EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (DISCHARGE OF LOCAL PLANNING AUTHORITY FUNCTIONS) (ENGLAND) REGULATIONS 2026

2026 No. 854

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Matthew Pennycook, Minister of State for Housing and Planning at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Lucy Hargreaves, Deputy Director for Development Management, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Theresa Donohue at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: PDMcorrespondence@communities.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument sets out a national scheme of delegation for planning decisions which must be followed by all relevant local planning authorities in England. It sets out types of planning application which must always be delegated to planning officers and other types of planning application which may instead, in some circumstances, be referred to a planning committee (this and future references to planning committees include sub-committees) for determination. The aim is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. It is intended to enable planning committees to work more effectively by allowing them to focus on the key development proposals that matter in their area, enabling other, often more minor and technical, decisions to be made by planning officers.

4.2 The instrument also sets the maximum number of members which may sit on a planning committee of a local authority in England. This measure is intended to allow planning committees to operate more efficiently and improve the quality of decision making.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 Previously, every local planning authority in England had its own scheme of delegation to identify the circumstances in which planning decisions were to be taken by the planning committee rather than delegated to officers. Local authorities were also able to decide the size of their planning committees.

5.2 The government recognises that planning committees have an integral role in providing local democratic oversight of planning decisions. As such, it is vital that they operate as effectively as possible, focusing on those applications which require member input and not revisiting the same decisions. In the King's Speech in 2024, the government announced that it would modernise the way planning committees operate to best deliver for communities and support much needed development.

5.3 Over the last quarter of a decade, there has been an increased focus on delegating decisions to officers, with committees now usually focusing on the largest or most controversial applications: 96% of decisions were made by officers in Q2 2024 compared to 75% in 2000. However, the number and type of applications planning committees consider still varies widely between local planning authorities.

5.4 The government therefore, introduced measures through the Planning and Infrastructure Act 2025 to give the Secretary of State the power to introduce a national scheme of delegation for planning decisions and to control the size and composition of planning committees.

5.5 The government's aims in introducing these measures are to help ensure that planning committees play their proper role in scrutinising development without obstructing it, while also maximising the use of experienced professional planners. The measures are intended to facilitate faster decision making on planning applications and ensure greater standardisation over the operation of committees, in turn providing for a more efficient service and greater certainty for applicants.

5.6 The measures in the Act are enabling powers and the detailed provisions are set out in these Regulations.

What was the previous policy, how is this different?

5.7 Prior to the introduction of the new powers in the Planning and Infrastructure Act 2025 individual local authorities had the discretion to decide which applications would be delegated to officers for a decision and which would go before planning committees. They could also make their own arrangements for the size of planning committees.

5.8 The government's policy now is that there should be a standard approach to such matters across all local authorities in England. This is considered necessary to ensure that planning committees can operate more effectively and, in turn, to speed up and improve the decision making process.

6. Legislative and Legal Context

How has the law changed?

6.1 A national scheme of delegation applies to local planning authorities that discharge their functions under section 101 and 102 of the Local Government Act 1972 apart from a National Park Authority and the Broads Authority.

6.2 This instrument implements section 54 of the Planning and Infrastructure Act 2025 that inserted sections 319ZZC to 319ZZE into the Town and Country Planning Act 1990.

6.3 A statutory review clause has been included. The power being relied upon is section 14A(2)(a) of the Interpretation Act 1978.

6.4 To facilitate a national scheme of delegation, the government intends to amend the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to coincide with the coming-into-force of this instrument.

Why was this approach taken to change the law?

6.5 A national scheme of delegation is part of a package of measures to support better decision making in the planning system. The government considers legislation the most appropriate way of implementing such a scheme.

7. Consultation

Summary of consultation outcome and methodology

7.1 The government first sought views on how best to reform planning committees in a working paper[1] published in December 2024 before the introduction of the Planning and Infrastructure Bill. While not a formal public consultation, the paper set out some broad proposals and was open to anyone with an interest to respond. As part of the government's engagement on the working paper, workshops and meetings were held with key stakeholders including local planning authorities, chairs and vice-chairs of planning committees and networks representing the development sector. 160 written responses to the working paper were received.

7.2 From the written responses and engagement sessions, there was a broad consensus that, while local democratic accountability of planning decisions is important, the decision making of planning committees could be improved significantly and that government intervention would help to drive up performance. The key findings were:

- most respondents could see the case for a scheme of delegation to provide more consistency and certainty, but there were differing views about the structure of such a scheme;
- there was little support for separate strategic development committees, however, there was strong support for smaller committees generally to improve the quality of debate;

[1] Working paper inviting views on models for a national scheme of delegation to support better decision making in the planning system - Planning Reform Working Paper: Planning Committees - GOV.UK https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees

- there was strong support for mandatory training of planning committee members to improve their understanding of planning.

