

By email to [planningcommittees@communities.gov.uk](mailto:planningcommittees@communities.gov.uk)

18 July 2025

Dear Sir or Madam

**RE: CITY OF LONDON LAW SOCIETY'S RESPONSE TO "REFORM OF PLANNING COMMITTEES: TECHNICAL CONSULTATION"**

Please find below The City of London Law Society's ("CLLS") response to the Ministry of Housing, Communities & Local Government ("MHCLG") consultation document published on 26 March 2025 entitled "Reform of planning committees: technical consultation" (the "Consultation").

**INTRODUCTION / PRELIMINARY COMMENTS**

CLLS represents over 22,000 solicitors and 69 law firms based in the City of London. The Planning and Environmental Law Committee includes members from a range of City firms with expertise in planning and environmental law. Committee members work across all aspects of the planning process, advising local government as well as applicant organisations, and are therefore well placed to comment on the government's proposed reforms.

Our members generally agree with the intention behind the reforms and support the government's efforts to make decision-making more efficient. The proposals should keep in mind that thresholds set at a national level cannot be easily or fairly applied at a local level. We suggest flexibility should allow these to be tailored where necessary. This also applies to the government's proposals for a training and certification programme. We are broadly in favour of this, however, note that officers will need tailored training on issues specific to their local area.

Our members have expressed some concerns about the lack of detail on the Tier B gateway test which leaves room for subjectivity, uncertainty and potentially wide interpretation. The requirement for mutual agreement between chief planning officer and committee chair could result in undue political pressure being placed upon these individuals and overly relies on a positive working relationship between the two individuals in the roles at any one time.

We consider that, as the government refines its proposals, it ought to consider carefully how these will be resourced. We suggest local authorities should not face additional burdens in this respect.

**COMMENTS ON CONSULTATION DOCUMENT QUESTIONS**

**Question 1: Do you agree with the principle of having a two-tier structure for the national scheme of delegation?**

We are generally in agreement that there needs to be a clear structure to determine the types of application which should be delegated and those which should go to committee. We appreciate that reduced committee involvement and faster decision-making is the intention behind the proposal.

We would accept a two-tier structure if the gateway test for Tier B is refined and made sufficiently clear.

**Question 2: Do you agree the following application types should fall within Tier A?**

- applications for planning permission for: householder development
- applications for planning permission for minor commercial development
- applications for planning permission for minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

Yes, we are generally in agreement. We are aware that some local authorities may not agree fully with the list above. However, we consider that all these matters will be minor or will merely require parties to agree details where the principle of development has already been established.

**Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?**

If medium-sized developments were included within Tier A, this would certainly speed up the planning process. We support this general aim.

However, we do have concerns that some medium-sized schemes may be more significant in some localities than in others, and that this is highly dependent on local context. For example, medium-sized schemes could be more impactful and more contentious in rural areas. A single threshold cannot necessarily be applied nationally across rural and urban localities where the significance of the same-sized scheme could be very different.

Therefore, there may be circumstances where medium-sized schemes should fall within Tier B rather than Tier A. Even if all medium-size schemes fell under Tier B, they would not all be required to be considered at committee, however it would allow for a more tailored approach.

**Question 4: Are there further types of application which should fall within Tier A?**

The following would normally be delegated to officers and should fall in our view within Tier A:

- Applications where Article 4 has been used to require permission
- Advertising consents
- Tree preservation orders

**Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?**

No. We appreciate there is a possibility, even for Tier A applications, that committee involvement would be required. However, we have concerns about introducing an exceptional circumstances mechanism for Tier A. This would undermine the purpose of a streamlined two-tier process and would likely create further uncertainty and ambiguity. Effectively, it would result in an overly complex triaging system with two different gateway tests for Tier A and Tier B.

**Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?**

We do have concerns about the requirement for mutual agreement between the chief planning officer and chair of planning committee in order for an application to go to committee. This proposal would need to include suggestions for how to counter any undue political influence these individuals could face, and clarity in respect of circumstances where the chief planning officer and chair are not in agreement.

Furthermore, we consider that the options proposed at paragraph 26 of the consultation for triaging applications in Tier B are too vague and subjective.

The Tier B gateway criteria are subjective in our view and could be open to wide interpretation, potentially resulting in some unnecessary applications being referred to committee. Detailed guidance is required providing clear on what constitutes 'an economic, social or environmental issue of significance to the local area' and what a 'significant planning matter' is with reference to the development plan and NPPF.

**Question 7: Do you agree that the following types of application should fall within Tier B?**

**a) Applications for planning permission aside from:**

- **Householder applications**
- **Minor commercial applications**
- **Minor residential development applications**

**b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer**

**c) applications for s73 applications to vary conditions/s73B applications to vary permissions**

Yes, save that in respect of c) if the original application fell within Tier A, we would suggest that the section 73 application should be subject to the same Tier A determination procedure.

**Question 8: Are there further types of application which should fall within Tier B?**

No.

**Question 9: Do you consider that special control applications should be included in:**

- **Tier A or**
- **Tier B?**

Tier A:

- tree preservation orders
- advertisement control.

- listed building consent (in certain circumstances)

Tier B:

- listed building consent when associated with a Tier B planning application.

**Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?**

Yes, we generally agree with this principle.

Where not linked to a planning application, we would generally expect this to fall within Tier A. For example, a deed of variation to a mortgagee exclusion clause should not be Tier B.

Modifications of s106 agreements should fall into the same Tier as the original application.

**Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?**

Generally, these should not be presented to committee and are dealt with at officer level. There may however be a need for discretion to refer some enforcement cases to committee, and should therefore fall within Tier B. It may be appropriate however, to apply different gateway criteria for enforcement matters or leave it at the sole discretion of the chief planning officer.

**Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?**

Yes, this seems broadly appropriate. We agree in principle with the government setting a maximum number to ensure planning committees are not unduly large.

**Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?**

n/a.

**Question 14: Do you think the regulations should additionally set a minimum size requirement?**

We consider this unnecessary as we are not aware of this being an issue in practice.

**Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?**

Yes. We refer to para 40 of the consultation document. Option 1 for MHCLG procured training would reduce the burden on local authorities for resourcing this, so we anticipate this would be preferable. We are aware there are already resource issues within local authorities.

Any arrangements made at a national level should not preclude local training to be tailored as individual authorities deem necessary.

**Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?**

Yes, to ensure this is set at an appropriate level.

**Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?**

We appreciate the intention but consider this could be problematic in practice by causing a significant drop in the number of decisions meeting the threshold.

Before this is lowered to the proposed level, we suggest it would be prudent to allow time for other reforms (including improved training for committees) to take effect and for decision-making performance to sufficiently improve. If brought in immediately, there may be unintended negative consequences, particularly for smaller authorities where one decision could easily make the difference between meeting the threshold and failing to meet it. There could be knock-on effects for resourcing and morale within affected authorities.

The proposals require more consideration. There could also be recourse issues for the government if more local authorities meet the threshold.

**Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.**

Overall, we consider that the proposals would have a positive benefit on client members of CLLS.

**Question 19: Is there anything that could be done to mitigate any impact identified?**

N/A

**Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?**

No.

If you need any further information, please do not hesitate to contact Kevin Hart at the CLLS at [kevin.hart@clls.org](mailto:kevin.hart@clls.org)

Yours faithfully

**Matthew White**

Chair of the City of London Law Society Planning and Environmental Law Committee