



Planning Committee Reform: Statutory Consultation On Draft Regulations And Guidance

Submitted by: John Crawford
Organisation: Weald of Kent Protection Society
Date: 6th April 2026
Contact Email: Baron.crawford@hotmail.com

1. Introduction

We agree in principle with the delegation of low risk planning applications to officers where there is no substantive reason for committee consideration.

However, we have major concerns around how the proposed framework would operate in practice. In its current form, the Regulations and Guidance will undermine transparency, democratic accountability, and meaningful local engagement.

In particular, concerns arise from the operation of the gateway test, the dual agreement requirement for committee referral, the limited role of parish councils and consultees such as WKPS, the treatment of reserved matters, and the lack of robust transparency and consideration of cumulative impacts in delegated decisions. These risks are likely to be amplified in large or unitary authorities, where reduced local representation and weaker local knowledge will potentially limit effective community input. The proposed cap on committee size may further restrict the range of local perspectives.

Our responses therefore focus on the practical implications of implementation and the safeguards required to ensure that efficiency does not come at the expense of transparency, accountability, and locally informed decision making, with particular reference to the operation and drafting of the Regulations and guidance.

2. Consultation Questions

Question 1 – Draft Regulations

Do you have any comments on the draft Regulations?

Response:

Delegation Principles (Schedules 1 and 2)

Delegation of low risk applications is appropriate, but the criteria for referring applications to committee (Tier B / Schedule 2) must be strengthened. The gateway test in Regulation 5 is the central control mechanism determining whether democratic oversight is exercised. As drafted, it is inherently subjective and lacks defined thresholds, creating a high risk of inconsistent application between authorities and within the same authority over time. The test relies on broad concepts of economic, social or environmental significance and significant planning matters without defined criteria or evidential requirements. Clear, measurable criteria should be established, including defined thresholds, examples, and explicit recognition of input from parish councils, ward councillors, and consultees such as WKPS.

Planning Committee Reform: Statutory Consultation On Draft Regulations And Guidance

In particular, parish councils must have the ability to input on matters of social significance, and organisations such as WKPS must have the ability to input on environmental significance at the gateway stage, with guidance ensuring that such input is formally considered and documented as part of the decision making process. Without this, the gateway test risks excluding those best placed to identify locally important impacts and risks decisions being taken without proper understanding of local context.

Published justification should be mandatory where applications are not referred.

Dual Agreement Requirement

Requiring agreement of both the Head of Planning and Chair of Committee is overly restrictive. While recognising that this is a core element of the proposed framework, its practical effect is to significantly constrain access to committee consideration. Either officer or member should be able to trigger referral to committee, with reasons recorded and published. Alternatively, where dual agreement is retained, guidance should require that reasons for not referring an application are recorded and published, and that a clear escalation mechanism is available where concerns are not agreed. Otherwise, legitimate local concerns may never reach committee consideration.

The Regulations remove the ability for an individual elected member to require committee determination of an application. This represents a fundamental change to current practice and has serious consequences for unitary authorities, which by their nature will be remote from the locality affected by the application. Without structured, formal engagement with parish councils and ward councillors, local knowledge, heritage, environmental, and community interests may not be captured or reflected in officer-led decisions, weakening the connection between decision makers and local communities.

Engagement and Access

Where decisions are taken by planning officers under delegated authority, parish councils and ward councillors must have structured, documented engagement with those officers, equivalent to the access afforded to developers. This is particularly important for applications affecting local amenity, cumulative impacts, or neighbourhood plan compliance. Without such engagement, community perspectives will be marginalised in officer led decision making.

Transparency and Publication

Current practice is that delegated decisions, including conditions and technical consents, are published together with the officer report and reasoning at the point of decision. This provides a record of how material considerations, including representations from parish councils and consultees, have been taken into account.

However, this is not sufficient. Officer reports must be published in draft before any delegated decision is made. Where this is not achievable within the statutory framework, guidance should require LPAs to provide a pre decision engagement or review mechanism, or to publish officer reports sufficiently in advance of determination to allow meaningful input. Without this, there is no meaningful opportunity for parish councils and statutory consultees to engage with or influence the outcome.

