



Report to Planning Committee 9 April 2026

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Oliver Scott, Business Manager – Planning Development

Report Summary	
Report Title	Planning committee reform: statutory consultation on draft Regulations and guidance & Consultation on fees for planning applications
Purpose of Report	To provide an overview to Members of the Planning Committee on the committee reforms proposed.
Recommendations	<p>That Members of Planning Committee note the consultations on planning committee reform and fees for planning applications.</p> <p>That the Council’s representations on planning committee reform and local fee setting be delegated to the Director for Planning & Growth in consultation with the Chair and Vice-Chair of Planning Committee.</p>

1.0 Planning committee reforms

- 1.1 The government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to give a new power to 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. The Act also gives a new power to the Secretary of State to control the size and composition of planning committees and to impose a new requirement for members of planning committees to be trained, and certified, in key elements of planning.
- 1.2 The measures in the Act are enabling powers, with the detailed provisions to be set out in subsequent regulations. In May 2025, the government launched a public consultation to seek views on what detailed provisions should be included in the regulations. The Council responded and raised a number of observations, including concerns about the gateway arrangements for call-in via Tier B and whether a reduced number of Members would be appropriate in areas with wide ranging political representation.
- 1.3 The government has reflected on the consultation responses. The government suggests that in general, respondents were in favour of the proposals for a tiered approach to

the national scheme of delegation which would allocate types of applications as being always delegated to officers (Tier A), or being able to be brought to committee subject to a gateway test (Tier B).

- 1.4 The government recognised feedback on the technical issues related to Tier A and Tier B which they feel they have reflected on in the preparation of the draft regulations. They also acknowledge feedback on the size of planning committees (including practical points on those councils with a wide range of political representation) and the potential for mandatory training.
- 1.5 The government proposes to bring forward the regulations and statutory guidance for a national scheme of delegation and size of planning committees so that the **reforms will be in place by the end of September**.
- 1.6 There is a statutory requirement to consult on both draft regulations and guidance under section 319ZZE (6) of the Town and Country Planning Act 1990. This statutory consultation seeks views on the technical detail and drafting of the regulations and guidance which reflect these principles and supports Local Planning Authorities (LPAs) in delivering planning decisions that are transparent, accountable and community focused.

2.0 The Draft Regulations

- 2.1 The draft regulations make provision for a national scheme of delegation and the size threshold for committees in England.

Schedule 1 (Tier A)	Schedule 2 (Tier B)
Schedule 1 sets out the list of types of applications that must in all circumstances be delegated to officers. These includes applications for planning permission for householder, minor residential and minor commercial development, as well as a number of supplementary and technical consents such as discharge of conditions, reserved matter approvals (for non-phased development), lawful development certificates, and non-material amendments.	Schedule 2 sets out the list of types of applications that may be referred to a committee subject to the circumstances set out in Regulation 5 and must be delegated to an officer where those circumstances have not been met. These include other applications for planning permission not in Schedule 1, reserved matters approvals for phased development, variations of permissions, and special controls such as listed building and tree preservation order consents.

- 2.2 Regulation 1 sets out geographic extent, citation and commencement details of the Regulations. Regulation 2 sets out definitions of how terms used in the regulations should be understood. Regulation 2 also sets out restrictions on limiting officer discretion where applications have been delegated to officers and arrangements for joint committees where local planning authorities have made such arrangements.

- 2.3 Regulation 4 requires decisions on types of applications that are set out in Schedule 1 of the Regulations to be delegated to officers (Tier A under the previous consultation).
- 2.4 Regulation 5 gives local planning authorities the ability to refer decisions on the types of application that are set out in Schedule 2 to a committee, subject to the nominated officer and nominated member agreeing to this (Tier B under previous the consultation). In their agreement they must have concluded that the proposal raises:
- one or more issues of economic, social or environmental significance to the local area
 - one or more significant planning matters having regard to the development plan and any other material consideration
- 2.5 Regulation 5 also sets out that where a local planning authority has not made such arrangements to refer an application to a committee, it must be determined by an officer. In considering whether to refer an application, the relevant officer and relevant member must have regard to guidance issued by the Secretary of State.
- 2.6 Regulation 6 sets out the procedure for linked persons applications – which are applications made by the authority itself, or a member or officer of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers. In these circumstances the nominated member and the nominated officer may refer the application to the committee. There is no need to have regard to the gateway test in Regulation 5 in this determination.
- 2.7 The role of the Committee Chair and Chief Planner in this proposed delegation model is critical and it remains unclear how this relationship will be supported and protected in contentious scenarios. In addition, where officers are likely to make a greater number of delegated decisions, public frustration and perceived loss of localism will be noticeable. The RTPI raises this as a significant concern in their feedback to government.
- 2.8 Regulation 7 sets out that committee discharging a function in Schedule 2 of the Regulations must be capped at 13 members. Members will see that this total has increased from the maximum of 11 advocated in the technical consultation last year. This is welcomed.
- 2.9 The consultation on the proposals will last for 4 weeks from 26 March 2026, closing on 23 Apr 2026.
- 2.10 The Council can either use the online survey to respond, or otherwise email a response to the questions in the consultation to: planningcommittees@communities.gov.uk.

