag an application to the nominated member and officer if they believed it may pass the statutory tests.

(b) All major applications would automatically be considered by the nominated member and officer due to their increased propensity to pass the gateway tests.

7.20 It is proposed that the triage process is reviewed between 6-12 months after implementation to ensure it is fit for purpose.

Appendix A Paragraph	**Trigger for the panel to consider whether the application should be referred to planning committee**	**Comments**
8.1.10(a)	Officer referral	Nominated senior planning officers in the Planning Service would be able to refer an application for consideration by the panel.
8.1.9(b)	Planning Committee Chairman referral	The Planning Committee Chairman may themselves make a referral to the panel.
8.1.9(c)	Flagged for consideration by the Ward Member	Any ward member may flag any application in their ward (or adjacent ward) to the nominated member and officer. They may also make representations to accompany their request. This would be comparable to existing call-in arrangements, but instead directed to the nominated member and officer for further consideration. A ward member would have four weeks from the validation of the application to flag it to the nominated member and officer via any form made available by the Planning Service.

8.1.10(d)a	Application made by WBC, or where the land is owned by WBC.	As an 'own-interest application' these can be referred to committee without passing the gateway tests. It is proposed to replicate the existing scheme of delegation.
8.1.10(d) b/c/d	Applications made by members of staff (Planning, linked to Planning, or Executive Leadership)	As an 'own-interest application' these can be referred to committee without passing the gateway tests. It is proposed to replicate the existing scheme of delegation. To be proportionate, this is proposed to be limited to members of staff in the Planning Service, any member of staff who has a direct involvement in the planning application process (e.g. consultees, legal officers), and the Council's Executive Leadership Team. It is not necessary to extend this to members of staff in unconnected services (e.g. social care workers) as they do not have any connection with the process.
8.1.10(d)e	Application made by elected WBC councillor.	As an 'own-interest application' these can be referred to committee without passing the gateway tests. It is proposed the panel will consider all such cases (i.e. not subject to any conditions).
8.1.10(e)	Applications for major development, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.	Greater propensity for application to pass the statutory gateway tests.

Referral to Planning Committee

7.21 Upon implementation a regular operational meeting will be established. This will be attended by the nominated member, nominated member, their substitutes and (where necessary) a legal advisor. It will be an operational decision when it meets, but it is envisioned in would typically meet on a fortnightly basis.

7.22 The nominated member and officer (or substitutes) will consider all applications identified through the local triage process, and decide whether any application should be referred to Planning Committee. For each application considered a record will be made of the referral decision and the reasons why the application was, or was not, referred.

7.23 It is important to highlight that the Regulations legally require the nominated member and officer to make their decision having regard to the statutory guidance issued by Government. This is an area which it is anticipated could be subject to legal challenge, and therefore the constitution amendments include clauses to prevent lobbying of the nominated member and officer.

7.24 Any application referred by the nominated member and officer will proceed to Planning Committee for determination in the normal manner. Any application not referred will proceed under delegated authority. The application report for each application will include a note stating:

(a) Whether the application is Schedule 1 or 2;

(b) For Schedule 2 applications, whether it was triaged to be considered by the nominated member and officer;

(c) For any triaged application, the reasons for either a delegated or committee decision.

Provisions for consequential amendments

7.25 The proposals amount to a substantial change in the way planning decisions are delegated and referred to planning committee. There has been limited time between the making of the final regulations and the implementation date. Consequently, there is a risk that – following implementation – minor amendments may be required to address unforeseen issues. This is particularly the case where these changes are being made nationwide, so such issues may arise through legal challenges across the country.

7.26 To mitigate this risk, it is proposed that the Monitoring Officer is delegated the authority to make any substantive changes to the Constitution that are in their opinion necessary to ensure the Council's Constitution fully aligns with the Regulations. Where any changes are necessary, a report will be brought to Full Council for permanent ratification of the changes are the earliest practical opportunity.

7.27 This is reflected in paragraph 8.1.16 of the proposed amendments.

Future review

7.28 This is one of the most substantial planning reforms that has taken place in recent years, and it introduces a fundamentally different approach to how local planning authority functions are delegated. The Regulations were made in July 2026 and come into effect on 31st October 2026, leaving limited time to prepare for implementation.

