

Public Document Pack



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY 14TH OCTOBER 2026, AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

SUPPLEMENTARY DOCUMENTATION 1

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

10. **Introduction of the National Scheme of Delegations of Planning Functions** (to follow) (Pages 3 - 64)

The report, including appendices to the report, are attached to this supplementary pack.

19. **Questions on Notice** (To follow) (Pages 65 - 66)

The Questions on Notice received from Members are attached to this supplementary pack.

To deal with any questions on notice from Members of the Council, in the order in which they have been received.

Each Member who is scheduled to ask a Question on Notice may ask up to one supplementary question which must be based on the original question or the answer provided to that question.

A period of up to 15 minutes is allocated for the asking and answering of questions. This may be extended at the discretion of the Chairman with the agreement of the majority of those present.

20. **Motions on Notice** (To Follow) (Pages 67 - 68)

The Motions on Notice due to be considered at this meeting are attached to this supplementary pack.

A period of up to one hour is allocated to consider the motions on notice. This may only be extended with the agreement of the Council.

J. Leach
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

8th October 2026

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Introduction of the National Scheme of Delegations of Planning Functions

Relevant Portfolio Holder		Cllr Sue Baxter – Deputy Leader of the Council and Cabinet Member for Planning and Strategic Housing
Portfolio Holder consulted		Yes
Relevant Assistant Director		Ruth Bamford
Report Author Ruth Bamford	Job Title: Assistant Director – Planning Leisure & Culture Services Contact email: r.bamford@bromsgroveandredditch.gov.uk Contact Tel:	
Wards Affected		All
Ward Councillor(s) consulted		N/A
Relevant Council Priority		Sustainability
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

Members are asked to NOTE:

- 1.1 The matters set out in this report relating to the introduction of the National Scheme of Delegation of Planning Functions; and**
- 1.2 that there is a mandatory requirement for the Council to adopt the National Scheme of Delegation in accordance with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.**

Members are asked to RESOLVE:

- 1.3 That the arrangements set out in this report be adopted with effect from 31 October 2026; and**
- 1.4 That the Constitution be updated by adopting the following documents attached to this report: -**
 - **Scheme of Delegations for Development Management Appendix A**
 - **Scheme of Delegations for Trees Appendix B**
 - **Planning Committee Procedure Rules Appendix C**

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- **Planning Code of Conduct Appendix D**

- 1.5 That authority be delegated to the Assistant Director for Legal, Democratic and Procurement Services to make any further consequential amendments required to the Constitution; and**
- 1.6 That the new arrangements be considered for review by the Constitution Review Working Group after the scheme has been operating for 6 months, such discussion to include feedback from Members including the Chairman / Vice Chairman of Planning Committee.**

2. BACKGROUND

- 2.1** The purpose of this report is to explain to Members the changes which are being implemented by the national government in relation to the making of decisions on planning applications by local councils. The previous system of each individual council having its own Scheme of Delegations for planning decisions is being replaced by a National Scheme of Delegation. Adoption of the new arrangements is mandatory and applies to all Local Planning Authorities in England and Wales.
- 2.2** The local arrangements for decision making operated at the Council will have to be amended to comply with the Regulations. The result will be a greater emphasis on the use of delegated powers, stricter rules about what applications can be decided by officers and what matters can be referred to Planning Committee, and the ending of the practice of members being able to “call in” planning applications in their ward.
- 2.3** The new arrangements need to be adopted by no later than 31st October 2026.

3. OPERATIONAL ISSUES

Introduction

- 3.1** Schemes of Delegations consists of written rules in local authority constitutions through which planning decisions can be delegated to officers. Each authority currently will have their own individual scheme. Although there will be similarities, the detail will vary considerably from authority to authority.
- 3.2** Introducing a “National Scheme of Delegation” was proposed by the Labour government in December 2024 as part of its planning reform

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programme. Following a period of formal consultation the final versions of the regulations and the guidance have now been issued by the government as follows: -

- The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“the regulations”) – made on 15th July 2026 - in force from 31st October 2026.
- The Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England (“the guidance”) – issued on 1st June 2026

Local authorities will need to make changes to their constitutions to ensure they can implement the National Scheme of Delegation from the start date of 31st October 2026.

3.3 The government has identified the following reasons for making the changes:-

- to address inconsistent decision making by planning committees.
- to provide greater consistency and certainty about what decisions go to committee.
- to allow committees to focus on the key issues of the area, enabling other often more minor and technical decisions to be made by planning officers.

3.4 Members will already be familiar with the practice of most minor applications being delegated to officers. This is achieved under the current scheme of delegations for planning, the main exception to this rule being where applications may be “called in” by Members. The scheme of delegations also provides for other more significant applications to be decided by Planning Committee.

3.5 According to government data for the year to December 2025, local authorities already delegate more than 96% of planning decisions to officers, although the rate varies between different authorities. In Bromsgrove there is already a significant number of officer delegated decisions being made.

Regulations to establish a two-tier National Delegation Scheme

3.6 The regulations and the guidance form the framework for local authorities to implement the National Scheme of Delegations. It is mandatory that the Council adopt and comply the new scheme; failure

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to comply may give rise to legal challenges being brought against the Council by way of judicial review.

- 3.7 Under the Regulations planning applications are to be divided into Schedule 1 and Schedule 2 depending on type, scale and complexity of the application.

Schedule 1 applications	Schedule 2 applications
Must be delegated to officers	Presumption of delegation to officers unless certain conditions are met by applying what is known as the Gateway Test.
<i>Examples: householder, minor residential, minor commercial, discharge of conditions, lawful development certificates, prior approval</i>	<i>Examples: major applications, listed building consent matters, reserved matters applications for large outline permissions.</i>

For context, a minor residential application relates to a development of between 1 and 9 dwellings that is to be carried out on a site with an area smaller than 0.5 hectares.

- 3.8 Under the new scheme, the ability of Members to “call-in” planning applications in their wards will cease to apply. The replacement trigger test for a planning application being referred to Planning Committee is set out in Regulation 5 (3) and is known as the Gateway Test which is described in more detail at paragraph 3.13.
- 3.9 Although this will represent a change to the way in which Members engage with individual planning cases, opportunities to raise planning issues and represent community concerns will still be available through the consultation process. Where applications are determined at Planning Committee, public speaking rights will continue to apply. As set out at paragraph 3.33, for Schedule 2 applications ward members will have the ability to submit representations to the Assistant Director of Planning, Leisure and Culture Services if they consider the application should be referred to Planning Committee.

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Nominated Officers and Nominated Member

- 3.10 Under Regulation 3 the Council must appoint a “nominated officer” and a “nominated member”. These are new positions created under the regulations. The holders of these positions will carry out the function of assessing whether or not Schedule 2 planning applications meet the conditions set out in the Gateway Test. Where the conditions are met the application will be referred to Planning Committee to be determined. Where the test is not met the application will be decided by officers under delegated powers.
- 3.11 The Guidance recommends that the role of nominated officer should be taken on by the person in the organisation who acts as the Chief Planning Officer. For Bromsgrove this is Ruth Bamford - Assistant Director of Planning Leisure and Culture Services. The role of nominated officer should be held by the Chair of Planning Committee.
- 3.12 Provision needs to be made for the two roles to have deputies in case of absence. The amended Scheme of Delegation therefore provides that the nominated officer will be the Assistant Director of Planning Leisure and Culture Services, and in her absence a nominated deputy will act; the nominated member will be the Chair of the Planning Committee, and in his or her absence the deputy will be the Vice Chair of Planning.

Schedule 1 applications

- 3.13 Regulation 4 provides that Schedule 1 applications must be decided by officers under delegated powers. The Council has made arrangements for this in the Scheme of Delegations for Development Management at which cross refers to the list of application types set out in Schedule 1.

Schedule 2 applications

- 3.14 Under Regulation 5, Schedule 2 applications may be determined either by officers under delegated powers or by committee. There is a presumption in favour of all Schedule 2 applications being delegated to officers. However, if certain conditions apply there may be cases where it is appropriate for applications to be decided by Planning Committee.
- 3.15 Under regulation 5 (3) a planning application should only be referred to planning committee if the proposal raises:

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- Ground A - one or more issues of economic, social or environmental significance to the local area, or
- Ground B - one of more significant planning matters having regard to the development plan and any other material considerations.

This is known as the Gateway Test.

- 3.16 As noted at paragraph 3.10, the task of assessing which Schedule 2 applications should be referred to Planning Committee, or in other words applying the Gateway Test, falls to the nominated member and the nominated officer.
- 3.17 The aim would be to reach consensus on which cases are referred to committee. However, where agreement is not possible the case must be delegated to officers under Regulation 5 (3).

