

LONDON BOROUGH OF CAMDEN	WARDS: All
REPORT TITLE Amendments to the Constitution arising from the National Scheme of Delegation of Planning Functions	
REPORT OF Director of Economy, Regeneration and Investment	
FOR SUBMISSION TO Audit and Corporate Governance Committee Council	DATE 07/07/2026 13/07/2026
SUMMARY OF REPORT <p>The Planning and Infrastructure Act 2025 gave powers to the Secretary of State to control the function of Planning Committees; the type of applications they can consider their size and training requirements.</p> <p>The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“the Regulations”) setting out the national scheme of delegation and restricting the size of a planning committee were published in June 2026 and are due to come into force on 31st October 2026. They apply to all local planning authorities. Decisions taken on or after that date must be taken in line with the Regulations and if not, could be considered by the Courts to have been unlawfully taken. This report seeks approval of amendments to the Constitution so that it aligns with the Regulations and it is clear who and under what circumstances planning decisions can be made.</p> <p>The national scheme of delegation sets out a two-tier approach. Schedule 1 applications must always be delegated to officers. Schedule 2 applications there is a presumption that applications will also be delegated, unless the nominated officer and nominated member agree the application should be referred to a planning committee for determination and it meets at least one of the criteria in regulation 5(3) - ‘the gateway test’. The report is recommending that the nominated officer is the Head of Development Management and the nominated member is the Chair of Planning Committee. It is also proposed to carve out some applications identified in Schedule 2 in order to make the scheme of delegation align more closely with existing arrangements, those being works to trees with a Tree Preservation Order, Listed Building Consent (including variation and discharge of conditions) and Advertisement Consents not connected to a planning application in Schedule 2.</p> <p>The amendments that need to be made to the Constitution to implement the national scheme of delegation relate to Part 3 Responsibility for Functions and Part 5 Planning Protocol.</p>	

Local Government Act 1972 – Access to Information

The following documents have been used in the preparation of this report:

[Town and Country Planning Act 1990](#) - (Sections 319ZZC to 319ZZE)

[Planning and Infrastructure Act 2025](#) – (Section 54)

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

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

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RECOMMENDATIONS

That the Audit and Corporate Governance Committee recommends to Council approval of the proposed amendments to the Constitution, as set out in Appendices B and D, to align the Council's arrangements with the National Scheme of Delegation of Planning Functions.

That the Council approves the proposed amendments to the Constitution, as set out in Appendices B and D, to align with the National Scheme of Delegation of Planning Functions.



Signed:

Date: 24/06/26

1. Purpose of Report

- 1.1. The Government has published the Regulations setting out a national scheme of delegation of planning functions which applies to all local authorities. This report seeks approval to amend the Constitution in line with the Regulations.

2. National Scheme of Delegation of Planning Functions

Background

- 2.1 The Government is of the view that decisions about what is built should be shaped by local communities and believes that planning committees have an integral role in providing local democratic oversight of planning decisions. The Government wants to ensure that committees operate as effectively as possible, focussing on the right applications which will benefit from member input, and supporting local authorities to meet national targets on speed of decision making and quality of decision making.
- 2.2 In the King's Speech in July 2024, the Government announced that it would look to 'modernise' the way that planning committees operate. Nationally there is a lot of variation in how committees operate, the size of them, the type of applications they consider and the effectiveness of their decision making. So, in many respects this is less about 'modernisation' and ultimately about bringing consistency in their operation and bringing some planning committees which are not operating effectively in line with the higher performing ones. This will reduce the risk to developers and will assist in the delivery of new homes.
- 2.3 Camden has a good track record in terms of the performance of its planning committee and already has a scheme of delegation which seeks to ensure that the vast majority of cases apart from the most strategic and/or contentious are dealt with under delegated powers (currently 93% of applications are dealt with under delegated powers)The proposed reforms in terms of outcome are therefore likely to have less of an impact (albeit not no impact) in a borough like Camden than they may do elsewhere in the country.
- 2.4 The Planning and Infrastructure Act 2025 included powers for the Secretary of State to be able to set out what planning functions should be delegated to officers, to control the size and composition of planning committees and for members of planning committees to be trained and certified in key elements of planning.
- 2.5 In May 2025 the Ministry of Housing, Communities and Local Government (MHCLG) issued a technical consultation setting out the proposed reforms and seeking views, that consultation ended on 23rd July 2025. The consultation set out a national scheme of delegation proposing to introduce a two-tiered system, the bottom line being no cases are automatically referred to planning committee and some application types could never be heard by planning committee. Alongside the proposed two-tier approach to the determination of applications,

the consultation document set out proposals for the form of the planning committee and training.