7.3 Following the working paper the government decided to include the following measures in the Planning and Infrastructure Bill which was introduced into Parliament on 11 March 2025 (and which received Royal Assent on 18 December 2025):

- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;
- a new power for the Secretary of State to control the size and composition of planning committees; and
- a new requirement for members of planning committees to be trained, and certified, in key elements of planning.

7.4 During the passage of the Planning and Infrastructure Bill, the government undertook a public consultation[2] on more detailed proposals for how these measures would work in practice. A total of 579 responses were received from a range of interested parties from across the public and private sectors, as well as from the general public. The key points from the government response[3] are:

- in general, respondents were in favour of the proposals for a tiered approach to the national scheme of delegation which would allocate types of applications as being always delegated to officers (Tier A), or being able to be brought to committee subject to a gateway test (Tier B)
- a variety of feedback was received on the technical issues related to Tier A and Tier B
- feedback on the size of planning committees included practical points about the need for some committees to be able to reflect the wide range of political representation within the authority
- a range of views were expressed on the proposals for mandatory training for members of planning committees

7.5 After consideration of the consultation responses, the government decided to take forward the proposals broadly as set out in the consultation. The main changes were to alter the Tier which some applications fell into and to increase slightly the maximum permissible size of planning committees.

7.6 As required by the Planning and Infrastructure Act 2025, the draft Regulations and statutory guidance which were subsequently prepared were then subject to a further public consultation. A total of 611 responses were received. Of those about half were from individuals and over a quarter from local authorities. The remaining responses came from across the public and private sectors The key points from the government response to that consultation https://www.gov.uk/government/consultations/planning-committee-reform-draft-regulations-and-guidance are:

[2] Consultation seeking views on proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees - Reform of planning committees: technical consultation - GOV.UK https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/reform-of-planning-committees-technical-consultation

[3] Document summarising the outcome of the 2025 consultation and setting out the Government's next steps on planning committees - Reform of planning committees: technical consultation - government response - GOV.UK https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/reform-of-planning-committees-technical-consultation

- a range of comments were received in relation to the draft regulations including around the treatment of particular application types, further detail on the gateway process and greater clarity on the criteria for referral to committee
- overall, there were concerns about the proposed approach on reserved matters but no consensus on the best approach. In particular, individuals and developers were generally opposed; professional bodies were in favour of the proposal and local authorities were evenly split in favour and against
- a range of comments were received on the draft guidance with the comments largely mirroring the comments on the draft regulations in terms of greater clarity on the gateway process and criteria and around greater detail on the transparency and reporting requirements.
- we also received comments on the coming into force date which has been amended to 31 October 2026 to allow for additional time for local planning authorities to amend their constitutions in order to comply.

8. Applicable Guidance

8.1 The Government has published statutory guidance which local planning authorities must have regard to when implementing these Regulations. The guidance can be found online at: https://www.gov.uk/housing-local-and-community/planning-system#guidance_and_regulation

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has been undertaken for the primary legislation and is submitted with this memorandum. Additional analysis is being undertaken, and once reviewed by the Regulatory Policy Committee will be published alongside the Explanatory Memorandum on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is positive as the legislation will streamline the process for securing planning permission. It will result in time and cost savings from reductions in the determination period for applications and fewer unnecessary appeals.

9.3 The legislation does impact small or micro businesses.

9.4 The legislation will have positive impacts on small and micro businesses. The measures specifically target reducing planning uncertainty, including on the type of sites developed by small and micro businesses. Exempting them is therefore, not appropriate. The impact on the public sector is positive. It will result in time and resource savings for local authorities from a reduction in the number of cases going to committee and fewer appeals where committee decisions against officer recommendation are overturned.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through collection of planning application data to understand which applications are being determined at committee,

and to understand if there is a drop in the rate of applications where a planning committee overturns the recommendation of planning officers. Local planning authorities will also be required, as a minimum, to keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They will be required to report this to the planning committee on a regular basis and make it available on their website. We will also collect data on appeals where decisions have been made by committees. We will also monitor it through routine engagement with local planning authorities, developers and other key stakeholders.

10.2 A statutory review clause is included in this instrument requiring the Secretary of State to publish a review of the operation of the Instrument by 31st October 2028.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister of State for Housing and Planning has made the following statement regarding Human Rights:
"In my view the provisions of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").