



Borough of Telford and Wrekin

Planning Committee – 22 July 2026

Planning - National Scheme of Delegation

Cabinet Member:	Cllr Healy – Cabinet Member for Planning, Neighbourhoods and Sustainability
Lead Director:	James Dunn – Director: Prosperity and Investment
Service Area:	Development Management
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Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Planning Committee - 22 nd July 2026

1.0 Recommendations for decision/noting:

It is recommended that Planning Committee:

- 1.1 Note the National Scheme of Delegation of Planning functions in accordance with Town and Country Planning Act as amended by the Planning and Infrastructure Act 2025), the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the statutory guidance published on 1 June 2026.
- 1.2 Approve the Council's Planning Scheme of Delegation, as set out at Appendix 1, insofar as it gives effect to and is fully compliant with the National Scheme of Delegation, noting that the Scheme replaces previous local delegation and call-in arrangements where these conflict with the national framework.

2.0 Purpose of Report

- 2.1 To present the National Scheme of Delegation of planning functions to Planning Committee and to note the requirement for the adoption and implementation of that national scheme, as required by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the associated statutory guidance published on 1 June 2026.

- 2.2 The report sets out how the Council's existing local Scheme of Delegation has been amended solely as a constitutional mechanism to give effect to the National Scheme of Delegation, including the removal of previous local call-in arrangements and referral triggers where these conflict with the national framework.
- 2.3 The purpose of the report is to ensure that the Council's planning decision-making arrangements are fully compliant with mandatory national requirements, thereby enabling planning functions to be lawfully discharged by Planning Committee or by officers in accordance with the National Scheme of Delegation.

3.0 Background

The Council exercises its planning functions in accordance with section 101 of the Local Government Act 1972 and the Town and Country Planning Act 1990. Historically, the Council's Constitution has included a locally determined Planning Scheme of Delegation setting out which planning decisions are taken by Planning Committee and which are delegated to officers. Across England, these local schemes have varied in scope and operation, resulting in differing approaches to delegation and committee involvement. The National Scheme of Delegation has been introduced to provide a consistent statutory framework for the discharge of planning functions, reducing variation and providing greater clarity about the respective roles of planning committees and officers.

- 3.1 The Planning and Infrastructure Act 2025 introduced new sections 319ZZC to 319ZZF into the Town and Country Planning Act 1990, enabling the Secretary of State to prescribe, through regulations, how specified planning functions must be discharged by local planning authorities. These provisions establish a statutory National Scheme of Delegation, which takes precedence over previous locally-determined delegation arrangements. From the implementation date all LPA's will work to the same national scheme of delegation.
- 3.2 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, supported by statutory guidance published on 1 June 2026, set out a mandatory national framework determining which planning applications must be decided by officers and which may, in defined circumstances, be referred to Planning Committee. From 31 October 2026, the exercise of planning functions must follow the statutory delegation arrangements. Where decisions are taken by Planning Committee on matters that are required to be delegated, these decisions may be subject to legal challenge.
- 3.3 The National Scheme of Delegation introduces a presumption in favour of officer determination for the majority of planning applications. It identifies categories of applications that must always be delegated to officers and provides that other applications may only be referred to Planning Committee where the statutory referral criteria are met and where both the nominated officer and nominated member agree that referral is appropriate. The Regulations also remove the ability for local authorities to operate discretionary call-in mechanisms or other local referral triggers where these conflict with the national framework
- 3.4 In light of these statutory changes, the Council is required to amend its Constitution and associated delegation arrangements to ensure full compliance with the National

Scheme of Delegation. The Council's local Planning Scheme of Delegation therefore no longer operates as a discretionary local policy, but is retained solely as the constitutional mechanism through which the National Scheme of Delegation is implemented locally.

- 3.5 Failure to align local arrangements with the National Scheme of Delegation would expose the Council to legal risk, including the potential for planning decisions to be challenged by way of judicial review. This report therefore brings forward the necessary changes to ensure that the Council's planning decision-making framework is lawful, robust and consistent with national requirements.

