

Folkestone & Hythe District Council

Councillor/Town & Parish Council Training

National Scheme of Delegation

What councillors and parish councils need to know before 31
October 2026

Content

What is changing?
The national scheme
and what it replaces
locally.

New decision routes
Officer-only, officer-
default with gateway,
and own-interest
cases.

Gateway test
What counts as
significance, and who
decides.

Roles after go-live
How councillors and
parish councils can
still shape decisions.

Scenarios + checklist

What is the National Scheme of Delegation?

A new statutory requirement for all Local & County Planning Authorities that sets out who makes decisions on applications

Takes effect on 31st October 2026, after which

- **Certain applications MUST be determined by officers**
- **Certain application may be referred to Planning & Licencing Committee**

31

October 2026

The simple version: Potentially more decisions determined by officers

Why: national consistency, faster decisions and better-quality outcomes.

Local effect: Previous, local based schemes of delegation for determination of applications are superseded;

Governance: committee and sub-committee size is capped at 13; using the wrong decision-maker risks legal challenge.

31

October 2026

What changes locally?

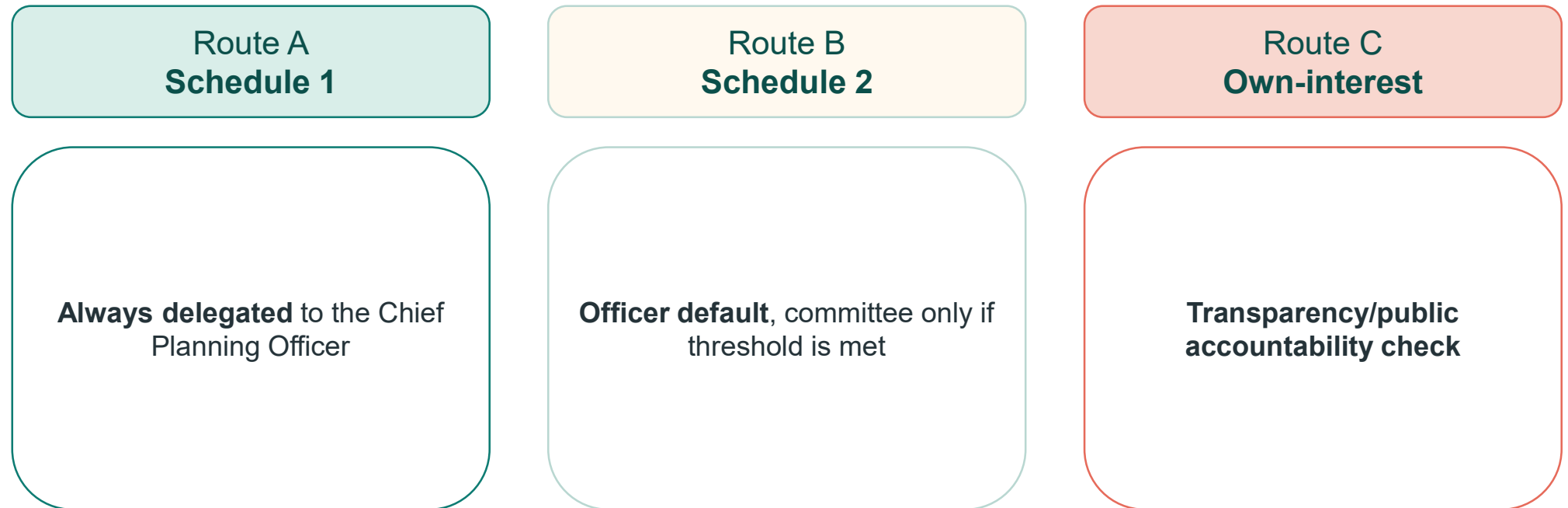
Before

- 1 Local call-in**
Ward member mechanisms could secure committee consideration under the local constitution.
- 2 Parish objection routes**
Automatic or near-automatic committee referral could arise from town/parish objection.
- 3 Local discretion**
Categories and thresholds were set locally.
- 4 Council, member or officer application**
Application by/on behalf of District Council, on Council land, or involving a company where the Council is a party – referred to committee
- 5 Significant Public Interest**
Chief Planning Officer considers application to be of significant public interest and decides to not exercise delegation

From 31 October 2026

- 1 National rules first**
The application type and scale of development determines whether committee is even legally available.
- 2 Gateway evidence**
Ward and parish input needs to explain local significance or a significant planning matter.
- 3 Recorded decision**
The nominated officer and member both need to agree that the statutory test is met.