- 2.6 A further consultation was undertaken on 26th March 2026 on the draft regulations and guidance. That consultation emphasised the importance of planning committees to maintaining public trust and ensuring democratic oversight of the planning system but was clear that that their time should be focused on the most strategic and complex schemes and there should be consistency in operation between authorities. The draft regulations set out the national scheme of delegation and the size threshold for committees (no more than 13 members) but did not introduce new requirements for member training.
- 2.7 The National Scheme of Delegation (NSD) is introduced via the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Local authorities are expected to have the new arrangements in place for 31 October 2026. Decisions taken on or after that date must be taken in line with the Regulations and if not, could be considered by the Courts to have been unlawfully taken. This report seeks approval of amendments to the Constitution so that it aligns with the new regulations and it is clear who and under what circumstances planning decisions can be made. It may also be necessary for the Executive Director to make consequential changes to his scheme of delegation and for the Statement of Community Involvement (2024) to be amended.

The National Scheme of Delegation and Gateway Test

- 2.8 Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should go to a planning committee. The Secretary of State has exercised this power through the Regulations which set out the following general approach to decision making.
- 2.9 The scheme of delegation sets out a two-tier approach. Schedule 1 applications must always be delegated to officers (Regulation 4). With Schedule 2 applications there is a presumption (Regulation 5) that applications will also be delegated, unless (1) the nominated officer and nominated member agree the application should be referred to a Planning Committee for determination and (2) it meets at least one of the criteria in regulation 5(3), namely:

A: where the application raises an economic, social or environmental issue of significance to the local area; and/or

B: where the application raises a significant planning matter having regard to the development plan and any other material considerations.

For B, “the following circumstances are unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application.
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise).”

2.10 The nominated officer and nominated members should make every effort to reach an agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by officers in accordance with regulation 5(2) or regulation 6(3).

Schedule 1 Applications

2.11 Applications which are specified in the legislation as falling under Schedule 1, and which must be determined by officers, are summarised as follows:

- Householder.
- Minor residential and minor commercial development (1-9 dwellings on a site of less than 0.5 hectares) and other minor development to flats.
- Discharge of conditions.
- Reserved matter approval other than those relating to a large outline phase permission i.e. for at least 500 dwellings or 50,000sqm of floorspace).
- Lawful development certificates.
- Certificates of appropriate alternative development.
- Non-material amendments.
- Biodiversity gain plan.
- Prior approval applications.
- Permission in principle.
- Changes to Section 106 (s106) obligations connected to the above type applications being amended under s106A (1)(a) and (3).
- Variations of permissions under Section 73(1) where the approved permission was a Schedule 1 application.

2.12 However, under the Regulations applications which would otherwise fall under Schedule 1, will fall within Schedule 2 where the application is connected to a listed building consent or the application is made under S73A of the Town and Country Planning Act 1990. An application under S73A is for planning permission for development already carried out.

Schedule 2 Applications

- 2.13 Applications which are specified in the legislation as falling under Schedule 2, and which must be determined by officers, unless it is considered by the nominated officer and nominated member that they meet at least one of the criteria in Regulation 5(3), are summarised as follows:
- Any applications for planning permission not in Schedule 1.
 - Listed building consent applications.
 - Variation or discharge of conditions on listed building consents.
 - Advertisement consent
 - Consent for works to trees protected by a Tree Preservation Order.
 - Applications for planning permission which would be in Schedule 1 but are connected to a listed building consent application (as set out in para 2.12)
 - Reserved matter approval relating to a large outline phase permission.
 - Changes to s106 obligations connected to the above type applications being amended under s106A (1)(a) and (3).
 - Variations of permissions under S73(1) where the approved permission was a Schedule 2 application.
 - Applications under S73A for development already carried out (retrospective applications).
- 2.14 There are also specific provisions under Regulation 6 for own-interest applications i.e. an application made (whether or not jointly with any other person) by the authority or an officer or member of the authority or an application where the authority or any of its members or officers has an interest, to support transparency and propriety. These can be referred to Planning Committee for determination if the nominated officer and nominated member agree irrespective of whether they fall in Schedule 1 or Schedule 2.
- 2.15 Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to planning committee, as part of its local constitution.
- 2.16 The Regulations do not expressly allocate outline planning applications or the completion and variation of s106 Agreements within Schedule 1 or Schedule 2. It is therefore proposed that outline planning applications are treated as Schedule 2 matters, given their potential strategic significance, and that s106 Agreements are determined in accordance with the category of planning application to which they relate.
- 2.17 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. Through the Constitution a local planning authority may decide that some Schedule 2 applications are not referred. This may be appropriate where Schedule 2 might trigger a significant number of referrals.