4.0 Summary of main proposals

- 4.1 The proposals set out in this report are required to give effect to the National Scheme of Delegation of planning functions introduced through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and the associated statutory guidance published on 1 June 2026. The National Scheme establishes a mandatory, nationally consistent framework which determines how planning decisions must be discharged by local planning authorities.
- 4.2 Under the National Scheme of Delegation, planning applications and related decisions are divided into prescribed categories:
- Applications falling within Schedule 1 of the Regulations must be determined by the Chief Planning Officer or authorised officers and may not be referred to Planning Committee.
 - Applications falling within Schedule 2 of the Regulations are delegated to officers by default and may only be referred to Planning Committee in limited circumstances, in accordance with the statutory referral process.
- 4.3 Schedule 2 applications should only be referred to Planning Committee where at least one of the following statutory criteria is met:
- (a) the application raises significant economic, social or environmental issues in the local area; or
 - (b) the application raises a significant planning matter, having regard to the development plan and any other material considerations.

Any referral must be jointly agreed in writing by:

- (a) the Chief Planning Officer (or equivalent officer); and
 - (b) the Nominated Member, being the Chair of Planning Committee (or a designated substitute where appropriate).
- 4.4 The National Scheme introduces a clear presumption in favour of officer determination, with Planning Committee focusing on a smaller number of proposals that raise planning, economic, social or environmental issues of significance to the local area, or where referral is otherwise justified under the Regulations. This replaces previous locally-determined thresholds, triggers or call-in arrangements.
- 4.5 In order to comply with the National Scheme of Delegation, the Council's existing local Scheme of Delegation has been revised to remove former local call-in provisions and

other discretionary referral mechanisms where these conflict with the national framework. The revised Scheme, set out at Appendix 1, reflects the statutory categories and referral processes prescribed by the Regulations and statutory guidance. The revised Scheme of Delegation therefore operates solely as the constitutional mechanism through which the National Scheme of Delegation is implemented locally. It does not introduce new local criteria or discretionary arrangements as these are not allowed under the legislation but ensures that planning decisions are discharged lawfully and consistently with national requirements.

- 4.6 The National Scheme of Delegation also introduces statutory requirements in relation to transparency and reporting. The Council will put in place appropriate procedures to record and monitor referrals to Planning Committee in accordance with the Regulations and statutory guidance.
- 4.7 The Regulations impose a maximum membership of 13 members for a Planning Committee. The Council's Planning Committee already operates with a membership below this threshold and is therefore compliant; no change to committee size is proposed or required as part of these proposals.
- 4.8 Taken together, the proposals in this report ensure that the Council's planning decision-making arrangements are fully compliant with the National Scheme of Delegation, legally robust, and aligned with the Government's objective of focusing Planning Committee consideration on the most significant planning matters.

5.0 Alternative Options

5.1 Do nothing or partially implement the National Scheme of Delegation:

The National Scheme of Delegation is established by statute and will have legal effect when the amendment to the Town and Country Planning Act and the Regulations come into force (31st October 2026). Retaining existing local delegation arrangements, including local call-in procedures, referral triggers or discretionary thresholds, or attempting to partially or selectively apply the national framework, would result in arrangements for decision making and any subsequent decisions made, being potentially unlawful and subject to legal challenge, which could include judicial review.

5.2 Adoption and implementation of the National Scheme of Delegation:

The recommended option is to endorse the adoption and implementation of the National Scheme of Delegation and to approve the Council's Planning Scheme of Delegation to give effect to the national framework. This option ensures that the Council's planning decision-making arrangements are lawful, robust and fully compliant with statutory requirements, while enabling Planning Committee to focus on those applications that meet the national criteria for committee determination.

6.0 Key Risks

6.1 Legal and regulatory assurance:

The adoption and implementation of the National Scheme of Delegation ensures that the Council's planning decision-making arrangements are fully compliant with statutory requirements. Aligning local arrangements with the national framework provides legal certainty and protects the Council from the risk of challenge associated with decisions taken outside the prescribed delegation arrangements.

6.2 Governance and transition considerations:

The National Scheme of Delegation introduces changes to long-established local practices, including the removal of local call-in mechanisms. A period of transition is therefore anticipated as Members, Town and Parish Councils, applicants and the public become familiar with the new arrangements. This will be managed through clear communication, Member briefings and training, and by setting out transparent referral and reporting processes in accordance with statutory guidance.