The new framework has three practical routes



Route A: Schedule 1 applications which **MUST** be determined by officers

Small-scale permissions

- Applications for planning permission for:
 - Householder development
 - Minor commercial development
 - Minor residential development (up to 9 dwellings)

Technical / legal status

- Permission in principle
- Lawful Development Certificates
- Certificate of Appropriate Alternative Development
- Prior approval (for permitted development rights)

Post-permission details

- Non-material amendments
- Approval of details required by conditions
- Approval of a Biodiversity Gain Plan

Linked follow-on applications

- Reserved matters below strategic threshold
- Section 73 variations linked to Schedule 1
- S106A applications linked to Schedule 1

Route B: Schedule 2 applications which MAY be referred to Committee

Officer default. Referral to committee only if both gateway decision-makers agree the statutory test is met

- 1 Planning permission**
Planning applications that are not householder, minor commercial or minor residential.
- 2 Heritage**
Listed building consent and planning permission connected with listed building consent.
- 3 Retrospective**
All retrospective applications.
- 4 Strategic reserved matters**
Reserved matters for outline permissions of 500+ homes or 50,000 sqm+ floorspace.
- 5 Other consents**
Advertisement consent and works to trees protected by a TPO.
- 6 Linked applications**
Section 73 and S106A where connected to Schedule 2.

Route C: own-interest applications – transparency/public accountability

Own-interest cases can arise across any application type.

Scope

An application made by the authority, a member or officer — or where the authority, a member or officer has an interest.



Decision

The nominated officer and member may agree committee referral where transparency or public accountability requires it.

Schedule 1 or 2 classification is irrelevant and the statutory gateway test does not apply.

The Statutory Gateway – the Tests for Committee Referral

Overriding presumption: applications will normally be delegated to officers.

Question 1

Does the application raise an economic, social or environmental issue of significance to the local area?

OR

Question 2

Does the application raise a significant planning matter, having regard to the development plan and other material considerations?

Then: both the nominated officer and nominated member must agree that one or both questions is satisfied.

Not enough on its own: volume of objections, political preference, general controversy, or a request to “bring it to committee”.

What “significance” may look like in practice

May indicate local significance

- 1 Large allocated housing**
A large multi-phase residential development allocated in the local plan.
- 2 Community facility**
Loss or change of use of a rural community shop.
- 3 Notable heritage asset**
Changes to a notable listed building in a town centre.

Less likely to be significant

- 1 Broad policy compliance**
Development follows a detailed allocation and relevant policy, with no new material consideration.
- 2 Resolved consultee concern**
A highways or flood-risk concern is addressed by amendments accepted by the statutory consultee.
- 3 Objection volume alone**
Important democratically, but not the statutory gateway test by itself.

What Gateway considerations may look like in practice

Significant Planning Matter

Policy conflict, strategic importance, unresolved statutory objections, precedent value, viability, heritage or ecological impacts.

Economic Significance

Housing delivery, community facilities, public health, vulnerable communities and social infrastructure impacts.

