

Arun District Council

REPORT TO:	Planning Committee – 15 January 2025
SUBJECT:	National Scheme of Delegation for Planning Committees
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor Simon McDougall, Chair of Planning Committee
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: n/a	
DIRECTORATE POLICY CONTEXT: n/a	
FINANCIAL SUMMARY: n/a	

1. PURPOSE OF REPORT

- 1.1 On 9 December, the Government published a working paper setting out some options for their proposed national scheme of delegation for Planning Committees. This proposal was first suggested in July 2024 as part of wider proposed changes to the National Planning Policy Framework (NPPF). The paper seeks responses to specific questions.
- 1.2 The paper is undated and is not referred to as a consultation. There are no timescales given in which to respond to the questions. The Ministry for Housing, Communities and Local Government (MHCLG) has also not sent out timescales to Chief Planning Officers but has stated that a formal consultation will follow.

2. RECOMMENDATIONS

- i. That the Committee resolve to agree the response drafted in Appendix 1.

3. EXECUTIVE SUMMARY

- 3.1 See below.

4. DETAIL

- 4.1 The published working paper was accompanied by a statement from the Deputy Prime Minister. It is stated that the introduction of a national scheme of delegation for Planning Committees will be part of a “sweeping overhaul of local planning committees” designed to fast-track development and “get Britain building”.
- 4.2 Publication of the working paper preceded the publication of the revised NPPF on 12 December 2024.

- 4.3 The working paper invites comments on three different models for the national scheme of delegation, as well as laying out plans for dedicated committees for large-scale “strategic” development that would bring “long-term change to an area” and “mandatory” training for planning committee members.
- 4.4 The paper said that, even though 96 per cent of decisions were already made by officials, the department was concerned that some committee decisions were being made not in accordance with material planning factors, and that too many policy-compliant schemes on allocated sites were being overturned. The Government are seeking the creation of a standardised national scheme of delegation.
- 4.5 Under the first option for the national scheme of delegation, decision-making would be delegated for all applications deemed to comply with the development plan, with delegation resting on a judgement about whether they are “in line with plan policies or in line with a design guide”. This approach would apply to other applications such as reserved matters where all proposals in accordance with the development plan would be delegated to officers.
- 4.6 The Government said it wanted views on whether this option would need a different approach where a plan is out of date, and the tilted balance applies, as it wants to “clarify how an officer assesses compliance with the development plan” in these circumstances.
- 4.7 The second option proposes delegation of all applications by default, with exceptions simply for applications which are “departures from the development plan”, or where they are submitted by the authority itself.
- 4.8 The third option also proposes delegation being the default position, with committees only called on to decide applications according to a prescribed “list of exceptions”. The white paper suggested these expectations could include major schemes not on allocated sites and allocated sites where the scheme departs from the local or neighbourhood plan.
- 4.9 In addition to the three options above, the Government is interested in views on the creation of smaller targeted planning committees specifically for strategic development (that could include expert non-elected members), as well as the introduction of a mandatory requirement for training for planning committee members.
- 4.10 The Government intend to publish a formal consultation on these measures alongside the introduction of the Planning & Infrastructure Bill in 2025. It also sits alongside a Devolution Whiter Paper published on 16 December 2024.
- 4.11 The Government consider that national changes to Planning Committees are required because “it is vital that in exercising that democratic oversight, planning committees operate as effectively as possible, focusing on those applications which require member input and not revisiting the same decisions.” And “the Government also wants to make sure that skilled planning officers in local authorities are given the appropriate amount of trust and empowerment.”

4.12 The Government believe that there are a number of issues with how Planning Committees operate that they want to address.

- Too much time is spent considering applications that are policy compliant.
- Delaying appropriate development and wasting taxpayers' money.
- Insufficient understanding among members of planning law and principles.
- Lack of transparency of decisions and their consequences.

5. CONSULTATION

5.1 None.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 None

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 There are no direct financial implications. Indirect costs are met by existing budgets, members and officer's time.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 N/a

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 The legal basis for delegation is Section 101 of the Local Government Act 1972. The functions delegated to the Planning Committee by Full Council are set out within Part 3 Section 5.2 of the Constitution, and the delegations to officers are set out within the Group Head of Planning's delegations at Part 7 Section 2 of the Constitution. Between them, these sections of the Constitution set out the basis on which a delegated function operates, the level of member involvement and the circumstances in which an officer's delegated powers to make a decision may or may not be exercised, as the case may be.

10. HUMAN RESOURCES IMPACT

10.1 N/a.

11. HEALTH & SAFETY IMPACT

11.1 N/a

12. PROPERTY & ESTATES IMPACT

12.1 N/a

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 N/a

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 N/a

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 N/a

16. HUMAN RIGHTS IMPACT

16.1 N/a

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 N/a

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BACKGROUND DOCUMENTS:

[Planning Reform Working Paper: Planning Committees - GOV.UK](#)

Appendix 1

Do you think this package of reforms would help to improve decision making by planning committees?

No. Schemes of Delegation have been formulated for authorities based on vast amounts of experience and discussion in getting the balance right between democratic decision making, public involvement in the planning process and calling upon the expertise of officers. Imposing these matters on individual authorities will remove the ability to achieve this and will result in decisions on a large number of controversial applications not being taken in public.

The proposals also do not reflect the reality in each Council whereby Heads of Planning have good working relationships with Chair's of Committees and, in this way, a pragmatic and flexible approach to schemes of delegation is implemented to ensure that the correct balance is struck.

The proposed changes are simply changes that do not need to be made.

Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?

Option 3. But only if the prescribed list is sensible to achieve the correct balance between speed of decision making and democratically accountable decisions. However, even with a prescriptive list, there must be a degree of flexibility to allow for sensible interpretation and for certain instances where an application may present specific issues that are only relevant for certain authorities.

We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

Arun is opposed to a national scheme of delegation. We consider that the scheme of delegation that is currently in place strikes the correct balance between timely decisions and the democratic process. We do not believe that alternative suggestions around size and reserved matters would add anything useful to what is already in place.

Are there advantages in giving further consideration to a model based on objections?

No. At Arun we have a sensible approach whereby the number of objections are not necessarily determinate about whether an application should go to Committee. Having a black and white number/threshold would simply encourage representations that would be submitted for the wrong reasons. This would not be what public consultation should be.

Do you agree that targeted planning committees for strategic development could facilitate better decision making?

Do you have a view on the size of these targeted committees?

A minimum of 7 elected members would be required to ensure appropriate representation.

How should we define strategic developments?

100 dwellings and over. However, that would be a relevant threshold for Arun. It wouldn't be a relevant threshold for many other authorities.

Do you think the approach to mandatory training is the right one?

Yes. This is something that is done at Arun already.