Exceptions to Schedule 2 process for matters previously decided under delegated powers

- 3.18 The regulations and guidance recognise that some local planning authorities already operate under well thought out Schemes of Delegation that provide for a large percentage of routine matters to be decided by officers under delegated powers. This is regarded as good practice as it allows Planning Committee to concentrate on deciding the most complex and high profile planning applications.
- 3.19 To enable authorities already exercising good levels of delegation to continue to do so, the new scheme recognises that not all planning applications included in Schedule 2 need to be referred to the Gateway Test. This is particularly the case for types of applications that the government has placed into Schedule 2 that were traditionally decided by officers under delegated powers such as advertisement consents and applications to carry out works to trees protected by TPOs.
- 3.20 The guidance document itself, along with supplementary guidance issued by the Planning Advisory Service, provide that Councils can through their constitutions Council filter out some Schedule 2 matters that need not be referred to the Gateway Test. Officers are recommending this approach so as to maintain the previous levels of delegation and ensure that the Gateway Test is not overwhelmed.
- 3.21 The version of the Scheme of Delegations proposed to be adopted by the Council for Schedule 2 applications has been modelled to enable

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similar levels of delegation as existed under the old scheme to continue. This will enable applications previously decided by officers under the old scheme of delegations to continue to be decided by officers without the need for referral to the Gateway Test. In circumstances where the applications would previously have been referred to Planning Committee under the old scheme of delegations, then the Gateway Test will be applied to assess whether grounds exist for those matters to be referred to Planning Committee or whether they are suitable to be decided by officers under delegated powers.

- 3.22 Members are referred to the wording of the Schedule 2 matters set out in the amended Schemes of Delegation at Appendices 3 and 4 for specific wording for each subject area.

Regulation 6 – Own-interest Applications

- 3.23 Separate provision is made in the Regulations for the determination of planning applications made by either the Council or by officers or members. These are referred to as “own-interest” applications.
- 3.24 The definition in regulation 6(1) covers applications of a type specified in Schedule 1 or Schedule 2 made by the local authority, by members of the local authority and by officers of the local authority.
- 3.25 Additionally, under Regulation 6 (1)(b) the nominated officer and nominated member may take the view that where the authority, or any of its members or officers “otherwise” has an interest in an application, then that application must also be treated as an own-interest application. For example, this may cover an application made by a close relative of an officer or a member.
- 3.26 Under Regulation 6 (4) the nominated officer and nominated member may decide to refer an own-interest applications to committee. In any situation where a referral to committee is not made then by default the application will be determined by officers.
- 3.27 Whilst the guidance indicates that there is discretion for own-interest applications to be decided by officers under delegated powers, officers are proposing that for reasons of openness and transparency own-interest applications should in the majority of cases be decided by committee. This will represent a continuation of the existing practice and be in compliance with the Planning Code of Conduct.
- 3.28 For reference the Planning Code of Conduct states as follows:-

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- 10.6 *Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.*
- 10.9 *Applications for Planning Consents made to Bromsgrove District Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council or their family members, whether or not directly employed by them, should not be dealt with under delegated powers and should be decided by the Planning Committee.*
- 10.10 *Planning applications made by Council Service Areasshall be considered by the Planning Committee and not determined under delegated powers.*
- 3.29 The arrangements made by the Council for own interest applications are set out in the Scheme of Delegations for Development Management and in the Planning Code of Practice.

Practical arrangements to implement the regulations

- 3.30 Upon receipt new applications will be categorised by officers upon validation into one of the following categories: -
- Schedule 1 applications - for delegated decision
 - Schedule 2 applications – identified in the Constitution for delegated decision
 - Schedule 2 applications – for referral to the Gateway Test
 - Own-interest applications
- 3.31 The nominated officer and the nominated member will meet no less than once a month to review Schedule 2 applications for referral to the Gateway Test and any own-interest applications. This will be known as the Gateway Meeting.
- 3.32 Officers will prepare a case summary for any applications being considered at the Gateway Meeting to indicate whether in their view the application raises issues under either Ground A or Ground B.
- 3.33 Ward members are notified of applications within their ward. Members who consider that a Schedule 2 application should be referred to Planning Committee may submit representations to the Assistant Director of Planning, Leisure and Culture Services. The representations must address the criteria in Ground A and Ground B, and must be submitted within 21 days of being notified. A form will be developed which Members could choose to use to assist with this.

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- 3.34 The decision of the nominated officer and nominated member on allocation of a Schedule 2 application under the Gateway Test will be final. The aim will be for a consensus to be reached but in any cases where this is not possible the application must be determined by an officer of the authority.
- 3.35 Officers will keep a written record of decisions made under the Gateway Test. A schedule of decisions made will be available to view online and be reported back to members of Planning Committee on a regular basis.
- 3.36 The Gateway Meeting will also consider any new own-interest applications that have been made, regardless of whether these fall into Schedule 1 or Schedule 2. The nominated officer and the nominated member may agree to refer such applications to committee. As noted in paragraphs 3.24 and 3.25, for reasons of openness and transparency, there will be a presumption in favour of referral to committee.

Conclusion

- 3.37 To summarise, under the new arrangements, planning applications will be determined as follows: -

By Planning Committee

- Schedule 2 applications which meet the Gateway Test
- Own-interest applications referred by the nominated officer and nominated member

By officers under delegated powers

- All Schedule 1 applications
- Schedule 2 applications which do not meet the Gateway Test
- Any own-interest applications delegated to officers

- 3.38 Officers are of the view that there would be benefit in monitoring how the New Scheme of Delegations is working given that the changes will be a significant departure from previous practices. Accordingly, Members are referred to recommendation 1.6 which sets out that there be a review of the operation of the new arrangements by the Constitution Review Working Party after 6 months.

4. FINANCIAL IMPLICATIONS

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- 4.1 There are no financial implications associated with this report that have been identified.

5. LEGAL IMPLICATIONS

- 5.1 In accordance with powers conferred under the Town and Country Planning Act 1990, the Secretary of State has issued the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. The purpose of the regulations is to set up a National Scheme of Delegation for planning functions. The requirement to comply with the regulations is mandatory and the Council has no choice but to adopt them and to up date its planning processes and practices accordingly.
- 5.2 The amended scheme of delegations must mirror the contents of Schedule 1 and Schedule 2 of the Regulations. Some exceptions can be made for Schedule 2 matters as set out in paragraphs 3.16 to 3.19 above.
- 5.3 The government has advised that “Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision”.
- 5.4 Nominated officers and nominated members should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be delegated to officers under regulation 5(3).
- 5.5 There are no transition arrangements included in the regulations. This means that the allocation of planning applications into the categories of Schedule 1 and Schedule 2 will be applicable as from 31st October 2026. This may have the effect that planning applications previously on course for determination by officers under delegated powers, or by planning committee under the old scheme of delegations will be subject to a change of decision maker. The guidance is clear that the Council must comply with the new rules or risk legal challenge.

6. OTHER - IMPLICATIONS

Local Government Reorganisation

- 6.1 There are no immediate implications for Local Government Reorganisation; in the longer term work will have to be done by officers to ensure that from vesting day the new authority is acting in accordance

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with one uniform scheme of delegations for planning applications; the introduction of the regulations should assist with this by already aligning parts of the decision making framework for planning matters.

Relevant Council Priority

- 6.2 The steps outlined in this report are mandatory and must be adopted regardless of any council priorities.

Climate Change Implications

- 6.3 There are no relevant climate change implications.

Equalities and Diversity Implications

- 6.4 It is not considered that there are any implications for equalities and diversity.

7. RISK MANAGEMENT

- 7.1 The following risks have been identified: -

Risk	Mitigation
Failure to implement the new regulations leading to risk of legal challenge by way of judicial review of planning decisions made after 31 st October 2026	Regulations and guidance will be adopted to come into effect on 31 st October 2026
Risk that the number of applications being referred to the Gateway Test would be overwhelming, leading to delay and reputational damage.	This risk is being mitigated by adopting a scheme that provides for previous levels of delegation to continue.
Risk of disruption caused by introduction of changes set out in the regulations, and potential impact on Members, staff and service users	This is being mitigated by: - • Training and support to Chair and Vice Chair of Planning Committee • Briefing of all Members as to the changes • Briefing and training for Members who sit on Planning Committee • Briefing and training of staff

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	• Update to information on website
Risk of own interest applications being delegated to officers	This is being mitigated by the provisions for own-interest applications to continue to be decided in an open and transparent way through decisions being taken at Planning Committee.

