

SCHEDULE OF PROPOSED PLANNING GOVERNANCE AND DELEGATION CHANGES

Appendix to report to Constitution and Ethics Committee – 10 September 2026

Purpose of Schedule

This schedule summarises the principal changes proposed to the Council's planning governance, Development Control and Regulatory Board terms of reference, officer delegations, Members' Planning Code of Good Practice and gateway guidance for the Nominated Member and Nominated Officer. It is intended to help members identify what is being changed, the purpose of the change and the proposed approval route.

Overall Effect of the Proposed Changes

Area	Summary of change	Purpose / effect
National scheme of delegation	Aligns the Council's planning decision-making arrangements with the national scheme of delegation and associated statutory guidance.	Ensures that applications which must be determined by officers, or are presumed to be determined by officers, are dealt with through the correct decision-making route.
DCRB role	Retains DCRB as the Council's non-executive planning decision-making body for matters which may lawfully be reported to it.	Moves away from automatic or locally triggered referral routes and confirms that DCRB will determine matters only where the statutory and local gateway arrangements permit referral.
Officer delegation	Makes officer determination the default position for Schedule 1 applications and for Schedule 2 applications unless the gateway test for DCRB referral is met.	Reduces risk that planning decisions are taken by the wrong decision-maker after commencement of the national scheme.
Nominated Member / Nominated Officer gateway	Creates local guidance and recording arrangements for deciding whether Schedule 2 or Own-Interest applications should be referred to DCRB.	Promotes consistency, transparency and clear recorded reasons for referral and non-referral decisions.
Planning Code	Updates the Members' Planning Code of Good Practice to reflect the national scheme, member/officer roles, lobbying safeguards, own-interest applications and training requirements.	Protects probity, fairness and transparency in planning decision-making.
Approval route	DCRB receives the report for information and comment; Constitution and Ethics Committee considers and recommends the constitutional amendments to County	Recognises that the non-executive planning functions remain Council functions arranged through the

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Area	Summary of change	Purpose / effect
	Council; County Council approves the constitutional amendments.	Constitution, while ensuring DCRB is briefed on operational implications.
Cabinet-derived delegations	Any substantive amendment to a Cabinet-derived executive-function delegation should be confirmed or approved through Cabinet or the Leader's executive delegation arrangements if required.	Avoids Full Council purporting to amend a function which properly sits with the Executive.

Part 3 – Development Control and Regulatory Board Terms of Reference

Change	Summary	Reason
Planning functions subject to national scheme	Updates DCRB's planning and development control functions so that they are expressly subject to the 2026 Regulations, statutory guidance, the Council's Constitution and the planning elements of the Scheme of Delegation.	Ensures the Board's terms of reference reflect the new national decision-making framework.
Schedule 2 applications	Confirms that DCRB may determine a Schedule 2 application only where the Nominated Member and Nominated Officer agree that referral is necessary and that at least one statutory referral criterion is met.	Prevents local member, parish/town council, objection-number or other informal triggers from requiring DCRB determination.
Own-Interest applications	Provides for Own-Interest applications to be referred to DCRB where the Nominated Member and Nominated Officer agree that referral is appropriate, having regard to statutory guidance, transparency, propriety and public accountability.	Ensures the Council's own applications or connected-interest applications are handled with appropriate separation and transparency.
Pre-application / pre-determination presentations	Retains provision for DCRB to hear pre-application or pre-determination presentations where arranged under Board procedures.	Allows member awareness and questioning in appropriate cases without creating a separate referral trigger.

Part 9 – Officer Delegations: Schedule of Changes by Power

The table below identifies the main Part 9 planning powers affected by the proposed amendments. It distinguishes new powers, substantive amendments, renumbering and retained powers, and records the apparent original approval body where known from the existing delegation schedule.

Power	Original approval body	Nature of proposed change	Practical effect / report note
Power 29 – Strategic Planning Consultations	Cabinet	Substantive amendment. Replaces the current local member/DCRB/Cabinet referral wording with referral to members where considered necessary by the Chief Planning Officer in accordance with the Constitution and the planning elements of the Scheme of Delegation.	Cabinet-derived consultation power. Any substantive amendment to an executive-function delegation should be confirmed or approved through Cabinet or the Leader’s executive delegation arrangements if required.
Power 30 – Planning Scheme of Delegation and Chief Planning Officer Functions	New power	New overarching planning delegation to identify the Chief Planning Officer function and provide for officer determination of Schedule 1, Schedule 2 and Own-Interest applications, publication and maintenance of planning delegation arrangements, sub-delegation and referral where appropriate.	Main new officer delegation required to operate the national scheme and gateway process.
Power 30A – Rights of Entry	DCRB	Renumbering only. Existing Power 30 becomes Power 30A to accommodate new Power 30.	No substantive change identified.
Power 31 – Development Management – Town and Country Planning	DCRB	Substantive amendment. Removes the previous Schedule 1 consultation wording, retains Article 4 direction powers and adds a wider officer power for development management matters falling to officers under the 2026 Regulations or the planning elements of the Scheme of Delegation.	DCRB-originating non-executive planning delegation. Suitable for DCRB information/comment and County Council constitutional approval.
Power 32 – Strategic Planning Consultations (Mineral and Waste)	Cabinet	Substantive amendment. Retains the power to respond to strategic consultations from Mineral and Waste Planning Authorities and adds referral to members where considered necessary by the Chief Planning Officer in accordance with the	Cabinet-derived consultation power. Same Cabinet caveat as Power 29.

