

From: David Wimble, Cabinet Member for Economic Development and Special Projects

To: 17 September 2026, County Council

Subject: Planning Applications Committee Terms of Reference: Proposed Revisions

Status: Unrestricted

Past pathway of report: Selection and Member Services Committee, 8 September 2026

1. Introduction

- a) The Planning and Infrastructure Act 2025 gave 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.
- b) This power has now been given effect through The Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026. As set out in the Explanatory Memorandum to this document, the purpose of introducing the changes is as follows:
 - a. “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.”¹
- c) These changes to the law are coming into effect on 31 October 2026. The Council therefore needs to revise the Terms of Reference of the Planning Applications Committee to be compliant with the legislation and to ensure planning decisions can continue to be taken lawfully.
- d) In addition, on 18 December 2025, County Council agreed that the Planning Applications Committee would take on the functions of the Regulation Committee. This change has been fully incorporated into the proposed revisions to the terms of reference. As a consequence, it is also being proposed that the Committee be renamed as the Planning and Regulation Committee.

¹ Section 4.1, [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

- e) On 8 September 2026, the Selection and Member Services Committee agreed to recommend to full Council that the changes proposed in the paper be accepted and the Constitution updated.

2. National Scheme of Delegation

- a) The national scheme of delegation for planning applications as set out in the regulations, and supported by statutory guidance² essentially divides planning applications into two 'schedules'.
 - a. Schedule 1 sets out applications that must always be determined by Officers.
 - b. Schedule 2 sets out applications which may be determined by the Committee, but only once a statutory gateway test has been applied and satisfied.
- b) The only exception is where 'own-interest' applications are concerned and where Kent County Council is connected to the application in specified ways. Here additional, tests must be satisfied before the Committee may consider the application. These relate to transparency and propriety. Detail of the types of applications that fall within the proposed Schedules is set out in Appendix 2.
- c) This is a significant shift in how local authority planning delegations are structured. As such, the changes to the terms of reference of the Committee are supported by a new section and the planning scheme of delegation has been added to the Appendix to the Constitution. Where the new scheme of delegation has superseded existing delegations in the Appendix, these have been deleted or amended as necessary.
- d) The Appendix also sets out who the 'Nominated Officer' will be who is able to take decisions on different kinds of applications. Where there needs to be a decision as to whether a schedule 2 or own-interest application will go to the Committee for determination, under the regulations this decision needs the agreement of the relevant Nominated Officer and a Nominated Member. It is being recommended that the Chair of the Committee be the Nominated Member, with the Vice-Chair undertaking the role where the Chair is unavailable. For the purposes of the Regulations, the Nominated Officer is the Head of Planning Applications unless stated otherwise.
- e) In order for there to be clarity and consistency as to how planning applications are assessed, and to ensure that applications are not held up unduly, there is provision for a triage process to be established. This will allow effective use of resources and Member's time and focus the Committee on the most significant proposals. The principle of a triage process is covered in the proposed terms of reference, and further information will be presented to the proposed Planning and Regulation Committee in due course.
- f) In summary the triage process is intended to ensure that routine, technical, and applications where all concerns have been resolved can be determined efficiently under delegated powers, while preserving a clear route to the Planning and Regulation Committee where an application raises significant

² [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](https://www.gov.uk/government/publications/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-guidance-for-local-planning-authorities-in-england)

unresolved issues or where Committee consideration is justified in the interests of transparency and public accountability.

- g) Authorities are expected to keep records of referral decisions and report them regularly to the planning committee. This is also reflected in the proposed terms of reference.

3. Membership

- a) As mentioned above, the Secretary of State can set a maximum number of Members on planning committees. This has been set at 13. There are currently 15 Members on the Planning Applications Committee so this needs to be amended. Relevant changes will incorporate any necessary committee proportionality review.

4. Regulation Committee Functions

- a) Broadly speaking, the majority of the functions of the Regulation Committee have been managed through delegated arrangements. This will continue as set out in section 17.40 and following of the proposed terms of reference.
- b) The exception is around planning enforcement, which sat with the Regulation Committee itself. This function will move to the Planning Applications Committee and is set out at 17.29d of the proposed terms of reference.
- c) To help people understand the bringing together of these functions, it is also being recommended that the Committee name be changed to Planning and Regulation Committee.

5. Next Steps

- a) On the recommendation of the Selection and Member Services Committee, Full Council is being asked to agree to the proposed revision of the terms of reference of the Planning Applications Committee, as well as a name change and applicable updates to the Appendix to the Constitution.
- b) Because the changes to the legislation come into force on 31 October 2026, any changes to the Constitution will not be made until this time.

6. Recommendation

County Council asked to:

- a. Agree that the proposed amendments to the Planning Applications Committee Terms of Reference be approved.
- b. Agree that the name of the Planning Applications Committee be amended to Planning and Regulation Committee.
- c. Agree that the proposed amendments to the Appendix to the Constitution incorporating the new planning scheme of delegation be approved.
- d. Delegate to the Monitoring Officer the implementation of these changes on 31 October 2026.

7. Appendices

Appendix 1 – Proposed revised terms of reference for the Planning Applications Committee / Planning and Regulation Committee

Appendix 2 – Proposed revisions to the Appendix to the Constitution incorporating the new planning scheme of delegation.

8. Background Documents

The Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026 -

<https://www.legislation.gov.uk/uksi/2026/854/contents/made>

Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England -

<https://www.gov.uk/government/publications/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-guidance-for-local-planning-authorities-in-england/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-guidance-for-local-planning-authorities-in-england>

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