8. APPENDICES and BACKGROUND PAPERS

Background Papers

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

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

The Planning Committees and the National Scheme of Delegations 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 - GOV.UK](#)

Appendices

Appendix A - Scheme of Delegations for Development Management

Appendix B - Scheme of Delegations for Trees

Appendix C - Planning Committee Procedure Rules

Appendix D - Planning Code of Practice

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Cllr Karen May - Leader of the Council and Chair of Constitution Review Working Group	
Lead Director / Assistant Director	Ruth Bamford – Assistant Director – Planning Leisure and Culture Services	
Legal Services	Sarah Sellers – Solicitor Governance and Regulatory	

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Appendix A – Scheme of Delegations for Development Management

3. Development Management			
NEW National Scheme of Delegations			
Subject	Detail	Delegated by	Delegated to
National Scheme of Delegations – Regulation 3 – nominated members and officers	1. To act as the nominated officer under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy
	2. To act as the nominated member under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Council	Chair of Planning Committee or in his/her absence Vice Chair of Planning Committee
National Scheme of Delegations – Regulation 4 – applications that must be determined by an officer (Schedule 1)	To determine planning applications set out in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 [See list of Schedule 1 delegations at Appendix 1.]	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy
National Scheme of Delegations – Regulation 5 – Applications that may	1. To carry out the function of agreeing whether a Schedule 2 application referred to the Gateway Test	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated

Appendix A – Scheme of Delegations for Development Management

be determined by a committee or by an officer – The Gateway Test		should be determined by officers under delegated powers or determined by Planning Committee based on the test in set out on grounds a. and b. of regulation 5(3) 2. To determine any application referred to the Gateway Test where agreement cannot be reached between the nominated officer and the nominated member	Council	deputy (acting as the nominated officer) following consultation with Chair of Planning Committee or in his/ her absence Vice Chair (acting as the nominated member) Assistant Director of Planning, Leisure and Culture Service
NEW Schedule 2 applications * from Schedule 2				
Para no *	Subject	Detail	Delegated by	Delegated to
1, 2 and 3	Applications for listed building consent (under section 10(1) of the Listed Buildings Act Applications for variation or discharge of listed building consent under section 19(1) of the Listed Buildings Act Applications for planning permission connected to an	1. To determine applications described in paras 1, 2 and 3 of Schedule 2 which do not involve any of the following features: - a. Complete or significant demolition of a listed building. b. That are linked to planning application for dwelling houses where the number of houses to be provided is 10 or more. c. That are linked to a planning application for the provision of a building or buildings with a floor space of 1000 square metres or more.	Council	Assistant Director of Planning Leisure and Culture Services

Appendix A – Scheme of Delegations for Development Management

	application made under section 10(1) or 19(1) of the Listed Buildings Act	2. Any applications of the type identified in a., b. or c. above will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	Council Council	Planning Committee Assistant Director Planning Leisure and Culture Services
4	Applications made under paragraph 4 of Schedule 2 (and not identified separately under any other provisions of Schedule 2)	To determine an application for planning permission that is not: a. A householder application b. A minor commercial application c. A minor residential application	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services
5	An application made under section 73 (1) of the Town and Country Planning Act 1990 - application to vary	1. To determine applications made under Section 73 (1).	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or

Appendix A – Scheme of Delegations for Development Management

[illegible]

Appendix A – Scheme of Delegations for Development Management

	(a) section 106A(1) or (b) section 106A(3)	section 106A(1) or section 106A(3) where the application is connected to a Schedule 2 approval.		application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.
8	Large outline permission – reserved matter approval application	To determine applications for reserved matters approvals in relation to a large outline permissions [involving the provision of 500 or more dwellings or the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more]	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.
9	Applications for advertisement consent made under section 9 (1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007	- To determine applications made under Section 9 (1) which do not involve any of the following features: - - Public safety objection from the Highway authority - Objection from a statutory consultee - Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member for consideration	Council	Assistant Director Planning Leisure and Culture Services

Appendix A – Scheme of Delegations for Development Management

		under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	Council Council	Planning Committee Assistant Director Planning Leisure and Culture Services
10	Applications for consent to carry out works on or remove trees protected by TPOs (under regulation 16.1 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	SEE SEPARATE DELEGATIONS UNDER ENVIRONMENT SERVICES FOR TREES		
NEW Own-Interest Applications				
Subject		Detail	Delegated by	Delegated to
Own Interest Applications as defined by Regulation 6 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026		To carry out the function of agreeing whether an own-interest application should be determined by Planning Committee or referred for an officer delegated decision	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy (acting as the nominated officer) following consultation with Chair of Planning Committee or in his/her absence Vice

Appendix A – Scheme of Delegations for Development Management

			Chair (acting as the nominated member)
National Scheme of Delegations – Regulation 6 – additional classes of own interest under Regulation 6 (1) (b)	To discharge the function of identifying whether the authority, a member of the authority, or an officer of the authority “otherwise” has an interest in an application under Regulation 6 (1) of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) 2026	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy following consultation with Chair of Planning Committee or in his/ her absence Vice Chair
EXISTING Surviving clauses from previous Scheme of Delegations where there has been no change			
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Development Proposals by other Public Authorities.	To comment on proposals for development submitted by Worcestershire County Council and other public authorities.	Council.	Assistant Director of Planning, Leisure and Culture Services.
Entry of Premises - Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections, 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Inspection Notices.	To serve notices of intended inspection under sections, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a result of planning permissions	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.

Appendix A – Scheme of Delegations for Development Management

	subject to such conditions as may be appropriate.		
Planning Agreements and Unilateral Undertakings.	To negotiate with developers and to approve the amounts to be received by the Council as financial contributions in lieu of on-site provision of affordable housing or recreational facilities/open space and as contributions towards the costs of highways works, educational provision or any other kind of provision by the Council or County Council.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Planning Agreements and Unilateral Undertakings.	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions. To execute and complete planning agreements.	Planning Committee. Planning Committee.	Principal Solicitor. Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To approve the enforcement of a planning obligation.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Use of conditions	To impose conditions on applications which have been approved by the Planning Committee contrary to the Planning Officer's recommendation where such conditions are: a. Necessary. b. Relevant to planning. c. Relevant to the development which has been applied for. d. Enforceable.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.

Appendix A – Scheme of Delegations for Development Management

	e. precise and f. Reasonable in all other aspects.		
Appeals.	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent, conservation area consent or any appeal arising out of the taking of enforcement action	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services in consultation with the Principal Solicitor.
Revocation and modification of certain applications	- To revoke or modify planning permissions under section 97 of the Town and Country Planning Act 1990 - To revoke or modify listed building consent under section 23 of Planning (Listed Buildings & Conservation Area Acts) 1990	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Completion Notice.	To authorise and serve a completion notices under section 93H of the Town and Country Planning Act 1990	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Declining Planning Applications.	To decide to decline to determine application on the grounds set out in sections 70A and 70B of the Town and Country Planning Act 1990 and sections 81A and 81B of the Planning (Listed Buildings & Conservation Area Acts) 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.

Appendix A – Scheme of Delegations for Development Management

NEW Relating to functions not listed in Schedule 1 or Schedule 2			
Subject	Detail	Delegated by	Delegated to
Planning Applications for functions not listed in Schedule 1 or 2, or specifically identified in the Scheme of Delegations	1. To determine planning applications for functions not listed in Schedule 1 or 2, or specifically identified in the Scheme of Delegations	Council	Assistant Director of Planning, Leisure and Culture Services, following consultation with the Chair or Vice Chair of Planning Committee
For the avoidance of doubt this section applies only to planning functions which are not listed in either Schedule 1 or Schedule 2 or not specifically mentioned elsewhere in the Scheme of Delegations	2. To determine applications which in the opinion of the Assistant Director of Planning, Leisure and Culture Services, following consultation with the Chair and Vice Chair of Planning Committee, should be considered by Planning Committee	Council	Planning Committee

DELETED Clauses from old Scheme of Delegations which have been reworded or deleted				
Subject	Detail	Delegated by	Delegated to	Comment
Prior Notification	To require further details from the applicant when an application for prior determination is submitted in respect of permitted development for agriculture;	Planning Committee	Assistant Director of Planning, Leisure and	Relates to prior approval applications - now replaced by para 15 of Schedule 1

Appendix A – Scheme of Delegations for Development Management

Procedure:	forestry and telecommunications development:		Culture Services:	
Certificate of Lawfulness:	To determine applications for Certificates of Lawfulness of Proposed Use of Development or Certificates of Existing Use of Development under sections 191 and 192 of the Town & Country Planning Act 1990:	Planning Committee:	Assistant Director of Planning, Leisure and Culture Services:	Replaced by paras 10 and 11 of Schedule 1
Minor Amendments:	To determine applications for minor amendments to approved plans:	Planning Committee:	Assistant Director of Planning, Leisure and Culture Services:	Replaced by paras 7 of Schedule 1 and para 5 of Schedule 2
Planning Agreements and Unilateral Undertakings:	To determine applications or requests for discharge or modification of planning agreements or undertakings (whether by approval or further agreement) unless it includes the following: a.—Deletion, addition or variation of one or more of the heads of terms originally approved by the Planning Committee; b.—Significant change in the overall area of land to be transferred to the Council; c.—Significant change in financial contributions to be provided to the Council (except where this is as a result of a subsequent decision by the Planning Committee); d.—Significant change in the any obligation to be performed by the developer or any restriction on the developer	Planning Committee:	Assistant Director of Planning, Leisure and Culture Services:	Agreement or application to modify or discharge a section 106 obligation - now replaced by paragraph 9 of Schedule 1 for Schedule 1 applications and paragraph 7 of Schedule 2 for Schedule 2 applications.