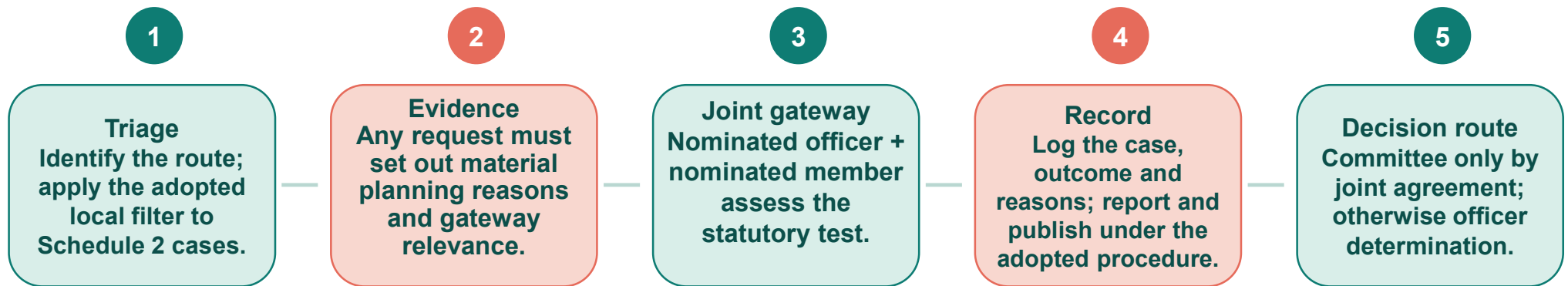
Social Significance

Major jobs, investment, town centre vitality, or strategic infrastructure implications.

Environmental Significance

Landscape, townscape, heritage, biodiversity, climate resilience, habitat loss and environmental quality effects.

How gatekeeping should work locally



Legal risk to avoid: an application being decided by committee where committee determination is not lawfully available.

Councillors still have a vital role — it just changes shape

Continues

- 1 Represent local concerns**
You can still make timely, material planning representations.
- 2 Support communities**
Help residents understand what planning can and cannot consider.
- 3 Committee judgement**
Where an application lawfully reaches committee, members still determine it.
- 4 Scrutiny of process**
You can expect clear records and consistent gateway decisions.

Changes

- 1 No local call-in substitute**
A request must address the statutory gateway, not simply ask for committee.
- 2 Evidence over numbers**
The volume of objection is not itself the test.
- 3 Earlier, clearer reasons**
Late or vague comments may not help the gateway decision.
- 4 Expect honest answers**
Some applications will be officer-only even if controversial locally.

Helpful councillor script: “I will make sure your planning points are properly put forward, and I will be clear about whether committee is legally available.”

What this means for town and parish councils

The parish role shifts from “objection route” to “evidence route”.

1

Name the local impact
Economic, social or environmental significance — explain why this site or issue matters locally.

2

Tie it to planning policy
Refer to the development plan, neighbourhood plan, design, heritage, highways, amenity or other material considerations and planning harm

3

Give useful evidence
Photos, site context, policy references, local services impact, or factual constraints — not a petition count alone.

4

Be concise and timely
Submit by the deadline and separate gateway reasons from wider representations.

Suggested parish template: “We consider the gateway test is / is not met because... [local significance] ... and the material planning issue is... **[policy/material consideration]** which will cause the following harm: **[Insert]**.”

Good representations: what helps and what does not

More likely to result in Committee referral

- 1 Policy conflict or compliance**
Development plan, neighbourhood plan and material considerations.
- 2 Site-specific impact**
Neighbour amenity, highways safety, flood risk, ecology, heritage, design or landscape.
- 3 Scale of local significance**
Why the issue matters beyond a standard case of its type.
- 4 Clear evidence**
A focused explanation, ideally with facts, context and policy references.

Unlikely to result in committee referral

- 1 Number of objections**
Important democratically, but not the statutory gateway test.
- 2 Private interests**
Property values, loss of a view, private covenants or boundary disputes.
- 3 General preference**
“We do not like it” without planning reasons.
- 4 Political pressure**
Requests based on popularity or sensitivity rather than planning significance.

Always check the final adopted local gateway procedure and seek officer advice on difficult cases.

Scenario quiz: which route are we in?

A

A **householder** rear extension attracts **38 objections** about loss of light and parking. A ward member asks for committee.

