

Planning Committee Reforms London & Manchester - July 2026

Agenda

- 1000** Welcome, introductions and aims of the day
 - Recap on the reforms
 - A Head of DM's reflections
 - Amending constitutions
- 1145** **Coffee break**
 - Gateway Test part 1
- 1300** **Lunch**
 - Gateway Test part 2
 - Tricky applications
 - What are your next steps?
 - Reflections and next steps
- 1600** **Finish**



Recap on the reforms

- Reminder of the objectives of the reforms to planning committees
- 3 key measures legislated for in the Planning & Infrastructure Act
- Consultation on the draft Regulations closed on 23rd April and were laid 1st June with statutory guidance and the Government's response to the consultation
- National scheme of delegation – Schedule 1 and Schedule 2 and the “gateway test” applied by the nominated officer and member

Notable changes

Go-live date extended by a month, to 31 October 2026 to give LPAs more time

Reserved matters – no longer reference to phased outlines, instead a new ‘large outline’ definition which are Schedule 2

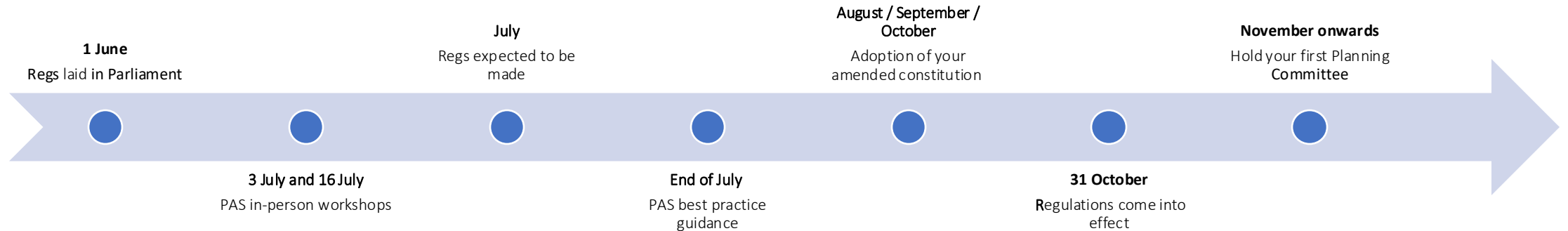
S73 applications to vary or remove conditions are now in the same schedule as the “original” application

The secretary of state must review the effectiveness of the regulations in 2 years’ time

Also be aware of...!

- Definition of ‘minor commercial’ relates to use classes A1, A2, A3, A4 and A5
- Changes of use are not included under minor commercial
- ‘Minor residential’ applications includes only dwellings and development for purposes incidental to the enjoyment of dwellings

Key milestones and actions



- ✓ Discuss the regulations and guidance with members, key officers and other parties
- ✓ Which Schedule 2 applications do you expect to be subject to the "gateway" test?
- ✓ Know your key dates and processes to amend your constitution e.g. Council or Cabinet meetings
- ✓ Draft your new constitution using PAS best practice guidance
- ✓ Adopt your new constitution and reconstitute your committee ready for 31 October
- ✓ Diarise regular meetings with nominated officer and member – the "gateway test", record & publish
- ✓ Ensure members are trained ahead of your first committee meeting under the new regulations
- ✓ Build in early reflection points

A Head of DM's Reflections

Lyndsey Hayes
Ribble Valley Borough Council

Amending your constitution

Ben Standing

Partner at Browne Jacobson LLP

- Introduction to key structural changes to the constitution
- Workshops on specific questions
- Feedback session

Amending your constitution

- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
- Aim to is achieve greater clarity and consistency in the role of planning committee
- Will require updated constitution
- Current approaches vary
- Schedule 1 – relatively straightforward – although need to ensure understanding of different applications
- But issue is schedule 2

Schedule 2 applications

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).
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 paragraph 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.

Schedule 2 applications (2)

5.—(1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.

(2) In this paragraph—

“original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

“Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

Schedule 2 applications (3)

6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)(a).

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 (modification and discharge of planning obligations);
- (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

(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 approval application in respect of a large outline permission.

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)(b).

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)(c).

Which applications are considered?

Applications that may be determined by a committee or by an officer

5.—(1) A relevant local planning authority must make arrangements so that any Schedule 2 application made to that authority is determined in accordance with paragraphs (2) to (4).

(2) Any Schedule 2 application that is not referred to a committee in accordance with paragraph (3) must be determined by an officer of that authority.

(3) The nominated member and nominated officer may agree to refer a Schedule 2 application to a committee 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.

(4) In considering whether to make a referral under paragraph (3), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

The guidance

12. It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice.

13. It is not a requirement of the national scheme of delegation that nominated officers and nominated members consider all Schedule 2 applications or all own-interest applications for potential referral to committee. Local planning authorities may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral. The regulations provide for the option for Schedule 2 applications to be considered for committee against the gateway test but do not require all schedule 2 applications to be considered – they will otherwise be delegated to officer.