- 2.18 The guidance acknowledges that listed building, advertisement consent and consents for works to trees with a Tree Preservation order do not in most cases raise issues which would merit committee scrutiny and that the presumption is that they should only be exceptionally referred to committee. Indeed, under the Council's existing scheme of delegation none of these applications currently would be referable to planning committee, although in some cases listed building and advertisement applications associated with a planning application which would trigger referral are presented. It is therefore proposed that new arrangements replicate that approach. Consents for works to trees with Tree Preservation Orders, variation and discharge of conditions attached to listed building consent will not be referable to committee. Listed building and advertisement consent applications will be considered under Schedule 2 where they are connected to a Schedule 2 planning application but otherwise will not be referable to Planning Committee. This approach is considered proportionate and consistent with Government guidance because these application types rarely raise strategic planning issues capable of meeting the gateway test and have historically been determined under delegated powers in Camden.

Procedure for Schedule 2 applications

- 2.19 The guidance states that for the purpose of referring applications to committee the Nominated Officer should be the Chief Planning Officer (CPO) or an equivalent officer who has extensive professional experience. There should be senior planning officers who can provide cover if necessary to avoid delays in the referral process or if the CPO or equivalent has an interest in it. In this case it is proposed that the Nominated Officer will be the Head of Development Management, with the Chief Planning Officer acting as substitute.
- 2.20 The guidance states that the nominated members should be the Chair of Planning Committee and there should be other members to cover if that person is not available or the Chair has an interest in the application. It is proposed that the Nominated Member will be the Chair of Planning Committee, with the Vice Chair acting as a substitute.
- 2.21 The guidance states that it is for the local planning authority to put in place arrangements for how the consideration of cases for referral to committee will operate in practice. As a minimum there should be a record of the cases considered for referral, the outcome of their consideration and the reason for their decision. This should be reported to Planning Committee on a regular basis and made available on the website. These arrangements will be worked up over the coming months in consultation with members and following the best practice advice from Planning Advisory Service (PAS). It is proposed that reporting is a standard item for the Policy and Performance meeting of Planning Committee which happens twice a year.

Sections of Constitution to be amended

- 2.22 As the Regulations prescribe the circumstances in which planning functions must be exercised by officers and the circumstances in which applications may

be referred to Planning Committee, the Council's Constitution must be amended to ensure that local decision-making arrangements are consistent with the statutory framework.

- 2.23 In addition to amending the responsibilities of the Planning Committee as set out in Part 3 Responsibility for Functions, it is also necessary to amend Part 5(2) the Planning Protocol which makes reference to decision-making routes for planning including Members Briefing. The revised sections of the Constitution are shown in Appendices B and D to this report.
- 2.24 Under the existing scheme of delegation, all applications which are of the type set out in Schedule 1 would not automatically be referred to committee but could be referred by the Director after briefing the members briefing panel, if it was considered appropriate. The members briefing panel currently review all applications recommended for approval but with objections from a local group, councillor or 3 objections from different households. This type of 'call in' arrangement will no longer exist under the national scheme of delegation. The guidance is clear that current practices which allow for call in by ward councillors, or referral to committee based on objection will no longer be possible. This means that the current 'Members Briefing Panel' cannot continue to operate once the regulations come into force and applications of the type set out in Schedule 1, in particular householder and minor residential applications for up to 9 homes could not be considered by committee even if there was extensive objection following consultation.
- 2.25 As well as making changes to the Constitution, it may also be necessary for the Executive Director to make changes to his Scheme of Delegation and also the Statement of Community Involvement (2024).