6.3 Operational considerations:

The presumption in favour of officer determination will enable Planning Committee to focus its time and expertise on applications that meet the national criteria for significance. Clear internal procedures, together with the designation of appropriate nominated officers and members, will support consistent application of the referral process and ensure that the intended efficiencies of the National Scheme of Delegation are realised.

6.4 Transparency and public confidence:

Although fewer applications will be determined by Planning Committee, the National Scheme of Delegation includes explicit requirements for transparency and reporting. The Council will maintain appropriate records and reporting arrangements to ensure that referral decisions are clear, auditable and accessible, supporting continued public confidence in the planning process.

7.0 Council Priorities

7.1 The adoption and implementation of the National Scheme of Delegation supports the Council's priority of being a community-focused, efficient and effective authority, by ensuring that planning decisions are made in a timely, consistent and legally robust manner.

7.2 By focusing Planning Committee consideration on those proposals that meet the national criteria for significance, the National Scheme of Delegation enables Members to concentrate their time and expertise on matters that have the greatest impact on local communities, while allowing routine and technical decisions to be determined efficiently under delegated authority. The proposals therefore support the effective delivery of development, investment and infrastructure across the Borough, while maintaining transparency, accountability and public confidence in the planning process.

8.0 Financial Implications

8.1 There are no financial implications arising directly from this report.

9.0 Legal and HR Implications

9.1 The National Scheme of Delegation is established in accordance with provisions of the Town and country Planning Act (as amended by the Planning and Infrastructure Act 2025) and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the Regulations).

- 9.2 The Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England, supports local planning authorities in England in implementing the new provisions which largely deal with delegation of powers for planning decision making.
- 9.3 The new national scheme of delegation provides that the Council shall determine planning applications in accordance with the National Scheme as set out in the Regulations, with a presumption in favour of officer determination except where applications meet the defined statutory criteria for referral to Planning Committee.
- 9.4 All applications falling within Schedule 1 of the Regulations must be determined by the Chief Planning Officer or authorised officers and may not be referred to Planning Committee.
- 9.5 Applications falling within Schedule 2 of the Regulations are to be determined by officers unless referred to Planning Committee where applications meet the defined statutory criteria:
- (a) the application raises significant economic, social or environmental issues in the local area; or
 - (b) the application raises a significant planning matter, having regard to the development plan and any other material considerations.

Any referral must be jointly agreed in writing by:

- (a) the Chief Planning Officer or equivalent officer; and
 - (b) the Nominated Member, being the Chair of Planning Committee (or a designated substitute where appropriate).
- 9.6 The Council is required to ensure that its Constitution and delegation arrangements are aligned with this statutory framework. The proposals set out in this report ensure that planning functions are discharged lawfully and in accordance with national legislation and statutory guidance.
- 9.7 The proposals contained in this report can be delivered using existing resources.

10.0 Ward Implications

- 10.1 The National Scheme of Delegation applies uniformly across all wards. While ward-level call-in arrangements will no longer apply, Ward Members will continue to play an important role in representing local views through the statutory consultation process and engagement with the nominated member and officers.

11.0 Health, Social and Economic Implications

- 11.1 There are no health, social and economic implications arising from this report. By supporting timely and consistent planning decisions, the National Scheme of Delegation contributes to the effective delivery of development and infrastructure across the Borough.

12.0 Equality and Diversity Implications

- 12.1 There are no equality and diversity implications arising from this report. The National Scheme of Delegation applies consistently to all planning applications and decision-making processes, ensuring a fair and transparent approach.

13.0 Climate Change and Environmental Implications

- 13.1 There are no climate change and environmental implications arising from this report. The National Scheme of Delegation relates to the governance of planning decisions rather than the planning merits of individual applications, which will continue to be assessed in accordance with national and local planning policy.

14.0 Background Papers

- 1 Statutory Guidance: Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England. 1st June 2026

15.0 Appendices

- 1 Planning: Scheme of Delegation 2026

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Finance	19/06/2026		
Legal	19/06/2026	19/06/2026	SH
Director	19/06/2026	21/06/2026	JD