

Title: Proposed changes to planning committee and delegation in relation to Planning Applications

Committee: Operational Services Committee

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1.0 Issue

- 1.1. The proposed changes to planning committees by central government and how ECDC will respond to the consultation and potential changes.

2.0 Recommendations

- 2.1. To note the potential changes by government
- 2.2. To seek member views and to respond accordingly to the consultation as set out in 4.1
- 2.1. To consider other ways officers could implement information sharing and keeping members informed of planning matters.

3.0 Background/Options

- 3.1 In December 2024 the government issued a consultation about introducing a national scheme of delegation so there is greater consistency and certainty about which decisions go to committee; requiring separate, smaller committees for strategic development so there is more focussed consideration of key developments; and introducing a requirement for mandatory training for all planning committee members so they are more informed about key planning principles.
- 3.2 At East Cambridgeshire District Council under the current scheme of delegation only a small number of applications are heard at planning Committee meetings. Taking a high average of 4 cases per month (often less) this would result in circa 45 cases a year going to committee out of an average of circa 2000 applications received by the authority. This means that only a maximum of 2.25% of such applications are heard via committee.
- 3.3 Following the review of the responses to the white paper the Government included within the Planning & Infrastructure Bill 2025 the following powers.

- 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.
- 3.4 Following the motion tabled at the 22 May 2025 Full Council, Officers have brought this briefing paper to Operational Services committee to outline the Governments current thinking and to consider ways forward at a local level.
- 3.5 The Bill, whilst introducing the legislation, did not contain significant detail. A consultation was launched in May 2025 which Councils have been asked to respond to. This contains further information about the proposed changes, and direction about how the Government may proceed.
- 3.6 The consultation suggests the introduction of two tiers for decision making as follows
- Tier A** which would include types of applications which must be delegated to officers **in all** cases; and
- Tier B** which would include types of applications which must be delegated to officers **unless** the Chief Planner and Chair of Committee agree it should go to Committee based on a gateway test.
- These tiers are proposed to be designated as the following;
- 3.7 Tier A applications for planning permission (which would not be eligible to be heard at committee) for:
- i. Householder development
 - ii. Minor commercial development
 - iii. Minor residential development (Up to 9 dwellings)
 - iv. applications for reserved matter approvals
 - v. applications for s96A non-material amendments to planning permissions
 - vi. applications for the approval of conditions applications for approval of the BNG Plan
 - vii. applications for approval of prior approval (for permitted development rights)
 - viii. applications for Lawful Development Certificates
 - ix. applications for a Certificate of Appropriate Alternative Development
- 3.8 It should be noted that a new category of Medium residential dwellings of up to 50 dwellings is being considered. There is no detail as to what tier this would fall into and the consultation document states that the intention is not for all such applications to be in Tier A.
- 3.9 The starting point for Tier B is suggested that all applications should be delegated to officers, subject to a gateway test through which the chief planning officer (or equivalent officer in LPAs without a chief planning officer) and chair of planning

committee must mutually agree that they should go to committee if they are to depart from the assumed delegation.

- 3.10 The suggested triage considerations/thresholds are proposed to be:
- i. where the application raises an economic, social or environmental issue of significance to the local area
 - ii. where the application raises a significant planning matter having regard to the development plan
- 3.11 Agreement between officers and elected members as to whether an application should be heard at a committee, requires careful consideration. A robust and transparent procedure and set of criteria would need to be agreed locally to ensure that only appropriate applications were heard at committee, and not expose the LPA to unnecessary delay, risk or challenge in determining an application.
- 3.12 Members are invited to consider if they support such a scheme or how it could operate in practice. Pro-Formas and a formal panel are two such elements that might be considered to assist the decision-making process. There would not be any automatic referrals to committee as per the current scheme of delegation so any applications that members considered appropriate (and are contained within Tier B should this be confirmed) would need to go through such a triage process
- 3.13 The consultation considers that the constitution of a committee should be between 8-11 members. This would have limited impact on EDCs current arrangements.
- 3.14 Following on from the Act the matter of mandatory training for members is raised. It is proposed that this could be a hybrid approach of online and in person training. This will be considered by government following the spending review. The outcome of the white paper is that most authorities were supportive of mandatory training with two options being considered namely;
- i. A national certification scheme which would be procured by MHCLG and involve an online test for certification;
 - ii. or a local based approach where the local planning authority provides certification
- 3.15 The consultation asks for views as to these two options but states a clear preference for a national scheme. It should be noted that this does not appear at present to preclude additional local training and it is proposed that East Cambridgeshire District Council retains its own additional local training on top of any mandatory certification required by government to cover off any local issues.
- 3.16 Following the motion to full Council it would be useful for officers to understand how members would best like to be kept apprised of local matters and applications that affect their wards. There is the current Weekly List which is sent to members, but consideration could be given to other informal protocols to enable local members to best serve their communities. This could include a request to be briefed on an application or to be kept apprised of the likely direction of an application. For those

applications in Tier A this would not enable them to go to a committee but could give members additional officer contact time to enable them to feed back to their residents where appropriate. Officers will also investigate what digital options are available to keep members up to date in respect to impending deadlines and cases in their areas.

- 3.17 Members are asked to note the above and to consider how the Council best approaches responding to the consultation. It is suggested that the response to the consultation around “Reform of Planning Committees” is co-ordinated by the Strategic Planning & Development Management Manager with input from the Chair of Planning Committee, Leader of the Council and the Lead Member for Planning for the Liberal Democrats. The consultation closes on the 22nd July 2025.
- 3.18 Members are therefore asked to give delegated authority to the Strategic Planning & Development Manager to submit the consultation response in line with the above.
- 3.19 Members are also asked to confirm how they would best like to be kept apprised of applications in their areas as outlined above.

4.0 Conclusions

- 4.1 Members to note the report and to give delegated authority to Strategic Planning and Development Management Manager to respond to the consultation in consultation with the Chair of Planning Committee, Leader of the Council and Lead Member for Planning for the Liberal Democrats.
- 4.2 Following the implementation of any legislative change (by Government) to the committee procedures, officers will work with members to create a new internal guidance note and procedures as to how to implement the new changes. This would also include any relevant pro-formas which are required. This would then be agreed by Full Council due to the need for constitutional changes.
- 4.3 Should national training requirements for members be introduced, officers will continue to organise and arrange additional local specific training for new elected members on planning.

5.0 Additional Implications Assessment

- 5.1 In the table below, please put Yes or No in each box:

Financial Implications No	Legal Implications No	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

6.0 Appendices

- 6.1 Reform of Planning Committee – Technical Consultation

7.0 Background documents

7.1 None