Schedule 1 — officer-only

A householder application **cannot** be reported to Committee. Councillors can still submit material planning representations to be considered.

B

A proposal for **18 homes** on an allocated site raises drainage, design and affordable housing concerns.

Schedule 2 — officer-default with gateway potential

18 homes is not “minor residential”. Gateway needs evidence of local significance or a significant planning matter.

Prompt: Is it Schedule 1, Schedule 2 or own-interest? If Schedule 2, what evidence would actually satisfy the gateway?

Scenario quiz: which route are we in?

C

A **new shopfront sign** in a **sensitive high street** location is strongly opposed by the parish council.

C Schedule 2 — gateway-capable, not automatic

Advertisement consent sits in Schedule 2. Heritage/design significance may matter, but parish objection alone is not enough.

D

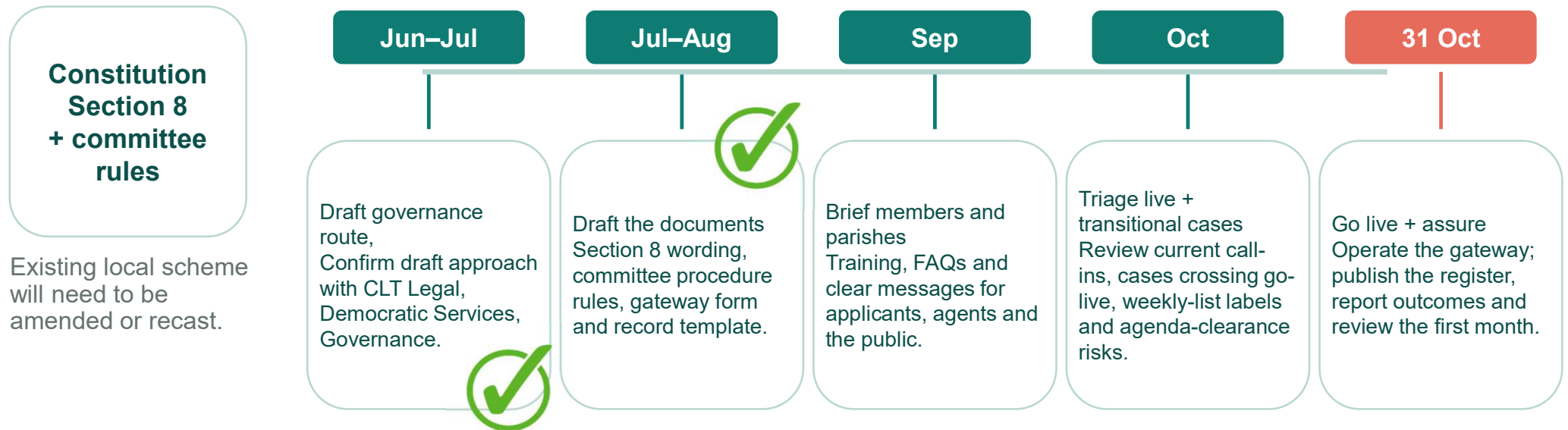
The **Council submits** an application to redevelop a council-owned depot. Local residents are divided.

D Own-interest route

Council interest may justify committee where transparency/public accountability requires it. Gatekeepers still record the route.

Prompt for the room: Is it Schedule 1, Schedule 2 or own-interest? If Schedule 2, what evidence would actually satisfy the gateway?

Implementation plan: what needs to happen before go-live



Final checklist: how to act from go-live

- 1 Check the route first**
Schedule 1, Schedule 2 or own-interest?
- 2 Do not promise committee**
Explain that committee is only available where the national scheme allows it.
- 3 Use planning reasons**
Make comments about material planning matters, not just strength of feeling.
- 4 If seeking gateway, evidence significance**
Explain local economic, social or environmental significance, or the significant planning matter.

The message to communities
“Your voice still matters. It needs to be framed in planning terms, and the route to committee is now governed nationally.”

Questions?