

Supplementary Information for Audit and Corporate Governance Committee

7th July 2026

Agenda Item: 12

Report Title: Amendments to the Constitution arising from the National Scheme of Delegation of Planning Functions

1. The revised planning protocol in Appendix D sets out those Schedule 2 applications which are to be referred to the Nominated Officer and Nominated Members for consideration under the Gateway Test. If the outcome of the Gateway Test is that an application meets at least one of the criteria in Regulation 5(3) then it should be referred to Planning Committee. It is proposed that **para 5.7 of the planning protocol is amended** to make it clear that if an application is subsequently recommended for refusal by officers that it should not be referred, except in exceptional circumstances, and instead determined by officers. Under the current scheme of delegation officers have delegated authority to determine all applications recommended for refusal, occasionally the Director will refer an application in order to seek member endorsement for the reasons for refusal.
2. An updated version of the Appendix D is attached with the additional text in bold.

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. **If the outcome of the Gateway**

Test is that an application meets at least one of the criteria in Regulation 5(3) and should be referred to Planning Committee, but it is subsequently recommended for refusal by officers that application should not be referred, except in exceptional circumstances.

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.