



Inclusive Economy & Sustainability
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To all SBC Members & Parish Councils

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Dear Councillors

Planning Committees and the National Scheme of Delegation for Planning Functions

I write to you on behalf of James Coulstock, Swindon Borough Council's Corporate Director of Inclusive Economy & Sustainability, regarding the above matter.

You may be aware that Central Government is currently progressing new Regulations (specifically, The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026) concerning planning committees and the National Scheme of Delegation of Planning Functions (the 'National Scheme'). The Regulations were legislated for under Section 54 of the Planning and Infrastructure Act 2025 that came into force on 18 December 2025. A link to GOV.UK guidance about the Regulations follows - [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#).

The intention of the National Scheme will be to ensure that only planning applications that raise significant planning matters will be decided by Council planning committees, with other applications being deferred to planning officers for determination. As you will be aware, Councils have their own local schemes of delegation setting out the circumstances under which planning application decisions are made by planning committees or by the Council's planning officers. The National Scheme will replace these local schemes. The National Scheme is the law and will be embedded in wider planning law c/o the Regulations, and so will be mandatory and to be followed without exception. On this the relevant GOV.UK guidance states the following:

Under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation. Failure to do so may make decisions on whether to delegate applications to officers or refer them to committees for determination liable to judicial review.

The government is aiming to bring into force the Regulations from 31 October 2026 (they remain 'draft' at this time), and to this end, the final version has now been laid before Parliament.

The National Scheme – brief summary

In a nutshell, the National Scheme would place 'Planning Functions' (that is, planning application types) into one of two 'Schedules' (that is, categories). 'Schedule 1 Functions' would be delegated to planning officers in all cases; Schedule 1 is set to include householder, minor commercial and minor residential (that is, up to 9 new dwellings on a site smaller than 0.5 ha) planning application types. 'Schedule 2 Functions' would be delegated to planning officers unless the Council's chief planning officer (or an equivalent officer) and the chair of the planning committee (or equivalent) agree that the application should be determined by a planning committee. This could only happen if the application raises an economic, social or environmental issue of significance to the local area or where it raises a significant planning matter having regard to the development plan. If neither of these arise, then the default position will be an officer decision (that is, a delegated decision); if agreement cannot be reached between the chief planning officer and the chair, the default position will also be an officer decision. The complete lists of Schedule Functions can be found in the Regulations guidance via the link set out above.

As you will be aware, Swindon Borough Council's present local scheme of delegation allows a ward councillor to 'call-in' certain planning application types for planning committee determination. The local scheme also allows Parish Councils to call-in certain applications. These arrangements will end under the National Scheme, and parts of Swindon Borough Council's Constitution will have to be changed to allow for this, including the planning committee procedure terms of reference, duties of the chair of planning committee and scheme of delegations and designations to proper officers.

Next steps

In due course, the National Scheme will need to be considered by Swindon Borough Council's Cabinet and Full Council, and this in view of the required changes to the Constitution (and this on the assumption that the Regulations will become law and will take effect from 31 October, as Central Government intends). As the Regulations are to be embedded in national planning law, it will not be possible for the Council to be permitted to make changes; rather, these processes are required to be followed to ensure that the Constitution will be fit for purpose and ready for when the National Scheme comes into effect. It is for this reason that the changes are brought to the attention of all SBC Members and Parish Councils now – so that all interested parties are aware of, and ready for, the change.

Yours faithfully

A S Guest

Andrew Guest
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Swindon Borough Council