



National Scheme of Delegation

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Electoral Divisions Affected	All
Key Decision?	Not Key

1. Recommendations

- 1.1 Note the contents of this report, including the mandatory requirements of the National Scheme of Delegation for planning functions and the consequent need to amend the Council's Constitution and associated planning arrangements by 31 October 2026
- 1.2 Delegate authority to the Monitoring Officer, in consultation with the Head of Planning and Building Control, to make all necessary amendments to the Council's Constitution, including Part 3, the Planning Committee Terms of Reference and the Planning Scheme of Delegation, to give lawful effect to the National Scheme of Delegation and the implementation arrangements set out in this report.

2. Executive Summary

- 2.1 The mandatory National Scheme of Delegation replaces incompatible local committee referral arrangements with a statutory framework under which officer determination is the default. Shropshire Council must amend its Constitution and associated planning delegations by 31 October 2026; there is no lawful option to reject, postpone or selectively apply the national requirements.

3. Statutory and Governance Background

- 3.1 The Planning and Infrastructure Act 2025 inserted sections 319ZZC to 319ZZF into the Town and Country Planning Act 1990. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and associated statutory guidance establish the National Scheme from 31 October 2026. The statutory provisions prevail over inconsistent local constitutional policies.
- 3.2 The scheme distinguishes between Schedule 1 functions, Schedule 2 functions, own-interest applications and functions outside the Schedules. Planning Committees are limited to 13 members; both Shropshire Committees already comply with this requirement.

4. Statutory basis and scope of the local gateway

- 4.1 Schedule 2 functions are delegated to authorised officers by default. Categories 1 and 3 are statutorily capable of referral through Regulation 5 but remain delegated unless the gateway requirements are met. The Council has exercised its local administrative discretion to limit routine gateway consideration to categories 1 and 3 and to own-interest applications for which legislation permits committee referral. This is to reflect our current practices and not have a retrograde approach to our committee processes.
- 4.2 Categories 2, 4, 5 and 6 retain their Schedule 2 classification but are excluded from the routine local gateway and remain delegated unless a separate statutory provision permits or requires committee determination. For an eligible application, referral requires the Nominated Officer and Nominated Member to agree that:
 - 1. The application raises one or more of the statutory issues of significance specified in Regulation 5(3), namely: **A.** a significant planning matter, having regard to the development plan and any other material considerations; or **B.** an economic, social or environmental issue of significance to the local area; and
 - 2. committee determination is justified, having regard to the statutory guidance and the intention that referral should be confined to exceptional cases of significant local importance.
- 4.3 Member, council or public representations may prompt consideration of an eligible application but do not create a right to committee determination. If neither criterion is satisfied, or agreement is not reached, Regulation 5(2) requires officer determination.

4. National Scheme Requirements

A. Applications that must be delegated to officers: Schedule 1 functions

Schedule 1 functions must be delegated to authorised officers and cannot be referred to Planning Committee. Existing local referral triggers, including Ward Member requests, Town or Parish Council objections, objection numbers or other local call-in arrangements, do not apply to Schedule 1 functions.

No.	Application type	Explanation
1	Householder applications	Alterations or extensions to an existing dwelling and development within the curtilage of a dwelling.
2	Minor commercial applications	Small-scale non-residential development below the thresholds for major development.
3	Minor residential applications	Residential proposals of up to 9 dwellings on a site of less than 0.5 hectares, and other small-scale residential development as defined in the Regulations.
4	Permission in principle	Applications under section 58A of the Town and Country Planning Act 1990.
5	Section 73 variations linked to Schedule 1 permissions	Applications to vary or remove conditions where the original permission was a Schedule 1 application.
6	Non-material amendments	Applications under section 96A of the Town and Country Planning Act 1990.
7	Certificates, condition discharge and biodiversity matters	Certificates of lawfulness, discharge of conditions, biodiversity gain plans, certificates relating to listed building works and certificates of appropriate alternative development where treated as Schedule 1.
8	Reserved matters not linked to a large outline permission	Reserved matters applications following outline permissions other than large outline permissions.

B. Schedule 1 applications subject to reclassification

An application that would otherwise fall within Schedule 1 must be treated as a Schedule 2 application where it is retrospective, where it is connected to a Schedule 2 listed building consent or listed building condition matter, or where it is an own-interest application made by or on behalf of the Council, a Member, an officer, or an entity owned or controlled by them.

C. Schedule 2 functions: officer delegation and limited gateway eligibility

Schedule 2 functions are delegated by default. Only category 1, category 3 and eligible own-interest applications enter the routine local gateway. Categories 2, 4, 5 and 6 remain delegated unless a separate statutory provision applies.

An eligible application may proceed to committee only where the Nominated Officer and Nominated Member agree that criterion A or B is satisfied and that referral is justified as an exceptional case of significant local importance. Otherwise it remains delegated under Regulation 5(2).

No.	Application type	Explanation
1	Planning applications not in Schedule 1	Major, larger-scale or more complex applications and all other planning applications not classified as Schedule 1. Schedule 2 category 1 applications are eligible for the local gateway but remain delegated unless the gateway requirements are fully satisfied.
2	Retrospective planning applications	Applications for development already carried out under section 73A of the Town and Country Planning Act 1990. These remain delegated to officers by default and will not be routinely routed through the local gateway process unless an exceptional own-interest or other statutory requirement applies.
3	Reserved matters following large outline permissions	Reserved matters applications following outline permissions for 500 or more dwellings or at least 50,000 square metres of commercial floorspace. Schedule 2 category 3 applications are eligible for the local gateway but remain delegated unless the gateway requirements are fully satisfied.
4	Section 73 and Section 106A matters linked to Schedule 2 permissions	Applications or requests to vary conditions, or modify or discharge planning obligations, where connected to a Schedule 2 permission or approval. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.
5	Listed building consent and listed building condition matters	Applications for listed building consent and applications to vary or discharge listed building consent conditions. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.
6	Advertisement consent and Tree Preservation Order applications	Applications for advertisement consent and consent for works to trees protected by a Tree Preservation Order. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.