7.29 The proposals have been carefully considered and prepared. Officers have followed all available statutory and industry guidance, and have attended workshops run by the

Planning Advisory Service including representatives of planning authorities across England.

7.30 Nevertheless, it is considered good practice with such a substantial procedural change that it is subject to a review between 6 and 12 months. Recommendations are made accordingly.

8 Single Planning Committee

8.1 In light of the National Scheme of Delegation, it is proposed to replace District Planning Committee, Eastern Area Planning Committee and Western Area Planning Committee with a single Planning Committee. This would reflect the anticipated reduced committee workload.

8.2 Appendix E sets out the existing committee arrangements and data on workload over recent years.

8.3 Running a planning committee is resource intensive, predominantly in terms of officer time. A meeting will normally be staffed by a lead planning officer, legal officer, clerk, Zoom host, 1-3 planning case officers, and normally at least one consultee officer. The preparatory work involved significant planning officer time (especially for the lead officer), and technical officer support. Planning committees also require committee members to commit large amounts of time. As such, ensuring the committee structure is as efficient as possible is important in terms of making effective use of resources and public expenditure.

8.4 The committee data from recent years (Appendix E) indicates that a single planning committee would be a more efficient and effective structure. Combining the responsibilities of EAPC and WAPC would result in less cancellations, and a more consistent throughput where currently there are often imbalances between the committee (one with limited business, another with a backlog).

8.5 The National Scheme of Delegation is expected to significantly reduce the number of applications which are referred to planning committee. It is therefore recommended that the three existing committees are replaced with a single planning committee.

8.6 The benefits of a single planning committee, meeting monthly, would be:

(a) Reflects the anticipated workload for planning committees under the National Scheme of Delegation.

(b) Enables more consistency with agenda items, avoiding the imbalances that arise with multiple committees. In turn this should lead to less cancellations.

(c) More efficient use of resources, particularly officer and member time, which in turn minimises public expenditure.

(d) A single planning committee would enable membership selection from all councillors. This would help minimise disadvantages to minority group members in terms of selecting substitutions.

(e) A single planning committee for West Berkshire would be better aligned with future Local Government Reorganisation.

(f) Reducing the number of planning committees is being considered by other councils in light of the National Scheme of Delegation.

8.7 A single district-wide planning committee risks reducing local knowledge or representation. However, it is considered that the number of members that would sit on a single Planning Committee would still allow strong representation and local knowledge. It should also be noted that the committee procedure remains unchanged, and the ward member(s) would still be able to make representations direct to Planning Committee.

8.8 On balance, it is considered that the benefits of a single Planning Committee support the proposed change.

8.9 It is proposed that the new Planning Committee comprises 11 members. This replicates the size of District Planning Committee, as opposed to the smaller sub-committees that comprises nine members. This number is within the maximum statutory limit of 13 established by the new Regulations.

9 Other planning constitution amendments

9.1 The following minor amendments are also proposed to the Constitution.

Substitute Members of Planning Committees

9.2 The Constitution sets out the membership arrangements for the Planning Committees to ensure that their composition reflects the Council's overall political balance. Each Area Planning Committee comprises nine Members drawn from the wards within its geographic remit.

9.3 Under the Council's current political make up, the Minority Group has three Members representing wards in the western area, but only one Member representing wards in the eastern area. As a result, the Constitution allocates a single Minority Group Member to the Eastern Area Planning Committee.

9.4 Paragraph 4.2 currently limits substitute Members to those belonging to the same political group as the Member they are substituting for. In the present circumstances, this means that the Minority Group Member on the Eastern Area Planning Committee is unable to appoint a substitute at all.

9.5 In the most extreme scenario, this could result in a meeting being unable to proceed due to the committee not being quorate. It is important to emphasise that planning decisions must be made solely on relevant planning grounds and not on political considerations. This provides a strong rationale for amending the Constitution to ensure the committee can function effectively regardless of political group distribution.

