

East Herts Council Non-Key Decision Report

Date: 26/06/2025

Report by: Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

Report title: Reform of planning committees: technical consultation

Ward(s) affected: All

Summary

- This report proposes East Herts Council's response to the Government's consultation 'Reform of planning committees: technical consultation' (May, 2025).

RECOMMENDATIONS FOR DECISION: that the Ministry of Housing, Communities and Local Government be informed that East Herts Council:

A. Welcomes the opportunity to comment on the consultation and,

B. Submits the responses to the consultation included at Appendix A to this report

1.0 Proposal(s)

1.1 The purpose of this report is to advise Members of the Government's proposals to reform planning committees and to agree this Council's response to the consultation.

2.0 Background

2.1 Governance arrangements for making decisions on planning applications are set out in the Councils constitution. Most planning applications are delegated to Officers to determine. This is normal for most councils, especially a council such as East Herts District Council where a very significant number of applications are submitted every year (in excess of 2,000).

- 2.2 However, some applications, where they meet the exceptions to making a delegated decision as set out in the constitution, are reported to the Development Management Committee (DMC). This includes the ability for any ward member to request a decision be made by the committee. The DMC meet monthly and consider a wide range of applications.
- 2.3 The arrangements for delegation of the council's planning function is currently set by this council. The consultation document seeks to change this and proposes a national scheme of delegation for all planning authorities in England. This will change how decisions on planning applications are made by this council.

3.0 Reason(s)

- 3.1 In the King's Speech, the government announced that it would modernise the way planning committees operate to best deliver for communities and support development. In December 2024 a working paper was published which included various proposals to reform planning committees:
- introducing a national scheme of delegation so there is greater consistency and certainty about which decisions go to committee
 - requiring separate, smaller committees for strategic development so there is more professional consideration of key developments and
 - introducing a requirement for mandatory training for all planning committee members so they are more informed about key planning principles.
- 3.2 The key findings of the 2024 working paper were:
- most respondents could see the case for a scheme of delegation to provide more consistency and certainty, but there were differing views about the structure of such a scheme
 - there was little support for separate strategic development committees, however, there was strong support for smaller committees generally to improve the quality of debate
 - there was strong support for mandatory training of planning committee members to improve their understanding of planning.

3.3 The Planning and Infrastructure Bill which was published in March this year and includes:

- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee
- a new power for the Secretary of State to control the size and composition of planning committees and
- a new requirement for members of planning committees to be trained, and certified, in key elements of planning.

Two Tier scheme of delegation

3.4 The consultation document proposes to introduce a scheme of delegation which categorises planning applications into two tiers:

- **Tier A** which would include types of applications which must be delegated to officers in all cases; and
- **Tier B** which would include types of applications which must be delegated to officers unless the Chief Planner and Chair of Committee agree it should go to Committee based on a gateway test.

3.5 The consultation document provides detailed information about the types of applications which would fall into Tier A and B.

3.6 Tier A would generally be technical in nature or about minor developments. The consultation document considers such applications 'are best handled by professional planning officers'. The full list is applications for

- Householder development
- Minor commercial development
- Minor residential development
- Applications for reserved matter approvals
- Applications for s96A non-material amendments to planning permissions
- Applications for the approval of conditions
- Applications for approval of the BNG Plan
- Applications for approval of prior approval (for permitted development rights)
- Applications for Lawful Development Certificates

- Applications for a Certificate of Appropriate Alternative Development

3.7 Tier B applications will include applications not included in Tier A (and will also include section 73 application and applications when the local authority, councillor or officer is the applicant). However, such applications will be subject to a 'gateway-test'. This will require the chief planning officer (in the case of this authority, the Director of Place) and the chair of planning committee to mutually agree that they should go to committee.

Special Control application, S106 and enforcement

3.8 The consultation also seeks views on a range of other decision-making functions and whether they should be included in Tier A or Tier B. This includes decisions relating to:

- Special control applications include applications relating to tree preservation orders, listed building consent and advert controls
- Applications subject to a S106
- And decisions relating to planning enforcement

Size of planning committees

3.9 The government's 2024 working paper identified that there was strong support for having smaller committees to improve the quality of debate whilst recognising the need for political balance.