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Appendix A – Scheme of Delegations for Development Management

	or the development or use in land: e. — A member makes a written request for a case to be considered by the Planning Committee.			
Planning Applications	1. To determine: a) — applications for dwelling houses where the number of houses to be provided is 10 or more; b) — applications for the provision of a building or buildings with a floor space of 1000 square metres or more; c) — other applications which have been called in by a member for determination by Planning Committee provided that the application has been called in in accordance with the procedure set out in paragraphs 6–7 of the introductory paragraphs to the Scheme of Delegations; d) — applications by serving Officers and members e) — applications by the Council or by Council Service Areas or Council departments; f) — The Assistant Director of Planning and Regeneration considers that the application should be considered by the Planning Committee.	Council	1. — Planning Committee	a. Replaced by Schedule 2 which now covers applications for 10 plus dwellings b. Deleted - The trigger of size of floor space previously applied to move larger applications to planning committee but has had to be deleted as no longer lawful under NSD. c. Deleted - Member call in is no longer permitted as a trigger. d. Replaced by new section on Own-Interest applications e. As above f. Deleted for Schedule 1 and Schedule 2

Appendix A – Scheme of Delegations for Development Management

	2. To determine all other planning applications: NB:— For the avoidance of doubt the term ‘planning applications’ include applications to vary or remove planning conditions attached to a planning permission; applications for development which has already been carried out and applications to extend the time for implementing planning permissions:		Assistant Director of Planning, Leisure and Culture Services:	applications as this power no longer exists. Retained in new wording for other types of applications. Wording at 2 deleted as Schedule 1 and Schedule 2 set out new levels of delegation. But a similar form of wording retained as a catch all for any planning functions not listed in either Schedule 1 or Schedule 2.
Listed Building and Conservation Area Consent:	To determine applications for listed building consent and Conservation Area consent unless they are: a:— Applications for dwelling houses where the number of houses to be provided is 10 or more: — b:— Applications for the provision of a building or buildings with a floor space of 1000 square metres or more: — c:— Other applications which have been called in by a member for determination	Planning Committee :	Assistant Director of Planning, Leisure and Culture Services:	Replaced by Schedule 2 paras 1 and 2 of which cover applications for listed building consent and variation/ discharge of conditions. Conservation Area Consents deleted as superseded by later legislation. As explained above points a, b and c are no longer permitted as

Appendix A – Scheme of Delegations for Development Management

	by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6-7 of the introductory paragraphs to the Scheme of Delegations: d. — Applications by serving Officers and members: e. — Applications by the Council or by Council Service Areas or Council departments: f. The Assistant Director of Planning and Regeneration considers that the application should be considered by the Planning Committee:			trigger points for referral to committee. Points d and e are now covered by own-interest applications f. See above - Deleted for Schedule 1 and Schedule 2 as power no longer exists. Retained in new wording for other types of applications.
AdVERTISEMENTS:	To determine applications for express advertisement consent	Planning Committee	Assistant Director of Planning, Leisure and Culture Services:	Replaced - now covered by para 9 of Schedule 2

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APPENDIX 1

Schedule 1

Applications that must be determined by an officer

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)(**12**).

2. An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works)(**13**).

3. A householder application.

4. A minor commercial application.

5. A minor residential application.

6. An application for permission in principle(**14**).

7.—(1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.

(2) In this paragraph—

“original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

“Schedule 1 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

8. An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle)(**15**).

9.(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—

(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations)(**16**);

(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations)(**17**).

(2) In this paragraph, “Schedule 1 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.

10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development)(**18**).

11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development)(**19**).

12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990(**20**).

13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission.

14. An application made under article 27(1) of DMPO (applications made under a planning condition).

15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(**21**) for—

(a) prior approval, or

(b) a determination as to whether prior approval is required.

Footnotes

12. 1961 c. 33. Section 17 was substituted by section 232(3) of the Localism Act 2011 (c. 20) and was amended by section 189(3) of the Levelling-up and Regeneration Act 2023 (c. 55).

13. Section 26H(1) was inserted by section 61 of the Enterprise and Regulatory Reform Act 2013 (c. 24).

14. For the definition of “permission in principle”, see section 336(1) of the Town and Country Planning Act 1990 (c. 8).

15. Section 96A was inserted by section 190(2) of the Planning Act 2008 (c. 29). Subsection (4) was amended by regulation 3(4)(c) of S.I. 2017/276.

16. Section 106A was inserted by section 12(1) of the Planning and Compensation Act 1991 (c. 34); section 106A(1)(a) was amended by section 34(2) of the Greater London Authority Act 2007 (c. 24).

17. Section 106A(3) was amended by section 34(3) of the Greater London Authority Act 2007 (c. 24).
18. Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
19. Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
20. Schedule 7A was inserted by paragraph 2 of Schedule 14 to the Environment Act 2021 (c. 30).
21. S.I. 2015/596

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Appendix B – Scheme of Delegations for Trees

BDC clauses regarding TPOs in Scheme of Delegations - Existing with proposed amendments in track changes

Tree Preservation Orders.	To initiate Tree Preservation Orders.	Council.	Assistant Director of Environmental and Housing Property Services.
Tree Preservation Orders - Confirmation.	<u>1.</u> To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where: <u>1.</u> <u>a.</u> objections have been received: <u>or:</u> <u>b. it is proposed that a tree be protected which is located on Council-owned land</u> <u>1.</u> 2. To confirm Tree Preservation Orders in all other cases.	1. Council. 2. Planning Committee. <u>Council</u>	1. Planning Committee. 2. Assistant Director of Environmental and Housing Property Services
Tree Preservation Orders - Applications to <u>for consent to carry out works Felt - Regulation 16 Town and</u>	<u>1.</u> To determine applications <u>for consent to the cutting down, topping, lopping or uprooting of any tree for the felling of large trees (i.e. mature or over-mature trees), major pruning operations (i.e.</u>	Council	Planning Committee <u>Assistant Director of Environmental and Housing Property Services.</u>

Appendix B – Scheme of Delegations for Trees

<u>Country Planning (Tree Preservation) (England) Regulations 2012</u> <u>NOTE:</u> applications in this category fall under the National Scheme of Delegations - Schedule 2 - para 10	<u>major canopy reduction, reshaping works) and contentious applications for tree work, whether or not as part of a planning application: which do not involve any of the following features: -</u> <u>a. The tree(s) to be felled/removed have been deemed by officers to have a CAVAT value of £150,000 or more and officers are minded to refuse the application;</u> <u>b. Permission is sought for major works consisting of a full crown reduction of greater than 20% and officers are minded to refuse the application.</u> <u>2. Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows:</u> <u>a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee</u> <u>b. Where outcome of Gateway Test is for determination by officers</u>	<u>Council</u> <u>Council</u>	<u>Planning Committee</u> <u>Assistant Director of Environmental and</u>
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Appendix B – Scheme of Delegations for Trees

			Housing Property Services
Tree Preservation Orders - Works to Protected Trees.	1. To authorise certain categories of works to protected trees. 2. To determine applications to carry out the following work: a. the felling of small trees. b. the removal of dead, dying or diseased trees. c. pruning for reasons of health and safety to trees of any size. d. minor pruning works. e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn).	1. Planning Committee. 2. Planning Committee.	1. Assistant Director of Environmental and Housing Property Services. 2. Assistant Director of Environmental and Housing Property Services.
Tree Preservation Orders - Contravention.	To institute proceedings under S210 of the Town & Country Planning Act 1990 in respect of contraventions of Tree Preservation Orders.	Council	Planning Committee

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Appendix B – Scheme of Delegations for Trees

Tree Preservation Orders - revocation or variation.	1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee. 2. To revoke or vary in all other cases	1. Council 2. Planning Committee	1. Planning Committee 2. Assistant Director of Environmental Housing Property Services
Trees & Shrubs overhanging the Highway.	To serve notices under section 154 of the Highways Act 1980 requiring the lopping or cutting of the hedge, tree or shrub on the owner of a hedge, tree or shrub, or on the occupier of land on which a hedge tree or shrub is growing, which overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp so as to remove the cause of danger, obstruction or interference.	Leader/Executive	Assistant Director of Environmental and Housing Property Services
Trees - Dangerous.	1. Where notice is received under s23(2) of the Local Government (Miscellaneous Provisions) Act 1976 that trees are in such condition that they are likely to cause damage to	1. Planning Committee	1. Assistant Director of Environmental and Housing Property Services

Appendix B – Scheme of Delegations for Trees

	persons or property on the land of the person giving notice: a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where the owner of the land is not known. b. to serve a notice under s23 (3) of the Act on the owner or occupier of the land on which the trees are growing where the name and address of such or occupier is known requiring the taking of steps to make the trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses. 2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations.	2. Planning Committee	2. Assistant Director of Environmental and Housing Property Services
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PART 14

APPENDIX C PLANNING COMMITTEE PROCEDURE RULES

1. Terms of Reference of Planning Committee

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are set out in Part 5 of the Constitution.