Draft publication is essential to allow proper scrutiny of the officer's assessment, identification of errors or omissions, and consideration of cumulative impacts and local context. Without this step, transparency is retrospective rather than effective, and democratic oversight is significantly weakened.

Planning Committee Reform: Statutory Consultation On Draft Regulations And Guidance

Reserved Matters and Phased Development

As a matter of course, all locally significant reserved matters should be considered by the planning committee. In exceptional cases where a matter is not referred, the planning department must provide a clear, published explanation, and the planning officer's recommendation must be formally signed off by the Chair of Planning, ensuring accountability and transparency.

Any delegation of reserved matters must include safeguards, as this stage provides the most detailed view of a proposal and is where harm to local amenity, heritage, and environmental quality could be most acute. This is also the stage where Local Plan and Neighbourhood Plan policies have the most effect, shaping how proposals must align with strategic and local planning policies.

Crucially, the draft officer report must be made available before any delegated decision is taken, or an equivalent mechanism provided through guidance to enable pre determination engagement, with a defined opportunity for parish councils, ward councillors, and consultees such as WKPS to review and respond. This must include the ability to assess compliance with Neighbourhood Plans and district Local Plans, consider cumulative impacts across phases, and scrutinise Section 106 obligations to ensure that community, infrastructure, and environmental requirements are properly addressed. Stakeholders must also be able to propose appropriate planning conditions where necessary.

Without these safeguards, there is a serious risk that locally significant issues could be overlooked, Local Plan and Neighbourhood Plan policies inadequately applied, infrastructure needs ignored, and harm caused to heritage, landscape, and environmental quality, undermining transparency, accountability, and public trust.

Unitary Authorities / Large Councils

When planning decisions are centralised within a large unitary authority or council, authority and responsibility are concentrated in very large planning offices, often located far from the communities affected. This centralisation combined with increased delegation and reduced committee involvement under these Regulations risks reduced accessibility, weaker community influence, and the loss of detailed local knowledge within planning departments. Planning officers covering a wide geographic area will generally will not fully understand the specific local context of individual applications, including heritage, landscape, or environmental sensitivities.

In this situation, the role of parish councils and consultees such as WKPS becomes even more important. Structured, documented mechanisms must be in place to ensure their local knowledge, expertise, and input on cumulative impacts are captured and fully considered. Without these safeguards, decisions risk being made without proper understanding of the local area.

Committee Size (Regulation 7)

The proposed cap of 13 members may reduce the breadth of representation on planning committees, particularly in large or politically diverse authorities. This could limit the range of local perspectives considered and reduce the ability of committees to reflect the geographic and community diversity of the areas they serve including representation of distinct local and rural areas within larger authorities. Consideration should be given to ensuring that committee composition continues to reflect political proportionality and local representation.

Committee composition should, as far as practicable, reflect the geographic and community diversity of the authority's area, including both urban and rural perspectives where relevant. This is particularly important in large or unitary authorities, where planning officers and committee members would probably not have detailed knowledge of all localities, and where urban and rural areas face materially different planning considerations, including density, infrastructure capacity, landscape, heritage, and

Planning Committee Reform: Statutory Consultation On Draft Regulations And Guidance

environmental constraints. This is necessary to ensure that the objectives of the reforms, namely consistent, high quality and locally informed decision making, are achieved in practice.

Cumulative Impacts and Legal Risk

The combined effect of multiple delegated decisions on the same site or across related or phased developments must be properly recorded and assessed. Individual applications may appear minor in isolation but, taken together, can result in significant impacts on local amenity, infrastructure, heritage, landscape, and environmental quality.

Related applications are also likely to be assessed by different planning officers over time, increasing the risk that cumulative impacts are not consistently recognised. Regulations do not provide an explicit mechanism to ensure cumulative impacts across delegated decisions are tracked or assessed.

Reduced committee scrutiny increases reliance on officer judgement and limits opportunities for wider challenge. Where cumulative impacts and material considerations are not clearly evidenced, decisions are more vulnerable to judicial review.

Guidance must therefore require a systematic approach to assessing cumulative impacts across related or phased developments, supported by clear audit trails and transparent reasoning. These safeguards are essential to ensure decisions remain robust and defensible.

Question 2 – Reserved Matters on Phased Outline Permissions

Do you agree with the proposed approach?