Size of Planning Committee

- 2.26 The Regulations also provide that a Planning Committee may comprise no more than 13 elected members. Camden's Planning Committee currently consists of 12 Members and therefore already complies with this requirement. No amendments to the Constitution are required in relation to the size of the Committee, although future appointments will need to continue to comply with the statutory limit.

3. Comments of the Director of Finance

- 3.1. This report seeks approval from the Audit and Corporate Governance Committee to recommend to the council, proposed amendments to the Constitution as set out in appendices B and D of this report. to align the council's arrangements with the National scheme of delegation for the planning functions.
- 3.2. The impact assessment prepared alongside the Regulations suggests that there will be financial benefits to the local authorities from a reduction in costs associated with appeals.

- 3.3. Camden's performance in terms of decision making both through delegated and planning committee decisions and defending those decisions at appeal are generally very good, therefore there are no direct financial implications beneficial or otherwise from the proposed amendments to the constitution.

4. Legal Comments of the Borough Solicitor

- 4.1. The Planning and Infrastructure Act 2025 inserted sections 319ZZC to 319ZZE into the Town and Country Planning Act 1990, providing the Secretary of State with powers to prescribe, through regulations, how specified local planning authority functions are to be discharged.
- 4.2. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the Regulations") establish a National Scheme of Delegation which applies to all local planning authorities in England from 31 October 2026. The Regulations prescribe categories of applications which must be determined by officers and establish the circumstances in which certain applications may be referred to a Planning Committee for determination.
- 4.3. The Council is required to ensure that its constitutional arrangements are consistent with the statutory requirements imposed by the Regulations. The amendments proposed in this report are intended to give effect to those requirements and to provide clarity as to the allocation of planning decision-making responsibilities within the Council.
- 4.4. Members should note that, once the Regulations come into force, any planning decision taken otherwise than in accordance with the statutory scheme may be susceptible to legal challenge. As stated in the Government's guidance:

For the avoidance of doubt, where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated officers [sic], those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision."

- 4.5. Therefore, it is recommended that the Council approve the proposed amendments in order to ensure compliance with the statutory scheme ahead of its commencement. Failure to do so would expose the Council to a material risk of legal challenge and undermine the lawfulness and robustness of planning decisions taken after 31 October 2026.

5. Environmental Implications

- 5.1. The proposals seek to amend the route for decision making in planning. The planning policies and guidance against which development proposals are to be assessed does not change. The environmental implications of those policies and guidance were considered at the time they were adopted by the Council. The proposed amendments to the constitution to implement the national

scheme of delegation are not considered to have any environmental implications.

6. Appendices

- 6.1 Appendix A: EXISTING - PART 3: RESPONSIBILITY FOR FUNCTIONS
- 6.2 Appendix B: PROPOSED - PART 3: RESPONSIBILITY FOR FUNCTIONS
- 6.3 Appendix C: EXISTING - PART 5 (2) PLANNING PROTOCOL - Section 5 decision making routes for planning.
- 6.4 Appendix D: PROPOSED PART 5 (2) PLANNING PROTOCOL - Section 5 decision making routes for planning.

REPORT ENDS

APPENDIX A: EXISTING

PART 3: RESPONSIBILITY FOR FUNCTIONS

Planning Committee

Matters delegated and reserved to the Planning Committee

1. Authorisation of service of any notice relating to planning, listed building, conservation area and advertisement control which in the view of the Director of Economy, Regeneration and Investment should be considered by the committee.
2. Authorisation of any legal or other action or proceedings relating to planning, listed building conservation area and advertisement control which in the view of the Director of Economy, Regeneration and Investment should be considered by the committee.
3. Consideration of the following categories of application recommended for approval (including the Council's own development), other than for prior approvals, lawful development certificates or applications that make minor or non-material amendments to an existing planning permission where those amendments do not fall within the following descriptions:
 - i) Residential development involving any of the following:
 - A change of use, an extension, or the construction of a building, resulting in provision of 10 or more new dwellings (including flats); or
 - The construction of a building or buildings resulting in provision of 5 or more new dwellinghouses.
 - ii) Non-residential development involving any of the following:
 - A change of use resulting in provision of more than 1,000sqm of non-residential floor-space; or
 - The construction of a building or extension resulting in an increase of more than 500sqm of non-residential floor-space.
 - iii) The total or substantial demolition of any listed building, locally listed building, or building considered to make a positive contribution to a conservation area;
 - iv) Development involving the making of an obligation or agreement under Section 106 of the Town and Country Planning Act 1990 or other legislation ("the obligation") that secures more than £50,000 of financial contributions or other public benefits of estimated capital value unless;