2. Time and Place of Meetings

~~1.1 There shall be at least 10 meetings of the Planning Committee each year.~~

- 2.1 The time and place of Planning Committee meetings will be determined by the Chief Executive and notified in the agenda.

3. Composition of the Planning Committee

- 3.1 The Planning Committee will comprise 11 Councillors.
- 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.
- 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for a substitute to attend in his or her place provided that they have completed the appropriate training.
- 3.4 The Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.

4. Chairman

- 4.1 The Planning Committee will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.
- 4.2 The Chairman of the Planning Committee cannot be a member of the Cabinet.

5. Quorum

The quorum for a meeting of the Planning Committee is 6.

6. Application of Council Procedure Rules

The Council Procedure Rules (as specified in Council Procedure Rule 22) will apply to all meetings of the Planning Committee except as modified by these Rules.

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7 Procedure for Determining Applications for Planning Permission

- 7.1 An officer will present the report of the Head of Planning, Regeneration and Leisure Services.
- 7.2 Members of the public who have registered to speak may address the meeting when invited to do so by the Chairman and in accordance with the public speaking rules.
- 7.3 Ward members who have registered to speak may then address the meeting when invited to do so by the Chairman and in accordance with both the public speaking rules and these Procedure Rules.
- 7.4 The Chairman will invite members of the Committee to address the meeting. With the consent of the Chairman, members of the Committee are entitled to address the meeting more than once.
- 7.5 Before taking the vote the Chairman will read out the recommendation of the ~~Head of Planning and Regeneration Services~~Assistant Director Planning Leisure and Culture Services and ascertain if any member of the Committee wishes to put forward an alternative recommendation.
- 7.6 If no alternative recommendation is put forward the Chairman will proceed to the vote.
- 7.7 If one or more alternative recommendations are put forward the Chairman will:
 - (a) request each member who puts forward an alternative recommendation to read out the alternative recommendation and specify the reasons for the alternative recommendation;
 - (b) invite the ~~Head of Planning and Regeneration Services~~Assistant Director Planning Leisure and Culture Services to advise the Committee on the extent to which the alternative recommendation and reasons for it fall within or outside planning policy;
 - (c) consider whether an adjournment is required to enable the member proposing the alternative recommendation to take advice from officers;and only then proceed to the vote.
- 7.8 Each member of the Committee may vote only once in favour of either the recommendation proposed by the ~~Head of Planning and Regeneration Services~~Assistant Director Planning Leisure and Culture Services or an alternative recommendation.

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8. Public Speaking at Planning Committee

8.1 The Council has ~~decided to introduce~~ a public speaking scheme to allow members of the public and other parties to EITHER give their views in person OR in writing about an application for planning permission which affects them when it is being considered by the Planning Committee. For the avoidance of doubt the rules around public speaking include the ability to speak either for or against in relation to matters concerning Tree Preservation Orders ("TPOs") that come before Planning Committee.

8.2 The four classes of speaker who may exercise the opportunity to speak publicly at Planning Committee are:

- a. objector (or agent/ spokesperson on behalf of objectors);
- b. applicant, or their agent (or supporter);
- c. Parish Council representative (if applicable);
- d. Ward Councillor

8.3 A person wishing to address either in person or in writing the Planning Committee must give notice to the Democratic Services Team of his or her intention to do so by 12.00 noon two working days prior to the Planning Committee meeting in question. A person registering to submit comments in writing must submit the written statement by the same deadline.

Members of the public who register to address a meeting of the Planning Committee can do so using one of the three options below: -

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer.

8.4 A total of three minutes shall be allocated to the applicant and/or his/her agent (or to a member of the public) who wish to speak in favour of a planning application; if more than one person wishes to speak the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.

8.5 A total of three minutes shall be allocated to a person who wishes to either speak or provide a written statement, against a planning application; if more than one person wishes to either speak or provide a written statement, the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.

8.6 Written statements will be read out by the Democratic Services Officer at the meeting. The written statement should be a length that would take no longer than the allotted time to read. The Democratic Services

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Officer when reading the written statement will not speak for more than the allotted time, when doing so.

- 8.7 A total of three minutes public speaking time shall be allocated to the representative of the local Parish Council; if more than one Parish Council representative wishes to speak the time will be divided equally between them. The time limits for public speaking may be extended at the discretion of the Chairman but only in exceptional circumstances.
- 8.8 A total of three minutes shall be allocated to Ward Councillors who wish to speak in relation to a planning application or proposed confirmation of a Tree Preservation Order (TPO) in their ward; if more than one Ward Councillor wishes to speak the time will be divided equally between them. In the event that a Ward Councillor is unable for any reason to exercise their Ward Councillor speaking rights they may nominate a substitute member to represent the views of the ward residents.
- 8.9 ~~Guidance for public participation at Planning Committee is published from time to time by the Council.~~ The Chairman of the Planning Committee will retain the discretion to decide at the meeting in which order the public speakers will address the Committee.
- 8.10 The Chairman shall invite the representative of Head of Planning and Regeneration at the conclusion of public speaking on planning applications to correct any factual inaccuracies.
- 8.11 ~~The Council has also decided to introduce a public speaking scheme to allow members of the public and other parties to EITHER give their views in person OR in writing on the subject of an application in respect of a Tree Preservation Order (TPO).~~
- ~~8.12 The public and other parties will be permitted to register to speak publicly at meetings of the Planning Committee either in opposition to or in support of a TPO.~~
- 8.13 ~~A person wishing to address the Planning Committee either in person or in writing the in respect of TPOs must give notice to the Democratic Services team in accordance with the timescales set out at paragraph 8.3.~~
- ~~8.14 A total of three minutes shall be allocated to a person who wishes to speak or provide a written statement to be read out in respect of a TPO. If more than one person wishes to either speak or provide a written statement, the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.~~
- 8.15

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9 Members of the Planning Committee with Disclosable Pecuniary Interests (DPI) or other disclosable interests and Public Speaking

- 9.1 Any Member who considers they have a DPI or other disclosable interest in any planning matter, whether or not as a Planning Committee Member, should seek advice from the Monitoring Officer, deputy Monitoring Officer or a member of the Democratic Services Team at the earliest an-early stage.

10 ~~Calling-In~~ Procedure for referral of planning applications to ~~Ward Members for~~ Planning Committee

- ~~10.1 When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The case officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Chairman of the Planning Committee and any other ward member(s) for the area in which the application site is situated, of the request and reasons.~~

~~If a request is made after the deadline set out in paragraph 10.1 above, the Chairman of the Planning Committee shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the case officer of his decision within 2 working days of receiving the request from the case officer. The ward member who made the request will also be informed of the Chairman's decision.~~

Although previously Members had an ability to ask for planning applications to be "called-in" to Planning Committee to be determined, under the provisions of the "National Scheme of Delegations" this is no longer possible. The Town and Country (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations") which come into force on 01 November 2026 impose new rules regarding the allocation of planning applications as between delegated officer decisions and decisions taken by Members sitting on Planning Committee.

The regulations provide that certain applications can only be decided by officers under delegated powers. These are generally known as Schedule 1 applications. There is a separate list of applications, known as Schedule 2 applications, which may be decided either by officers under delegated powers or by Planning Committee. The regulations and guidance make clear that for Schedule 2 applications there is a presumption that decisions will be made under delegated powers by officers unless certain tests are met.

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The tests are known as the “Gateway Test” and the regulations state that a Schedule 2 application should only be referred to Planning Committee if the application raises: -

- One or more issues of economic, social or environmental significance to the local area (Ground A); or
- One or more significant planning matters having regard to the development plan and any other material considerations (Ground B).

It is for individual Local Planning Authorities to make arrangements to ensure that Schedule 2 applications are filtered into those applications that will be decided under delegated powers and those that will be referred to Planning Committee. The arrangements that will apply for Bromsgrove District Council are set out in Appendix 1 to these committee procedure rules and in the relevant sections of the Scheme of Delegations.

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Planning Committee Procedure Rules – Appendix 1

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

Arrangements for the National Scheme of Delegations

Background

1. This Appendix sets out the arrangements that the Council has adopted in order to implement the provisions of the new National Scheme of Delegations (“the new scheme”). The relevant regulations are the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“the regulations”). Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England (“the guidance”).
2. Alongside this Appendix, further provisions relating to the National Scheme of Delegations are set out in the constitution in the following sections: -

Part Number	Document	Detail
6.9	Scheme of Delegations – Planning - section for Development Management	Changes for development management decisions
6.5	Scheme of Delegations - Environment - trees	Changes for decisions for works to trees under regulation 16.1 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012
24	Planning Code of Practice	Updated for new scheme of delegations and own-interest applications

3. Under the Regulations planning applications are divided into Schedule 1 and Schedule 2 depending on type, scale and complexity of the application.

