

This is a TC version of the draft Regulations showing the changes needed for the MHCLG Triage approach. The footnotes have been deleted for ease of editing.

Draft Regulations laid before Parliament under section 333(3ZAB) of the Town and Country Planning Act 1990 (c. 8), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

No.

**TOWN AND COUNTRY PLANNING, ENGLAND LOCAL
AUTHORITIES, ENGLAND**

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

Made

Coming into force

30th September 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 319ZZC to 319ZZE and 333(2A) and (2B) of the Town and Country Planning Act 1990(a).

The Secretary of State has consulted in accordance with section 319ZZE(6)(a) of that Act.

Citation, commencement, extent and application

- 1.—(1) These Regulations may be cited as the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.
- (2) These Regulations come into force on *30 September 2026*.
- (3) These Regulations extend to England and Wales, but only apply in relation to England.

Interpretation

- 2.—(1) In these Regulations—

“arrangements” means arrangements by local authorities under section 101 of the 1972 Act(b);

“committee”, in relation to a relevant local planning authority(c), means a committee or sub-committee of that authority;

“DMPO” means the Town and Country Planning (Development Management Procedure) (England) Order 2015(a);

“dwelling” means a house or a flat;

“excluded flat development” means development that includes either or both of—

- (a) a change of use;

(b) a change to the number of flats in a building;

“householder application” has the same meaning as in DMPO as it has effect when these Regulations come into force(b);

“linked person”, in relation to a relevant local planning authority, means any of—

- (a) that authority;
- (b) a member of that authority;
- (c) an officer of that authority;
- (d) an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers.

“linked-person application” means an application to a relevant local planning authority of a kind specified by Schedule 1 or Schedule 2 to these Regulations made by or on behalf of a linked person (whether or not jointly with any other person);

“Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(c);

“minor commercial application” has the same meaning as in DMPO as it has effect when these Regulations come into force(d);

“minor residential application” means—

- (a) an application for planning permission for development that—
 - (i) comprises or includes at least one but no more than nine dwellings, and
 - (ii) is to be carried out on a site having an area smaller than 0.5 hectares;
- (b) an application for planning permission for development (other than excluded flat development) of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them;
- (c) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b);

“nominated member” has the meaning given in regulation 3;

“nominated officer” has the meaning given in regulation 3;

“outline planning permission” has the same meaning as in DMPO as it has effect when these Regulations come into force(e);

“reserved matters” has the same meaning as in DMPO as it has effect when these Regulations come into force(a);

“reserved matters approval application” means an application for the approval of reserved matters;

“reserved matters phase application” means, in relation to a phased outline permission, a reserved matters approval application relating to a phase of the relevant development;

“Schedule 1 application” means an application that—

- (a) is of a kind specified by Schedule 1 to these Regulations,
- (b) is not a Schedule 2 application, and
- (c) is not a linked-person application;

“Schedule 2 application” means an application that—

(a) is of a kind specified by Schedule 2 to these Regulations, and

(b) is not a linked-person application;

“TCPA 1990” means the Town and Country Planning Act 1990(b);

- (2) Where an application is to be determined by an officer of a relevant local planning authority pursuant to arrangements made under regulation 4, 5(~~3~~5) or 6(3), the authority must not make arrangements that limit the officer’s discretion as to how to determine that application.
- (3) Where arrangements are in force under section 101(1)(b) of the 1972 Act for an application made to a relevant local planning authority (“A”) to be determined by another relevant local planning authority (“B”), these Regulations apply in relation to that application as though it had been made to B instead of A.
- (4) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their functions jointly, these Regulations apply in relation to those functions as if—
 - (a) references to a committee of a relevant local planning authority included references to a joint committee of those authorities;
 - (b) references to an officer of a relevant local planning authority included references to an officer of any of those authorities.

Nominated members and officers

3.—(1) A relevant local planning authority may nominate—

(a) a member of the authority to act as the nominated member for the purposes of regulations 5 and 6;

(b) an officer of the authority to act as the nominated officer for the purposes of regulations 5 and 6.

(2) When nominating a member or officer under paragraph (1), a relevant local planning authority may—

(a) nominate different members or officers for different purposes;

(b) provide for substitute nominated members or nominated officers.

Applications that must be determined by an officer

4. A relevant local planning authority must make arrangements so that any Schedule 1 application made to that authority is determined by an officer of that authority.

Applications that may be determined by a committee or an officer

5.—(1) A relevant local planning authority must make arrangements so that any Schedule 2 application made to that authority is identified as either a Triaged Application or a Gateway-Test Application and is determined in accordance with paragraphs (2) to (45).

~~(2)~~ (2) A Triaged Application is one that is of a category or part of a category of an application of a kind specified by Schedule 2 where, either—

(a) a relevant local planning authority has decided that they should be treated as such,

or

(b) an officer of that authority has decided, in the context of a particular application, that it shall be treated as such.