- The terms of the obligation are not materially different from any previous obligation approved by the committee in relation to the same site;
 - The obligation is required in connection with the presentation of the Council's case in a planning appeal;
 - The obligation is in respect of a standard financial contribution calculated in line with policy.
- v) Development involving a significant departure from policy;
- vi) An application submitted by or on behalf of a member of the Council (or their spouse or partner) or any Council employee (or their spouse or partner); and
- vii) Where the Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members.
- 4 Consideration of any other application which, in the view of the Director of Economy, Regeneration and Investment, should be considered by the committee.
- 5 Decisions on any matter relating to the functions of this committee referred by the Director of Economy, Regeneration and Investment.
- 6 Responses to consultation by adjoining authorities on applications with significant cross borough impacts.
- 7 Consideration and the submission of recommendations to the Cabinet on the Council's Development Plan review of planning policies, draft Supplementary Guidance, and on proposed responses to consultation on proposed changes to Government Planning Policy affecting development control.
- 8 To receive performance monitoring information on matters within the remit of the Committee.
- 9 Reviewing and agreeing changes to the Planning Protocol.

Delegation in respect of conditions and reasons

Authority is delegated to the Head of Development Management to, subsequent to any meeting and in line with the Committee's general decision and direction, finalise the wording and reasons of:

- Conditions added or amended conditions;
- Approvals or refusals contrary to the officer's recommendation;

- Additional reasons for refusal or approval where not set out in the officer's report.

The delegation will apply unless the Committee specifies otherwise as part of its decision.

APPENDIX B: PROPOSED

PART 3: RESPONSIBILITY FOR FUNCTIONS

Planning Committee

Matters delegated and reserved to the Planning Committee¹

1. Authorisation of service of any notice relating to planning, listed building, conservation area and advertisement control which in the view of the Director of Economy, Regeneration and Investment should be considered by the committee.
2. Authorisation of any legal or other action or proceedings relating to planning, listed building conservation area and advertisement control which in the view of the Director of Economy, Regeneration and Investment should be considered by the committee.
3. Those applications in Schedule 2 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (listed below) that the Chair of the Planning Committee and the Head of Development Management agree require referral to and determination by Planning Committee:-
 - a. An application for planning permission (including outline) that is not
 - i. a householder application,
 - ii. a minor commercial application, or
 - iii. a minor residential application.
 - b. An application to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission;
 - c. An application made for planning permission for development already carried out;
 - d. In respect of a planning obligation that is connected with a Schedule 2 approval, a request to agree to modify or remove that obligation under section 106A(1)(a) or section 106A(3) of TCPA 1990;
 - e. A reserved matters approval application in respect of a large outline permission;
 - f. An application made for express consent to display advertisement where connected to a Schedule 2 planning application; and
 - g. An application made for listed building consent where connected to a Schedule 2 planning application.
4. An Own-Interest Application, as defined in Regulation 6, that the Nominated Member and the Nominated Officer agree require referral to and determination by Planning Committee.

¹ In accordance with The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

5. Decisions on any matter relating to the functions of this committee referred by the Director of Economy, Regeneration and Investment.
6. Responses to consultation by adjoining authorities on applications with significant cross borough impacts.
7. Consideration and the submission of recommendations to the Cabinet on the Council's Development Plan review of planning policies, draft Supplementary Guidance, and on proposed responses to consultation on proposed changes to Government Planning Policy affecting development management.
8. To receive performance monitoring information on matters within the remit of the Committee.
9. Reviewing and agreeing changes to the Planning Protocol.

Post Committee - Delegation in respect of conditions and reasons

Authority is delegated to the Head of Development Management to, subsequent to any meeting and in line with the Committee's general decision and direction, finalise the wording and reasons of:

- Conditions added or amended conditions;
- Approvals or refusals contrary to the officer's recommendation;
- Additional reasons for refusal or approval where not set out in the officer's report.

The delegation will apply unless the Committee specifies otherwise as part of its decision.