Schedule 1 applications	Schedule 2 applications
Must be delegated to officers	Presumption of delegation to officers unless certain conditions are met by applying what is known as the Gateway Test.
<i>Examples: householder, minor residential, minor commercial, discharge of conditions, prior approval</i>	<i>Examples: major applications, listed building consent matters, reserved matters applications for large scale permissions</i>

4. From 31st October 2026 the two categories will form the basis of the Scheme of Delegations for planning applications for all Local Planning Authorities in England. It is mandatory that the Council adopt and comply the new scheme; failure to comply may give rise to legal challenges being brought against the Council by way of judicial review.
5. Under the new scheme, the ability of Members to “call-in” planning applications in their wards will cease to apply. The new arrangements will also abolish any other previous trigger points for referral to Planning Committee such as the number of objections received.
6. Applications will be determined as follows: -
 - By Planning Committee
 - Schedule 2 applications which meet the Gateway Test
 - Own-interest applications
 - By officers under delegated powers
 - All Schedule 1 applications
 - Schedule 2 applications which do not meet the Gateway Test

Regulation 3 – Nominated Members and Nominated Officers

7. The Council has made arrangements for the position of “nominated member” to be held by the Chairman of Planning Committee or in his/her absence the Vice Chairman. See Scheme of Delegations part 3.

8. The Council has made arrangements for the position of “nominated officer” to be held by the Assistant Director of Planning, Leisure and Culture Services or in her absence a nominated deputy. See Scheme of Delegations part 3.
9. The nominated member and the nominated officer are new positions created under the regulations. The holders of these positions will carry out the function of assessing whether or not Schedule 2 planning applications meet the conditions set out in the Gateway Test. Where the conditions are met the application will be referred to Planning Committee to be determined. Where the test is not met the application will be decided by officers under delegated powers.

Regulation 4 – Applications that must be determined by an officer

10. Schedule 1 applications must be decided by officers under delegated powers. The Council has made arrangements for this in the Scheme of Delegations for Development Management and a copy of Schedule 1 is included as an Appendix in the Scheme of Delegations.

Regulation 5 - Applications that may be determined by a committee or by an officer

11. Schedule 2 applications may be determined either by officers under delegated powers or by committee.
12. There is a presumption in favour of all Schedule 2 applications being delegated to officers. However, if certain conditions apply there may be cases where it is appropriate for applications to be decided by Planning Committee.
13. Under regulation 5 (3) a planning application should only be referred to planning committee if the proposal raises:
 - Ground A - one or more issues of economic, social or environmental significance to the local area, or
 - Ground B - one of more significant planning matters having regard to the development plan and any other material considerations.

This is known as the Gateway Test.

14. As noted at paragraph 9, the task of assessing which Schedule 2 applications should be referred to Planning Committee, or in other words applying the Gateway Test, falls to the nominated member and the nominated officer.

Exceptions to Schedule 2 process for matters previously decided under delegated powers

15. The regulations and guidance recognise that some local planning authorities already operate under well thought out Schemes of Delegation that provide for a large percentage of routine matters to be decided by officers under delegated powers. This is regarded as good practice as it allows Planning Committee to concentrate on deciding the most complex and high-profile planning applications.
16. To enable authorities already exercising good levels of delegation to continue to do so, the new scheme recognises that not all planning applications included in Schedule 2 need to be referred to the Gateway Test. This is particularly the case for types of applications that the government has placed into Category 2 that were traditionally decided by officers under delegated powers.¹
17. The version of the Scheme of Delegations adopted by the Council for Schedule 2 applications therefore directs that applications previously decided by officers under the old scheme of delegations may continue to be decided by officers without the need for referral to the Gateway Test. In circumstances where the applications would previously have been referred to Planning Committee under the old scheme of delegations, then the Gateway Test will be applied to assess whether grounds exist for those matters to be referred to Planning Committee or whether they are suitable to be decided by officers under delegated powers.

Regulation 6 – Own-interest Applications

18. Separate provision is made in the Regulations for the determination of planning applications made by either the Council or by officers or members. These are referred to as “own-interest” applications.
19. The definition in regulation 6(1) covers applications of a type specified in Schedule 1 or Schedule 2 made by the local authority, by members of the local authority and by officers of the local authority.
20. Additionally, under Regulation 6 (1)(b) the nominated officer and nominated member may take the view that where the authority, or any of its members or officers “otherwise” has an interest in an application, then that application must also be treated as an own-interest application. For example, this may cover an application made by a close relative of an officer or a member.

¹ Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England – para 13

21. Under Regulation 6 (4) the nominated officer and nominated member may decide to refer an own-interest applications to committee. In any situation where a referral to committee is not made then by default the application will be determined by officers.
22. Whilst the guidance indicates that there is discretion for own-interest applications to be decided by officers under delegated powers, officers are proposing that for reasons of openness and transparency own-interest applications should in the majority of cases be decided by committee. This will represent a continuation of the existing practice and be in compliance with the Planning Code of Practice. The specific parts of the Planning Code of Practice that link to own-interest applications are paragraphs 10.6 (applications by serving members), 10.9 (applications by serving officers) and 10.10 (applications made by the Council).
23. There may occasionally be exceptions to the presumption in favour of determination by planning committee when the nominated officer and nominated member may form the view that a minor or technical matter would be appropriate to be decided by officers under delegated powers.

Practical arrangements to implement the regulations

24. The following process will apply: -

- 24.1 Applications will be categorised by officers upon validation into one of the following categories: -
 - Schedule 1 applications - for delegated decision
 - Schedule 2 applications – identified in the Constitution for delegated decision
 - Schedule 2 applications – for referral to the Gateway Test
 - Own-interest applications
- 24.2 The nominated officer and the nominated member will meet no less than once a month to review Schedule 2 applications for referral to the Gateway Test. This will be known as the Gateway Meeting.
- 24.3 Officers will prepare a case summary for applications being considered at the Gateway Meeting to indicate whether in their view the application raises issues under either Ground A or Ground B.
- 24.4 Ward members who consider that a Schedule 2 application should be referred to Planning Committee may submit representations to the Assistant Director of Planning, Leisure and Culture Services. The representations

must address the criteria in Ground A and Ground B, and must be submitted within 21 days of the publication of the weekly list.

- 24.5 The decision of the nominated officer and nominated member on allocation of a Schedule 2 application under the Gateway Test will be final. The aim will be for a consensus to be reached but in any cases where this is not possible the application must be determined by an officer of the authority.²
- 24.6 Officers will keep a written record of decisions made under the Gateway Test. A schedule of decisions made will be available to view online and be reported back to members of Planning Committee on a regular basis.
- 24.7 The Gateway Meeting will also consider any new own-interest applications that have been made, regardless of whether these fall into Schedule 1 or Schedule 2. The nominated officer and the nominated member may agree to refer such applications to committee.
- 24.8 As noted in paragraphs 22 above, and for reasons of openness and transparency, there will be a presumption in favour of referral to committee for own-interest applications.

² Regulation 5 (2)

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APPENDIX D CODE OF PRACTICE - PLANNING SERVICES

1. INTRODUCTION

- 1.1 The role of a Member serving on the Planning Committee involves balancing the representation of the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.
- 1.2 This document has been prepared to guide Members and Officers in dealing with planning matters in a manner consistent with good practice, including the conduct of Members in its processes and procedures and should be read alongside the Councillors' Code of Conduct.
- 1.3 Failure to follow the recommendations set out in this Code of Practice, without good reason, may be regarded as being incompatible with good administration by the Local Government Ombudsman and affect how the Council, its Officers or Members may be perceived by others.
- 1.4 By setting out clearly what is expected of both Members and Officers, it is anticipated that this Code will engender greater mutual understanding and support between all those involved in the planning process. The Code has been produced in the spirit of looking for continuous improvements in the delivery of services, discharging duties responsibly in an open, professional and consistent way compatible with the Councillors' Code of Conduct and its Protocol for Members/Officer relations.
- 1.5 Both Members and Officers dealing with planning matters and advising Committees will be required to observe all the provisions of this Code.
- 1.6 The Code is set out in the form of a series of headings followed by a brief discussion of the issues involved and best practice advice.

2. THE ROLE OF COUNCILLORS

- 2.1 The role of Members is central to the planning system, which operates within a political arena. It is well recognised that planning is not an exact science and, provided that Members are properly briefed by Officers, they are well placed to make decisions.

Ward Interests

- 2.2 Members have a special duty to their ward constituents but their overriding responsibility is to the whole community. In terms of the planning process, this can produce a conflict of interest between Members legitimately and effectively giving vent to local, sometimes individual, concerns and the need to reflect the interests of the wider

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community in decisions reached on planning merits alone. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality above the wider community interest, nor put themselves in a position where they appear to do so. Members should be mindful of the need to carefully weigh up all of the arguments before deciding what view to take. Where a Member of Planning Committee takes the view that they would wish to speak in relation to an application affecting their ward they may do so as Ward Councillor under the procedure for Public Speaking at Planning Committee. However, they will have to remain in the public gallery after they have spoken and take no part in the debate or vote on the application.

