



**REPORT of
DIRECTOR OF LEGAL AND GOVERNANCE**

**to
COUNCIL
22 OCTOBER 2026**

CHANGES TO PLANNING COMMITTEES

1. PURPOSE OF THE REPORT

- 1.1 To establish a single Planning Committee in order to comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. ("Regulations")

2. RECOMMENDATIONS

- (i) That the Council establishes a single Planning Committee of 13 members from 31 October 2026;
- (ii) That the Council abolishes the three Area Planning Committees: North Western, Central and South Eastern Area Planning Committees and District Planning Committee from 31 October 2026.
- (iii) That the 2026/27 Schedule of Meetings is amended from 1 November 2026 to remove Area and District Planning Committee meetings and to schedule Planning Committee meetings every three weeks, starting at 7pm.

3. SUMMARY OF KEY ISSUES

- 3.1 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. ("Regulations") were made in July 2026 and come into force on 31 October 2026. The Government has provided guidance: [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)
- 3.2 These Regulations are a change in law. The Council must implement these changes as failure to adopt these legislative changes will mean that the Council will be making decisions unlawfully from 31 October 2026.
- 3.3 The Regulations bring in a number of legal requirements which relate to the local authority planning decision process.
- 3.4 The proposed changes are intended to modernise the Council's planning decision-making arrangements, align with the forthcoming National Scheme of Delegation, improve consistency, and ensure that planning committees focuses on the most significant and strategic planning applications.

Size of Planning Committees

- 3.5 The Regulations set out a maximum size for a planning committee, which has been set at 13 members. Maldon District Council's District Planning Committee currently consists of 31 members. A Planning Committee maximum size of over 13 will become unlawful after 31 October 2026 and the current committee size must be reduced to a maximum of 13.

National Scheme of Delegation

- 3.6 Part of the Regulations also introduce a National Scheme of Delegation. Under the NSD Scheme Schedule 1 applications are routine or minor proposals that must be delegated to Officers. Schedule 2 applications generally encompass large, strategic or more sensitive developments.
- 3.7 The regulations set out the following general approach to decision making:
- where applications fall under Schedule 1, decisions must be delegated to Officers;
 - where applications fall under Schedule 2, there is a presumption under regulation 5 that decisions are delegated to Officers unless the nominated officer and nominated Member agree the application should be referred to a planning committee for determination and that it meets at least one of the criteria (listed in para 3.8 below).
- 3.8 This threshold is known as the Gateway Test. The presumption should be that decisions are delegated to officers and only exceptionally be referred to the Planning Committee. At least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:
- A..... where the application raises an economic, social or environmental issue of significance to the local area
- B..... where the application raises a significant planning matter having regard to the development plan and any other material considerations
- 3.9 The Regulations give a designated officer of the Council the final decision on whether applications will be placed before the Planning Committee in consultation with the Chairperson of the Planning Committee.
- 3.10 The nominated Officer should be the Chief Planning Officer or equivalent Officer who has extensive professional planning experience. Local planning authorities will also need to ensure they have other Senior Planning Officers who can provide cover if needed to avoid any unnecessary delays in the referral process.
- 3.11 The nominated Member should be the Chairperson of the Planning Committee. As in the case of nominated Officers, the authority will need to ensure there are arrangements in place for other Members to cover should the nominated Member not be available.
- 3.12 This approach is intended to ensure that the Planning Committee focuses on the most important and strategic development proposals, rather than routine applications. This change will result in fewer minor applications being placed before a Planning Committee. These applications are currently dealt with by our Area Planning Committees and there will be no business for Area Planning Committees to consider. It is therefore proposed that the Area Planning Committees are abolished.

- 3.13 These changes also reflect the recommendations of the review carried out by the Planning Officers Society Enterprise (POSe) Peer Review of the Council's Development Management service to improve the decision-making process of planning applications within the Council.
- 3.14 The new Regulations do not allow for any call in process by Members.
- 3.15 These changes will mean that the Committee will only consider strategic and important sites. Members will be aware that such applications can take a number of hours to discuss. As a consequence, we are suggesting an earlier start time of all Planning Committee meetings of 7pm, to prevent meetings going beyond 10pm or for meetings to be split over two dates.
- 3.16 Given these are new regulations it is currently unclear the number of applications that will be required to be heard by the Committee. We are therefore proposing that the schedule of meetings is amended to provide for meetings every three weeks of the new Planning Committee. This will ensure Members are available but if no matters of business are forthcoming the meetings can be cancelled.

4. CONCLUSION

- 4.1 From the 31 October 2026 to act lawfully the Council must reduce the size of its Planning Committee to a maximum of 13 members.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

- 5.1 Elements of all areas of Corporate Plan delivery are covered in the activities of the Committees.

6. IMPLICATIONS

- (i) **Impact on Customers** – Customer delivery is driven by some of the Committee activity.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk (including Fraud implications)** – Risk management is covered in some of the Committee activity.
- (iv) **Impact on Resources (financial)** – Financial management is covered in some of the Committee activity.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on Devolution / Local Government Reorganisation** – None.

Background Papers:

- [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)
- [Planning Regulations Statutory Guidance](#)

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