



Ministry of Housing,
Communities &
Local Government

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**Ministry of Housing,
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Government**
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BY EMAIL ONLY

Dear Chief Planning Officer,

UPDATE ON PLANNING COMMITTEES, BIODIVERSITY NET GAIN AND PLANNING FEES

Planning Committees

I am writing to draw your attention to the final regulations on the national scheme of delegation and size of planning committees which Ministers made on 15 July 2026 following parliamentary debates, as part of the government's reforms to modernise planning committees.

[The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#) sets out which types of planning applications must be delegated to officers in all circumstances (Schedule 1), and which types of planning applications are presumed to be delegated, but could go to committee subject to passing a gateway test, agreed by the nominated officer and the nominated member (Schedule 2). The regulations also limit the maximum size of a planning committee to 13 members.

The government has also published statutory guidance to support local planning authorities in applying the national scheme of delegation: [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#).

These regulations will come into force on 31 October 2026. Local planning authorities (who are local authorities) must take action to comply with the regulations in advance of this, including amend their constitutions to reflect the position of the regulations where necessary.

The Planning Advisory Service are offering support to local planning authorities in the implementation of these regulations, and more information on the support available is available on their website: [Welcome to the Planning Advisory Service \(PAS\) | Local Government Association](#).

Biodiversity Net Gain

I would also like to draw your attention to forthcoming changes to Biodiversity Net Gain (BNG). Defra Ministers laid regulations on 13 July which will introduce the first set of changes arising from the BNG consultation held last year (as set out in the government response published in April).

The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 will:

- introduce a new exemption for development on sites below 0.2 hectares, meaning the smallest developments will not be required to deliver mandatory BNG;
- introduce a new exemption for temporary development which is five years or less;
- remove the existing exemption for self and custom build development; and
- modify the biodiversity gain hierarchy for minor development, so that minor developments which remain subject to BNG can choose to go straight to off-site gains in the first instance.

These changes will come into force from Thursday 6 August 2026. They are intended to make it quicker, cheaper and easier for smaller developers, reduce burdens on local planning authorities while continuing to support emerging nature markets.

Planning Practice Guidance will be updated to provide further information to support implementation of these changes. Local planning authorities should continue to determine applications in line with the existing statutory framework and currently published guidance until the new provisions come into force. Further practical support is available through the Planning Advisory Service's BNG network, which provides a forum to share learning and discuss practical implementation issues.

Planning Fees

On 16 July, the government laid regulations to increase planning application fees and published its response to the consultation on planning fees and local fee setting. Subject to Parliamentary approval, the new fees will apply from 8 December 2026. The new fees are expected to achieve around 90% cost recovery nationally, providing a substantial uplift in funding for planning services.

The new national fee schedule will also serve as the foundation for the government's wider local fee-setting reforms, following the introduction of new powers through the Planning and Infrastructure Act 2025. The government intend to set out the detailed framework for local fee setting through further regulations and guidance later this year. The consultation response can be viewed at: [Fees for planning applications - GOV.UK](#) and the draft regulations can be viewed at: [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment and Transitional Provision\) Regulations 2026](#)

Yours faithfully,



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