- 2.3 Members should also be very cautious about accepting gifts and hospitality. Members should abide by the Council's Code of Conduct for Gifts and Hospitality, including recording offers and/or acceptance of these in the register as required.

Interests arising from the Code of Conduct

- 2.4 Under the Council's Member Code of Conduct, Members will need to make sure they are clear whether they have a discloseable pecuniary interest or other discloseable interest when involving themselves in planning matters.
- 2.5 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer **at an early stage**.

Lobbying

- 2.6 It is a fact of public life that Members will be subject to varying degrees of lobbying. This is part of the democratic process. However, when individuals or groups seek to influence the outcome of a planning decision, which should be treated upon its individual planning merits in the wider public interest, the impartiality of the decision may be questioned. Such problems might arise if Members indicate their voting intention or support for a particular cause in advance of all the relevant information and Officer advice. However, section 25 the Localism Act states that a member is not to be regarded as having a closed mind about a decision simply because they have previously expressed a view on it.
- 2.7 When being lobbied, Members should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the likely outcome of a planning application before they have heard all the evidence and arguments. If they do express an opinion, they should make it clear that they will only be in a position to make a final decision when all the facts are known and they have heard both sides of the argument at Committee. On occasion, the Member may

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respond to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it.

- 2.8 However, Members must not have a closed mind when they make a decision. Decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.
- 2.9 Where a Member has campaigned for or come to a final view prior to a meeting, the member should not take part in the decision making process. Depending on the circumstance and to preserve the appearance of propriety, the member should also consider whether or not to withdraw from the public gallery, after making his or her representations to the planning committee.
- 2.8 Members should not represent an applicant or individual objector and should not organise support or opposition for a planning application or other planning decision. In particular, they should avoid representing applicants or objectors in discussions with Planning Officers which may take place before an application is considered by the Planning Committee. Instead they should suggest to those who are lobbying, that they should speak or write to the relevant Planning Officer, in order that their opinions can be included in the officer's report to committee. Any letters referred to and relied upon by Councillors in speaking on an application should be given to the Head of Planning and Regeneration Assistant Director Planning Leisure and Culture Services to be placed on the respective planning file immediately after the meeting.
- 2.9 Members should not lobby other Members in relation to planning applications. The process is apolitical and no political group meeting must take place prior to the committee meeting to discuss the planning applications. Members must not put pressure on Officers to make a particular recommendation or to exercise a delegation in a particular way. Following the introduction of the National Scheme of Delegation, Members should not place pressure on officers, or attempt to influence them in relation to their assessment of Schedule 2 applications for the purposes of the Gateway Test. – Therefore no political group meeting must take place prior to the committee meeting to discuss the planning applications. Likewise, Members should not lobby the Chair and Vice Chair of Planning in relation to decision making regarding the Gateway Test.
- 2.10 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in an open and fair manner. There is the possibility that an

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aggrieved party may seek judicial review on the way in which a decision has been arrived at, or complain to the Local Government Ombudsman on the grounds of maladministration.

3. MEMBERSHIP OF PARISH COUNCILS

- 3.1 Parish Councils are consulted and asked to comment on planning applications prior to their being considered by the Borough Council's Planning Committee. Sometimes, a member of the Planning Committee will also be a member of a Parish Council and such a situation could give rise to a perception that there is a conflict between these two roles.
- 3.2 Members of the Planning Committee may participate in the formulation of their Parish Council's comments on a planning application and may vote on motions put forward in connection with the making of such comments. However, in doing so, they must recognise that they have not yet received full information about the application e.g. the planning history, comments by other consultees and officer recommendation. They should therefore declare, at the Parish Council's meeting, that in assisting in the formulation of the Parish Council's comments, that they are only forming a preliminary view on the application, that they recognise that there is further information about the application which they have not yet received, and that they reserve the right to change their preliminary view, in the light of such further information, when the application is considered by the Borough Council's Planning Committee.
- 3.3 In this way, members of the Planning Committee, who are also members of Parish Councils, will avoid any perception that they have fettered their judgment on an application before knowing the full facts about it.
- 3.4 Members are advised to let the planning committee know any ward interest, participation in parish council responses to applications or any significant lobbying at the meeting, whether or not they decide that it is appropriate to participate in the debate and determination regarding an application.

4. PLANNING SITE VISITS PROCEDURE

- 4.1 Members of Planning Committee will have the opportunity to attend site visits for some of the planning applications which are decided by the Planning Committee.
- 4.2 The purpose of site visits is to allow Members to consider the general setting of the application site so that they will be in the best position to decide whether or not planning permission should be granted. In particular Members will be able to:-

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- Observe the geography of the site including the boundaries and its relationship to adjoining properties;
- Consider the scale and impact of the proposed development in relation to the site;
- Use the visit to assess whether any planning conditions might need to be considered.

4.3 Site visits will not be arranged for sites that have been the subject of a site visit within the preceding 6 months.

4.4 The site visit does not constitute a meeting of the Planning Committee. Accordingly, Members should not form a collective view on the issue.

4.5 Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear from either the applicant or his representative during the site visit. Similarly, it is inappropriate to hear from anybody else who wishes to make representations. This includes the Ward councillor for the area in which the site is located. The occasion is not a local hearing. Members should leave each site with no collective view – the occasion is simply to assist them individually to form a view.

4.6 When the application is next considered by the Planning Committee, the Chair of the Committee should remind Members that the application was the subject of a site visit, and then let the debate proceed normally.

5. THE ROLE OF OFFICERS

5.1 Officers, as the paid employees of the Council, have the principal responsibility for carrying out the Council's work. They should provide professional and impartial advice to Members to assist them in reaching their decisions and to the public at large on all planning matters. It is very important that such advice is consistent with the provisions of the prevailing planning policies and guidance so that the planning system is seen to be fair whatever the outcome.

5.2 The Planning Committee has given delegated authority to the ~~Head of Planning and Regeneration~~ Assistant Director Planning Leisure and Culture Services to approve certain categories of planning application as set out in the Council's Scheme of Delegation.

5.3 Any decisions delegated to Officers should be clearly recorded.

6. OFFICER REPORTS TO COMMITTEE

6.1 All reports shall provide a clear technical appraisal of the application including site location and description, planning history, consultations received and the policy contents for the recommendation, which should be justified in the Officers' written comments.

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- 6.2 Reports should have a written recommendation of action; oral reporting (except to update a report) should be avoided and carefully minuted.
- 6.3 Reports should contain technical appraisals, which clearly justify a recommendation.
- 6.4 If the report's recommendation is contrary to the provisions of the development plan or Local Development Framework, the material considerations, which justify the departure, must be clearly stated.
- 6.5 Terms for Planning Obligations (Section 106 Agreements) must be clearly set out, discussed openly and recorded in the minutes.
- 6.6 The Monitoring Officer or his or her representative shall attend all Planning Committee meetings and provide advice, together with legal advice as required.

7. **PRE-APPLICATION DISCUSSIONS**

- 7.1 Officers are often asked informally during meetings whether planning permission is required for changes of use and/or for new development.
- 7.2 Officers will always endeavour to be as helpful as they can in this matter but can only offer an informal opinion as to whether or not planning permission is required for the development someone wishes to undertake, whether it is a new building, an extension to a home, or a change of use of land or building. Any advice that they offer in this respect is an individual opinion based on the information the enquirer has provided at the time. It is not binding on the Council.
- 7.3 For an official decision, enquirers should be invited to apply for a Certificate of Lawfulness of Proposed Use or Development, under Section 192 of the Town and Country Planning Act 1990. A fee is payable for the processing of such an application but the enquirer will be presented with a legally binding determination, in other words, an official decision of the Council telling him/her whether or not planning permission is required.
- 7.4 The fee varies according to the type of development proposed and staff will be able to advise on the amount payable. It is in the interests of the enquirer to have an official written determination relating to development should he/she want to sell his/her land/property or should any legal challenge arise relating to the work which has been undertaken.
- 7.5 The following guidelines have been adopted to ensure that all parties involved are treated fairly and that the Planning Officers' role is clearly understood:

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- Planning Officers will give informal advice in the spirit of helpfulness. It is however only informal advice which is not binding on the Local Planning Authority;
- Planning Officers will negotiate and offer advice to overcome problems at application stage where a solution is apparent and the proposal can be determined within the statutory time limit as a consequence;
- The onus to negotiate falls upon the applicant/agent to offer alternatives to the original submission;
- Planning Officers cannot advise what a potential recommendation will be should an application be made.

8. **DECISIONS CONTRARY TO THE DEVELOPMENT PLAN/ LOCAL DEVELOPMENT FRAMEWORK**

- 8.1 The law requires that where the development plan/Local Development Framework is relevant, decisions should be taken in accordance with it, unless material planning considerations indicate otherwise. Members will receive training and guidance from officers as to what constitutes material planning considerations. In certain situations, legislation requires the Council to notify the relevant Secretary of State before granting permission contrary to the development plan. Officers will advise members if this process is necessary and will carry out the process.