Response:

Delegating locally significant reserved matters to officers is highly risky. Committee oversight must remain available, particularly in phased developments where cumulative impacts, locally sensitive issues, or infrastructure and community needs may arise. At this stage, proposals must fully comply with Local Plan and Neighbourhood Plan policies, as these detailed matters determine how strategic and local policy requirements are delivered in practice.

Delegation should only be considered where the gateway test can be applied clearly and objectively, and even then, robust safeguards are essential:

- Structured, documented engagement of parish councils, ward councillors, and consultees such as WKPS, ensuring local knowledge, environmental expertise, and community interests directly inform officer decisions.
- Explicit assessment of cumulative impacts, neighbourhood plan compliance, local context, heritage, environmental considerations, and developer obligations, including Section 106 agreements, to ensure community benefit and infrastructure needs are fully addressed.
- Prompt and accessible publication of all delegated decisions, including phase-specific conditions, to allow communities and stakeholders to monitor outcomes and intervene where necessary.
- Flexible committee triggers based on thresholds of scale, impact, or significance, to prevent locally important matters from being overlooked or gradually eroded through phased approvals.

This approach ensures that locally significant issues receive appropriate scrutiny, preserves transparency and accountability, and safeguards public trust, while still allowing delegation for genuinely low-risk applications.

Question 3 – Draft Guidance

Do you have any comments on the draft guidance?

Response:

The guidance should clarify the interpretation of the gateway test, including examples of economic, social, or environmental significance and significant planning matters.

Structured, documented consultation with parish councils, ward councillors, and consultees such as WKPS must be required, not optional. This should explicitly include their role in informing the gateway test.

Guidance should emphasise publication of all delegated decisions, including technical consents and conditions, together with clear officer reasoning and audit trails demonstrating how representations have been considered. Crucially, draft officer reports must be made available before decisions are taken, or an equivalent pre determination engagement process established through guidance, allowing parish councils, statutory consultees, and the wider community a genuine opportunity to comment, identify potential cumulative impacts, and influence outcomes at the stage where impacts are most clearly assessed.

Officers must explicitly consider cumulative and systemic impacts of multiple delegated decisions, particularly across related or phased developments, and guidance should include safeguards to ensure committee oversight where appropriate.

Training and certification expectations for committee members should be proportionate, effective, and not create barriers to democratic participation.

3. Summary of Key Risks and Required Safeguards

Delegating low risk applications is a reasonable way to improve efficiency, but safeguards are essential to protect democratic oversight, transparency, and effective local engagement. The detailed responses above demonstrate that, without structured mechanisms, delegated decision making can bypass local knowledge, weaken Local Plan and Neighbourhood Plan compliance, and compromise environmental, heritage, and social outcomes.

The current gateway test is a concern because its thresholds are vague and subjective. Clear, measurable criteria are essential, with explicit recognition of the roles of parish councils, ward councillors, and consultees such as WKPS. Parish councils should be formally acknowledged for assessing social significance, while consultees such as WKPS should be recognised for their input on environmental significance at the gateway stage. Reasons must also be published whenever applications are not referred to committee, ensuring transparency and accountability.

The following points highlight key safeguards and procedural improvements that are essential to ensure transparent, accountable, and properly informed planning decision making, based on all relevant material considerations and effective local input:

- a) **Dual Agreement Requirement:** Allowing both Head of Planning and Chair to veto referrals is overly restrictive. Either officer or member should be able to trigger committee consideration, or where this is not adopted, guidance should require reasons recorded and published.
- b) **Parish Council and Ward Councillor Engagement:** Engagement must be formal, structured, and documented, equivalent to developer access, ensuring local knowledge, expertise, and community concerns are fully represented. This is particularly critical when decisions are to be made by

Planning Committee Reform: Statutory Consultation On Draft Regulations And Guidance