APPENDIX C: EXISTING

PART 5 (2) PLANNING PROTOCOL

Section 5 decision making routes for planning

5. Decision-making routes for Planning

i) Delegation of planning decisions to officers

- 5.1. For efficient and effective administration, and in common with all other planning authorities, many planning decisions are delegated to officers. The scheme of delegation is contained within the Constitution of the London Borough of Camden.
- 5.2. In relation to planning applications, the scheme sets out certain categories of application that would be for the Planning Committee's own determination. All other planning decisions are delegated to officers. Delegated decisions are made in accordance with the same assessments and against the same development plan policies, as those made by the Committee. Approximately 90-95% of applications are determined under delegated powers, which is similar to most other authorities in London and elsewhere.
- 5.3. Under delegated procedures the Director of Economy, Regeneration and Investment or nominated officer makes the decision. Such decisions are normally supported by an officer's delegated report or a statement of reasons. These may be similar to but normally shorter than Committee reports, setting out the representations received and the relevant policy considerations and assessments. These reports or statements of reasons go through a thorough established checking and endorsement procedures at different levels.
- 5.4. Reports or statements of reasons detailing decisions taken under delegated authority by officers will be published within two working days after the decision has been taken.

ii) Members' Briefing Panel

a) Overview

- 5.5. For applications that officers are minded to recommend for approval under delegated powers but relevant planning objections have been received, Camden has put in place an additional Member review. This is a weekly briefing of nominated members of the Planning Committee known as the Members' Briefing Panel ('the Panel'). This overview adds transparency and additional Member involvement in the process. It also helps to maintain consistency in applying policies.

b) Membership

- 5.6. The Members' Briefing Panel will comprise of three members drawn from the membership of the Planning Committee. They will be the Chair, Vice-Chair and one other member so as to ensure there is at least one member from an opposition group on the Panel. Substitutes will not be permitted; if a Panel member is unable to attend their written comments, should they submit any, will be considered by the Director of Economy, Regeneration and Investment.
- 5.7. Members may only sit on the Panel once they have received the mandatory training for all Planning Committee members as set out below.

c) Referrals to the Panel

- 5.8. As set out in the Statement of Community Involvement, applications will be referred to Panel where there are relevant material objections to an application from a Conservation Area Advisory Committee, a residents' or amenity group, or ward councillor, or three or more respondents from different addresses. The Director of Economy, Regeneration and Investment may at his/her discretion refer other applications or planning matters to the Panel to informally seek the views of Members to inform his/her judgment on the use of delegated decision-making powers.
- 5.9. The relevant case officer can advise parties if a case is being referred to the Panel.
- 5.10. If for whatever reason, such as the period between an election and nomination of Members to the Planning Committee, there is no Members' Briefing Panel established, the Director of Economy, Regeneration and Investment will as far as possible not determine any applications that would have ordinarily been referred to the Panel. Where during such a period it would be detrimental to the Council or the public interest to await the views of the Panel on an application, the Director of Economy, Regeneration and Investment will make a decision on whether to determine the application under delegated powers or to refer it to the Committee without the advice of the Panel.

d) Reports

- 5.11. Reports are normally put on Camden's website two days before the relevant Panel meeting. As the Panel meetings are usually on a Monday this means that reports will usually be available on the preceding Friday afternoon. However late additions may be made to the list of applications may be made on the day of the Panel. Reports contain the assessment of the proposal against the relevant Camden policies and summarise and respond to the representations that have been received.

e) Advisory role of the Panel

- 5.12. The Panel does not make any decisions. It neither has the power to determine applications nor to decide whether an application must be referred to the

Planning Committee. It is an advisory body to the Director of Economy, Regeneration and Investment on the exercise of his/her delegated powers.

- 5.13. The Panel will consider the nature and extent of the outstanding objections to the application, the associated planning officer's report, application drawings, relevant photographs and letters of objection. Thereafter, Panel Members will give their views on whether:
- they are satisfied with the proposed decision being made by officers under delegated powers; or
 - the decision should be made by the Planning Committee.
- 5.14. The Director of Economy, Regeneration and Investment will consider the views expressed and thereafter make a determination on whether to refer the application to Planning Committee or determine the application under delegated powers.

APPENDIX D: PROPOSED

PART 5 (2) PLANNING PROTOCOL

Section 5 decision making routes for planning

5. Decision-making routes for Planning

i) National Scheme of Delegation

5.1. Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should go to a planning committee. The Secretary of State has exercised this power through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 which set out the following general approach to decision making.

