CONSTITUTION PRACTICE NOTE

PROCESS FOR DEALING WITH PLANNING APPLICATIONS AND THE NATIONAL SCHEME OF DELEGATION

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). The regulations also limit the maximum size of a planning committee to 13 members.

The government has also published statutory guidance to support local planning authorities in applying the national scheme of delegation: Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK.

These regulations will come into force on **31 October 2026**.

Member 'call-in'

Prior to the introduction of the National Scheme of Delegation, The Constitution allowed a ward councillor to refer a planning application to Planning Committee providing a representation has been received before the end of the 21-day consultation period that was contrary to the recommendation of the appropriate officer. A councillor could only refer an application if it is in their ward.

It is appreciated that Councillors may be interested in planning applications and may wish for it to be referred to the Planning Committee for a decision.

Following the introduction of the National Scheme of Delegation, the presumption is that decisions on planning applications are made by officers.

The National Scheme of Delegation legislation puts different types of planning application into one of two 'schedules'.

Any Schedule 1 applications must be determined by an officer (i.e usual delegated authority).

Subject to the presumption that Schedule 2 applications will be dealt with by officer delegation, the nominated member and nominated officer may agree to refer a Schedule 2 application to a committee but only if in their view it raises—

> (a)one or more issues of economic, social or environmental significance to the local area, or
>
> (b)one or more significant planning matters having regard to the development plan and any other material considerations.

Criteria (a) and (b) are referred to as 'the tests'.

Any Schedule 2 application that is not referred to a committee must be determined by an officer.

Triage

If a Schedule 1 application – committee determination is not possible; delegated decision only.

If a Schedule 2 application – Councillors must give reasons for wanting the application to be considered at a 'Gateway' meeting, and must give reasons on how they feel 'the tests' are met.

There may be a triage of any applications where a Councillor has requested a committee determination. Nominated Officers will consider whether the application progresses to the 'Gateway' meeting with reference to 'the tests'. The relevant Councillor will be advised of the outcome of the triage process.

If Nominated Officers consider there is scope for the application to meet 'the tests' the application will be progressed to the 'Gateway' meeting.

If Nominated Officers consider there is not scope for the application to meet 'the tests' the application will not be progressed to the 'Gateway' meeting and will be determined using Delegated Powers.

Where the local ward Councillor is interested in an application, and considers that it may give rise to significant economic, social or environmental issues, and/or where there are significant planning matters and material considerations, they should register their interest in the application as early as possible.

Councillors are asked to adhere to the following procedure:

- Please notify officers as early as possible if you have a particular interest in a planning application in your ward.
- Notifications should be sent by email to development.management@chelmsford.gov.uk. (any subsequent correspondence with individual officers about the application should also be sent or copied to this email address so it can be acted on if the individual officer is away).
- Officers will acknowledge your interest and advise you whether the application is a Schedule 1 or Schedule 2 application. If the application is a Schedule 1 application, a decision must be made by Officers using delegated powers. You will be advised if this is the case.
- If the application is a Schedule 2 application, you will be asked to provide a written justification setting out how you consider the proposal to give rise to significant matters (with reference to the tests above).
- Once officers have completed the assessment of the application, they will update you with our likely recommendation. Please let us know as soon as possible if you are content to allow the application to be determined under delegated powers. This may be because the recommendation accords with your own views or because the planning position is clear cut. This avoids unnecessary delays and extra work.
- You will then be advised of the next steps and, if applicable, the outcome of any triage discussions and/or the 'Gateway' meeting.
- The application will be determined in accordance with the outcome of the 'Gateway' meeting.

Gateway Meeting

Nominated officer(s) and Nominated Member(s) will review the application and decide whether there are:

(a)one or more issues of economic, social or environmental significance to the local area, or

(b)one or more significant planning matters having regard to the development plan and any other material considerations.

If there are, the application will be referred to the Planning Committee for determination.

If not, the Councillor requesting 'call-in' will be advised of such decision and the application will be determined by officers (delegated decision).

In accordance with paragraph 21 of the guidance, applications for development which do not raise a significant planning matter can only be referred to the committee under criteria B if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess (subject to the presumption of officer delegation) whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary.

Reasons will be recorded for all cases. Decisions made at Gateway meetings will be reported to the Planning Committee and published on the Council's website.

'Own interest' applications

An own-interest application is an application where—

(a)the application is made (whether or not jointly with any other person) by or on behalf of—

(i)that authority,

(ii)a member of that authority, or

(iii)an officer of that authority, or

(b)in the view of the nominated member and the nominated officer, the authority or any of its members or officers otherwise has an interest in the application.

All 'own interest' applications will be considered at a Gateway Meeting.

Nominated officer(s) and Nominated Member(s) will review all own-interest applications and decide whether there are:

(a)one or more issues of economic, social or environmental significance to the local area, or

(b)one or more significant planning matters having regard to the development plan and any other material considerations.

If there are, the application will be referred to the Planning Committee for determination.

If not, the application will be determined by officers (Delegated decision).

Reasons will be recorded for all cases. Decisions made at Gateway meetings will be reported to the Planning Committee and published on the Council's website.