

PLANNING COMMITTEE REFORM – Discussion Paper in relation to size of Development Committee and Changes to Constitution Reflecting proposed National Scheme of Delegation and Member Training

1) Background

1.1. On 26 March 2026, central government opened a consultation titled “Planning committee reform: statutory consultation on draft Regulations and guidance”.

1.2. The introduction to the consultation sets out that:

“In the King’s Speech, the government announced that it would modernise the way planning committees operate to best deliver for communities and support much needed development. To achieve this, the government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to:

- give a new power to the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee
- give a new power to the Secretary of State to control the size and composition of planning committees
- impose a new requirement for Members of planning committees to be trained, and certified, in key elements of planning”

1.3. As part of the consultation, the government have issued draft regulations and further commentary on the draft regulations and implications for the Council are set out in the report below. A copy of the draft regulations is attached at **Appendix A**.

1.4. The consultation ran for four weeks and closed on 23 April 2026.

2) Size and Composition of Committee

2.1. Regulation 7 of the draft regulations refers to a limit on the size of committee determining applications. The maximum limit specified by the regulations is **13 Members**. However, it is a matter for each Council to decide how many Members should be on the Development Committee up to the maximum specified by the regulations.

2.2. The Planning Advisory Service (PAS) note that “The number of Members of a planning committee is partly influenced by the political make-up of a council. Planning decisions should never be made based on political views, but a council will normally want a planning committee to include a representative number of councillors based on the political make-up of the council”.

2.3. Currently the Development Committee comprises 14 Members and the meeting is quorate with 7 Members present. Changing the size of Development

Committee will have implications for the political make-up of the Committee. In reviewing the number of Committee Members, an odd number of members may be considered sensible in terms of helping avoid the potential for tied votes requiring the Chairman's casting vote.

- 2.4. A report to FULL COUNCIL AGM on 20 May 2026 will set out and agree the number of Members on each Committee across the Council and this would be an opportune time to reflect on the draft regulations when setting the size of the Development Committee.
- 2.5. Below at Table 1 is a breakdown of potential options in reducing the number of Members on Development Committee. Whilst it is ultimately a matter for FULL COUNCIL to determine, a Development Committee comprising 11 Members would seem a sensible option to consider, reflecting the future reduced workloads expected following changes to be brought in by the national scheme of delegation, as set out in the report below at Section 3.

Table 1 - Number of Committee Members

Number of Committee Members	Quorum	Comments
13	7	Maximum Permissible under draft regulations
12	6	Even number
11	6	Recommended number
10	5	Even Number
9	5	The fewer the members on Committee, the greater the pressure on each member when taking decisions
8	4	
7	4	

- 2.6. **RECOMMENDATION - That the Development Committee note the contents of Section 2 of this report and indicate a preference on the size of Development Committee for consideration at the AGM in May 2026 and reported to FULL COUNCIL.**

3) National Scheme of Delegation and revised Constitution

- 3.1. Whilst North Norfolk District Council delegates approximately 97% of planning decisions to Officers, the government's intention is that nationally, fewer

planning applications will be reported to Development Committee for determination, and more cases will be delegated to Officers.