5.2. The scheme of delegation sets out a two-tier approach. Schedule 1 applications must always be delegated to officers. With Schedule 2 applications there is a presumption that applications will also be delegated, unless (1) the Nominated Officer and Nominated Member agree the application should be referred to a planning committee for determination and (2) it meets at least one of the criteria in regulation 5(3), namely:

A: where the application raises an economic, social or environmental issue of significance to the local area; and/or

B: where the application raises a significant planning matter having regard to the development plan and any other material considerations.

For B, “the following circumstances are unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application.
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise).”

5.3 The nominated officer and nominated member should make every effort to reach an agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by the nominated officer in accordance with regulation 5(2) or regulation 6(3).

5.4 Schedule 1 and Schedule 2 applications are defined in the paragraphs below.

Schedule 1 Applications

5.5 As provided for by the Regulations, this Schedule contains those application types that must be determined by officers, pursuant to Regulation 4:

- Householder.
- Minor residential and minor commercial development (1-9 dwellings on a site of less than 0.5 hectares) and other minor development to flats.
- Discharge of conditions.
- Reserved matter approval other than those relating to a large outline phase permission i.e. for at least 500 dwellings or 50,000sqm of floorspace).
- Lawful development certificates.
- Certificates of appropriate alternative development.
- Non-material amendments.
- Biodiversity gain plan.
- Prior approval applications.
- Permission in principle.
- Changes to s106 obligations connected to the above type applications being amended under s106A (1)(a) and (3).
- Variations of permissions under S73(1) where the approved permission was a Schedule 1 application.

Schedule 2 Applications

5.6 As provided for by the Regulations, Schedule 2 sets out those application types that should be determined by officers, pursuant to Regulation 5, unless the nominated member and nominated officer agree to refer it to planning committee.

- Any applications for planning permission not in Schedule 1.
- Listed building consent applications.
- Variation or discharge of conditions on listed building consents.
- Advertisement consent.
- Consent for works to trees protected by a Tree Preservation Order.
- Applications for planning permission which would be in Schedule 1 but are connected to a listed building consent application.
- Reserved matter approval relating to a large outline phase permission.
- Changes to s106 obligations connected to the above type applications being amended under s106A (1)(a) and (3).
- Variations of permissions under S73(1) where the approved permission was a Schedule 2 application.
- Applications under S73A for development already carried out (retrospective applications).

5.7 The Gateway Test set out in Regulation 5(3) must be applied to a Schedule 2 application, which is not a Triaged Application (see below), to decide whether it needs to be reported to Planning Committee.

Triaged Applications

- 5.8 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. Through the Constitution a local planning authority may decide that some Schedule 2 applications are not referred.
- 5.9 The following categories of applications which fall within Schedule 2, will not be referred and will be determined by officers:
- Listed building consent applications not connected to a Schedule 2 planning application.
 - Variation or discharge of conditions on listed building consents.
 - Advertisement consent not connected to a Schedule 2 planning application.
 - Consent for works to trees protected by a Tree Preservation Order.
- 5.10 This approach is considered proportionate and consistent with Government guidance because these application types rarely raise strategic planning issues capable of meeting the gateway test and have historically been determined under delegated powers in Camden.
- ii) **Procedure for Schedule 2 applications**
- 5.11 For the purpose of referring applications to planning committee, the Nominated Officer is the Head of Development Management, with the Chief Planning Officer acting as a substitute. The Nominated Member will be the Chair of Planning Committee, with the Vice Chair acting as a substitute.
- 5.12 The Council will publish on its website a record of the cases considered by the Nominated Officer and Nominated Member for referral, the outcome of their consideration and the reason for their decision. This will be reported to Planning Committee on a regular basis.
- 5.13 All decisions whether made by officers or planning committee are made in accordance with the same assessments and against the same development plan policies. Delegated decisions are normally supported by an officer's delegated report or a statement of reasons. These may be similar to but normally shorter than Committee reports, setting out the representations received and the relevant policy considerations and assessments. These reports or statements of reasons go through a thorough established checking and endorsement procedures at different levels.
- 5.14 Reports or statements of reasons detailing decisions taken under delegated authority by officers will be published within two working days after the decision has been taken.