14. Where local planning authorities anticipate that there may be a significant number of Schedule 2 or own-interest applications which may need to be considered for referral to committee they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

Triage system

- Triage system
- No guidance
- Aim of today – your views on what this should look like
- No single constitution type. But all will need to amend a) officer delegations and b) how and when applications are considered to go to committee
- What should happen to applications not in schedule 2?

Amending your constitution

- Various views:
 - All applications that are schedule 2 go through gateway test (no triage)
 - 'Call in' by head of planning and chair of planning committee to gateway test
 - Threshold criteria agreed – so only applications of certain scale are subject to the gateway test
 - Officers should give a list of all applications to head of planning and chair of planning committee, with applications which meet set criteria flagged. Decision to take to gateway test then made by head of planning and chair of planning committee
 - Use existing system of choosing whether an application goes to committee, to decide if goes to gateway test

Table discussion

- 30 minutes discussion
- 15 minutes to feed back
- Please consider the following -
 - Should there be a triage test? If so, what should it look like?
 - When will the triage happen? At start of the process, or after consultation. Is the decision to take to the gateway test final?
 - AND / OR, create an expanded, local version of Schedule 1?
 - What should happen to applications not in schedules 1 or 2?

Coffee break 1145-1200

The Gateway Test

- The Gateway Test is the statutory criteria for the referral of applications to committee.
- At least one of the criteria (a) and (b) must be met for a Sch 2 application to be referred:
 - (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*

What does the statutory guidance tell us?

A – economic, social or environmental issues of significance

- Outline planning permission for a large multi-phase residential development
- Change of use from a community shop in rural area
- Planning permission or listed building consent for changes to a notable listed building in a town centre

B – significant planning matters having regard to the dev plan and other material considerations

What they are unlikely to be:

- Application in broad compliance with allocation & local policy & NPPF
- Where planning matter e.g. highways or flood risk was raised by stat consultee but the application has been suitably amended to address it.

Table discussion: *'significant'*

- 20 minute task, then 10 minutes to feed back.
- Who is in your group e.g. rural district, urban authority etc?
- How are you interpreting 'significant' in the context of A and B and the examples provided?
- Do you need any further guidance or tools to support you in applying this in discussion with your nominated member?

Lunch 1300-1345

The Gateway Test

Take 3 x Schedule 2 applications through the gateway test



Discuss whether they meet statutory criteria
i.e. do they raise:

(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?

Major
residential
development

Large scale
reserved
matters

Change of
use

	Application 1	Application 2	Application 3
Location	Ladds Garden Village, Wokingham	Land off Hale Gate Road, Widnes (Halton)	113 Yorkshire St, Rochdale
Proposed development	Full application for 19 dwellings	RM for all except access	C/u from retail to take away
Why Schedule 2?	Major residential	RM of 500+ dwellings	c/u that does not fall within scope of Sch 1
Key considerations	Green belt, PDL, 2.5yr HLS, more support than objection, no objections from stat consultees	Objections from residents & Parish Council. Officers satisfied all matters addressed	Edge of town centre, within CA, no neighbour objections, no stat con objections
Council profile	Unitary authority & semi-rural	Unitary authority, urban & industrial	Metropolitan district, semi-rural & dense urban areas

The Gateway Test – The Task

Using the handouts, as a table, take the three applications through the test:

- apply the statutory criteria A and B
- agree as best you can on the outcome
- record your decision and the reasons why (including any disagreements!)
- think about whether you would have as much information available as we have provided you with when you are having these discussions with your nominated member.

If you have any spare time, discuss the timetabling of the gateway meetings and record it - e.g. how many, when would they fall?

- **40 minutes on the task**
- **10 minutes to feed back**

Tricky applications

We have around 15 minutes to discuss any tricky applications e.g.:

- Difficulties in deciding if certain applications are Sch 1 or Sch 2
- Challenging applications to take through the gateway test

What are your next steps?



Discuss and agree 5 **challenges** that you are facing, and having regard to what you have heard today, set out **solutions** for each (include where PAS can help!)



Spokesperson for the table to feed back the top 2



30 minutes to discuss, 10/15 mins to feed back

PAS' reflections and next steps...



PAS website [here](#) for FAQs, recordings and presentations



Final in person workshop 16 July (Manchester)



PAS best practice guidance aim to be published end of July:

1. How to amend your constitution;
2. The gateway test; and
3. Material to train your members



PAS residential courses for Planning Committee Chairs @
Warwick University 10-11 October 2026 and 19-20 January 2027



Join our DM network by emailing PAS@local.gov.uk

Feedback

Please complete the feedback forms that are being circulated.
We rely on your input to learn how we are doing and improve the
way we deliver our training for you!