3.10 The consultation seeks views on limiting the number of members in a planning committee to 11.

Mandatory training for planning committee members

3.11 The consultation document identifies that many local authorities already train their members but the approach to training is not consistent.

3.12 The consultation seeks comments on the administration of a certification for all members of the planning committee and whether this should be managed at a national level.

The Council's response to the consultation

- 3.13 **Appendix A** to this report contains the Council's response.
- 3.14 East Herts Council welcomes the opportunity to comment on the changes and considers that the main area of concern is the two tier scheme of delegation.
- 3.15 Tier A applications will take away any ability of the Development Management Committee to consider applications which fall into this definition. Whilst these types of applications may be minor in nature they can create a significant number of representations from members of the community and often raise valid planning concerns. The opportunity for decision making to be demonstrated at a local level will be missed as will the opportunity for contentious and challenging applications to be properly and fully debated in an open and transparent way.
- 3.16 Tier B applications do enable applications to be considered by the committee subject to the gateway test being satisfied. Strategic applications which are allocated in the Council development plan are significant in terms of their scale and the impact they have on local communities. This council considers that it is right and proper that applications of such a scale and potential impact are properly considered and debated by the planning committee. This ensures that members of the community are able to see in an open and transparent manner the decision making process and they can be involved in the process through the arrangements for public speaking and/or opportunities for speaking by ward members.
- 3.17 None of the options available in Tier A or Tier B deal in any substance with departures to the Development Plan being required to be considered by the planning committee. The planning system is plan-led and considerable time and resource is placed on the preparation of the Development Plan. It is important that applications which depart from the Development Plan are considered by the planning committee as this also shows decisions which impact on local communities which depart from the strategy of the authority being considered in an open and transparent way.
- 3.18 In a similar way, it is important that applications which are subject to legal agreements, that often relate to significant monetary value, are appropriately scrutinised through the planning process of committee. The impact of such financial contributions can

sometimes have wide ranging positive effects and it is important that this is considered by decision makers at the local level who represent the communities who will be most impacted.

- 3.19 There are 12 committee numbers for the current planning committee. A reduction to 11 (as a maximum) will have no material effect and there is scope to ensure the appropriate political mix.
- 3.20 East Herts Council provides various opportunities for members of the planning committee to attend training. In recent months various training sessions have been organised on a range of matters including, viability, probity in planning, housing land supply and tilted balance, design and heritage matters.
- 3.21 That said, the opportunity for standardised training and the required for members to pass a nationally prescribed test can only be seen as positive. This will help assure communities that decision makers on important planning decisions have the appropriate training to make decisions.

Next Steps

- 3.22 The Council will submit the response in **Appendix A** to the Ministry for Housing, Communities and Local Government before the consultation closes on 24 July 2025.

4.0 Options

4.1 The Council could choose not to respond to the consultation.

5.0 Risks

5.1 Not responding to the consultation will mean that the Council misses the opportunity to respond to the Government in relation to key concerns about the options proposed.

6.0 Implications/Consultations

6.1 This report sets out the Council's response to the Government's consultation on proposed reforms how decisions are made by the planning committee.

Community Safety

There are no community safety implications arising from this report.

Data Protection

There are no data protection implications arising from this report.

Equalities

There are no direct equality, diversity, or inclusion implications in this report.

Environmental Sustainability

There are no direct environmental sustainability issues.

Financial

There are no financial implications of responding to the consultation.

Health and Safety

There are no health and safety implications arising from this report.

Human Resources

There are no human resources implications arising from this report.

Human Rights

There are no human rights implications arising from this report.

Legal

There are no legal implications arising from this report.

Specific Wards

All

7.0 Background papers, appendices and other relevant material

7.1 The consultation document is available to view here:

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

Contact Member

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