- 3.2. The draft regulations (as set out at **Appendix A**) prescribe two things:
 - a) A list of application types which would ALWAYS be determined by Officers (specified at Schedule 1 of the Regulations); and
 - b) A list of application types which should ALWAYS be determined by Officers (specified at Schedule 2 of the Regulations) **unless** the proposal raises:
 - one or more issues of economic, social or environmental significance to the local area, or
 - one or more significant planning matters having regard to the development plan and any other material considerations.
- 3.3. For those application types falling within Schedule 2 of the Regulations, the decision whether to actually call the matter to Committee rests with nominated Members and Officers. The list of nominated Members and Officers is a matter for each Council to decide but is likely to include the Chair and Vice Chair of Development Committee and Assistant Director for Planning and the Development Manager. Those nominated Members and Officers will undertake a “gatekeeper” function and it is a matter for each Local Planning Authority to decide the rules that will apply to those gatekeeper functions (to be set out as part of a new scheme of delegation).
- 3.4. The government expects the new national scheme of delegation to come into effect on **30 September 2026**.
- 3.5. To meet the deadline, the Council’s Constitution would need to be amended to reflect both the nationally prescribed scheme of delegation and the gatekeeper functions to determine which of the application types listed at Schedule 2 in the Regulations should be referred to Development Committee for determination. The expected route and timeframe for amending the Constitution would be via the **Constitution Working Party on 30 June 2026** and then to **FULL COUNCIL on 23 September 2026** for final sign-off.
- 3.6. The reality of the changes proposed in the regulations means that the Development Committee would not determine (amongst other things):
 - Householder planning applications;
 - Housing schemes of less than 10 dwellings;
 - Minor commercial applications;
 - The majority of reserved matters approval applications;
 - Permission in Principle applications;
 - Condition discharges (including Biodiversity Net Gain plans);
- 3.7. Whilst the type of applications listed in Schedule 2 of the Regulations include: listed building consents, adverts and Tree Preservation Orders and all those application types not listed within Schedule 1 of the Regulations, the

“gatekeeper” function will need to ensure that only those applications needing to be referred to Development Committee are so referred otherwise there is a risk that the number of cases delegated to Officers will fall and which would undermine the purpose of the Regulations.

- 3.8. For context, in 2025, there were 12 Development Committee meetings determining 53 applications (average of 4.4 applications per meeting). Of those 53 applications, 41 (77%) were “non-major” and 12 (23%) were “major” applications. Of the 12 meetings that took place in 2025, only 7 meetings included “major” applications on the agenda.
- 3.9. Based on the national scheme of delegation and subject to the “gateway test” being signed-off as part of a revised constitution, there is a likelihood of reduced frequency of Development Committee meetings taking place and, when they do, there is likely to be a reduction in the number of items on the agenda. This provides a justification for a reduced size of the Development Committee down to 11 Members, as recommended at paragraph 2.5 above.
- 3.10. For the avoidance of doubt, there are provisions within the Regulation guidance in relation to planning applications submitted by the Council, Members or Officers and which sets out that:

“Where applications are made by the authority itself or an officer or member of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers, we recognise that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some applications to be referred to a planning committee or sub-committee even if they do not raise any significant planning, economic, social or environmental issues. These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.”

As is currently the case in the existing Constitution, provision will be made within the amended Constitution to set out how such applications by the Council, Members and Officers will be determined.

- 3.11. **RECOMMENDATION – That the Development Committee note the contents of Section 3 of this report.**

4) Mandatory Training for members of Development Committee

- 4.1. Whilst the government previously indicated it would take forward a requirement for mandatory training for Members of Development Committee, this does not form part of the current consultation.
- 4.2. In its response to the May 2025 technical consultation on planning reform, central government indicated that:

“The government has noted the varying views on how we should take forward our powers to implement mandatory member training from the Planning and Infrastructure Act 2025. We note, in particular, the support for the proposals to have training administered on a national level. The government’s priority is to implement the national scheme of delegation and size of committee reforms first. However, the government continues to recognise the importance of effective mandatory training for planning committee members, and will embark on further stakeholder engagement to design a credible and cost-effective system taking account of the views from this consultation.”

- 4.3. Absent a mandatory National Member Training programme, Member Training on Planning matters will continue to be delivered by Officers on relevant matters when appropriate.
- 4.4. **RECOMMENDATION – That the Development Committee note the contents of Section 4 of this report.**

RECOMMENDATIONS:

- i. **That the Development Committee note the contents of Section 2 of this report and indicate a preference on the size of Development Committee for consideration at the AGM in May 2026 and reported to FULL COUNCIL.**
- ii. **That the Development Committee note the contents of Sections 3 of this report regarding the National Scheme of Delegation and revised Constitution**
- iii. **That the Development Committee note the contents of Section 4 of this report regarding mandatory Training for Members of Development Committee.**