D. Referral of eligible Schedule 2 and own-interest applications to Planning Committee

For an eligible application, the Nominated Officer and Nominated Member must both agree that: **A.** it raises a significant planning matter having regard to the development plan and other material considerations; or **B.** it raises an economic, social or environmental issue of significance to the local area. They must also agree that committee determination is justified. Satisfaction of a criterion alone does not secure referral, and neither participant has an overriding or casting decision.

Representations or public interest may prompt gateway consideration of an eligible application but do not create an automatic committee route. Consideration will take place through the pre-agenda arrangements for the relevant Planning Committee.

Gateway consideration should occur once sufficient information is available and before publication of the committee agenda.

1. Gateway test

Stage	Gateway question	Outcome
1. Eligibility test	Is the application a Schedule 2 category 1 or 3 function, or an own-interest application capable of gateway consideration?	Schedule 1 functions remain delegated and cannot be referred. Category 1, category 3 and eligible own-interest applications proceed to the significance test. Categories 2, 4, 5 and 6 remain delegated unless a separate statutory provision applies.
2. Significance test	Does the application: A. raise a significant planning matter having regard to the development plan and any other material considerations; or B. raise an economic, social or environmental issue of significance to the local area?	If neither statutory criterion is met, the application remains delegated to officers. If one or both criteria may be met, proceed to the referral indicators and control test.
3. Referral indicators	Are there indicators that gateway consideration is justified, such as significant unresolved development plan conflict, substantial local impacts, significant unresolved statutory consultee concerns, major public interest, particular sensitivity, or an own-interest issue requiring transparency?	Indicators may justify gateway consideration but do not create an automatic committee route. The Nominated Officer and Nominated Member must still apply the statutory test.
4. Control test	Can the issues reasonably be addressed through negotiation, amended plans, planning conditions, planning obligations, or normal officer assessment?	If the issues can reasonably be managed through normal planning processes, the Nominated Officer and Nominated Member should not normally conclude that committee referral is justified.

5. Decision test	Have the Nominated Officer and Nominated Member both concluded that one or both statutory committee referral criteria are met and that committee determination is justified?	Referral should proceed only where the Nominated Officer and Nominated Member agree that one or both statutory committee referral criteria are met and that committee determination is justified. Where they do not agree, the application must remain delegated to officers in accordance with Regulation 5(2). Neither participant has an overriding or casting decision.
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5. Local Implementation Arrangements

- 5.1 The gateway process will apply only to category 1, category 3 and eligible own-interest applications. Officers will:
1. classify the function and confirm its decision route;
 2. confirm whether a Schedule 2 application is category 1 or 3 and therefore eligible for the local gateway;
 3. record the reason for gateway consideration and assess criteria A and B;
 4. consider the statutory guidance and whether referral is justified as an exceptional case;
 5. record the separate conclusions of the Nominated Officer and Nominated Member; and
 6. refer only where both agree; otherwise determine the application under officer delegation.
- 5.2 The Nominated Officer will be the Head of Planning and Building Control, or an authorised senior substitute. The Nominated Member will be the Chair of the relevant Planning Committee, with an authorised member substitute where necessary. A written record must identify the classification, assessment, views of both participants and agreed decision route. There is no appeal process.

6. Required Constitutional Amendments

- require all Schedule 1 functions to be determined by authorised officers;
- delegate Schedule 2 functions by default, limiting the local gateway to categories 1 and 3 and eligible own-interest applications;
- remove automatic referral triggers based on call-in, contrary views, objection numbers, ownership or involvement this is set out by national legislation rather than being a local policy choice;
- define the Nominated Officer, Nominated Member, substitutes and written gateway process;
- align Committee Terms of Reference and officer delegations; and
- provide for recording, reporting and oversight.

7. Implications, Implementation and Monitoring

- 7.1 The changes affect the route to decision, not the opportunity to comment. Members, local councils, residents, applicants and consultees may continue to make representations, but a request or contrary view will not itself require committee determination.

- 7.2 Non-compliance would create uncertainty over decision-making authority and increase the risk of challenge, delay, cost and reputational harm. These risks will be managed through compliant constitutional wording, an auditable gateway record, training and stakeholder communications, within existing Planning, Legal and Democratic Services resources.

8. Implementation and Monitoring

- 8.1 The amended Constitution, Terms of Reference and Planning Scheme of Delegation must take effect by 31 October 2026. Actions will include briefings, updated forms and web information, review of live applications and agenda controls.
Each gateway record will confirm eligibility, the assessment, each participant's conclusion and the agreed route. If agreement is not reached, the application remains delegated under Regulation 5(2).

9. Transitional Arrangements

- 9.1 The revised scheme applies to decisions made on or after 31 October 2026. Live applications must be reviewed before that date. Earlier call-in requests, referral expectations or agenda decisions cannot override the statutory scheme. Schedule 1 functions must remain delegated. For an eligible Schedule 2 or own-interest application, committee referral requires a completed gateway record confirming that both participants agree the statutory tests are met.

10. Conclusion

- 10.1 The National Scheme of Delegation is binding and must be implemented from 31 October 2026. The proposed constitutional amendments provide a lawful, proportionate and transparent framework, preserve local discretion only where the national scheme permits it, and ensure that the Northern and Southern Planning Committees consider only applications for which a lawful committee route exists.

11. Background Papers

- Planning and Infrastructure Act 2025.
- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.([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, 1 June 2026. ([Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#))