9. **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 9.1 Members are perfectly entitled to reach different decisions to those recommended to them by Officers by attaching different weight to the various relevant planning criteria. That this happens from time to time is inevitable but it is essential that the public be left in no doubt as to how the decision was reached. Officer reports must be well structured and the public should not be given the impression that decisions reached contrary to advice are made hastily or new conditions imposed on the spur of the moment. A full detailed minute of the Committee's reasons should be made. The Officer should also be given an opportunity to explain the implications of the contrary decision.
- 9.2 Where a Member is minded to raise new issues, information or questions, they are advised to contact the respective Planning Officer or Head of Planning and Regeneration Assistant Director Planning Leisure and Culture Services before the meeting wherever possible.
- 9.3 Where a Member is minded to make a recommendation, which is contrary to the Officer recommendation, then the reasons should be

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clearly set out, particularly in the case of a refusal and in the case of an approval, the type of conditions proposed should be indicated.

- 9.4 If an imminent decision is thought to be perverse, the ~~Head of Planning and Regeneration~~Assistant Director Planning Leisure and Culture Services or the Monitoring Officer should so advise the Committee, but it remains the role of the Chair to decide whether or not it would be preferable to defer consideration to allow for a period of reflection on the advice given before proceeding.
- 9.5 Where an application is refused or conditions imposed contrary to an officer recommendation, it may not be in the Council's best interests for the Case Officer to give evidence at any subsequent public inquiry or hearing resulting from an appeal. In such circumstances it will be a matter for the ~~Head of Planning and Regeneration~~Assistant Director Planning Leisure and Culture Services in consultation with the Head of Legal, Equalities and Democratic Services to establish whether a suitably experienced and qualified Officer exists within his establishment who is able to concur professionally with the decision taken. If so, then they will act as the Council's professional witness. If not, then the use of planning consultants will be explored. It is rarely in the Council's best interests for individual Members to represent the Council but this may be appropriate where factual evidence is in dispute particularly in enforcement appeals.
- 9.6 All planning approvals and refusals shall be fully minuted. Unless otherwise stated, these should accord with those set out in the Agenda subject to the incorporation of any further conditions or reasons (or variations) thought to be necessary by the Head of Planning & Regeneration to give full effect to the Council's wishes about any particular application.

10. **DEALING WITH APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND COUNCIL SERVICE AREAS**

General principles

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- 10.1 The submission of planning applications and/or development plan proposals by serving Members, Officers, or their close friends and relatives can easily give rise to suspicions of impropriety, including proposals for the Council's own development. The following points should be taken into account:

Members

- 10.2 Serving Members of the Council who act as agents for people pursuing planning matters shall not be Members of the Planning Committee.

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- 10.3 Members should take no part in the processing of their own applications or those of their immediate family or close friends or anyone with whom the Member has a close personal association.
- 10.4 As soon as a planning application is received from a Member, the ~~Head of Planning and Regeneration~~Assistant Director Planning Leisure and Culture Services must inform the Council's Monitoring Officer, who will take such steps as are necessary to ensure that applications for dispensations from other Members of the Planning Committee are considered as soon as possible.
- 10.5 Members who are members of the Planning Committee should declare an interest in respect of applications prepared by them or on their behalf and leave the meeting while such applications are under consideration.
- 10.6 Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.

Officers

- 10.7 Serving Officers in the planning department should never act as agents for people pursuing a planning matter. If an officer in another department acts as such agent for people pursuing a planning matter, the matter cannot be dealt with under delegated powers and should be decided by the Planning Committee.
- 10.8 Officers should take no part in the processing of their own planning applications or those of their immediate family or close friends.
- 10.9 Applications for Planning Consents made to Redditch Borough Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council or their family members, whether or not directly employed by them and should be decided by the Planning Committee.

Developments by the Council

- 10.10 Planning applications made by Council Service Areas must be processed in accordance with existing policy and treated in the same way as a private application except that all such applications shall be considered by the Planning Committee and not determined under delegated powers.

Applications submitted by former Members and former employees

- 10.11 There has been some considerable concern about former employees setting up their own consultancies and providing planning advice in the Redditch Borough area and about the consideration of applications by or on behalf of former Members. Both circumstances occur from time to time and the guiding principles should be that:-
- (i) applications by former Members will be treated in the same way as any other application;

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- (ii) applications by former employees whether they are acting for themselves or an agent for others will be treated in exactly the same way as any other application.

Applications by Members of Political Associations

- 10.12 Where a planning application is made by someone who is not a Member, but is known to be a member of the same Political Association as some of the members of the Planning Committee, those Members will need to give consideration as to whether they should declare an interest when the application is considered.
- 10.13 In some cases, no declaration will be necessary, but in other cases the relationship between the parties may be close enough to warrant a declaration of interest. Councillors should have regard to the Councillors' Code of Conduct and should err on the side of safety.

Implications of Introduction of National Scheme of Delegations

- 10.14 Since this Code was originally written the government has introduced the National Scheme of Delegations of Planning Functions. The relevant documents are: -

- The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations") – made on 15th July 2026 - in force from 31st October 2026.
- The Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England ("the guidance") – issued on 1st June 2026

- 10.15 The main effect of the regulations is to impose a mandatory scheme of delegation for the making of planning decisions on Councils in England. In summary applications are divided into Schedule 1 matters which must be decided by officers, and Schedule 2 matters which may be decided by officers or by Planning Committee. A test has been introduced ("the Gateway Test") to enable those Schedule 2 applications that might need to go to Planning Committee to be assessed against set criteria.

- 10.16 The Council has made arrangements to implement the provisions of the regulations. The changes are set out in the following updated parts of the constitution: -

- Scheme of Delegations for Development Management Part 6.9
- Scheme of Delegation for Trees (in relation to the carrying out of work on/ felling of TPO protected trees) Part 6.5
- Planning Committee Procedure Rules Part 14

- 10.17 Regulation 6 relates to planning applications made by serving Members, Officers or the Council itself. It introduces the term of "own-interest application" which is defined as an application to a relevant planning

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authority of a kind specified in Schedule 1 or Schedule 2 made by or on behalf of that authority, a member of that authority or an officer of that authority.

10.18 For ease of reference, the new term of own-interest applications encompasses the applications described in this code in the following paragraphs: -

- 10.6 - applications made by currently serving members or immediate family or close friends of members
- 10.9 – applications made by currently serving officers or immediate family or close friend of officers
- 10.10 – applications made by the Council

10.19 Whilst the regulations and guidance indicate that there is discretion for own-interest applications to be decided by officers under delegated powers, for reasons of openness and transparency the majority of own-interest applications should continue to be decided by committee in accordance with the practice that was in place prior to the introduction of the regulations. There may occasionally be exceptions to this when the nominated officer and nominated member may form the view that a minor or technical matter would be appropriate to be decided by officers under delegated powers.

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Bromsgrove District Council – 14th October 2026

Member Questions

1. From Councillor S. Ammar

Question for the Cabinet Member for Finance

“Could you confirm how much Bromsgrove District Council has spent to date preparing for local government reorganisation including a breakdown of costs met by Government funding and costs met by Bromsgrove council taxpayers?”

2. From Councillor S. Evans

Question for the Cabinet Member for Local Government Reorganisation, WRS and Climate Change

“With the UK having experienced five widespread heatwaves this year, and this summer being the warmest since records began in 1884, are you confident that we will meet our targets to reduce carbon emissions by 50% by 2030 and achieve net zero by 2040?”

3. From Councillor J. Clarke

Question for the Leader and Cabinet Member for Strategic Partnerships, Economic Development and Enabling

“Despite multiple reports looking into car parking provision, Churchfields car park has now remained closed for four years. Could you clearly lay out the Council's plans for the site and a timeline for when we can expect this site to no longer be an unused car park?”

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NOTICE OF MOTION

The following Notice of Motion has been submitted in accordance with Procedure Rule 10 by Councillor S. Evans:

“This Council notes the Government’s Sustainable Farming Incentive (SFI) Scheme closed for applications in September 2026 within six hours.

This Council notes that the next opportunity to apply for SFI Scheme funding is 2027.

Following the increasing strain our farming community is under, with IHT changes, extreme heat and drought, and a botched Brexit withdrawal from the Common Agricultural Policy, Council believes that Bromsgrove’s farmers deserve a better deal.

Council therefore requests that the Leader writes to the Secretary of State for Environment, Food and Rural Affairs to demand better for Bromsgrove.”

NOTICE OF MOTION

The following Notice of Motion has been submitted in accordance with Procedure Rule 10 by Councillor J. Clarke

“Invest fast food site proceeds in healthy living

Council notes the imminent sale of Stourbridge Road Car Park for development into a fast-food drive through restaurant. Council resolves to ask Cabinet to review the potential to invest the capital receipts from the sale in healthy living initiatives across our parks and open spaces in line with the Council’s objective of improving health and wellbeing of our communities through the management of and provision of parks and open spaces as stated in the Parks and Open Space Strategy.”