National Scheme of Delegation (NSD)

The National Scheme of Delegation (NSD) is coming into force from 31st October.

The NSD is being introduced by Government to create a more consistent national approach to how a range of applications are determined, and to support faster decision-making.

It will change who makes some decisions, but it does not remove the right to comment on an application or the requirement for those comments to be taken into account. Applications will continue to be assessed on their merits, whether they are determined by officers or by a Planning Committee.

FAQs

This FAQ reflects the Council's current understanding of the NSD and its proposed local implementation arrangements. It will be reviewed and updated if Government guidance, regulations or the Council's adopted constitutional arrangements change.

1. What is the National Scheme of Delegation?

The NSD introduces a single national framework governing which applications must be determined by officers and which may be referred to Planning Committee. It replaces the current system where each local planning authority operates its own local scheme of delegation.

2. Why has the Government introduced the NSD?

The Government's objective is to create greater consistency across England, reduce delays in decision-making, and enable planning committees to focus on significant development proposals rather than routine matters.

3. When does the NSD come into effect?

The NSD takes effect on **31 October 2026**. To prepare for this, Mid Sussex District Council has updated the Council's Constitution to ensure that it complies with the new requirements.

4. Will planning committees still exist?

Yes. Planning Committees will continue to determine applications that meet the relevant national and local referral requirements, particularly where they raise significant issues. The way committee meetings operate will not otherwise change.

5. What types of applications must be determined by officers?

The NSD separates applications into two broad categories. Schedule 1 applications must be determined by officers. Schedule 2 applications are also expected to be determined by officers but may be referred to Planning Committee where the national referral tests are met.

Examples of applications generally expected to be determined by officers include:

- Householder applications.
- Minor commercial development.
- Minor residential development (typically up to 9 dwellings).
- Reserved matters applications.
- Approval of details reserved by condition.
- Certificates of Lawfulness.
- Non-Material Amendments.
- Prior Approval applications.
- Biodiversity Net Gain plans.

These applications generally cannot be referred to committee unless the NSD provides a specific exception. Biodiversity Net Gain plans are included where applicable.

6. What applications can still be considered by Planning Committee?

Planning Committee may still determine applications that fall within the relevant national and local referral requirements. This will mainly apply to larger, more significant or sensitive proposals, and to Schedule 2 applications where the nominated persons are satisfied that the national referral tests are met.

7. Will councillors still be able to call applications to committee?

NO. Members will still be able to seek clarification from the case officer and submit written comments during the public consultation period. Those comments will be published on the planning file and taken into account as part of the assessment of the application.

If the application falls within Schedule 2, members may also submit written representations in support of a committee referral during the public consultation period. Referrals must focus on issues of significant economic, social or environmental

impact for the local area, or one or more significant planning matters having regard to the development plan and any other material considerations.

8. How will it be decided whether a Schedule 2 application goes to committee?

Schedule 2 applications will be considered through a Nominated Persons process. At Mid Sussex, the nominated officers will consist of the Assistant Director for Planning and Sustainable Economy, with the Head of Development Management and the Team Leaders for Planning Applications and Major Development acting as substitutes where required. The nominated councillors will be the District Planning Committee Chairs, with Vice-Chairs acting as substitutes where required.

A Schedule 2 application can only be referred to Planning Committee where the nominated persons are satisfied that the application raises one or more issues of significant economic, social or environmental impact for the local area, or one or more significant planning matters having regard to the development plan and any other material considerations.

Where the nominated persons do not agree that a Schedule 2 application should be referred to Planning Committee, the final decision on the route for determination will lie with the nominated officer.

9. How will decisions on Schedule 2 referrals be made and published?

A regular nominated persons meeting will consider Schedule 2 applications once the consultation period has ended. Decisions will be recorded on a proforma setting out whether the application should be referred to Planning Committee and the reasons for that decision. The completed proforma will be saved to the planning file and published through the Council's planning website.

10. What happens to applications already submitted before 31 October 2026?

Applications already submitted but remain undetermined when the NSD comes into force will be considered under the new arrangements from that date. Before 31 October 2026, transitional arrangements will be used to identify affected applications, confirm whether they fall within Schedule 2 and ensure that any required Nominated Persons consideration takes place before a decision is issued.

11. Will the NSD reduce democratic accountability?

No. The NSD does not remove public consultation, officer assessment or elected member involvement in significant applications. It changes the route by which some applications are determined, with routine applications expected to be decided by officers and committee consideration focused on applications that meet the national

referral tests. For Schedule 2 applications, an elected member will also participate in the Nominated Persons process.

12. What does this mean for applicants?

Applicants may benefit from:

- Greater consistency between authorities.
- Fewer committee-related delays.
- More predictable determination routes.

13. Can a committee determine a delegated application anyway?

No. Applications identified by the NSD as requiring officer determination cannot be referred to Planning Committee simply because members wish to consider them. Referring such applications contrary to the NSD could expose the Council to legal challenge on the basis that the decision maker had no authority to make that decision.

14. Does this mean the public can no longer comment on planning applications?

No. The public will continue to be able to submit comments on planning applications. Those comments must still be considered as part of the decision-making process, whether the application is determined by officers or by Planning Committee.

Useful Links

Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK

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

Browse - Constitution - Mid Sussex District Council