

Planning Committee Reform: Statutory Consultation (March 2026)

Draft Response – Tonbridge & Malling Borough Council

Delegation of Planning Decisions

Question 1: Do you agree with the proposed drafting of the national scheme of delegation set out in the draft Regulations?

Broadly agree, subject to important caveats.

The Council supports the principle of a national scheme of delegation to provide consistency and certainty, as previously expressed in our response to the technical consultation. A nationally prescribed baseline is welcomed, particularly where it seeks to reduce unnecessary burden on planning committees and focus member time on matters requiring democratic oversight.

However, the Council considers that the draft Regulations risk being overly rigid in certain respects, particularly in relation to Schedule 1 (“must be delegated”) applications. While most of the application types listed are appropriately routine, a degree of local flexibility remains important to maintain public confidence in decision-making.

Question 2: Do you agree that the applications listed in Schedule 1 should always be determined by officers?

Qualified agreement.

The Council agrees that householder development, minor applications, and technical consents are generally suitable for officer determination. Yet the ability for Members to call applications in to Committee should remain where it is appropriate. However, reserved matters approvals for major or medium-sized developments can raise significant issues affecting layout, scale, appearance and amenity, and should not automatically be excluded from committee consideration in all cases.

Question 3: Do you agree with the proposed approach to applications in Schedule 2 and the gateway test for referral to committee?

Agree in principle, subject to clarity and safeguards.

The Council supports the Schedule 2 / gateway test model and agrees that committee consideration should be exceptional rather than routine. The requirement for agreement between the Chief Planning Officer and the nominated member strikes an appropriate balance but must be underpinned by clear guidance to avoid inconsistency or challenge.

Question 4: Do you consider the draft guidance provides sufficient clarity on how the gateway test should operate?

Partially.

Although further clarity and detail provided on the gateway test parts A and B is useful, this remains a challenging area given that this will be the only flexibility that Members will have. The way that the gateway test is written retains the potential for conflict between officers and Members.

Question 5: Do you agree with the treatment of special control applications within the draft Regulations and guidance?

Broadly agree, with clarifications requested.

Standalone listed building consents and similar matters may appropriately be delegated, provided there is a clear mechanism for referral in exceptional cases. Confirmation of Tree Preservation Orders should remain referable to committee given their local sensitivity.

Size of Planning Committees

Question 6: Do you agree with the proposed maximum size of planning committees set out in the draft Regulations?

Disagree.

The Council supports the aim of effective, focused planning committees, but flexibility is required to accommodate local political structures and ensure fair representation.

Training and Implementation

Question 7: Do you consider the draft guidance provides sufficient clarity on implementation and transitional arrangements?

Partially.

Further clarity is requested on transitional arrangements, interaction with local training programmes, and realistic implementation timescales.