3.0 Consultation on fees for planning applications

- 3.1 In addition to the committee regulation consultation, the government has also launched a consultation on planning fees. This consultation seeks views on proposals to:

- establish a new national default fee schedule, based on 90% of estimated costs, to bring planning fees to a level closer to cost recovery and act as a baseline from which a new local fee setting model will operate
 - introduce new fees and restructure existing fee categories in order to reduce complexity for users
 - implement a surcharge on planning fees for statutory consultees, set in the region of 10% of the national default fee
 - establish the key principles behind local fee setting, as well as seek views on the potential to implement a cap on locally set fees
 - review the future role of discretionary services such as Planning Performance Agreements and pre-application advice in light of proposed increases to default fees and the introduction of the local variation model
- 3.2 Planning application fees are currently set nationally in England by central government to help LPAs meet the costs of determining applications. The government argues that LPAs should have the resources they need to deliver timely, high-quality planning decisions. This is seen as essential to achieving their mission to unlock economic growth and deliver 1.5 million new homes during this Parliament. A new National Default Fee Schedule, designed to better reflect the costs LPAs incur, is a key step towards better resourcing LPAs and driving better outcomes including faster determination times, improved service standards and stronger performance across the planning system.
- 3.3 Fees will be increased in line with inflation from 1 April 2026. However, even with this adjustment and earlier uplifts, the government believes there remains a substantial gap between fee income and service costs. In 2024/25, the annual shortfall is estimated to be around £330 million. This underfunding limits LPA capacity, leading to delays and poorer decision-making.
- 3.4 The Act introduced new powers for local fee setting which will enable LPAs to set their own planning application fees through a local variation model. Under this approach, a national default fee will remain in place and apply to all LPAs, unless an LPA chooses to vary from the default fee for any or all application fee categories to reflect their own costs recovery needs. The national default fee should not be considered a minimum. Where efficiency gains are achieved, such as through improved processes, new ways of working, or through digital tools and emerging technologies like AI, these savings should be reflected appropriately in locally-set fees so that charges remain proportionate and aligned with the actual cost of delivering the service.
- 3.5 These proposals sit alongside wider proposed reforms in the draft NPPF, published for consultation on 16 December 2025. These include streamlined requirements for medium-sized developments and greater standardisation of information, conditions and section 106 planning obligations. The government hopes that these measures will improve efficiency and productivity in LPAs and reduce the costs of processing planning applications.
- 3.6 The engagement with LPAs in August-September last year via the Local Government Association and Planning Advisory Service revealed that no planning fee fully covers the cost of determining a planning application, with shortfalls ranging from 18% for the least

underpriced to 60% for the most underpriced. The applications most frequently considered underpriced, identified by 92% of LPAs, were applications to remove or vary a condition following grant of planning permission (section 73 applications) for major developments and applications to discharge conditions. Outline planning applications, particularly for major developments, and section 73 applications for non-major developments, were also highlighted, with 88% of LPAs considering them to be underpriced. These application types were also identified as the highest priority for review.

- 3.7 This consultation seeks views on a proposed National Default Fee Schedule as the foundation for the local variation model. It also proposes restructuring certain existing fee categories, and introducing new fees for prior approval applications, permission in principle, and applications to vary planning permissions under section 73 and section 73B. Details of these changes are included in Annex A of the consultation documents. The government also invites feedback on how local fee setting should operate in practice, including whether a cap on local variations is appropriate and how these changes might affect the future role of planning performance agreements and other discretionary charges.
- 3.8 The proposed National Default Fee Schedule would increase all current planning fees to 90% of the estimated full cost of processing each application type. For applications where no direct evidence was available, proposed fee increases have been based on comparable application types. In some cases, fees and the maximum caps have also been adjusted to ensure alignment across similar application categories. The proposed increases vary according to the current shortfall for each application type. For example, to achieve 90% of the estimated cost, the increase for householder applications for the enlargement, improvement or alteration of an existing dwellinghouse is £27, around 8% of the fee as indexed from 1 April 2026. For major section 73 applications, the increase is more significant at £1,074, around 52% from the fee as indexed from 1 April 2026. The maximum application fee would increase by around 25% from £427,537, as indexed from 1 April 2026 to £513,512. The national default fee would continue to be uplifted annually in line with inflation to maintain its real value over time.
- 3.9 Note that the government is not proposing to introduce national fees for applications for listed building consent or works to protected trees. These special control consents have historically been exempted from fees in order to encourage owners to engage proactively with LPAs, reduce the risk of unauthorised works to listed buildings or protected trees, and recognise that the conservation of historic buildings and the natural environment is a public good.
- 3.10 The Act 2025 introduced powers to levy a surcharge on planning fees to help fund organisations such as national statutory consultees which support the planning application process. To enable informed responses to the wider proposed increases to the national default fee, this consultation seeks initial views on the surcharge being in the region of 10% of the national default fee, even where local variations exist. We will consult in due course on further details of the surcharge via a separate consultation, including the types of planning applications where the surcharge would apply.

3.11 The consultation for planning fees closes on 18 May.

4.0 Recommendation

4.1 That the Council's representations on planning committee reform and local fee setting be delegated to the Director for Planning & Growth in consultation with the Chair and Vice-Chair of Planning Committee.

5.0 Implications

5.1 In writing this report and in putting forward recommendations' officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

5.2 Legal Implications - LEG2526/4026

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

Background Papers and Published Documents

[Planning committee reform: statutory consultation on draft Regulations and guidance - GOV.UK](#)

[Reform of planning committees: technical consultation - GOV.UK](#)

[Fees for planning applications - GOV.UK](#)