The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 – Schedule 1 and 2 applications

Schedule 1 applications

- Householder applications
- Minor commercial development
- Minor residential (under 10 houses and smaller than 0,5 ha)
- S73(1) applications – applications to develop land without compliance with conditions for a schedule 1 development
- Reserved matters applications unless a large phased development of over 500 homes or 50,000sqm floorspace building(s)
- Discharge of conditions
- Prior approval (pd applications)
- Permission in principle applications
- S106 modifications to schedule 1 applications
- Non material changes to permissions
- Certificates of lawfulness applications
- Biodiversity net gain plans
- Certificate of appropriate alternative development.

Schedule 2 applications

- All other planning applications i.e. major commercial and major residential (not being reserved matters)
- S73(1) non-compliance with conditions on schedule 2 development
- Schedule 1 applications if linked to listed building
- Applications where development already carried out (S73A(1))
- Reserved Matters applications for large outline applications (over 500 dwellings etc – see above)
- S106 modifications to schedule 2 development under S106A(1)a and S106A(3)
- Listed building applications
- Variation and discharge of conditions on Listed Building applications
- Advert applications
- Tree Preservation Order applications
- S73A applications

Gateway Test

1. A Gateway Test shall be undertaken on all Schedule 2 applications and any own interest Schedule 1 and Schedule 2 applications (an application made by Medway Council, Medway Councillors or officers, or where Medway Council, Medway Councillors or officers have an interest in).

2. There is a presumption that schedule 2 applications will be delegated to officers to determine and will only be considered for referral to the Planning Committee for determination where:

a) The application raises an economic, social or environmental issue of **significance** in the local area and/or;

b) The application raises a **significant planning matter** having regard to the development plan and other material considerations;

c) Or it is triggered by Regulation 6 being an own interest application (an application made by Medway Council, Medway Councillors or officers, or where Medway Council, Medway Councillors or officers have an interest in). *Please note that this particular regulation applies to **both** schedule 1 and schedule 2 applications.

3. In the case of the first a) and b) above, the Chief Planning Officer and Chairperson of the Planning Committee, in their capacities as the Nominated Officer and Nominated Member, will consider whether or not any schedule 2 application be referred to the Planning Committee for determination. This will be known as the Gateway Test. In the case of where the Chief Planning Officer and Chairperson are unable to agree, the case will be referred to officers for determination.

4. In the case of c), noting this applies to both schedule 1 and schedule 2 applications, it will be for the Chief Planning Officer and Chairperson to decide if referral is needed. For any application submitted by an officer involved in any way with the planning process, the application will be referred to the Planning Committee for determination. In terms of a Council application, it will be considered on a case by case based on grounds a) and b).

5. In the absence of the Chief Planning Officer and/or the Chairperson, the Service Manager – Development Management and/or the Vice-Chairperson of the Planning Committee shall be authorised to act.

6. The Council will keep a record of the cases where the Chief Planning Officer and the Chairperson of the Planning Committee (or their substitutes in their absence) have considered for referral to the Planning Committee, the outcome of their consideration and the reasons for their decision. These will be reported to the Planning Committee for information on a regular basis as well as publishing the outcomes on the Council's website.