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Power	Original approval body	Nature of proposed change	Practical effect / report note
		Constitution and the planning elements of the Scheme of Delegation.	
Power 33 – Amendment of Planning Conditions	DCRB	Substantive amendment. Replaces the narrower power to make non-substantial amendments to conditions imposed by DCRB with a wider delegation to settle wording of the Board's decision, including conditions, informatives, planning obligation wording, reasons for refusal, non-material or minor amendments, and changes arising from legislation or policy, provided the overall principle of the Board decision is not altered.	Gives officers sufficient flexibility to finalise decisions consistently with the Board's resolution without changing the substance of the decision.
Power 34 – Works to Trees	DCRB	Substantive amendment. Removes the automatic local member request route and aligns tree-related determinations with the 2026 Regulations and the planning elements of the Scheme of Delegation.	Removes any local call-in style mechanism inconsistent with the national scheme.
Power 35 – Access to Properties to Inspect Trees Protected by Leicestershire County Council Tree Preservation Orders	DCRB	No substantive amendment identified.	Retained for completeness if included in Appendix B.
Power 37 – Power to Require Information as to Interests in Land	DCRB	No substantive amendment identified.	Retained for completeness if included in Appendix B.

Nominated Member and Nominated Officer Gateway Guidance

Change	Summary	Effect
Gateway assessment	Introduces guidance for deciding whether Schedule 2 or Own-Interest applications should be referred to DCRB.	Ensures a structured and recorded assessment before any referral to DCRB.

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Change	Summary	Effect
Schedule 2 significance test	Referral occurs only where the Nominated Member and Nominated Officer agree that the statutory criteria are met.	Confirms that officer determination is the default unless the referral test is positively met.
Own-Interest assessment	Allows referral where appropriate having regard to statutory guidance, the Council's interest, the nature and scale of the development, transparency and public accountability.	Supports propriety and separation in Council-interest cases.
Matters disregarded	Makes clear that volume of objections, local member/parish requests, publicity, political controversy, committee workload and historic views about the applicant/developer must not, without more, justify referral.	Reduces risk of irrelevant considerations affecting the gateway decision.
Recording template	Provides for classification, significance checklist, matters disregarded, outcome and reasons to be recorded.	Creates a clear audit trail for decisions to refer or not refer.

Members' Planning Code of Good Practice

Area	Summary of proposed change	Purpose / effect
Member and officer roles	Clarifies that officers exercise planning functions in accordance with law, the Constitution, delegations and professional duties, and that members must not pressure officers to reach a particular planning outcome.	Supports officer independence and lawful decision-making.
Interests and Own-Interest applications	Strengthens guidance on member/officer interests and own-interest applications, including substitute arrangements for the Nominated Member.	Reduces risk of bias, perceived bias or improper involvement.
Lobbying	Updates lobbying provisions to reflect that member or parish requests cannot require referral to DCRB and	Aligns member conduct expectations with the national scheme and gateway process.

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Area	Summary of proposed change	Purpose / effect
	that improper lobbying or pressure must be avoided and recorded where appropriate.	
Pre-application and post-submission contact	Adds clearer expectations for member involvement before and after submission of applications.	Protects transparency and avoids perception of predetermination or preferential treatment.
Decision-making and training	Updates decision-making and training requirements, including training on the national scheme, the gateway process, Own-Interest applications and the revised Planning Code.	Ensures members involved in planning decisions understand the revised legal framework.

Approval Route and Legal Basis

Issue	Summary
Council's authority for non-executive planning delegations	The proposed route does not involve County Council revisiting or overturning any individual DCRB decision. It involves County Council approving revised prospective arrangements for the discharge of planning functions under the Constitution. The non-executive planning functions remain functions of the Council, even where they have previously been arranged to be discharged through DCRB or through officer delegations.
DCRB role in the process	DCRB should receive the report for information and comment because the changes will materially affect the way the Board operates. However, DCRB approval is not required before County Council may approve the revised constitutional scheme for future non-executive planning functions.
Cabinet-derived delegations	Where a delegation originated from Cabinet, the issue is whether the underlying function is an executive function, or an executive element of a mixed/local choice function. Any substantive amendment to a Cabinet-derived executive-function delegation should be confirmed or approved through Cabinet or the Leader's executive delegation arrangements if required.