- delegated planning officers, especially in unitary authorities where officers may lack detailed local knowledge and must rely more heavily on parish councils and consultees such as WKPS.
- c) Environmental and Heritage Consultee Input: Organisations such as WKPS on environmental sustainability must have meaningful, documented involvement, particularly where applications affect heritage, landscape, or environmental quality.
 - d) Publication of Delegated Decisions / Conditions: All delegated decisions, including technical conditions, should be published in draft or LPAs should implement a pre decision review or engagement process to achieve the same outcome. This allows parish councils and ward councillors to review, comment, and highlight potential cumulative effects, ensuring meaningful engagement and transparency in the decision-making process.
 - e) Reserved Matters and Phased Development: Reserved Matters and Phased Development: As a matter of course, all locally significant reserved matters should be considered by the planning committee. Structured engagement is essential to review compliance with neighbourhood plans, district Local Plans, and Section 106 agreements, ensuring social, environmental, heritage, and infrastructure impacts are fully considered. The planning department must provide a clear, published explanation only in exceptional circumstances where a matter is not referred. In such cases, the recommendation of the planning officer must be formally signed off by the Chair of Planning, providing accountability and transparency for decisions taken outside committee oversight.
 - f) Mandatory Training and Certification: Professional standards should be supported, ensuring training is proportionate, effective, and does not create barriers to democratic participation.
 - g) Cumulative / Systemic Impacts: The combined effect of multiple delegated decisions can have significant consequences and must be assessed and recorded to prevent incremental harm to local amenity, heritage, or environmental quality.

All of these safeguards ensure that delegation does not exclude local knowledge, undermine neighbourhood plan compliance, or compromise environmental, heritage, or social outcomes.

4. Conclusion

We support the principle of delegating low risk applications to improve efficiency. However, in the absence of the safeguards outlined in Section 3, the consequences would be serious and unacceptable:

- a) Decisions without Local Knowledge: Delegated decisions risk being made without sufficient understanding of local heritage, landscape, environmental, or infrastructure considerations. Planning officers covering wide areas may lack detailed knowledge of site-specific issues, including historic buildings, sensitive landscapes, or local transport and drainage pressures. Structured input from parish councils, ward councillors, and consultees such as WKPS is therefore essential to ensure decisions properly reflect local context, constraints, and sensitivities.
- b) Community and Consultee Input Ignored: Without formal, structured, and documented engagement, parish councils, ward councillors, and statutory consultees may be excluded from meaningful input. This could result in overlooked social, environmental, and heritage impacts, missed opportunities to propose appropriate conditions, or failures to ensure compliance with Neighbourhood Plans and district Local Plans.
- c) Cumulative Impacts Overlooked: Multiple delegated decisions may be considered in isolation, ignoring their combined effect across related or phased developments. This could lead to incremental harm to local amenity, infrastructure, or environmental quality. Without explicit guidance to assess cumulative impacts and related applications collectively, the full consequences of development may not be properly understood or managed.
- d) Challenges for Large or Unitary Authorities: Centralisation in large or newly formed unitary authorities risks remoteness from the communities affected and weaker local oversight. Officers may struggle to apply Local Plan and Neighbourhood Plan policies effectively, and community perspectives may be marginalised. Structured engagement mechanisms are necessary to ensure decisions are informed by local knowledge and maintain effective democratic oversight.

Planning Committee Reform: Statutory Consultation On Draft Regulations And Guidance

- e) **Developer Behaviour Incentivised:** The strong presumption in favour of delegation, combined with a subjective gateway test and unclear treatment of related or phased applications, may encourage developers to submit proposals in stages or make incremental amendments specifically to avoid committee scrutiny. This could allow cumulative impacts to emerge without proper oversight.
- f) **Transparency and Public Trust Undermined:** If delegated decisions, including officer reasoning and conditions, are not clearly and promptly published, community confidence in the planning system may be eroded. Draft officer reports must be made available before decisions are taken, or equivalent mechanisms established to allow meaningful pre decision engagement, allowing parish councils, ward councillors, and consultees such as WKPS a genuine opportunity to comment, highlight potential cumulative impacts, and prevent harm to local interests. Accessible publication of all decisions is critical to maintain accountability and public trust.
- g) **Legal Challenge Risk:** Decisions taken under delegated authority without clear reasoning or adequate consideration of material planning matters are more vulnerable to judicial review. This risk is heightened where cumulative impacts are not assessed, structured consultee input is absent, or relevant local policies are overlooked. Robust audit trails, clear published reasoning, and transparent records of how representations have been considered are essential to mitigate legal exposure and ensure decisions are defensible.