(3) The Gateway Test provides that the nominated member and nominated officer may agree to refer a proposal to determine a Schedule 2 application, which is not a Triaged Application, to a committee if in their view the proposal raises—

(a) one or more issues of economic, social or environmental significance to the local area,
or

(b) one or more significant planning matters having regard to the development plan and any other material considerations.

~~(3) Any Schedule 2 application that is not referred to a committee in accordance with paragraph (2) must be determined by an officer of that authority.~~

(4) In considering whether to make a referral under paragraph ~~(23)~~, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

(5) A relevant local planning authority must make arrangements so that any Triaged Application identified in accordance with regulation (2), or a Gateway-Test Application that is not referred to a committee in accordance with regulation (3), should be determined by an officer of that authority.

Linked-person applications

6.—(1) A relevant local planning authority must make arrangements so that any linked-person application made to that authority is determined in accordance with paragraphs (2) to (4).

(2) The nominated member and nominated officer may agree to refer a proposal to determine a linked-person application to a committee.

(3) Any linked-person application that is not referred to a committee in accordance with paragraph (2) ~~must~~should be determined by an officer of that authority.

(4) In considering whether to make a referral under paragraph (2), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

Prevention of lobbying

7. In exercising their powers under regulations 4, 5 or 6, an officer of that authority, the nominated member or the nominated officer must not be lobbied or otherwise contacted by any person or organisation, including members or officers of the relevant authority, to use their power in a particular way. Any such lobbying that is received should be reported to the Monitoring Officer to deal with as appropriate.

Limit on size of committee determining applications

~~78.~~ A committee determining an application pursuant to arrangements under regulation 5 or 6 may not comprise more than 13 members.

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Ministry of Housing, Communities and Local Government

SCHEDULES

SCHEDULE 1

Regulation 4

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)(a).
2. A householder application.
3. A minor commercial application.
4. A minor residential application.
5. An application for permission in principle(b).
6. An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle)(c).
- 7.—(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(d);
 - (b) an application to modify or discharge that obligation under section 106A(3) of TCPA1990(e).

(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.
8. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development)(f).
9. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development)(g).
10. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990(h).
11. A reserved matters approval application other than a reserved matters phase application.
12. An application made under article 27(1) of DMPO (applications made under a planning condition).
13. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(a) for—
 - (a) prior approval, or
 - (b) determination as to whether prior approval is required.

Applications that may be determined by a committee or by an officer

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act.
2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).
3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraphs 1 or 2.
4. An application for planning permission that is not—
 - (a) a householder application,
 - (b) a minor commercial application, or
 - (c) a minor residential application.
5. An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached).
6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)(b).
- 7.—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—
 - (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;
 - (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.

(2) In this paragraph, “Schedule 2 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.
8. A reserved matters phase application.
9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)(c).
10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order)(d).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require relevant local planning authorities (“LPAs”) in England (as defined by section 319ZZF(1) of the Town and Country Planning Act 1990 (c. 8) (“TCPA 1990”)) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

Regulation 4 provides that the function of determining an application of a kind listed in Schedule 1 must be delegated to an officer, unless—

- the application is also of a kind listed in Schedule 2 (for example, a minor residential application which the LPA considers is connected with an application for listed building consent), in which case regulation 5 applies, or
- the application is made by the LPA itself, or a member or officer of the LPA (each a “linked person”), in which case regulation 6 applies.

Regulation 5 provides that an application of a kind listed in Schedule 2 must be dealt with as a Triaged Application or a Gateway-Test Application.

- A Triaged Application is one that is identified through the local planning authority’s Scheme of Delegation or by an officer of the local planning authority with delegated powers in the context of a particular application. A Triaged Application would normally be delegated to an officer unless that officer, at their discretion, considers that the application should be determined by committee.
- A Gateway-Test Application is any Schedule 2 application that has not been identified as a Triaged Application. The member and officer nominated by the LPA under regulation 3 may refer the function of determining ~~an application of a kind listed in Schedule 2a Gateway-Test Application~~ to a committee, if they agree that the application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter. Any such application not referred to a committee ~~must~~would normally be delegated to an officer unless that officer, at their discretion, considers that the application should be determined by committee.

Regulation 5 does not apply to an application made by a linked person; regulation 6 applies instead.

Regulation 6 provides that the function of determining an application of a kind listed in Schedules 1 or 2 made by a linked person may be referred to a committee by agreement of the LPA’s nominated member and nominated officer, at their discretion. Any such application not referred to a committee ~~must~~would normally be delegated to an officer unless that officer, at their discretion, considers that the application should be determined by committee.

Regulation 7 prevents the lobbying of an officer of that authority, the nominated member or the nominated officer when exercising their powers under Regulations 4, 5 or 6

Regulation 8 provides that any committee determining an application pursuant to these Regulations may have a maximum of 13 members.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Regulations 5(4) and 6(4) require nominated members and nominated officers to have regard to any such guidance when considering whether to refer an application to a committee.