9.6 It is therefore proposed that Section 4 of Part 6.8 - Appendix: Planning Committees be amended to allow a Substitute Member from any party on occasions where a selection cannot be made from the same party.

Member Planning Training

9.7 The Development Management Audit has included the following recommendation:

> *"We recommend that, as per the LGA good practice guidance 'Probity in Planning', councillors (i.e. the Planning Committees) should visit or review a sample of implemented planning permissions to assess the quality of the decisions and the development, ideally on an annual or more frequent basis. The Code of Conduct for Planning should be revised accordingly."*

9.8 The Planning Service intend to incorporate this action into the annual Member Planning Training. The Code of Conduct for Planning has now been incorporated into of Part 6.8 - Appendix: Planning Committees. To fulfil the full recommendations of the audit, it is proposed to make an addition to Section 4 of Part 6.8 - Appendix: Planning Committees.

10 Other options considered

National Scheme of Delegation

10.2 The National Scheme of Delegation is being implemented nationwide by the 2026 Regulations. All local planning authority decisions are bound by these Regulations, and therefore there is no alternative which involves not implementing the National Scheme of Delegation.

10.3 The proposals have been drafted in line with the statutory guidance published by Government, and with industry guidance produced by the Planning Officers Society and the Planning Advisory Service (part of the Local Government Association). As the proposals adopt a national scheme, these is limited scope to vary the substance of the drafting.

10.4 The main area of local discretion is in the triaging process. Consideration has been given to a more robust triaging process that filters out more applications from being considered by the nominated member and officer, reflecting the Government's statutory advice that it is the presumption that most Schedule 2 applications will be delegated to officers and only exceptionally will an application be referred to committee. However, given that this a new scheme that is being implemented for the first time nationwide, it is considered appropriate to propose a more relaxed triage process. It is, however, proposed to review the arrangements following implementation, whereby this can be given further consideration.

Single Planning Committee

10.5 Consideration has been given to not making changes to the existing committee structure. However, given the anticipated reduction in planning committee caseload, the costs associated with running each planning committee, and the Council's financial

position, it is not considered a financially sound approach to run multiple planning committees under the National Scheme of Delegation.

Other planning constitution amendments

10.6 The alternative option would be to retain the existing substitute and training arrangements, but this would not address the risks set out in this report, nor address the recommendations of the Development Management Audit.

11 Conclusion

11.1 The recommendations in this report are necessary to ensure that the Council's Constitution is updated before the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 come into force. From that date, the Council must operate the National Scheme of Delegation and cannot continue to rely on existing local arrangements where these are inconsistent with the statutory framework.

11.2 The proposed amendments to the Scheme of Delegation will enable the Council to continue determining planning applications lawfully and efficiently, while preserving committee consideration for those Schedule 2 and own-interest applications that meet the statutory requirements for referral. The proposed triage arrangements provide a proportionate local process which reflects the Regulations, Government guidance and the Council's existing approach to committee referrals.

11.3 Replacing the existing three planning committees with a single Planning Committee is recommended because the National Scheme of Delegation is expected to reduce committee workload significantly. A single committee is therefore a more efficient and proportionate structure, making better use of officer and member time, reducing avoidable cancellations and providing a consistent district-wide approach.

11.4 The proposed delegated authority for the Monitoring Officer and the planned review after implementation provide appropriate safeguards during the transition to the new regime. For these reasons, the recommendations at paragraph 2 are proposed as the most appropriate way to secure legal compliance, maintain service continuity and ensure the Council's planning decision-making arrangements remain effective and proportionate.

12 Appendices

Appendix A – Amendments to Scheme of Delegation

Appendix B – Amendments to Planning Committee Appendix

Appendix C – Government Statutory Guidance

Appendix D – PAS Member Briefing Note

Appendix E – Existing Planning Committee Arrangements

Appendix F – Example Nominations Document

Background Papers:

- Planning and Infrastructure Act 2025
- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
- Statutory guidance – Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☒

Delays in implementation could have serious financial implications for the Council ☒

Delays in implementation could compromise the Council's position: ☒

Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: All

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