



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 23 SEPTEMBER 2026
Subject	RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP – NATIONAL SCHEME OF DELEGATION FOR PLANNING FUNCTIONS
Wards affected	All
Accountable member	Councillor Mike Every, Chair of the Constitution Working Group Email: Mike.Every@Cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development Email: Democratic@Cotswold.gov.uk
Report author	Simon Harper, Head of Democratic and Electoral Services Email: Democratic@Cotswold.gov.uk
Summary/purpose	To present recommendations from the Constitution Working Group in relation to the changes required to the Council Constitution to implement the National Scheme of Delegation for Planning Functions.
Annexes	Annex A1 – Revised Part 5E: Planning Protocol (clean copy) Annex A2 – Revised Part 5E: Planning Protocol (with tracked changes) Annex B1 – Revised Part C4 non-executive scheme of officer delegation relating to Planning (clean copy) Annex B1 – Revised Part C4 non-executive scheme of officer delegation relating to Planning (with tracked changes)
Recommendation	That Council resolves to adopt: 1. The revised Planning Protocol in Part 5E of the Council Constitution shown at Annex A1. 2. The revised non-executive scheme of officer delegation relating to Planning in Part C4 of the Council Constitution shown at Annex B1.



COTSWOLD

District Council

Corporate priorities	• Delivering Good Services • Supporting Communities
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group Planning and Licensing Committee Head of Planning Services Lead Lawyer - Planning



1. EXECUTIVE SUMMARY

- 1.1** Council is recommended by the Constitution Working Group to consider amendments to the Planning Protocol in Part 5E and non-executive scheme of officer delegation relating to Planning in Part C4 of the Council Constitution.

2. BACKGROUND

- 2.1** Through the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, the Government is introducing measures regarding the role of planning committees.
- 2.2** The new scheme is known as the 'National Scheme of Delegation' and requires councils to have regard to the regulations in the operation of its planning committee.
- 2.3** The Constitution Working Group met on 30 July 2026 and 19 August 2026 to consider the changes required to the Council Constitution to implement the National Scheme of Delegation from 31 October 2026.

3. NATIONAL SCHEME OF DELEGATION FOR PLANNING FUNCTIONS

- 3.1** The National Scheme of Delegation limits planning committees to major or strategic applications with other applications delegated to officers. Applications will be categorised into two types: Schedule 1 and Schedule 2.
- 3.2** Schedule 1: officer delegations will be mandatory for householder extensions and residential schemes up to nine homes (including discharge of conditions for those applications). Local political call-in or objection number triggers will no longer apply.
- 3.3** Schedule 2: officer delegation is presumed for larger or sensitive developments including major projects and listed building consents. Applications can only be considered by the planning committee if a nominated committee member and nominated planning officer mutually agree that it has local significance or raises a major planning issue (commonly referred to as the 'gateway test'). In the event of disagreement, the view of the nominated planning officer takes precedence.
- 3.4** Applications from members and officers, referred to as own-interest applications, will be subject to the 'gateway test'.



- 3.5** Planning committees will have a maximum size of 13 members and there will be mandatory training requirements.

4. PLANNING PROTOCOL

- 4.1** The Planning Protocol at Part 5E of the Council Constitution has been amended to reflect the requirements of the National Scheme of Delegation for Planning Functions. The changes are highlighted in Annex A2 with a clean copy at Annex A1.
- 4.2** Planning functions must be determined by officers unless the statutory process allows referral to committee. An eligible Schedule 2 application may be referred only where the nominated member and nominated officer agree that the gateway test is satisfied. The time limit for submitting a gateway request is 28 calendar days from notification that the application is valid, although a member may request an extension to the case officer.
- 4.3** The nominated member will be the Chair of the Planning and Licensing Committee, or in their absence, the Vice-chair of the Planning and Licensing Committee. The nominated officer will be the Head of Planning Services, or in their absence, the Assistant Director – Planning. Where no nominated substitute is available or able to act, consideration will be deferred until an alternative member or officer, as appropriate, has been appointed.
- 4.4** For the gateway test to be satisfied, the nominated member and nominated officer must agree that the application is an eligible Schedule 2 application and that it raises:
- a) one or more issues of economic, social or environmental significance to the local area; or
 - b) one or more significant planning matters, having regard to the development plan and any other material considerations.
- 4.5** Applications for listed building consent, or to vary or discharge conditions attached to listed building consent, will be considered under Schedule 2.
- 4.6** Applications by members and officers, referred to as own-interest applications, will automatically be referred to a gateway review meeting.
- 4.7** At the gateway review meeting, the nominated member and nominated officer will review the referral requests and will consider which applications should be referred



to committee. If they do not agree regarding the referral, the application will be determined under officer delegated authority.

- 4.8** The outcome of the gateway meeting will be recorded against the planning application. All referrals and outcomes of gateway review meetings will be reported to the Planning and Licensing Committee on at least a quarterly basis.
- 4.9** As part of the call-in process, a member could indicate whether they wish for an application to be subject to a Sites' Inspection Briefing.
- 4.10** The call-in process will in future simply require members to send an email to CDC.PlanningReviewPanel@cotswold.gov.uk. It will no longer be necessary to make a request through the portal.
- 4.11** Members are encouraged to engage with Planning Officers at an early stage if they have any queries regarding an application including policy interpretation.
- 4.12** Members of the Constitution Working Group propose that the Chair of the Planning and Licensing Committee should have the casting, or second vote, in the event of a tied vote on an application being considered by the committee. This is in line with the procedure rules in Part D1 16.2 Part D5 1.1 of the Council Constitution. At present, the application is referred to Council for determination but this is no longer possible.
- 4.13** It was noted that, in practice, a tied vote was very rare at the Planning and Licensing Committee.

5. NON-EXECUTIVE OFFICER SCHEME OF DELEGATION

- 5.1** The non-executive officer scheme of delegation relating to Planning in Part C4 of the Council Constitution has been amended to reflect the National Scheme of Delegation for Planning Functions.
- 5.2** The changes are highlighted at Annex B1 with a clean copy at Annex B2. These include definition of applications under Schedule 1 and Schedule 2 which replace previous legislative provisions around Planning decision-making.
- 5.3** The non-executive officer scheme of delegation covers rights of way and highways at 11 and trees and forestry including tree preservation and tree replacement orders at 12.



- 5.4** The Planning enforcement powers have been brought together at 9 A, B, C, D, E and F under Enforcement of Planning Control.

6. PLANNING AND LICENSING COMMITTEE – 9 September 2026

- 6.1** As the National Scheme of Delegation will have a significant impact on the future operation of the Planning and Licensing Committee, the views of members were sought at the most recent meeting of the committee.
- 6.2** Members recognised that the Council had no choice but to implement the new scheme. They were unanimous in expressing disappointment at the changes as they failed to recognise the important role of members in planning decision-making. It was clear that the Government believed that local authority planning committees were holding up new development applications and steps needed to be taken to speed up the decision-making process. Members did not believe this was true, and examples were given where the very opposite was true.
- 6.3** The professional role of planning officers in providing technical advice on planning applications was acknowledged but they believed that members provided a local insight and gave democratic legitimacy to the decision-making process. The current process provided reassurance to members of the public, and they could see that all the pros and cons of an application had been considered even if the outcome was not necessarily the one they wanted.

7. COMMUNICATIONS

- 7.1** A member briefing on the changes to how planning applications will be considered by the Council will be provided ahead of their introduction on 31 October 2026.
- 7.2** Information on the changes will be provided at upcoming parish and town council forum events.

8. ALTERNATIVE OPTIONS

- 8.1** The Council has no choice but to implement the provisions of the National Scheme of Delegation for Planning Functions.



9. FINANCIAL IMPLICATIONS

- 9.1** There are no direct financial implications arising from this proposal. The implementation of the National Scheme of Delegation for Planning Functions is likely to result in fewer planning applications being considered by the Planning and Licensing Committee. This may mean that monthly meetings are no longer required resulting in less officer time in facilitating and supporting meetings.

10. LEGAL IMPLICATIONS

- 10.1** Full Council, through its responsibilities as set out in the Constitution, recognises the requirement to observe specific requirements of legislation and the general responsibilities placed on the Council by public law, but also accepting responsibility to use its legal powers to the full benefit of the citizens and communities in its area.
- 10.2** Section 9P Local Government Act 2000 requires the Council to keep its Constitution up to date.

11. RISK ASSESSMENT

- 11.1** The recommendations are intended to reduce risks to the Council, specifically in relation to regulatory decision making.

12. EQUALITIES IMPACT

- 12.1** There are no differential impacts on groups with protected characteristics.

13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 13.1** No climate and ecological emergencies implications have been identified.

14. BACKGROUND PAPERS

- 14.1** Ministry of Housing, Communities and Local Government – Planning Committees and the National Scheme of Delegation: draft guidance for local authorities.

(ENDS)